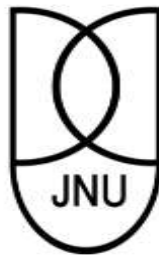


Gender Debates on the Israel Defence Forces

*Thesis submitted to Jawaharlal Nehru University
for award of the degree of*

DOCTOR OF PHILOSOPHY

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DECLARATION


I declare that the thesis entitled “**Gender Debates on the Israel Defence Forces**” submitted by me for the award of the degree of **DOCTOR OF PHILOSOPHY** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.


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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.


Prof. A K Mohapatra
(Chairperson, CWAS)


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(Supervisor)

**Dedicated to Ma and Baba,
For making me the woman I am today.
I owe it all to you.**

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List of Abbreviations

ATA	Air Transport Auxiliary
ATS	Auxiliary Territorial Service
BBC	British Broadcasting Corporation
BMI	Body Mass Index
Brig. Gen.	Brigadier General
BTU	Basic Training Unit
CEO	Chief Executive Officer
Col.	Colonel
DPRK	Democratic People's Republic of Korea
EU	European Union
FANY	First Aid Nursing Yeomanry
GCC	Gulf Cooperation Council
IDF	Israel Defence Forces
LGBT	Lesbian, Gay, Bisexual and Transgender
Lt.	Lieutenant
Lt. Col.	Lieutenant Colonel
Lt. Gen.	Lieutenant general
MK	Member of Knesset
NATO	North Atlantic Treaty Organization
NCO	Non-Commissioned Officers
OECD	Organisation for Economic Co-operation and Development
PoW	Prisoner of War
RADAR	Radio Detection and Ranging
SOE	Special Operations Executive
SPAR	Coast Guard Women Reserves
TNT	Tri Nitro Toluene
UAE	United Arab Emirates
UN	United Nations
US	The United States of America
USO	United Service Organisation
VAD	Voluntary Aid Detachment
WAAC	Women's Army Auxiliary Corps
WAAF	Women's Auxiliary Air Force
WASP	Women's Air force Service Pilots
WAVES	Women Accepted for Volunteer Emergency Services
WRA	Women's Royal Air force
WRAC	Women's Royal Army Corps
WRAF	Woman's Royal Air Force
WRENS	Woman's Royal Naval Service
WRNS	Women's Royal Navy Service
WVS	Women's Voluntary Services
YMCA	Young Men Christian Association
YWCA	Young Women Christian Association

Glossary

Achdut HaAvoda	Israel Labour Party led by David Ben-Gurion
Aguda association	National Association of LGBT in Israel
Agudat Israel, (Aguda)	Political organisation of religious Jews
Agunah- halachic	Term for a Jewish woman who is "chained" to her marriage
Ailonit	Sterile female or eunuch
Al'HaMishnmar	Zionist-socialist newspaper
Aliya	Emigration of Jews Diaspora to Mandate Palestine from 1882-1948
Ashkenazi	Jewish people originating from countries of Western Europe like Germany and France
Asur	Forbidden
Bahad 1	Officer's Training Course
Balad	Arab political party in Israel also known as the National Democratic Alliance
Bardelas Battalion	Mixed-gender battalion created in August 2015
Barka'at battalion/ Aryot Hayarden	Lions of the Jordan Valley Battalion
Chen	Women's Corps
Dapar	Psychometric tests in Kaba
Dvora	Fast patrol boat
El Al	National airlines of Israel
Emunah	Women wing of the National Religious Party
Eretz Israel	Land of Israel as described by the Bible and often used to denote Greater Israel
Et la'asot	Time to act
Ezel	Pre-state defence organisation

Gadna	Youth battalions
Gadsam	Intelligence unit reporting to combat units at Golan Heights
Gibbush lochemot	Eligibility tests for combat units meant for women soldiers
Gibush	Eligibility tests for combat units
Golani	Infantry Unit
HaBayit HaYehudi	Religious Zionist political party also known as the Jewish Home
Hadash	Israeli Communist Party
Hagam	Physical education programme for the youth during the pre-state era
Haganah	Pre-state defence organisation
Halakha	Jewish Religious Law and custom
Ha-Po'el Ha-Mizrachi	Political party and a forerunner of National Religious Party
Haredi	Ultra-Orthodox Jews
Ha'Tnuah	Liberal political party formed by Tzipi Livni in November 2012
Heil ha-sadeh	Youth battalions in the form of Field Units
Herut Movement	Minor right-wing political party and a forerunner of Likud
Jeaffa	Verbal slang
Juedischer frauendbund	Jewish Women's Organisation in Germany
K'taim	Practical jokes
Kaba	Profile Score before recruitment in the IDF
Kadima	Centrist and liberal political party represented in the Knesset
Karaite community	A Jewish sect that originated in the 8 th Century by the religious leader Anan Ben-David
Karakal	Mixed-gender combat unit
Kfir Brigade	Larger military unit, located in South Israel
Kippah	Small hat or headcovering

Knesset	Israeli Parliament
Kosher	Adhering to Jewish Dietary laws
Lahav	Officer's Training Course responsible for Land Officer's Course and for infantry
Lehi	Pre-state defence organisation of the Herut
Likud	Right-wing political party in Israel
Ma'arachot	Military journal
Ma'oz:	Officer's Training Course responsible for combat and combat support cadets.
Magshimim	Three-year programme for 16 to 18 years old to help identify children who are exceptional with computer coding and hacking skills
Mais Ali clause	Divorce clause according to religious laws
Matzpen	Political movement in the yishuv associated with Socialist Workers Party which is a far-left political party of Great Britain
Mehadrin bus	Type of bus line in Israel that mostly ran in and/or between major Haredi neighbourhoods
Meitar unit	Responsible for operating the long range precision-guided Tammuz missile since 1986
Meretz	Left-wing, social-democratic, Zionist political party
Metzah	Military Police investigation unit
Modi'in Sadeh	Field Intelligence Unit,
Nachshon	Officer's Training Course responsible for the other officer training.
Nahal	Infantry Unit
Nesher	Intelligence unit under the Southern Command
Netzah Yehuda Battalions	Military units for ultra-orthodox Jewish men
Nitzan	Intelligence unit under the Central Command
Oketz	Canine unit, part of Karacal

P'tur letter	Formal declaration from a rabbinical court or authority that declares a woman as an observant Jew
Palmach	Pre-state defence organisation associated with Social Zionism
Pashatz	Gender specific units for training men
Plugat Shotrot	Gender specific units training women.
Ra'am-Ta'al	Israeli Arab political party
Ratz	A defunct women party in Israel which merged into Meretz
Sayeret Matkal	Combat units located at Golan Heights
Sephardi	Jewish population originating from countries of Western Europe like Spain and Portugal
Sgan aluf	Lieutenant Colonel
Shachaf	Intelligence unit under the Northern Command
Shas	Orthodox political party founded by Rabbi Obadia Yousef
Shayetet 13	Combat units located at Golan Heights
Sheurut leumi	Voluntary national service, option for conscription in the IDF
Snafir	Naval combat
Tallit	A large rectangular shawl made of wool, cotton or synthetic fibers with knotted ends worn by religious Jews
Tarbut toranit	Training programme for religious women in the Education corps as teachers
Technion	Institute for Technology, Haifa
Tefillin	Set of small black leather boxes containing scrolls of parchment inscribed with verses from the Torah worn on the forehead by religious men
Tirturimm	Verbal harassment
Tomer Battalions	Military units for ultra-orthodox Jewish men
Tzadak	Interview meant for men who wish to sign up for combat positions.
Tzahal	Hebrew acronym of the IDF

Tzav rishon	The first call notice for military service
Tzhar	Formal education structure in Kaba
Yesh Atid	Political party founded by former journalist Yair Lapid in 2012
Yishuv	Jewish community in Mandate Palestine or pre-state Israel

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Chapter 1

Introduction

How important it is for us to recognise and celebrate our heroes and she-roes.

-Maya Angelou.

Gender is broadly defined as socially constructed norms regarding roles, behaviours, actions and attributes that is considered appropriate for men and women. It does not refer to different physical attributes but to socially formed traits of masculinity and femininity (Butler 2007:35). Historically, sex and gender have been used interchangeably which has led to the formation of 'gender-binary'. This limits the expression of gender to two absolute identities: male and female. The formation of these identities can be traced back to hunter-gatherer societies wherein the different roles and status were accorded to individuals based on biology. Slowly, these identities became fixed and resulted in a direct co-relation between biology and one's status and role in the society (Steans 2000). Overtime, it became a pre-requisite identity that determined one's access to resources and opportunities in the society.

The pre-conceived gender identities determine 'gender roles' and 'gender relations' in any given society and at a given point of time based on historical and cultural trends. Gender roles are the social definition of the space in which a male and female function in a society. These roles vary in different cultures and at different times based on norms of patriarchy (Tickner 1999b). However, due to pervasive and trans-cultural persistence of universal stereotypes of specific gender roles that have been conditioned through historical understanding of gender-binary, these gender roles have become fixed functions. They are not based on one's aptitude or potential but instead they are imposed on an individual right from the birth (Frazer 2010). Throughout history, for example, women have been associated with peace and nurturing while men with warfare and governance.

Since war has usually been defined as a male activity and masculine characteristics like physical strength are often associated with it, the image of women warriors has been seen as an aberration and an inherently symbolic rupture from the dominant understanding of gender. Beyond myths and tales of female warriors, participation of women in war or their presence in war arena reveals a historical pattern of exclusion. This was based on various historical discourses that linked

masculine attributes like physical strength, stable emotions, and aggression as necessary qualities for a soldier during a war. Biological perception of a woman emphasised on her nurturing qualities as a mother rather than her potential as an individual (Cohn 2000).

This lingering perception was challenged by several scholars during 19th century that finally provided space for women to participate in the military from early 20th century onwards (Keegan 1993; Tickner 2002a). One can trace the first mass participation of women in the modern-day militaries from World War I. A few years later, they picked up arms and became active combatants during World War II. After both the Wars, these same women soldiers were sent back to the private domain or allotted desk-jobs in militaries (Steans 2000). Apart from few countries like Israel, most militaries closed their doors to women. Circumstances started changing from the late 20th Century when militaries of several countries like United States of America started accepting women soldiers in large numbers (Ibid). This was primarily due to the impact of feminist discourses as well as changing social norms which compelled states to change their gender policies.

As of 2016, the participation of women in military is limited to only 49 countries in the world, out of which only 13 countries allow them to participate in combat roles (Fitriani 2016). A few countries like India have also signalled a change in their policy towards their incorporation of women in active combat duties. In the West Asian region, only Jordan, Iran, Oman and Turkey allow women to volunteer for the military. Usually these women are in the medical, engineering or training corps. However, the participation of women in the militaries of these countries is very limited (Caha 2016; De Pauw 2014). Opting for military as a career option is socially frowned upon in Iran and Oman. Countries like Egypt, Saudi Arabia, Iraq, Kuwait, Qatar and UAE allow women to participate in security forces posted at border check points or at airports for frisking women.

Due to increased terror threats in the region, security frisking at border check-points has become extremely important in maintaining defence of the nation. This has necessitated an increased intake of women officers by the security forces of these countries so as to maintain absolute gender segregation as required by Islam while conducting security checks (Goldstein 2010). For long, Israel is the only country in West Asia that has equal participation of women in its military

due to its peculiar circumstances. Women soldiers constitute almost half of the military strength in the Israel Defence Forces (IDF).

Under the 1949 Defence Service Law, the IDF was established as a ‘people’s army.’ Conscription was chosen as a model to recruit youth due to economic constraints, historical trauma of the Holocaust and geo-strategic position of Israel. All young Jewish male and female citizen of Israel were to be drafted upon reaching the age of eighteen (Nevo and Shur 2002). As most of its citizens had migrated from different parts of the world, the IDF helped in creating a national identity by bring together all Jewish youth in the nation-building process. Further, it provided social mobility, integration of the immigrants, addressing social issues like gender discrimination etc (Halperin-Kaddari 2004).

In 1949, the period of compulsory service was 24 months for both men and women and this was reduced to 21 months for women and increased to 36 months for men in 1951. Since 2015, the duration of the service is 32 months for men and 24 months for women (Cohen 2015). The number of conscripts serving at any given time is classified information, thus one can only estimate the number of soldiers at any given time according to the information released by the IDF. In 2016, the IDF spokesperson stated that there has been a steady increase in the number of women soldiers in the military since 2010. Approximately four times as many female soldiers were recruited in 2016 than in 2010. There is also a 400 percent increase in the number of women in combat and combat units in 2016 as compared to 2010 (Cohen 2016).

While women have equal legal rights to participate in the IDF, they have been were given exemption from military service and to start family life. Prime Minister David Ben-Gurion announced that it was the collective duty of both young men and women of Israel to protect the nation but women had a larger responsibility—to nurture the future of the nation (Drory 2007). Women conscripts could claim exemptions for reasons of marriage, motherhood, pregnancy or religious beliefs. From 2016 onwards, the IDF also exempted women immigrants, who arrived in Israel after turning 22 years (Cohen 2016).

Officially, the IDF follows a policy of “gender equality and partnership” which institutionalises norms regarding equal duty towards the nation. It reiterates the equality in unbiased opportunities and resources for Jewish men and women to participate in the military as equal citizens (Nevo

and Shur 2002). They are exposed to military training as part of school curriculum and through various education camps. During conscription, a platform of equal opportunity is provided to all young recruits based on their country from where they emigrated to Israel rather than on their gender identity. At the same time, as a military institution, the IDF supports gender biases and crystallises the same through various interactions among women soldiers, male soldiers and the institution. Existing gender norms that privilege masculinity have created a culture of gender differences that is not only inherent in nature but is also accepted (and seldom challenged) by the institution and its soldiers. These differences are expressed through various stages and processes in the military institution like biased training, discriminatory postings of women soldiers, lack of combat training and acceptance of sexual harassment

Since the 1970s, discriminatory practices against women soldiers triggered waves of feminist scholarship which became a part of the larger gender debates within Israel. These feminist discourses initially emerged from the academic world spearheaded by the writings of early feminists like Dafna Israeli and Marcia Freedman who challenged the patriarchal policies of the IDF and argued for equal standards and opportunities to both men and women. This led to the establishment of several centres for women studies in leading academic institutions of the country to study the construction of gender identity and impact of military service on gender relations. Gradually the gender-military debates spread from these academic circles to larger avenues like media and women activists not only challenged the IDF's official policy of gender equality but also carried out public agitations to bring about larger social involvement through these discourses. In the early 1990s, when Alice Miller was denied an opportunity to be a pilot, the media took up her case and showcased the stark patriarchal complex of the IDF towards women soldiers. This triggered several public debates, agitations and judicial intervention that eventually compelled the military to change its policy of restricting women soldiers from several career profiles.

By virtue of conscription, the norms of IDF is one the most important factors that impact gender relations in the Israeli society. It helps in fostering societal transition towards greater gender equality in what has traditionally been a patriarchal society (Sasson-Levy 2005). Increased feminist demands and unwillingness on the part of Israeli women to accept their existing exclusion within the ranks of the military have steadily forced the IDF to change its legislations

and practices. This has made the institution more cohesive and gender-inclusive; yet there are still numerous barriers in fulfilling its goal of achieving complete gender equality. This can be explained by the conflicting interaction of structural norms and functional discourses.

As an institution, the functioning of the IDF takes place on two levels of analysis: structural and functional. In the former level, norms are established and crystallised based on historical trends of patriarchy which has always associated military with masculinity. This is reflected in training processes, postings and promotions during which masculine traits are given more significance (Sasson-Levy 2001). On the functional level, the structural norms manifest in discrimination against women soldiers through biases in the postings and promotions of women soldiers, creation of a militarised body, degendering and regendering processes and extreme psychological trauma for women soldiers in a bid to fit in the military (ibid). The simultaneous yet conflicting process of structural norms and functional discourses inhibits women to participate and explore their potential in the IDF which in turn pulls away the institution from achieving gender equality.

The gender-military debates in Israel generally focus on the structural norms of the IDF rather than the functional outcomes of such policies. Most of the scholarship has been very critical of the IDF due to its inability to make the institution more gender-friendly. This has compelled the military to increase its intake of women soldiers and make its structural policies more gender-friendly. Nonetheless, the continued thriving of gender discrimination in the IDF resulted in scholars looking deep into the failure of these policies in bringing about a change. Most militaries that allow women in its ranks face similar problems such as creation of militarised body, sexual harassment and psychological trauma. However, the IDF has a peculiar functional discourse which manifest in two sets of practices namely, degendering and regendering. This is a result of not only the conscription model but also the impact of IDF's goal to be a 'people's army' which emphasises the IDF as a national identity marker than other institutions.

The practice of degendering refers to the official orders of the IDF that tries to institutionalise norms of gender equality among the soldiers by stressing the importance of a national identity. This identity is imposed on all conscript soldiers as their primary one while denying their other identities like gender and class (Sasson-Levy 2005). This is challenged by regendering practices that re-imposes the military understanding of gender identity on the conscripts. The mechanism

of degendering takes place at the initial stage when women conscripts are enrolled in the institution. Thereafter, the process of regendering begins when the women conscripts are given separate instructions, training and roles which reiterate the gender differences (Ibid).

The process of regendering has three aspects, namely, emphasis on corporal differences, emotive dissimilarity and construction of symbols (Sassoon-Levy 2005). These differences are articulated and emphasised through various training programmes and legislations issued by the IDF that create gender differentiation among conscripts. The prominence attributed to sexual and symbolical differences like physical strength, emotional capability and historical understanding of women as symbols of national honour limits the opportunities for women conscripts to participate equally in the military.

The twin process in the IDF leads to redefining of femininity and results in psychological trauma and insecurities among the young female soldiers (Mazali 2005: 48). One of the most traumatic changes that female soldiers undergo is the process of 'fitting-in', the redefined construction of femininity. They start suppressing their own identities and adopt the regulated and redefined femininity that is espoused by the IDF. They start behaving according to the IDF gender stereotypes and learn to be "second class soldiers" (Rimalt 2007)

The continued discrimination of women soldiers in the IDF is also reflected in the large number of sexual harassment cases that take place since the inception of the institution (Izraeli 1999). It is not only a wide-spread phenomenon but also is considered to be part of the military culture. For long, there were no proper laws within the country that defined sexual harassment. It was usually described as 'rape' or 'sexual advances without mutual acceptance' (Starr-Sered 2000). In 1998, the Knesset passed the Sexual Harassment Prevention Law that defined sexual harassment in the broadest terms, covering acts and insinuation ranging from obscenities towards women, sexual insults and innuendos, sexual objectification and to indecent proposals. In addition to the legislation, the Knesset developed new guidelines for providing clear channels through which women could register complaints (Halperin-Kaddari 2004: 176). This brought about the creation of similar legal frameworks within the IDF. Soon the number of complaints increased from 280 in 1997 to 370 in 1998. In 1998 and 1999, 54 officers and non-commissioned

officers were discharged from the military and 120 officers who were found guilty of harassment charges were demoted (Ibid: 177-178).

During this period, the IDF witnessed a number of high profile cases of sexual harassment involving political and military personalities such as former defence minister Yitzhak Mordechai (1996-1999) and Brigadier General Nir Galili. In most of these cases, the military as well as civilian court judged these personalities as guilty of sexual harassment and stripped them of all awards and positions (Starr-Sered 2000). These cases became important milestones in the IDF's journey towards gender-equality. According to published data, there has been an increase in the number of complaints by 20 per cent annually since 2010. In 2010, the number of complaints was 492 which increased to 777 in 2012 and then to 930 in 2013 and 1,073 in 2014. In 2015, the number rose to 1,186 which increased by 17 percent in 2016 (Cohen 2016b). The IDF spokesperson said "the dramatic rise was due to increased awareness among soldiers about the possibility of filing complaints on the matter" (Cohen 2016b).

The gender-military debates in Israel are not only limited to issues pertaining to women soldiers. It also includes the impact of the same norms and processes on the male and transgender soldiers. Military service is internalised by the members of the Israeli Jewish collective as essential to a boy's right to belong to this group and as a rite to adulthood (Belkin 2004). Under the garb of adulthood, the ethos of the ideal masculinity is imposed on the young conscripts. It aids in the construction of 'militarised masculinity' which is a more aggressive understanding of the gender tailored to the needs of the institution (Connell 1995:20). This further leads to hierarchical masculinities among soldiers who try their best to become the ideal officer. The social construction of masculine identity and the burden on every Jewish youth to blend with the identity causes severe trauma and a powerful sense of persecution of being 'left out' if they do not participate in the military (Belkin 2004). The initial training phase of the conscription period tests the physical ability of all Jewish youth enrolled. Only a few are selected to directly continue combat training based on their fitness level while others are seen as "soft" and "effeminate." This systematic process of being excluded leads to traumatic changes in the accepted gender identity of the youth that also alter the gender relations in the military (Ibid).

Religion too plays an important role in influencing gender relation in the military. The main religious objection towards increased integration of women is the lack of gender-segregation in the institution (Cohen 2005). They believe that this results in issues of modesty, sexual attraction between male and female soldiers leading to them committing ‘sins’. As more number of ‘religious-friendly zones’ are created within the IDF, women soldiers are being shuttled-out of different bases and units (Cohen 2016). This has further decreased their scope of service options.

The changing nature of warfare due to rise of asymmetric wars has challenged the traditional approach to defence which has forced militaries across the world to re-structure its institution (Cohen 2005). This has induced military institutions like the IDF to strengthen its intelligence units and broaden its scope of function to not only gather data about relevant targets but also to provide information about the changing picture of the enemy (Eiland 2007). This changing trend has opened up newer avenues for youth who were previously denied on the grounds of physical or psychological reasons. These youth including women and men with limited physical strength were assessed on their other skills like language learning, logic and data reasoning, and various other abilities (Gross 2015). The gradual integration of these youth has diluted the patriarchal nature of the IDF by reflecting a more realistic picture of the social fabric.

The proposed research would examine these varied debates within the IDF regarding gender identities and their relations within the institution. The redefining of femininity through various debates has given space for women conscripts to challenge existing biases against them. Their male counterparts continue to function within the same discriminatory framework and face gender biases. This research would examine the debates within the IDF regarding gender discrimination.

Survey of Literature

The literature on the subject of proposed research has been divided into three themes. The first theme on *Gender-Military Debates* looks at the brief overview of the debates in international relations. The second theme on *Gender Debates in Israel* deals with the literature on the internal debates on gender within the Israeli society. The third theme on *Gender Debates in the IDF* looks into the available scholarship that discusses the changing trends in the gender relations in

the IDF and the continuous construction of gender identities and norms. The section ends with the identification of literature gaps regarding gender debates within the military in Israel.

Gender-Military Debates:

The gradual change in understanding the differences between sex and gender by the beginning of 20th century started reflecting in the existing feminist discourses. One such strand of scholarship is the study of relation between gender and war. The latter can be broadly defined as “lethal inter-group organised violence” (Goldstein 2010). It is a social act with violence as its major component. Historically, women have always been associated as a victim of the violence or as a reason for the war. They have never been a part of the same. Even though violence does not come naturally to either of the gender, cultures across space and time have equated it with masculinity which further modelled the war system and subsequently the military. Women, on the other hand, have been completely left out of this social sphere (Goldstein 2010). The changing ideas of gender as well as the pressing need of the society finally broke through this discourse by accepting women as part of this system. Although the number of women in the armed forces across the world is less than five percent of the total, but still it’s a mammoth change in the social acceptance of women as part of the war enterprise (Fitriani 2016).

Scholars like Nira Yuval-Davis point out the gender-military debates are a relatively new addition to the universal gender debates and is largely confined to only western countries (Yuval-Davis 1997). Jean Elshtain argues that even though these debates are a new phenomenon amongst feminist writers, the naturalisation of gender-based labour division can be traced back to the ancient hunter-gatherer societies where men bonded together over their ‘masculine’ role of hunters and protectors of the tribe (Elshtain 1981b). However, as a formal stream of debate, the role of gender in military emerged during the two world wars which are considered as a watershed moment for women and their rights. Whether as camp followers, nurses, revolutionaries, spies, soldiers in disguise or as regular soldiers, women came out of the private domain and fought the war along with men (Brison 2002; Carrieras 2006; Elshtain 1987; Goldstein 2001; Kuhlman 2008). This gave a space for women to fight for equality like citizenship rights as well as political rights.

Gerhard Kummel argues that the experience of women in military roles is not a linear experience instead there are patterns or cycles of expansion and contraction (Kummel 2002). In addition to these military roles, women have also been depicted as the victim of the military where they have been taken as hostages or killed, wounded, raped, tortured and sold for prostitution (Carrieras 2006; Cockburn 2004; Cohn 1993; Cooke and Woolacott 1993; Enloe 1983; Hacker, 1981).

The gender-military debates have a wide spectrum of arguments that range from military traditionalists to post-structural feminists. Initial debates started in the late 1960s, when liberal feminists like Jean Hampton, Virginia Held and Catherine MacKennon in the US supported the extension of military draft also for women. They argued that the best way to ensure women's equal treatment with men is to render them equally vulnerable with men to the political will of the state. They rejected the idea that women are any more peaceful than men by nature (Hampton 1993, Held 1987). The major criticism of Liberal Feminism has been that "it asks women to exchange major aspects of their gender identity for the masculine version without prescribing a similar degendering project for men. By integrating into existing power structures including military forces and the war system without changing them, women merely prop up a male-dominated world instead of transforming it" (Enloe 2001).

The difference feminist discourse gained popularity a decade later. The scholars of this approach like Carol Gilligan, Mary Daly and Sara Ruddick believe that women's experiences are fundamentally different from men's. They point out that the problem is not that men and women are different but that sexist cultures 'devalue' feminine qualities rather than promoting and celebrating it (Gilligan 2005, Daly 1998, Ruddick 2003). Regarding war, scholars like Sara Ruddick argue that women because of their greater experience with nurturing are more effective than men in conflict resolution and less effective in combat situations (2003). Other feminists like Ruth Seifert, Wenona Giles and Jennifer Hyndman criticize the military as a patriarchal institution that oppresses women and structurally exploits them. Male sexualized behaviour is analyzed by them, as entrenched in the male identity of the organisation and the masculine environment becomes conducive to sexual misbehaviour. They argue that women should not participate in any form of patriarchy as they would be structurally opposed and instead they

should challenge the same structures and question their need (Seifert 1994; Giles and Hyndman 2004).

This approach was immediately accepted by military traditionalists like Martin van Creveld. They primarily stress on the physical and psychological qualities of men such as aggressiveness, physical strength, stamina and willingness to endure exposure to danger. They argue that women need to be protected by men because of their roles of child-bearing and child-rearing (Chapkis 1981; Creveld 2000). They further point out that the feminization of the military weakens it and leads to its decline, leaving the armed forces progressively more incapable of fighting wars and protecting the borders (Creveld 2000). Brian Mitchell points out that the integration of women into the military threatens the latter to spiral into indiscipline, lack of efficiency and turn into a social platform for men to meet women (Mitchell 1998).

All the above strands of feminism are questioned by post-modern feminists who contest the theories about women's peaceful nature (Enloe 1989, Elshtain 1987, Steans 2001, Cooke 1993). They point out that by adopting a strict male-female dualism, patriarchy gets reinforced further than being challenged (Enloe 1989). Jean Elshtain criticises the emphasis on the opposite images of 'just warrior' and 'beautiful soul.' Contrary to the notion of men's wars, she finds women complicit in the construction of gendered war identities (Elshtain 1987). Scholars like Judith Butler, Gayatri Chakravorty Spivak and Julia Kristeva question the assumptions on gender made by both liberal and difference feminists (Butler 1990, Spivak 1994, Kristeva 2002). Rather than take gender as two categories of people that really exist, these scholars see gender and its roles as fairly fluid, contextual and arbitrary. Gender shapes both men and women through their experiences and actions (Enloe 1989).

Regarding military, post-structural feminists like Annica Kronsell point out that "women play many roles in war, many contradictory and masculine in nature. The same can be said for men as well" (1998). She further points out that what is considered as 'feminine' is nothing but the reflection of 'masculine'. A few scholars like Cynthia Enloe, Joshua Goldstein, Jill Steans and Terrell Carver have argued that "extensive consequences of a highly gendered soldier and fighter identity were not only felt by female fighters during the struggle, but also during the post-conflict transformation that then forced them to identify with the gender roles traditionally attributed to

women” (Enloe 1989, Goldstein 2001, Steans 2001, Carver 1998). Cynthia Enloe further argues that female participation in the military would lead to militarization of femininity, just as men have been militarized by traditional ideas of gender (Enloe 1983).

Amidst the spectrum of debates, there are several scholars like Lorry Fenner and Marrie DeYoung who support partial participation of women in the military. They acknowledge the changed socio-economic and legal status of women which entitles them to equal rights and responsibilities as citizens of a given country (Fenner 2000; Fenner and DeYoung 2001). They advocate limited integration of women into the military. However, they differ among themselves regarding the extent to which women should participate in the armed forces. The medical service, clerical administration, communication and secretarial duties are deemed suitable for women.

Feminists like Laura Sjoberg, Nira Yuval-Davis and Helena Carrieras support complete access of women into military. They argue that the right to equal opportunity demands that there is no exclusion from any job prospect on the grounds of gender and right of equal citizenship requires that there is no civil rights reserved exclusively for men (Sjoberg 2007; Yuval-Davis 2003). Since combat service allows career advancements in the military, barring women from combat roles constituted gender-based discrimination in workplace (Carrieras 2006). These feminists stress that there is no physical or psychological differences between men and women in a modern day military and thus there should be an equal participation from all sexes (Sjoberg and Gentry 2007).

Gender Debates in Israel

One can trace four distinct waves of feminism that shaped the gender debates in Israel. The first wave came as early as the pre-state period when young Ashkenazi women came to the then Mandate Palestine. They claimed inclusion in the public sphere and involved themselves in the goal of “building their land” (Herzog 2011). Margaret Shilo points out that the main objective for these women was to achieve economic independence as well as to achieve social reform amidst the diverse community. Wives of the *yishuv* (Jewish community in Mandate Palestine) leaders took the initiative to start and maintain schools, give vocational training to young women as well as to foster a feeling of ‘belongingness’ among the hundreds of women who were immigrating

towards establishing a national home (Shilo 1986). They were influenced by gender debates that were in vogue in the 20th century Europe (Bijaoui-Fogiel 1992, 65). Several distinguished women like Sarah Azaryahu, Sarah Thon, Fania Metman-Cohen and Shulamit Rupin spearheaded changes like creating educational institutions, training women in vocational chores and many other tasks that not only catered to the demands of women to step out of the private domain but also met the needs of the newly established community by providing educated task-force (Bijaoui-Fogiel 2000).

The first wave of feminism drifted away by 1940s in the light of constant security needs and pressing demands of the newly established state of Israel. The focus was on community building and securing borders that left no space for other civil discourses. As the army became the most important institution, the emphasis was naturally on men and on masculinity. The model of an 'ideal civilian' was carved out in public imagination that was constructed as subservient to the state and contributed his/her life to the defence of the state. This collective identification encompassed all men and women in Israel (Helman 1997). However, the aftermath of the October 1973 War compelled the Jewish women to rethink their "second-class" status in the security discourse (Nira-Davis 1997, p.97). This wave of feminist scholarship was the liberal phase that consisted of reformist critiques of male-dominated state institutions by way of seeking greater inclusion and equal rights, opportunities and privileges (Bernstein, 1987). Most of the writings that appeared in the 1970s on Jewish women questioned the gap between the myth of Jewish women and the reality of their lived experiences. The myth of equality was challenged in almost every sphere of social life (Spiro 1979).

Feminist scholars like Dafna Izraeli and Galia Golan documented the gendered disparities in terms of status, resources, compensation, and rewards in both public and private spheres (Izraeli 1997; Golan 1997). The liberal approach suggested that legislative reforms and social changes were possible if the state lived up to its promise of gender equality. The implication of much of this scholarship is that inequality is not endemic, inevitable, or structural but can be corrected, for example, by allocating greater economic resources, setting up of social supervisory mechanisms, or through appropriate legislations to insure that equality is applied and preserved (Blumberg 1975; Golan 1997; Strum 1989).

These liberal scholars in Israel took up approach of confrontational protests by hosting noisy demonstrations at rabbinical courts, political gatherings and beauty pageants. They disrupted professional conferences and sessions at the Knesset (Uri 1993). They demanded equal representation of women in the all spheres of work force as well as equal pay for equal work. They did not focus on the differences between women but instead on the similarities. They analysed the institution of patriarchy and the systematic oppression of women. They saw themselves as taking part in a militant revolutionary struggle both for women's right as well as for social change (Ibid).

Many scholars like Hanna Herzog, Nitza Berkovitch, Susan Starr-Sered, Ruth Halperin-Kaddari and Tamar Mayer argue that the gender debates as propounded by the early feminists was limited to the Ashkenazi Jewish women and ignored the other groups of women like the Sephardic and the Arab women in Israel (Herzog 1999; Berkovitch 1993, Starr-Sered 2000; Halperin-Kaddari 2005; Mayer 2003). Some feminists discussed about Ashkenazi women soldiers because the number of Ashkenazi women soldiers has been high. The number was also reflected in the influence of Ashkenazi women in the society. They also challenged the masculine debates on citizenship that connected nationalism with militarism. The critical scholarship also raises question regarding the politics of exclusion and omission as a political act of denying power and space to particular groups of women (Mayer 2003).

The third wave of feminism emerged Israel in late 20th century as a result of the Alice Miller case. She filed a case against the IDF on grounds of discrimination based on gender as her application for a pilot test was rejected by the Israeli Air Force. In response to her petition, the IDF submitted an affidavit which stated that there is a gender distinction with regard to the types of duties available in the military. It further stated that the defence expenditure behind the training of a female conscript would be incommensurate with the high costs of maintaining Air Force preparedness and combat capability (Herzog 2008). This argument was rejected by the Israeli Supreme Court in 1995 which directed the IDF to change its policies towards incorporation of women and lay emphasis on skills rather than of gender attributes (Schafferman 2008). The judgement laid the basis for the Equality Amendment of the Defence Service Law that was passed in 2000 which ushered in the third wave of feminism.

Feminists like Orna Sasson-Levy, Ruth Halperin-Kadari and Susan Starr-Sered argued that creating a sense of gender equality in patriarchal institutions leads to organised discrimination that is not only legitimised by the institution itself but also leads to the re-definition of existing gender roles and relations which results in cleavages in social fabric (Sasson-Levy 2006, Halperin-Kadari 2005, Starr-Sered 2008). They emphasised more on differentiation rather than on egalitarianism. Some like Hanna Herzog, Barbara Lee, Edna Lomsky-Feder and Eyal Ben-Ari have argued that gender cannot be understood in isolation of other social categories like class and sexuality (Herzog 1998; Lee 2008; Lomsky-Feder and Ben-Ari 1999). A few have pointed out to different nature of gender identities especially of women soldiers who are posted either in combat position or near the borders. They argue that the identity of a woman soldier who is posted at the border and is responsible for frisking Palestinian men is different from the identity of a woman soldier who is posted at a base camp. This fluidity in the gender identity significantly affects gender relations in the institution and in the society (Sharoni 1995). The scholarship has tried to shift the focus from 'gender' to 'genders' in the larger debates of gender relations in Israel.

Gender-Military Debates in the IDF

The gender-military debates in the IDF can be traced back to the establishment of the military institution that opened its doors for women to participate in the nation-building process. Early feminists like Galia Golan (1983) and Dafna Izraeli (1982) pioneered women centres to study the construction of gender identity in Israel.¹ They challenged the traditional understanding of the binary division of men and women into distinct social roles (Levy 2010: 189, Starr-Sered 2000: 23, Winslow 2005: 347). They argued that patriarchy and heterosexuality exerted social control over identities and criticised the military for crystallising gender biases in the society (Levy 2010: 189).

The feminist movement in Israel have four different strands of arguments that have tried to define the complex relations between the constructed gender identity and the IDF. *Liberal feminists* like Galia Golan and Marcia Freedman argue for equality under the law and for equal standards and opportunities for men and women. They point out that the IDF as a national

¹Dafna Izraeli, Galia Golan and Amia Lieblich started the women studies programme in Ben-Gurion University of Negev, Haifa University and Hebrew University of Jerusalem. Due the opposition by the Senate of Hebrew University of Jerusalem, the program was renamed as "Sex Differences".

institution should give equal treatment and opportunities to all Jewish citizens of Israel regardless of gender identity. Women should be completely integrated in the military and should hold all ranks and posts that would help them further their career (Enloe 2000). They oppose the idea of “pink collared” jobs like nursing and teaching and the traditional understanding of women as “care-givers” (Israeli 1997). They further point out that despite military being synonymous with masculinity, it has the responsibility of constructing the feminine identity as equal (Sasson-Levy 2005). Liberal feminists like Susan Starr-Sered maintain that the equality of service in the IDF would allow women to become full citizens and integrate into the society as an equal partner. This can only be achieved if the existing gender ethos of IDF that glorify masculinity can be challenged and “value negated” (Starr-Sered 2000: 43)

Cultural feminists, on the other hand, emphasise the difference between men and women and argue that certain biological factors make women “natural care-givers.” Scholars like Susan Okin Moller argue that sex is an important influence on gender roles and identity which determines one’s outlook towards aberrations in society. They point out that military can benefit from the feminisation of certain occupations such as policing (Levy 2010). They reinforce gender stereotypes and believe that integration of women in “female-oriented jobs in military” would support peace operations in the county (Sharoni 1994).

Both these groups of scholars have been criticised by *radical feminists* like Alice Shalvi, for their acceptance of women in a patriarchal context like military rather than challenging the framework itself (Levy 2010). They argue that military should be excluded from the feminist agenda and encourage women’s exemption and demand the abolition of compulsory service to women. They point out that military is part of the patriarchal system where women are stereotyped. They can either serve in feminine role where their performance is assessed on how they serve the male soldiers or as a combatant in a masculine role (Winslow 2005). They debate that the acceptance of women in military by the liberal feminists and cultural feminists has legitimised the acceptance of “gendered militarization” (Mazali 2003). A few argue that the demand by liberal feminists to allow women to access all positions in the military inadvertently reaffirms the traditional masculine dominated connection between the military and the gender relations (Mazali 2003; Fuchs 2009).

Feminists like Orna Sasson-Levy and Noya Rimalt see the construction of gender identity in the IDF as a fluid concept. They argue that using the existing concepts like masculinity and femininity to understand the construction of gender ethos in military is a reiteration of existing patriarchal framework (Starr-Sered 2000; Sasson-Levy 2005; Rimalt 2007). They point out that by studying the IDF as a site of gender differences, feminists fall into the trap of using the same site for criticising the differences (Jacoby 2003). There is a need to formulate the basic understanding of gender from a binary concept to a fluid concept that could encompass various levels of construction rather than having a one-dimensional understanding of factors aiding in the construction of gender (Rimalt 2007).

The study of gender and military in Israel has been usually about the women soldiers and their role in the IDF. It focuses on the discrimination perpetrated by the structural norms of the institution, rather than analysing the functional discourses on women's participation in military. The functional aspect of the institution showcases its inability to move away from its norms of patriarchy. This research gap leads to an incomplete understanding of the IDF and its failure to achieve gender equality.

There are other research gaps like the study of the condition of male soldiers in the military. Even though military is seen as a "masculine institution," it constructs the masculine identity on the ideal of a warrior (Herzog 1998). This creates barriers for men to integrate themselves and keep their individuality. The gender-military debates in Israel have largely ignored the male soldiers or portrayed them as perpetrators of oppression on women soldiers. Another aspect that is largely ignored by the feminist scholars is the presence and problems faced by the LGBT group in the IDF.

Thus, it becomes imperative to have a comprehensive understanding gender as an identity that has altering relations based on external stimuli and situation. There is a dearth of analysis and academic work which studies these groups in light of genderrelations in the military institution. The proposed study will try to analyse these research gaps and contribute to the critical scholarship challenging the structural prejudices in the IDF.

Definition, Rational and Scope

The gender-military debates in Israel is confined to the structural policies of the IDF rather than the changing gender relations in the institution based on various inherent norms and functional discriminatory practices of the IDF. The scholarship is largely devoted to female emancipation and converting the militarised women's experiences into mainstream debates. The emphasis has largely concentrated on the lack of realisation of the various gender sensitive policies and legislations undertaken by the IDF since 1990s. This critical scholarship, largely female-based and located in Israel, has been consistently critical of the structural policies of the IDF that have led to continued discriminatory practices against women soldiers. This research focuses on various levels of interaction between gender as an identity and military as an institution. These levels of interaction are divided into two halves namely, structural norms and functional discourses. Structural norms include various legislations and policies like the Equality Amendment of 2000 which opened 92 percent of all roles for women soldiers. On the other hand, functional discourses include creation of a militarised body among women soldiers when they try to imitate their male counterparts to fit-in better with the patriarchal norms of the military. These two trends interact to create a phenomenon of degendering and regendering. The former means rejecting or denying one's own gender identity while adopting another nuanced identity such as nationalism or ethnicity (Sasson-Levy 2005). Women soldiers, for example, during their basic training process, are treated as equal citizens and are given equal opportunities to participate in national defence. Sexual identities rather than gender identities are emphasised during this process (Ibid).

Regendering, on the other hand, is defined as the re-assignment of gender identity as per institutional understanding on a woman (Sasson-Levy 2005). In other words, when a woman in an institutional framework is categorised on various gender markers, sometimes particular to the institution like physical strength in military, emotive strength in nursing etc., the woman redefines her gender identity based on these particular markers. As a military institution, the IDF carries within itself several physiological gender biases like emphasis on physical strength, lack of nurturing nature and prominence of male-bonding among soldiers. These biases are imposed on women soldiers who have been inducted in the military based on their national/ethnic identity rather than sexual/gender identity. These imposed biases compel the women soldiers to compete

with not only their male counterparts but also their female colleagues in order to prove their potential and worth to the military and society. This leads to physical as well as psychological trauma among the young women soldiers that affect almost half the youth population of Israel (Halperin-Kadari 2004).

Apart from the above two variables, religion too plays an important role in the gender interaction within the IDF. In Judaism, the main role for women as determined by religious texts is to bear children, run their homes and take responsibility for the children's Jewish upbringing. There is a complete demarcation of space between men and women in their duties, rights and functions. This is reflected in the observance of complete gender segregation in private and professional space by religiously observant Jews in Israel (Greenberg 1998). Increasing integration of women soldiers in the military has led to clash with the above trend. The Ultra-Orthodox Jews, also known as the *haredi*, as well as the religious Jews refuse to serve with women in the same unit. This has compelled the IDF to seek new avenues to segregate men and women soldiers in the same unit, which has further diluted the goal of achieving gender equality in the institution. Thus, religion too is an important variable in this research puzzle.

Other gender identities like transgender and rise of hierarchical masculinity also impact the gender relations within the institution. As a military institution, the IDF has inherent norms that privilege 'militarised masculinity' over other expressions of maleness which leads to crystallisation of perceived notions of gender that discriminate men who fail to meet these ideas. The social construction of this masculine identity and the burden on every Jewish youth to blend with the identity causes severe trauma and a powerful sense of being 'left out' which affect their careers and social life outside the military (Belkin 2004). Trans-genders too face the same issue but with worse consequences. The IDF has never formally prohibited them from joining its ranks. However, these soldiers face intense discrimination and trauma including sexual harassment due to their gender identities. They are usually ridiculed and clubbed with women soldiers with weak physical profile scores in non-combat units (Ibid). The varied range of gender identities along with external variables like gender makes this research puzzle a layered social issue that is increasing becoming a subject of paramount importance to the Israeli society and government.

The proposed research is not limited to a particular time frame or spatial boundaries. It is thematic in nature with emphasis on gender and military as the two main variables of the research puzzle. However, it is confined only to Jewish youth who participate in the IDF as conscripts when they turn 17 years old. Further, the IDF is explored and analysed as a social institution rather than a political or security institution. The research does not study gender relations or participation of women during any of the Israeli- Palestinian conflict. Additionally, there is no analysis of gender relations between Jewish Israeli soldiers and Israeli Arabs during peace or conflict periods. Among the Israeli Arabs, only the Christian Arabs volunteer for conscription. The Muslim Israeli Arabs have, historically, never been part of the IDF due to several reasons. They see the military as a tool to oppress themselves as well as the Israeli Arabs living in the West Bank and hence feel a sense of betrayal by joining the military. On the other hand, Israel has viewed its Arab citizens through the security prism and hence lacks the trust to recruit Israeli Arabs and thus, have never started with any programme to encourage their enlistment. In recent years, however, due to criticisms over conscription-based discriminations the Arabs are urged to join *sheuret leumi*. Their lack of participation in the IDF keep them away from the national narrative.

This study focuses only on institutional interaction between genders that reflect in the society. As the debates are ongoing, there is a constant change in the IDF regarding gender equality by opening more doors and opportunities for women soldiers to explore their potential in the military.

Research Objectives

- 1) To study the gender-military debates in Israel
- 2) To analyse the practices degendering and regendering in the IDF
- 3) To analyse the prejudices present against male soldiers
- 4) To review the existing gender relations in the IDF

Hypothesis

- 1) Gender sensitization in the IDF is the result of the gender debates.
- 2) Efforts by the IDF to redefine existing gender identity of soldiers institutionalise discriminatory practices.

Research Methodology

The proposed research would be analytical in nature and uses the structural-functional model as a framework to study the discourses and norms emerging out of the interaction between gender and military as two distinct social institutions. This model was first proposed in 1966 by Gabriel Almond and Bingham Powell in their work *Comparative Politics: A Developmental Approach* which then became famous during the 1970s and 1980s as a framework to study the US and European political systems during the Cold War (Crossman 2017). The model pre-supposes the existence of a stable and bounded system like nation state or an institution. Every political system has several institutions that function both independently as well as inter-dependently with each other at different levels of interaction (Turner 2006). These institutions can be studied solely as a system or as a part of a larger entity. Each institution has both specialised and non-specialised functions which can be broadly divided into input and output functions. The input functions are: socialisation, interest articulation, interest aggregation and communication while output functions are: rule making, rule adjudication and rule application (Ibid).

This model was initially used in comparative politics as it provided a framework to compare two political systems or nation states. In the late 1950s, Talcott Parsons, an American sociologist, transformed the political model with considerable input from previous sociologists like Max Weber, Herbert Spencer and Emile Durkheim and created a dynamic framework to study the interaction between society and individual. The framework was modified to suit the needs of the discipline by not only adding more theoretical paradigms but also by elucidating more nuances. For sociology, society became a structure with inter-related parts that have their own functions to meet the social needs of an individual within the structure. These functions could be patterns of behaviour or belief structures that emerged as social rules and expectations (Scott 2012).

To study the relationship between broad social units such as institutions and a group of people with a common identity or marker, one needs to theorise these broad units as single groups with little or no deviancy as the unit of analysis. This removes the agency of an individual and focuses on the dynamics of a group. This model has three main characteristics (Turner 2006). They are

1. It is deterministic. It does not allow an individual to deviate from social normality as the group relation would prohibit it. In other words, the general consensus amidst the group would not let an individual take a contrary stance on any issue. In military, for example,

an individual's (even if he/ she is the Chief of Army Staff) opinion about acceptance of women in front-line combat would not be accepted due to the general acceptance of a contrary opinion.

2. It is objective. The groups under the study are easily observed and its behaviour towards each other is recorded. There is a lack of subjectivity as these groups interact within a visible framework with limited variables and external stimuli.
3. It is nomothetic. The model provides general rules and laws by which the groups interact. This leads to generalised understanding of the relation, instead of focussing on the specificities.

The structural-function model became the paradigm theory in sociology from the 1980s onwards. It is not only flexible enough to study any social phenomenon but also provides enough definitive space for other variables to exert their influence on the phenomenon. Individuals as well as institutions could be studied under this model as it was largely based on the concept of social integration (Turner 2006). In any given society, most of its citizens value similar ideal and hold similar goals. Culture provides an environment that allows specific socialization patterns to emerge, moulding each personality to relative conformity and allowing specific role performances to occur. This leads to social integration (Ibid). For an institution, which is a social invention to meet certain requirements of a society, specific socialization patterns became part of it.

Specific socialization patterns particular to institutions or groups became established and inherent norms. These structural norms or patterns are a result of four components: Socialisation, Interest Articulation, Interest Aggregation and Communication (Scott 2012). Socialisation is the transmission of values, ideas and thoughts between individuals or groups that leads to constant discussion on relevant issues that affect the same. This further leads to demands for changing discourses as per the requirements of the groups. In any group, members have different demands. Some of these demands are individualist and some are at the level of the community. These interests are articulated in front of the entire group which then agrees to accept or reject it as a group demand. Based on the number of members making such a demand, interests are aggregated which are then placed in front of competent authorities within the group. Aggregated interests backed by the support of the majority compel changes in structural patterns which are

then communication to the members. Feedback of such changes takes place through the process of socialisation (Ibid).

In military, for example, interaction between male and female officers crystallises the sense of gender discrimination prevalent in the institution. For decades, female officers have tried to change the institutional practices towards women soldiers but of no avail. Only when there was an interest aggregation by a large number of soldiers in the late 1990s after the Alice Miller case, one see the structural changes in the military.

Function in an organisation determines how others interact within the same and build relations as a contract between each other and with the organisation (Harder 1996). These functions are a result of three forces: penetration, differentiation and transformation along the structural lines of an institution (Melese 2015). As the structural norms keep changing through the above process, it penetrates to the level of function through communication and socialisation. Due to the outlook of the norms, differentiation takes places among the members based on their identity and functions. This *differentiation* leads to creation of hierarchy and discrimination. Minority is systematically excluded from the decision-making process in the group which further crystallises the differences. However, functional outputs change along with structural inputs. With amendments in interest aggregation, the process of differentiation also changes (Scott 2012). This, over a period of time, leads to *transformation* of the institution. Apart from the structure and function of the institution, chosen external variables too play an important role in influencing the model.

The proposed research studies the relation between the IDF and women soldiers through the structural-functional model. The IDF, as a military institution is analysed as a structure while gender has been studied as a monolithic group. The research focuses on the impact of the structural norms of the IDF on gender as a group through various functional outputs. There are various chosen variables in the study like religion, society, transgender etc. Changing gender-military debates have been discussed in great detail to understanding the in-depth relation between the Israeli society and the military due to the conscription model.

The theoretical model is supported by a large number of primary sources including Supreme Court judgements, Knesset rulings and directives of the IDF. During a field trip to Israel during

October 2015-May 2016, several first-hand accounts of recently discharged soldiers were recorded and analysed for the purpose of this study. Most of these soldiers were students in the Ben-Gurion University, Beer Sheva. Interviews of several noted personalities, scholars and academicians who have passionately followed or have been part of various important milestones have also added clarity to various arguments in this study. Another important primary source that has been used extensively throughout the research has been the diaries of David Ben-Gurion which have shed light on the early period of the Haganah and Palmach. The secondary sources include books, articles, newspapers and internet blogs. Various libraries in and around Delhi were useful to collect material for research. The extensive library in Ben-Gurion University too provided an access to rare publications on this research by early Israeli feminists,

Chapterisation

The thesis is organised into six chapters, out of which four chapters deal extensively with various aspects of the research topic. The initial chapter provides an introduction to the research while the last chapter concludes the entire study by responding to the research questions and hypothesis raised in the Introduction. The inter-disciplinary nature of the research topic provides an interesting blend of not only military and gender studies but also of sociology and political science which is reflected in the four core chapters. They have been organised based on level of analysis, starting from historical and global debates of women participating in the military to gender debates in Israel society and finally, to gender debates in the Israel Defence Forces. The shift from macro to micro level of analysis provides not only a complete historical picture of women participating in the military but also of various trends and discourses that have affected this issue.

The second chapter, *Women and Military: Historical Debates*, introduces the two core issues of the research puzzle namely, gender and military. Several discourses pertaining to gender as an identity have been discussed in detail which emphasises on the changing definition and requirements of the same. Constant altering of its scope makes gender an important variable to study not only the society but also its relation with the state. The chapter traces the relation between women and the state from the times of Greek Philosophers like Plato to modern-day state institutions. It closely studies the participation of women in World War-I (WW-I) and World War-II (WW-II) and their aftermath. It concludes with a brief look at the inclusion of

women in the military and the role of Israel as a model for these institutions. The chapter argues that with the changing definition of 'gender' as an identity, the scope of women's involvement also increased.

The third chapter, *Gender Identities in Israeli Society*, explores various components of gender interaction in the country. It deals briefly with the historical and religious understanding of gender relations in Judaism, especially the role of a woman within the religious context. Further, it explores the participation of women in the nation-building process in pre-state Israel as they joined militias or volunteered in educational institutions. With these trends as the backdrop, the chapter looks at the gender participation and discrimination in economy, politics, military and society in Israel. Further, other gender identities in the Israeli society are discussed and interaction between them and the society at large is analysed. This chapter challenges the notion of gender equality in Israel by examining not only the changing definitions of gender but also by studying gender interaction in various social institutions. It provides a macro picture of resource allocations and possible opportunities available for women that define their status in the Israeli society.

The fourth Chapter, *Women and Israel Defence Forces*, focuses on the micro issue of the research puzzle and explores the various structural interactions between women soldiers and the military institution. It describes in great detail the vision of Ben-Gurion in creating the IDF as a people's army. It analyses the initial requirements of a fledgling nation state to incorporate every Jewish youth in its military ranks to not only provide security but also to help build a national identity. Further, the chapter studies the various legislations and amendments that have since decades influenced and changed the structural policies of the IDF. The incorporation of women in the military as part of the conscription model has also been discussed in the chapter. Every stage of military service like the 'first call test' and the subsequent profile tests have been discussed in great detail. Additionally, the chapter looks at various roles like combat and non-combat roles that a woman cadet can chose based on her profile score. It concludes with a brief look at various units that women soldiers are serving at present. The chapter focuses more on the structural part of the institution that have since the 1990s shown steady changes to improve the participation of women.

The fifth chapter, *Gender Debates and Discrimination in the IDF*, explores the functional side of the military institution that is riddled with gender discriminatory discourses and practices. The conflict between traditional understanding of gender identities and the changing requirements of the military leads to a cyclical logic of structural-functional discrimination. Increased number of women soldiers in traditional male bastions leads to discrimination in the postings and promotions of women soldiers and creation of militarised body. This, in turn, leads to further prejudices against women soldiers which impacts the institutional goal of achieving gender equality. This chapter identifies the different levels of gender discrimination prevalent in the IDF by using the structural-functional model as discussed in the research methodology in first chapter. The conflict between structural norms and functional discourses leads to a phenomenon of regendering and degendering which has been discussed in great detail in the chapter. Additionally, the chapter also explores the impact of the structural-functional conflict on other gender identities like masculinity and transgender identity. The relation between gender and religion in the IDF has also been studied. The chapter concludes with a brief look at the changing nature of military that have accelerated the clash between structure and function in the institution.

The final chapter provides a summary of all the findings and explains the issues raised in the research objectives. It concludes by testing the hypotheses using the research model. It establishes how the cyclical logic of structure inputs and functional outputs explain the existence of gender discrimination in the IDF. The process of degendering and regendering challenges existing gender identities by emphasising its non-homogenous nature and attributes. Apart from the structural norms of the institution, there are external factors that impact the behaviour of the institute. In this research, cumulative trends especially the impact of the feminist movements, changing gender relations among the youth and most importantly, increasing rejection of gender discrimination by the society have affected the norms and discourses of the institution. The gendering of the military is an inevitable process but achieving equality is not due to various historical and cultural trends.

Chapter 2

Women and War: Historical Debates

Dear Lady, go home and sit still. War is not meant for you pretty things.

-British War Office response to Elsie Englis in 1918¹

Social institutions have always been patriarchal in nature. It has traditionally eschewed the inclusion of women due to the dominance of men in decision-making process. Conventional understanding of gender based on the binary nature of sex has labelled women as the weaker of the two due to various reasons including physical concerns and psychological differences. As an identity, it has been a matter of debate through centuries with leading philosophers like Aristotle, Plato, Socrates and many more who have argued to limit the scope of 'gender' (Enloe 2001: 12-16). Aberrations in form of dominant women stepping into the public domain were rarely tolerated which further reified gender roles and expression in the society (Goldstein 2001: 23). However, the rise of modern capitalism and emergence of a middle class changed the existing understanding of gender essentialism and provided space for early activists to demand for equal rights. These initial demands snowballed into bigger movements across Europe and the US in various waves of feminism (Ibid: 36).

Apart from the feminist movements, the two World Wars also played an important role in changing the discourse on gender. War has always been perceived as an aberration in international relations yet there is a pervasiveness of its qualities like violence across cultures which have led to gendering of war. Women were traditionally separated from all aspects of this aberration while men were prepared from the childhood to embrace violence if needed (Goldstein 2001: 24). The universal potential for violence in society suggests that gendering of war is a prevalent phenomenon even during peace times. This makes war as an important variable in the construction of gender and its reification in a modern state. The circumstances of both the World Wars that urged women to step-out of their private domain and fill up vacancies

¹Elsie Englis, in 1918 had petitioned the British War office to send her to the French battlefield with her all-female nursing team to continue performing emergency surgeries on soldiers. While treating the injured soldiers in London, she had realized that she would be able to save more lives if she could perform the same surgery in the battlefield. However, the War office rejected her plea. (Adie 2010)

left by the male citizens also played an important role in changing the scope of gender. As more and more able-bodied men were called to battlefronts, women stepped forward to pick up the lag. They joined various heavy-industries like aeronautics, worked as nurses and doctors for the injured soldiers and participated in direct combat efforts by working in desk-jobs in the military. However, the entrenched views regarding gender roles could not be overturned so easily and the old order refused to accept these changes as permanent. .

The aftermath of the World Wars was not felt immediately when women were urged to resume the domestic duties but as Joshua Goldstein points out “the Pandora’s Box opened and it became difficult to close it” (2001: 6). The growing clamour for change compelled various countries to change their policies towards their women citizens and seek their equal participation in nation-building process. This also impacted the military as an institution which has traditionally been perceived as a male bastion due to its emphasis on masculine characteristics like physical strength. Things began to change slowly and by early 21st century a large number of militaries across the globe recruited women in its ranks. This chapter tries to map the historical narrative of the above. It analyses various discourses across centuries and the trends that followed in the society. It closely studies the participation of women in World War I and World War II and their aftermath. It concludes with a brief overview of the inclusion of women in the military in 2017. . The chapter argues that with the changing definition of ‘gender’ as an identity, the scope of women’s involvement also increased.

Understanding ‘Gender’ as an identity

Gender is a social construct based not only on one’s physical anatomy but also on one’s perception of experience while interacting with another (Butler 2007: 35). Historically, sex and gender have been used interchangeably, leading to the formation of ‘gender binary’ which limits the gender expression to two absolute identities: Male and Female. The binary singularities enforces conformance to ideals of masculinity and femininity in all aspects of society (Tickner 1992: 43). By studying these gender expressions, one can establish the link between one’s identities, access to power, distribution of resources and most importantly, social development.

The distinction between sex and gender can be traced back to as early as hunter-gather societies wherein different roles and status were accorded to individuals based on their biology. As the society changed, these roles became fixed and along with it, the status associated with the same

became accepted as the norm. This resulted in a direct co-relation between biology and one's status in the society (Frazer 2010). Early classical realists like Aristotle pointed out that the natural body of a woman needs the protection of a man, whereby assuring her subordination to the prevalent patriarchal system (Cohn 2000).

This inter-changeability between sex and gender gave rise to Gender Essentialism which has historically served as the basis for discrimination against women. Essentialism is a term that denotes "a belief that certain characteristics possessed by individuals or groups such as gender and race are fixed rather than fluid. The core facets of the person and identity do not change over time and are not altered by context" (Butler 2007: 14). Thus, gender essentialism means that gender attributes and roles are rooted in biological differences and are thus, fixed. Men, for example, will naturally exhibit masculine traits regardless of the context, while females will express their natural femininity. This belief became the underlining argument for early activists from the first wave of feminism that took place during the 18th and 19th centuries. They argued for 'equal rights for women', which has been discussed later in the chapter.

As social science emerged as a field of study in the late 19th century, it became evident that gender was largely taken for granted and remained uncontested in the male-dominated scholarly communities. Gender was largely regarded as an individual identity and the study of gender was primarily confined to understanding traditional 'sex-roles.' It was defined as a spectrum of social functions which were accepted as appropriate to men and women (Keegan 1993). In other words, sex roles or gender roles pertain to a particular biological characteristic that men and women respectively have and which makes them well suited to perform a distinct social activity like hunting for men and gathering for women. This logic, in turn, gave rise to the norm of 'social deviancy' which refers to a deviation from what is considered normal and accepted (Keegan 1996b). Military is one of best examples of this derivative. Till World War II, active participation of women in the military was seen as "unnatural" and "against the ethos of the society" and hence, they faced a lot of social stigma, when they went against the accepted understanding of gender role (Enloe 1995: 3-4).

With the rise of Feminist theory during the Cold War period, ideas of gender essentialism was debunked. Ann Oakley, one of the first few feminist scholars who rejected gender essentialism, observed that

Gender is a matter of culture; it refers to the social classification of men and women into 'masculine' and 'feminine'. That people are male and female can be judged by referring to biological evidence. That they are masculine and feminine cannot be judged in the same way: the criteria are cultural, differing with time and place. The constancy of sex must be admitted but so also the variability of gender. Gender has no biological origin and that the connection between sex and gender is not 'natural' at all (Oakley 1974: 2-3).

One should note that her definition of sex remains binary and fixed while gender becomes varied and detached from the binary notion of sex. This argument fuelled the second wave of feminism that began in the 1970s and continued into the 1990s. It was an outcome of the anti-war and civil rights movements in Europe and America. The rise in self-consciousness as equal partners in nation-building project led women to demand various rights from their governments (Butler 2007: 38). However, most of these rights revolved around sexuality and reproduction.

It was only in the third wave of feminism spearheaded by Judith Butler in 1990s, the complete disconnect between sex and gender is established. Butler argues that that both sex and gender are constructed norms and hence, are fluid ideas which influence the other, that is, sex on gender or gender on sex defines the functioning of the individual. She wrote that a "sexed body cannot signify with gender" and further points out that

... gender is performative that is, no identity exists behind the acts that supposedly 'express' gender, and these acts constitute, rather than express, the illusion of the stable gender identity. If the appearance of 'being ' a gender is thus an effect of culturally influenced acts, then there exists no solid, universal gender, constituted through the practice of performance, the gender 'woman' (like the gender 'man') remains contingent and open to interpretation and 're-signification' (Butler 2007 46-47).

In other words, biology provides diverse potentials while culture limits them according to existing perception of the former. Furthermore, culture directly influences the expression of 'biology' and thereby the gender identity of an individual. Thus, no fixed understanding of sex exists and instead a complex system of internal and external factors influences the expression of gender.

The changing ideas of sex and gender are reflected in the rise of various discourses among the feminist scholarship. One such discourse is the relation between war and gender. War can be

broadly defined as “lethal inter-group organised violence” (Goldstein 2001: 5). It is a social act with violence as its major component. Historically, women have always been socially disassociated with violence. They were always depicted as the ‘helpless loot of the war’ or the ‘reason for the war’ instead of being part of the same (Goldstein 2001: 5-6). Even though killing in war does not come naturally to either of the genders, cultures across space and time have equated it with “manliness” which helped in shaping the war system and subsequently, military. Women, on the other hand, have been left out of this social sphere. The changing ideas of gender as well as the pressing need of the society finally broke through this discourse by accepting women as part of war and defence. Although the number of women in the armed forces across the world is less than five percent of the total, but still it is a mammoth change in the social acceptance of women as part of the war enterprise (Fitriani 2016).

Gender, Society and State: An Historical Overview

The relation between gender, society and state was first etched out by the Greek Philosophers Plato and Aristotle whose views influenced later political thinkers like Thomas Hobbes and John Locke who theorised the development and meaning of the modern state system. Plato’s attitude towards women was very ambivalent when it came to their relation with the state. In his book *The Republic*, he argues that “women have the ability to take on the same social roles as men in an ideal state. They could be part of the ‘guardians of the state’ when given same training, education and opportunities but they will always remain weaker than the men” (Plato 380 B.C.E). He adds that even the “best of the women would never be as good as the second best of men. They are far inferior to the other in every sphere” (Ibid). In other words, a woman can hold similar positions in a state (albeit as a second choice) as men even though they are not viewed as equal citizens/stakeholders in the state. This effectively abolished the “chattel system” prevalent in the Greek society under which women were seen as mere properties of their male counterparts and had effectively no rights or status in the society. However, Plato also points out that the main task of a “woman is to reproduce children and guarantee the continuity of the state. This responsibility should in no way come in between the realisation of a woman’s responsibility towards the welfare of the State” (Ibid). This line of argument was radical during that period and was rejected by several philosophers including Plato’s own student Aristotle. Nonetheless, several liberal philosophers like Locke used this strain of argument in his writing *Second Treatise of the Government* wherein he emphasised that women should not be treated as property

of men rather be “seen as the shareholders of property on the condition that they labour the land” (Aristotle 365 B.C.E.).

A generation later Plato’s student Aristotle completely turned away from the above views and instead pointed out that “...the male was naturally superior, and this was a superiority that could not be equalled by any form of culture or education. The female was not only naturally physically weaker but also weaker of soul. And this weakness of soul was as important in the nature and capabilities of woman as were physical weakness” (Aristotle 365 B.C.E.). Thus, women lack the ‘authority’ or ‘deliberative faculty’ to make informed decisions regarding family, society or state. It is important to note here that Aristotle equates the inferiority of women with the physical self rather than opportunities or resources that one has access to. Unlike Plato, Aristotle denies the fact that if given equal training and opportunities, women could be part of the state. Lisa Shapiro argues that “Aristotle says that the courage of a man lies in commanding, a woman's lies in obeying; that 'matter yearns for form, as the female for the male and the ugly for the beautiful'; that women have fewer teeth than men; that a female is an incomplete male or ‘as it were, a deformity’” (Shapiro 2016). Dana Stauffer points out that Aristotle believed that women have limited use in the society (Stauffer 2008b). Aristotle points out

Actually, the woman has one use, for nature only gives things one special function, and that function is the procreative one. The female will carry the foetus, give birth and suckle the young, and this role is reserved by nature for women. As the male role in procreation is short, men are obviously designed by nature to deal with the out-of-house activities, such as politics. To have women doing anything other than homely activities would be to go against nature, and with women being emotionally susceptible they must therefore be ruled by men, who are emotionally steadier. Women were only fit to be subjects of male rule” (Book VII).

These ideas laid the foundation of future Western philosophical ideas regarding the relation of women and the state. They influenced several political philosophers during the 17th century when the Westphalian state was established. These philosophers like Thomas Hobbes and John Locke “incorporated notions of difference, of biology or culture, as reasons for excluding women from

the political” (Hirschmann and Wright 2012: 4). Carol Pateman’s retelling of the myth of origin² sees the

... overthrow of the despotic fathers through a fraternal contract establishing the political rule of some elite men as a group over women as a group. This contract did not simply overlook women but was constituted on the basis of their exclusion. It established men’s right over women’s body, labour as well as her rights. This was a contract of citizenship (1988).

From the 17th century onwards (after the signing of the Peace of Westphalia in 1648), the emergence of capitalism in Western states gave rise to a body of liberal political thought which emphasised on the state sovereignty and also led to the rise of a middle class which demanded detachment of public from ‘private realms’ of the family. This increasingly influential class of people also demanded political and legal rights. Such claims were wrapped in the language of rationalism (Pateman 1996: 27). Scholars like Hobbes pointed out that the universal human capacity for rational thought allowed people to determine their own interests and stake a share in political power (Hirschmann and Wright 2012: 89). However, in reality, the state granted rights to only property owners were recognised as part of the political community. Women, along with men from other classes were denied access to political power, legal personality, and citizenship and were excluded from public life (Stauffer 2008a: 929-930).

The universal capacity for rational thought was deemed to be a masculine in character. Women were considered ‘irrational’ and driven by their emotions rather than ‘clear logical thinking’ and thus were excluded from public and political life (Pettman 1996: 28). They were subjugated to male authority and were denied the power to make autonomous decisions. In other words, women were in need of masculine protection due to their inherent ‘irrational thinking.’ This gender dichotomy depicted men as active and women as passive; male as head of households while females as dependants (Connell 1990: 11). Male could move from public to private and back again. They were in position of authority over women in the domestic sphere while were recognised as individuals and citizens in the public sphere. Women were contained and constrained in the home and in their sexed bodies. As public space was ‘masculine’, women appearing outside the private domain were seen as an ‘aberration.’ The relegation of women

² Myth of origin is a myth that tries to describe the origin of some feature of the natural or social world. In this case, it is about the largely accepted myth about the relation of woman to the state is determined by biology.

away from the public sphere facilitates a particular form of definition for the political sphere as an arena that was marked by the absence of the female instead was constituted of only male citizens and their authority (Ibid).

In the *Origins of the Family, Private Property and the State*, Friedrich Engels argued that the 17th -18th centuries marked the emergence of a particular family form which was privatised and marked with inherent subjugation of women. He pointed out that with the emergence of modern capitalism; women came to be seen as the symbol of family honour and thus, a possession of the head of the family which usually were men. Engel's work was the first of many texts that followed in the 19th century that critiqued the public-private divide as central in understanding the subordination of women (Goldstein 2010).

Engel's work was critiqued by several philosophers including John Locke who claimed that women were inferior to men and that women's irrationality means that she was unfit to participate in public life. He argued for substantiating patriarchy to maintain balance in the society (Locke 1689). Another philosopher Jean-Jacques Rousseau argued that that it was the order of nature for woman to obey men and wrote "Women do wrong to complain of the inequality of man-made laws" and claimed that "when she tries to usurp our rights, she is our inferior" (Rousseau 1762). These thinkers of the Enlightenment period, defended democratic principles of equality and challenged notions that a privileged few should rule over the vast majority of the population, but at the same time believed that these principles should be applied only to their own gender and their own race.

It was not until the late 18th century, that one identifies a concrete body of thought championing women's equality. Simone de Beauvoir and Christine de Pizan wrote about the difference between sex and gender. . They called for the expansion of status and rights of women including property rights and legal rights over their children (Fisher 2000). These ideas, along with the fervour of the French Revolution demanding 'Equality, Liberty and Fraternity' ushered in the first wave of Feminism. The suffragettes or women activists during this period restricted their demands only to property rights, opposition to chattel marriage, and right to education (Fisher 2000). These demand very primarily a reaction to the exclusion of women from the public sphere.

One of the pioneering works of this period is the Mary Wollstonecraft's *A vindication of the Rights of Women* (1792) which championed the principle of equality between women and men by "adopting a strategy of challenging dominant, patriarchal notions of women's nature and essential sexual difference" (Steans 2011: 32) She argued that "perceived sex differences were not natural but rather the consequence of discrimination" (Wollstonecraft 1792). Historically women had been confined to the home and to the domestic service of their husbands and children and had been afforded few opportunities to exercise their intellectual faculties or develop skills other than those deemed necessary for the performance of their domestic duties. It is important to notice, however, that Wollstonecraft championed women's rights on the grounds that women were like men and were rational beings. This notion of the rational human subject as the norm continues to serve as the foundation of liberal human rights claims (Tickner 2001).

Such writings ignited several groups of women in Europe to take up the cause and protest against the established discrimination by organising protests near government buildings, printing propaganda folios and hosting literary clubs to discuss these issues. These protests were limited to few upper and middle class women and failed to capture the interest of other women as well as most men in the society. However, their impact was realised after a generation of such feminist activities when in the 19th century, several political organisations led by these women emerged. Organisations like the Married Women's Property Committee (1855) and The Society for Promoting the Employment of Women (1859) advocated education, property rights and citizenship rights for women (Pateman 2001). They started bigger agitations to pressurise the government to pass laws favourable to women. These organisations also connected with other women activists in the US and Canada. The First Women's Convention was held in Seneca in New York in 1948. As states like Wyoming were passing laws guaranteeing the right to vote for women under the pressures from the American Suffragist movement, they also influenced the women activists in the Europe especially in Britain. The demands for both the Suffragette as well as Suffragist movement³ finally culminated during World War I when women were given several opportunities to step into the public sphere (Pateman 2001).

³ It's British Suffragette while it is American Suffragist. There is a difference due to their way of protests, list of demands and other approaches.

It is important to note here that most of the study on gender and the state are limited to Western Europe and Northern America as most of the political philosophy emerged in this area. This is not to say that feminism did not exist in other parts of world. Most countries have had their tryst with their own unique waves of feminism which have their distinct trajectories and impact. For this particular research, the emphasis is on Great Britain and the US as a society that changed its perception of gender over a period of time. This change can be observed since the 19th century or what is commonly referred to as the Late Victorian Era.

Victorian age/ 18-19th Century Europe

Late 18th century marked the period of “people’s movement” in Europe which demanded freedom of religion, abolition of slavery, rights for women, rights for those who did not own property, and universal suffrage. The question of women's rights became central to some political debates in both France and Britain. It was also the period of industrial revolution (1760-1820) which brought about a drastic change in the social structure of several counties in Europe. With the emergence of a middle class and expansion in consumer-friendly market, women's roles began to evolve and provided them with the opportunity to be directly involved in commerce (Hunt 2014). Lower and middle class women often assisted their husbands in work outside the home. Many unmarried women started joining factories to save money for dowry and marriage. It became socially acceptable for women from lower and middle class to join the public space as work force and become economic partners to their husbands and fathers.

However, the same revolution also pushed the upper class women further away from the public glare as class distinctions became sharp and omnipresent. To distinguish themselves from the rest of the society, they became ‘ultimate consumers’ of the industrial revolution (Hurl-Eamon 2010). Great emphasis was placed on changing fashion and display to further distance them from the emerging middle class. Home education for women became one of the fashionable changes in the upper class society across Europe. Several women established literary circles where-in men and women could collectively share their thoughts and ideas. In Britain, these circles were limited to discussion of frivolous issues like romance and gossip while in France and Germany, women-led literary clubs were the forerunners of political movements (O’Brien 2009: 134). Rise in literacy levels, combined with increased publishing, spread the ideas of change across the society rather than limit it to a small niche.

During this period, feminist's demands included right to property, right to education and reproductive rights. Later, the right to vote also gained importance. Property Rights were governed by the common law doctrine of covertures (in both Great Britain and the US) wherein husbands gained control of their wives' properties and wages. The woman had no autonomy on her labour or dowry and they were dependent on male members of their family for their living (Hunt 2014). This was one of the major issues that early feminists protested and demanded changes. In the 1840s the state legislatures in Britain and the US began passing statutes that protected women's properties from their husbands and subsequently gave them the rights over it. The Married Women's Property Acts (series of them were passed in 1870, 1882, 1884 and 1893) provided married women an opportunity to participate in economic sphere (Ibid).

The Right to Education was also assured by different European governments during the 19th century. Several institutions were opened for women that taught vocational training apart from mathematics and science. This increased the rate of literacy as well as the number of female writers who wrote popular novels describing the situation of women during this period (Hyde and Milam 2016). The Bronte sisters were a few of the famous women writers who emphasised on the plight of women and captured the attention of many influential men in the British society (Ibid.). Another aspect of feminist rights that was debated ferociously was the right over reproduction. In the 1870s feminists advanced the concept of 'voluntary motherhood' as a critique to the traditional chore of 'involuntary motherhood' and argued that a woman should have the right to choose the time and period for reproduction. According to these early feminists women should engage in sex for the purpose of procreation and follow periods of abstinence to finally gain the power of reproductive rights (Hunt 2014). It is interesting to note that contraception was highly disapproved of by these early suffragists. Only during the World War I, birth control was acceptable to the feminists as reproductive rights.

Lastly, demand for the right to vote gained momentum by the late 19th century. In his 1869 essay *The Subjection of Women*, political theorist John Stuart Mill described that women in Britain "are continually told that civilization and Christianity have restored to the woman her just rights. Meanwhile the wife is the actual bondservant of her husband; no less so, as far as the legal obligation goes, than slaves commonly so called" (Mill 1869). He argued that women deserve the right to vote and to be elected as a member of the parliament. He proposed the Reform Bill of

1867 wherein the term ‘man’ was to be replaced by ‘person’. This bill was defeated by large numbers. However, the bill generated a lot of attention for the issue of women’s suffrage in Britain (Hurl-Eamon 2010). Within a couple of decades, several Nordic countries like Australia, Finland, Norway, Denmark and Iceland including states in the US like Wyoming gave women the right to vote (Hunt 2014). This added momentum to the demand for the right to vote in Britain but before the change was realised, the continent got involved in the World War I. The trajectory of these demands changed due to the war and patriotism and citizenship became more important than individual rights. Nonetheless, the aberration of war, as discussed below, ushered in a different era of women’s rights.

Women in World War I

The World War I brought about a great change in the European society wherein traditional norms regarding gender roles were challenged for the first time by not only the civilian activists but also by the State. The requirements of the war created a space for women to step out of the private domain and take up ‘masculine’ roles in the society. They not only joined various industries in large numbers, but also actively participated in the military during this period. The few years of the war completely changed the discourse of women’s role and participation in the society.

At the onset of the World War I, the Allied governments defined the reasons of the war as the “defence of women, children, of family and honour” (Thom 2010: 9). Political leaders like William Churchill believed that “defining the war as a protection of their way of living” was far more effective than “telling them the truth of a mythical home-land or home-life” (Ibid). While men were urged to join the military in large numbers, women were asked to “do their best to sustain the society while the men were away” (Ibid). Britain’s *Evening Standard* proclaimed on,

If the men of our country offer in many cases not only themselves, but their future prospects and their careers, it is not too much to expect that the women who have bid God-speed to those that they love with a cheery word and a smile should take the fortunes of war with a calm and serene confidence (British National Archives, 1914a).

The *Vigilance Record*, a newspaper published by the British National Association, reminded young female readers that the “men were fighting for us women and our homes and it is time to become their true companions by being pure and gentle and above all, remaining loyal to them

and to the country”(British National Archives, 1914b). Thus, from the very start, the war propaganda called upon women specifically and urged them to step up as “useful to the cause” (ibid). This manifested in a variety of actions that women from different classes undertook to provide support and most importantly, to be a part of the hitherto exclusive male domain of public sphere.

One of the consequences of the industrial revolution in the late 18th century was the induction of women in work force. Individual industrial jobs were often considered as specifically for women or men. Entire industries, such as textiles, were seen as “women's industries,” while men dominated in metal forges and machine factories (Thom 2010: 28). Upper class women continued to shun paid work. With the declaration of war, new jobs were created, as part of the war effort, like in munitions factory. This compelled more women to join the ‘men’s jobs’ in metal factories. In 1914, before the war, only 170,000 women in Britain worked in metal factories but by the end of the War, there were nearly 600,000 women (Thom 2010: 10).

This increase in the participation of women in metal industries was due to two primary reasons. Firstly, there was a call for conscription in 1915 which compelled all able-bodied men to join the military. Thus, the vacancies in the metal industries were far more than in any other economic sector (Ibid: 12). Secondly, the munitions industry came under the purview of the government under the Munitions for Work Act, 1915. As the government was co-ordinating the employment of industries through their own programmes, they started allotting more work forces in munitions industry to increase production. By 1917, munitions factories, which primarily employed women workers, produced 80 percent of the weapons and shells used by the British Army (Thom 2014: 14). These women were known as ‘canaries’ because they had to handle TNT (Tri-Nitro-Toluene that is used as an explosive agent in munitions) which caused their skin to turn yellow. Around 400 women died due to over-exposure to TNT during World War I. Despite the harsh conditions, jobs at the munitions factory gave these women a sense of importance as their role was seen indispensable for the war (Thom 2014: 13-15).

Women employment rates in Britain increased from 23.6 percent of the working age population in 1914 to 37.7 percent and 46.7 percent in 1916 and 1918 respectively (Zeinert 1994: 49). The employment of married women increased sharply, accounting for nearly 40 percent of all women workers in 1918 (Ibid: 50). They were working in areas that were earlier performed by men, for

example as railway guards and ticket collectors, buses and tram conductors, postal workers, police, fire-fighters and as bank 'tellers' and clerks. Some women also worked in heavy or precision machinery in engineering, led cart horses on farms, and worked in civil service. Deborah Thom, claims, for many "women the war was a genuinely liberating experience that made them feel useful as citizens but that also gave them the freedom only men had enjoyed so far" (2010: 65). Approximately 1,600,000 women joined the workforce in Britain between 1914 and 1918 in government departments, public transport, post offices, as clerks in business and as land workers (Goldstein 2001: 34).

However, they received lower wages for doing the same work as men which resulted in many women to demand 'equal-pay-for-equal-work'. Many women refused to accept lower pay for what in most cases was the same work as had been done previously by men (Hunter 2014). The women workers on London buses and trams went on strike in 1918 to demand the same increase in pay as men. The strike spread to other towns in the South East and to the London Underground. Following these strikes, a Committee was set up by the War Cabinet in 1919 to examine the question of women's wages and released its final report after the war (Report of the War Cabinet Committee on Women in Industry, 1919, British National Archives). This report endorsed the principle of 'equal-pay-for-equal-work.' It argued that "due to their 'lesser strength and special health problems', women's 'output' would not be equal to that of men. Only in jobs that women had fully replaced skilled men they would be paid the same as the men" (Ibid). However, it was made clear that these changes were for the duration of the War only and would be reversed when the War ended and the soldiers came back (Thom 2000: 208).

Education was another way through which women participated in the war-time economy in Europe. Throughout the 19th century, education opportunities for women expanded and several exclusive women's colleges were opened like the Queen's College, London; Cheltenham Ladies College, Suffolk, and many public institutions for vocational training of women. As more women began to attend higher education, a new career path opened for them in medicine and nursing. They specialised in women health care such as gynaecology and basic medicine (Grayzel 2002: 57). Consequently when War broke out in 1914, many female physicians offered their services to the army but were refused on grounds of gender. These female physicians joined various voluntary organisations like the Scottish Women's Hospital and International Committee

of the Red Cross. They not only provided aid to the existing medical units in the military but also served as immediate medical officers at various battle front lines (Ibid).

Growth of vocational training led to the establishment of nursing as a suitable occupation for middle and upper class women. By the start of the World War I, nursing was one of the few avenues open to women who wanted to help the military. It was a logical extension of the traditional role of “a caring mother, a doting daughter and a loving sister” (Greenwald 1980). Majority of the female voluntary societies that were established around 1914 were medical organisations which worked as bases for nursing of soldiers during the War. The members of these voluntary groups were from upper and middle class who were able to devote much of their spare time and money to support these ventures. Many of these women were unskilled and had just basic first aid training through the vocational institutions (Ibid). Only some of these women joined the nursing service in the army which travelled with the combat units to different battle fronts. Mary Borden who set up and ran a hospital unit at the front (near Brussels) from 1914 to 1918, wrote: “Just as you send your clothes to the laundry and mend them when they come back, so we send our men to the trenches and mend them when they come back again. You send your socks ... again and again just as many times as they will stand it. And then you throw them away. And we send our men to the war again and again ... just until they are dead” (quoted in Thom 2010: 119).

By the end of 1914, specialised nursing organisations emerged in Europe. Voluntary Aid Detachment (VAD) provided basic medical services including first aid; First Aid Nursing Yeomanry (FANY) offered a frontline ambulance service by women and Scottish Women’s hospital helped in the war effort by sending in skilled women physicians (Thom 2010: 121). In August 1914, there were just 297 nurses associated with the Queen Alexandra’s Military Nursing Service which increased to 11,000 nurses by the end of the War. Out of which 8,140 served from the domestic territory while the rest served overseas. Apart from these qualified nurses, around 140,000 women worked as unskilled nurses who were able to provide basic first aid and were the bridge between the front line medical units and nursing staff back in the country (Ibid). In her biography, Ashley Smith, a front-line nurse presented herself as a ‘militarised woman’ who was actively contributing to the wartime efforts, in contrast to female observers, while still retaining her traditional qualities of caring and compassion (Thom 2010: 134) .

Apart from nursing, women held several support roles in the militaries of various countries during World War I. such as camp followers and cooks. The number of camp followers increased during World War I and most of them were from lower labour class. Apart from offering physical services, they also provided entertainment to the soldiers in form of singing and dancing. Several American women like Bon Horpe and Elsie Janise performed for British and French troops during this period. Elisabeth Shipton estimates that there were almost 70,000 women entertainers by the end of the war. Most of them were widows of soldiers who refused to go back to their own home and found a sense of freedom amongst the soldiers which was denied to them (Shipton 2014).

One of the other support roles that women held in the militaries were that of home-front defence. As most of the young able men had gone to battlefronts far away from their home countries, it became important for governments to train women to defend themselves, “from not only the enemy but also to prevent the rise of crime in the society” (Thom 2010: 16). In Britain, the Women's Defence Relief Corps consisted of two divisions; the Civil Section which aimed to substitute women for men in employment to free men for military service, and the 'Semi-Military or good-citizen section' in which women were recruited for the armed forces and underwent training in drill, marching, signalling and scouting, and were instructed in the use of arms (Ibid). They were asked to defend not only themselves, but also ‘those dear to them’ (Dumenil 2016: 143). However, in reality, their duty was perceived as persuading men that dishonour was worse than death, and joining the military conscription was the act of highest loyalty to their nation (Ibid). As the writer Virginia Woolf put it in *A Room of One's Own* (1929), “women served as magnifying mirrors 'reflecting the figure of man at twice its natural size. Without that power... the glories of all our wars would be unknown. Such mirrors are essential to all violent and heroic action” (Woolf 1929).

Regarding the number of women who served in combat roles in military, records suggest that there were only three women amongst the Allied forces and a complete battalion of 300 women soldiers on the other side (Dumenil 2016: 55). The only woman soldier enlisted in the British Army managed the feat by passing herself off as a man; Dorothy Lawrence, a 20-year-old journalist, joined the British infantry in 1915 using the alias Denis Smith (Ibid). She gave herself in after only 10 days and had to endure an interrogation, wherein the authorities assumed that she

was a 'camp follower'. Another Englishwoman, Flora Sandes, served as a soldier in the Serbian Army in 1916. She was initially an ambulance driver on the Eastern Front but managed to enlist with the Serbs, who by 1916 had already promoted her to sergeant-major. She stayed on after the War with the Serbian army and eventually became a major (Grayzel 2002: 38).

The British Government did as much as it could to prevent women's enlistment and participation in combat due to the social norms of gendered division of labour. The traditional honour of a woman was considered to be more important than the violent aberrations during the war. The British Army did not welcome women who ventured near the front to fight or to cover the war as journalists. However, they were willing to accept women to take up 'soft jobs' in the armed forces. According to Susan Grayzel "approximately 80,000 women served in the three British women's forces as non-combatants during World War I" (2002: 41). The British Navy set up the Women's Royal Navy Service (WRNS) in 1916 to run kitchens, postal and phone communications, and administration. Women's Army Auxiliary Corps (WAAC) followed in 1917 and was filled with volunteers without a full military status. Women's Royal Airforce (WRA) came in 1918 under the command of Lady Crawford, who soon resigned due to the lack of actual power conceded to her by the military.

In Russia, some women took part in combat even during the Czarist period (1547-1721). These women, motivated by a combination of patriotism and a desire to escape a drab existence, mostly joined the military dressed as men. A few, however, served openly as women (Hamilton 2003). Joshua Goldstein argues that "The [Czarist] government had no consistent policy on female combatants" (Goldstein 2001: 132). The most famous women soldiers during the world war were the 'Battalion of Death.' Its leader, Maria Botchkareva, a 25-year-old peasant girl, began as a soldier in the Russian army. She got permission from the Czar to enlist as a regular soldier. After fighting off frequent sexual advances and ridicule of her male comrades, she eventually won their respect, after serving with them in various battles during 1916. After the February revolution in 1917, Alexander Kerensky as Minister of War in the provisional government allowed Botchkareva to organize a "Battalion of Death" composed of several hundred women. She conceived the idea of a women-only battalion as a way to shame the men into fighting (Dumenil 2016: 12). She argued that "numbers were immaterial; that what was important was to shame the men and that a few women at one place could serve as an example to the entire front.

The purpose of the plan would be to shame the men in the trenches by having the women go over the top first” (quoted in Dumenil 2016: 13-14)). The battalion began with about 2,000 women volunteers and was given equipment, headquarters, and several dozen male officers as instructors. Botchkareva did not emphasize fighting strength but insisted on discipline and told the women, “We are physically weak, but if we are strong morally and spiritually we will accomplish more than a large force” (Ibid). Her battalion was one of the central forces during June 1917 offensive, also known as the Kerensky offensive which was the last attempt by the Soviets to push back the Austria-Hungarian and German forces from their territories. Just before it, 400 male soldiers joined the unit and made it into a mixed battalion. During the offensive, around one-third of women soldiers were killed (Goldstein 2001: 134).

Despite being one of its kinds, it failed to make history as the first and only women combat unit during the War as it became a mixed unit at the crucial moment. However, the ‘Battalion of Death’ proved several existing gender norms wrong. The women soldiers were able to keep functioning in the heat of battle, and were able to adhere to military discipline. They were no longer treated as women, but as soldiers. They were able to shoot and kill enemy soldiers as their male counterparts. They could strategize and plan offensive operations without the guidance of male officers. These developments came as a sheer surprise to the Russian military establishment. Nonetheless, the Bolsheviks took power in October 1917 and sent most of the women soldiers back to their home, telling them “to put on female attire” (Dumenil 2016: 34). The traditional understanding of women’s roles continued to be dominant in the society which prevented any changes in the discourse due to an aberration like the Battalion of Death. Despite the disheartening end of the battalion, it became a role model for other countries to accept women in their militaries in several capacities during the next Great War.

More than 25,000 American women served in Europe during World War I. They helped nurse the wounded, provide food and other supplies to the military, served as telephone operators (the “Hello Girls”), entertain troops, and worked as journalists. Many of these “self-selected adventurous women ... found their own work, improvised their own tools ... argued, persuaded, and scrounged for supplies. They created new organizations where none had existed” (Asselin 2016: 201). Despite hardships, the women had “fun” and “were glad they went” (Ibid). They also worked in the US Army ‘canteen’ by providing entertainment, stitching, handing out cigarettes

and sweets and considered themselves as “virtuous women who were sent to keep their boys straight” (Zeinert 1994: 152).

The US also had Nurse Corps in the Army (established in 1901) and Naval (established in 1908). Out of 28,000 women who served during World War I, 13,000 “enlisted in the Navy and the Marine Corps on the same status as men and wore a uniform blouse with insignia” (Hunter 2014: 201). They were mostly allotted clerical work. The Army hired women nurses and telephone operators to work overseas, but as civilian employees in uniform. The Signal Corps (a unit of 233 women), also known as the “Hello Girls” were in charge of the French-English bilingual long-distance telephone operations. The so-called 'Hello Girls' were subjected like military nurses to Army regulations, wore uniform and were sworn into the Army (Hunter 2014: 202-203). Plans to change the work scope of the women’s auxiliary corps were shot down by the War Department of the US State. The end of the War brought an end to proposals to enlist women in the Army.

By the end of the war, nearly 80,000 women had served in active non-combatant service with the British forces; out of which 57,000 women served in the Women’s Army Auxiliary Corps, 9,000 in the Women’s Royal Air Force and 12,450 in the Women’s Royal Naval Service. Between 70,000 and 100,000 women had worked as members of various voluntary organisations in support roles and around 19,000 women as skilled nurses in Britain (Dumenil 2016: 67). In the USA, over 16,500 women served with the American Expeditionary Force overseas, of which 233 were “Hello Girls” (Asselin 2016: 201). Meanwhile, over 12,000 women worked in the US Navy and Marine Corps as Yeomen. In 1918, the Canadian army proposed its own women’s army auxiliary corps but the War ended before it was put into effect. At the same time in Germany, the army tried to establish a women-only Signal Corps who would work as telephone and telegraph operators. Whilst they did not see any active duty, the idea was pursued after the War. Thus, the numbers given above reflect that the participation of women in the military as an organised sector began with World War I. Even though these women units were disbanded, the idea of a woman soldier lingered on.

The end of World War I led to an economic downslide in most of the European nations and many industries that had boomed during the war were shut down. Around 88 percent of all active British soldiers returned from the various battlefields and resumed their daily life, job

opportunities further dwindled down for women (Brown 1998: 111). The 1919 Restoration of Pre-War Practices Act in Britain forced most women to leave their wartime roles as men came home and factories switched to peacetime production. Most women found themselves grieving or caring for injured male relatives or husbands (Ibid). Despite their pioneering contribution, thousands of women were dismissed from their jobs, particularly in engineering and old ways re-asserted themselves, as newly unemployed women war workers were pressured into becoming domestic servants. To pacify the growing anger among the women and the emergence of a strong suffragette movement, the government of Britain allowed women over the age of 30 years to vote (Thom 2010: 167). This was seen as a partial victory for the suffragette leaders.

Women soldiers and nurses were disbanded and urged to return to civilian life. Only few were retained in Britain as part of the Auxiliary corps. They were mostly allotted secretarial or desk jobs. Most who went back to the civilian life claimed difficulties in getting adjusted to post-war expectations (Thom 2010: 171). Flora Sandes, one of the few women combat soldiers, said in an interview that

I cannot attempt to describe what it now felt like, trying to get accustomed to a woman's life and a woman's clothes again; and also to ordinary society after having lived entirely with men for so many years. Turning from a woman to a private soldier proved nothing compared with turning back from soldier to ordinary woman. It was like losing everything at one fell swoop, and trying to find bearings again in another life and an entirely different world" (Ibid).

Lives of these women, even though the society went back to the pre-war era, became a shining beacon for the next generation of women who picked up the baton in far greater number and with much more ease during the next World War.

Women and World War II

In many ways, the participation of women during the World War II was an exact replica of the World War I but the only difference was the scale of involvement. After the first War, women were encouraged to return to their domestic roles and 'feminine' jobs. The emphasis was to re-create the society according to pre-war norms of gender roles and essentialism. Despite their success in wartime industries during World War I, traditional stereotypes about women's capacity and ability to engage in 'men's work' resumed which prevented them from joining

several heavy industries. However by 1935, things became worse for many economies across Europe. Economic depression and hundreds of wounded war veterans created a ‘labour famine’ (Kadar 2015: 43). By the beginning of World War II, it became clear for all participating countries, that it would require all work forces that they could possibly garner. The following section would look into various countries separately rather than through different sectors as has been done in the previous section on World War I.

In *Britain*, previously forbidden job opportunities opened up for women. They were called into the factories to create weapons that were used on the battlefield. According to Denise Kien, this industrial employment of women significantly raised women’s self-esteem as it allowed them to carry out their full potential and do their part in the war (2013: 311).⁴ During the War, women’s role as a ‘house wife’ transformed into a patriotic duty and figures in the British National Archive show that women’s employment increased during the World War II from about 5.1 million in 1939 (26 percent) to just over 7.25 million in 1943 (36 percent of all women of working age). Forty six percent of all women aged between 14 and 59 years, and 90 percent of all able-bodied single women between the ages of 18 and 40 were engaged in some form of work or enrolled in the National Service by September 1943 (British National Archive, 1942).

By 1941, an estimated 1.5 million people were needed for the armed forces, and an additional 775,000 for munitions and other services in 1942. It was during this ‘labour famine’ that propaganda aimed to induce people to join the labour force and do their bit in the war began (Weatherford 2009:56). Women were the target audience of various forms of propaganda because they were paid substantially less than men. Pamphlets were issued during the War in attempts to communicate to the house-wife that “while keeping the domestic role, she must also take on a political role of patriotic duty” (Anderson 1994, 113). It was meant to eliminate all conflicts of personal and political roles and create a ‘heroine’ out of the women. The implication was that it asked women to redefine their personal and domestic ideals of womanhood and motivate them to go against the roles that have been instilled in them (Ibid). One attempt to recruit women into the labour force manifested in a short film, *My Father’s Daughter* (1942)

⁴In her book, “The Girls who Built Bombs”, Denise Kiernan writes that although men took the blame as well as the appreciation for bombing and killing so many innocent civilians, it was the women who built those bombs. She interestingly ends her book with a question asking “were those women who built these bombs innocent?” (2013: 311)

where a wealthy factory owner's daughter begs to do her part in the war, but her father carries the stereotypical belief that women are meant to be caretakers and are incapable of such heavy work. When one foreman presents the daughter as one of the most valuable workers in the factory, the father's prejudices are gone. The encouraging message of this short film is, "There's Not Much Women Can't Do" (Ibid).

Despite replacing jobs with the same skill level as a man, women were still paid significantly less due to their gender. In the engineering industry alone, the number of skilled and semi-skilled female workers increased from 75 per cent to 85 per cent during 1940-1942. According to Grayzel-Hoyt, even though women were paid less than men, it was clear that women engaging in war work and taking on jobs preserved by men reduced industrial segregation (2009: 201).

The contribution by civilian women to the British war efforts was acknowledged with the use of the words "Home Front" to describe the battles that were being fought at the domestic level with rationing, recycling, and war work, such as in munitions factories and farms. This allowed more men to be released from industrial work and into the battlefield (Weatherford 2009: 119). Women were also recruited to work on the canals, transportation of coal and munitions by barge across Britain via the inland waterways. Many women served with Women's Auxiliary Fire Service, the Women's Auxiliary Police Corps and in the Air Raid Precautions (later Civil Defence) services. Others worked with Women's Voluntary Service for Civil Defence and the Salvation Army (Ibid: 43).

The entry of women into occupations which were regarded as highly skilled and as male domains, for example as drivers of fire engines, trains and trams renewed debates about equal pay (Noggle 1994: 23). The trade unions were concerned about the impact on men's wages after the war when men would return to these jobs. The government's priority was the recruitment of workers to the war effort and hence limited agreement on equal pay was reached allowing equal pay for women in sectors where they performed the same job as men 'without assistance or supervision'. Most employers managed to ignore the issue of equal pay, and women's pay remained at an average of 53 percent of the pay of the men whom they replaced (Ibid). Semi-skilled and unskilled jobs were designated as 'women's jobs' and were exempt from equal pay obligation.

In December 1941, the British government passed the National Service Act, which provided for conscription of women. At first, only childless widows and single women between 20-30 years age group were called up, but later the age limit was expanded to 19-43 years and 50 years for World War I veterans. As part of conscription requirements, women had to choose between entering the armed forces and working in farms or industries (Weatherford 2009: 31). One civilian choice open to women was to join the Women's Land Army, set up in June 1939. At its peak in 1943, there were over 80,000 'Land Girls'. The women undertook hard farm work including ploughing, turning hay, harvesting potatoes, threshing and poultry management and about 6,000 women worked in the Timber Corps, felling trees and running sawmills. The Women's Land Army was disbanded in 1950 (Ibid: 38). In the Industrial sector, almost 40 percent of the work force comprised of women and a large number of them worked in the military industrial sector where in they helped in building planes, tanks, guns and making bullets needed for the War (Ibid: 53).

In the military, women were given a spectrum of support roles, apart from clerical and nursing duties. They were given duties like driving and maintaining vehicles, manning anti-aircraft guns and RADAR (Radio detection and ranging) stations, ferrying aircraft from factories to airfields, deciphering coded German messages in secret naval communications units and working as spies in the Special Operations Executive (SOE) (Thurston 2000: 124). The Women Royal Naval Service (WRNS), which was disbanded at the end of World War I, was re-established in April 1939 and its members were posted in every domestic and overseas naval unit. There were around 72,000 serving WRNS women soldiers in 1945. They maintained ships of the Royal Navy and were involved in some of the most secret planning for the War. Another service disbanded after World War I was the Women's Army Auxiliary Corps (WAAC) which returned as the Auxiliary Territorial Service (ATS) during World War II. They had a total of over 190,000 soldiers out of which approximately 38,000 were women. Its initial plan was to recruit 25,000 female volunteers for driving, clerical and general duties but at the beginning of the war itself, the ATS became involved in action in France with the British Expeditionary Force and thus, has to increase its intake of women soldiers (Ibid).

The vast majority of women in the ATS served in anti-aircraft command and operated searchlights. The 93rd Searchlight Regiment were all female. They also worked in mixed

batteries on anti-aircraft guns, but were not officially allowed to fire (Thurston 2000:88). The Women's Auxiliary Air Force (WAAF) was created in July 1939 and among other duties, they boosted the numbers in the Royal Observer Corps, and in maintaining and flying barrage balloons. Other military organisations included Women in Air Transport Auxiliary (ATA) and the First Aid Nursing Yeomanry (FANY). Many voluntary members of FANY worked with the Special Operations Executive, dropping into enemy territory and working as saboteurs, couriers and radio operators. At their peak the British auxiliary forces consisted of nearly half a million women members (Ibid: 93).

Another organisation that the British women joined was the Women's Voluntary Services for Air Raid Precaution (WVS) which was set up in June 1938. Their main duties were evacuation and making medical supplies, bandages (made from old sheets), nursing gowns and pyjamas. In February 1939, they also started running mobile canteen services, providing temporary accommodation for those people whose homes were destroyed during air raids and organising talks on such issues as 'Make, do and Mend' (Weatherford 2009: 213).

In the mixed gender units, there was a great amount of animosity between the men and women, despite limited role of the latter. One government report prepared in 1941 stated, "Many men were amazed that women could make adequate gunners despite their excitable temperament, lack of technical instincts, their lack of interest in aeroplanes and their physical weaknesses" (Thurston 2000:189). Women also faced discrimination from some of the highly stereotypical soldiers and officers who did not like them "playing with their guns" (Ibid: 195). However, they were still given rifle practice and taught to use anti-aircraft guns while serving in their batteries and were told that this was "in case the Germans invaded" (Ibid: 35).

Three quarters of women who entered the wartime forces in Britain were volunteers, compared to men. The overwhelming reason for joining the army was patriotism. Women, for the first time, were given the opportunity to actively participate in defending their nation, which explains the high number of female volunteers at the beginning of the War (Buchheim 2004: 65). Single or married women were eligible to volunteer in WAAF, ATS or WRNS and were required to serve throughout Britain as well as overseas if needed and the age limits set by the services varied from each other. Women between 17 and 43 years could volunteer and those under 17 years required parental consent. During the war, approximately 487,000 women volunteered for

auxiliary services; 80,000 for WRNS, 185,000 for WAAF and 222,000 for ATS (Weatherford 2009: 14). By 1941 the demands of the wartime industry called for their services to be expanded so that more men could be relieved to take on active roles on the battle field. The WRNS was the only service that offered a static branch which allowed women to live in their homes and work in the local naval establishment. It was the smallest of the three organizations and as a result was very selective with their candidates. The ATS was the largest of the three organizations and was least favoured among women because it accepted those who were unable to get into the other forces and hence developed a reputation of promiscuity and poor living conditions (Thurston 2000: 112).

While women suffered from other social limitations like expectations to manage families while working, they were expected to perform to the same standard as male soldier who were also in similar roles. They could not participate in frontline combat but still manned anti-aircraft guns and defences which actively engaged hostile aircraft flying over Britain. Women went through the same military training, lived under same work- conditions and did almost the same jobs as men, with the exception of not being able to participate in front-line combat (Gruhzil-Hoyt 2009: 56). This small but important distinction meant that women did not tend to be nominated for medals of valour or bravery, because they were only awarded for “active operations against enemy in the field”, which women could not take part (Ibid). They were also under the authority of women officers of the ATS, instead of the male officers they directly reported to. This meant any disciplinary action was entirely in the hands of the ATS which not only removed male influence from the process but also ensured “women affairs were kept with the women” (Thurston 2000: 98).

Immediately after the War, the National Service Act was repealed and the military closed its doors to women volunteers. Women who served in the batteries as gunners and searchlight-operators became secretaries and clerks (Thurston 2000: 289). However, the participation of women in World War II allowed for the founding of permanent women’s forces and Britain instituted these permanent forces in 1949. The Women’s Voluntary Services are a standing reserve force even to the present (Weatherford 2009: 23).

In *Canada*, when war began to look unavoidable in the late 1930s, women were obligated to join it. In October 1938, the Women’s Volunteer Service was established in Victoria. Soon, all the

provinces and territories followed suit and similar volunteer groups emerged (Neary 1995). One of the famous posters used at the time for propaganda purpose stated that “*Husbands, brothers, fathers, boyfriends were all joining up, doing something to help win the war. Surely women could help as well!*” (Noggle 1994: 54). In June 1941, the Canadian Women’s Army Corps was established. The women who enlisted were employed as cooks, clerks, telephone operators, stenographers and canteen helpers. On 2 July 1942, women were given permission to enlist in the Canadian Women’s Auxiliary Air Force and soon after, the Royal Canadian Navy established the Women’s Royal Canadian Naval Service or the WRENS. The WRENS were the only corps that was officially a women’s division (Ibid.). There were several issues that a woman soldier had to address lack of training centres, negative reaction of most men to their military jobs, lack of substantial pay and familial pressure to quit. *Proudly She Marches* and *Wings on Her Shoulder* were some of the movies which were made to show the acceptance of female soldiers, while “showing the men that although they were taking jobs traditionally intended for men, they would be able to retain their femininity” (Weatherford 2009: 65).

The US was another Allied country that allowed women to join active military services immediately after World War I. During the inter war period, the US Army created a post called Director of Women’s Relations aimed at encouraging women to support the activities of the military. Anita Phelps, Director of Women’s Relations, in 1920 developed a plan for the women’s corps which would be part of the Army itself and not remain as an Auxiliary corps. The plan was to enlist 17,000 women and train them as regular soldiers but it was rejected by the Army and even the existence of the Auxiliary corps during peace time was questioned (Anderson 1994: 72). In December 1941, this plan was approved by means of an official memo by the Chief of Army Staff George C. Marshall. The memo stated that “the auxiliary role was approved only because it will tend to avert the pressure to admit women to actual membership in the Army.” It also declared that “the War department would slowly develop the idea and not rush into it on a large scale” (Anderson 1994: 76). The realities of World War II, however, soon changed this approach. With the US more deeply mobilised for war than previously during World War I, women’s participation increased drastically making up about three percent of the total military.

The Women’s Army Auxiliary Corps (WAAC) was formed early in 1942, soon after the attack on Pearl Harbour on 7 December 1941. In mid-1943, it became a part of the Army, as the

Women's Army Corps (WAAC). Within the US Army, the incorporation of approximately 150,000 women was an unprecedented development. The WAAC encountered serious obstacles in recruiting American women and faced severe bureaucratic hurdles from the War Department (Buchheim 2004: 72). The WAAC's was never assigned to combat and rarely came near it but was usually given communications and clerical duties both in home front as well as in overseas bases. Many were sent to the European and Pacific theatres. It also enlisted approximately 1,200 African-Americans and 56 Japanese-Americans who were not interned. They usually served in the military intelligence service wherein they studied Japanese documents, extracting information pertaining to military plans, as well as political and economic information that impacted Japan's ability to conduct the war (Ibid).

Women also served in US Air force and Navy during the war. The Women's Air force Service Pilots (WASP) worked in ferrying planes and as test pilots. They flew all the new aircrafts before the men did, "just to prove that the new planes were not so complicated to fly, if women could fly them" (Goldstein 2001: 88). About 1,070 joined the programme and 38 died in the line of duty. The initiative was never militarised and the women pilots were seen as civilian rather than as part of the military. They were disbanded on 20 December 1944 (Buchheim 2004: 78). The Navy Women Accepted for Volunteer Emergency Services (WAVES) established in 1942 participated in air traffic control, naval air navigation and communications. There was a Marine Corps Women's Reserve which became a permanent component of the Marines during the war and served as clerks, cooks, mechanics, drivers, and in a variety of other positions. By the end of the War, around 85 percent of the enlisted personnel assigned to Headquarters US Marine Corps were women. The Coast Guard also set up its own women unit known as the SPAR (Coast Guard Women Reserves) in 1942 whose members served as storekeepers, clerks, photographers, pharmacist's mates and cooks. Around 11,000 SPARs served during World War II. By 1945, the total strength of women in the US military was around 350,000 with the WAAC having 150,000 members, nearly 90,000 in WAVES and 25,000 in Marine Corps. Total fatalities were around 543 women in total (Buchheim 2004: 83).

All sectors of the military had an all-women nurse unit attached to it as part of the US Naval Reserve Act of 1938. In the Army Nursing Unit, more than 60,000 nurses served both domestic and overseas during the War. They were kept far away from combat but 67 of them were

captured by the Japanese in Philippines in 1942 and were held as POWs for over two and a half years (Gruhzil-Hoyt 1995: 94). In the naval services, more than 14,000 nurses served domestic as well as overseas on hospital ships and as flight nurses during the War. In 1943, the US Public Health Service established the Cadet Nurse Corps which trained some 125,000 women for possible military service. These women were in charge of 80 percent of nursing care in US hospitals during this period. In the same year, the first female physician Margaret Craighill also joined the US military (Ibid).

Although women soldiers and officers who worked with the US military, came to value their own contribution, public opinion lagged behind. The WAAC's biggest problem was in recruiting, especially after a slandering campaign was launched against in early 1943 (Thurston 2000: 156). The campaign promoted the idea that WAAC was basically prostitutes for the male officers. Political leaders and the military officers had to spend great energy trying to counteract this campaign both through public advertising and through attention to the women's appearance.⁵ Due to this 'slander campaign' the number of recruits in WAC in 1943 was just 168 women while the demand was for 8,000. Several propaganda themes were introduced like *Release a man for combat, I am having the time of my Life, Do your duty for your country*, and so on but none were successful enough to fill the ever increasing demand for women soldiers in WAC (Ibid).

After the War, demobilisation of women received top priority. A memo was issued to all naval bases stating that "all women should be removed from outstation bases within 36 hours" (Kiernan 2013: 278). The number of women in the US military dropped drastically but never reached zero. The World War II experience remained a valuable benchmark for women's potentials as soldiers which later aided in their integration in the military with the enactment of the Women's Armed Services Integration Act of 1948.

Apart from the military, the women filled up several civilian roles in the US that were previously carried out by men as part of the war efforts like in the aircraft industry and the munitions factories. (Kiernan 2013: 256). This was due to two reasons. Most of the men who worked in these capacities were recruited as soldiers. This left a huge demand for labour and the only candidates available were women (Ibid). They not only appreciated but also felt that their

⁵ The uniform for WAC was stitched in such a way that no possible attention could be drawn to the female anatomy like the exclusion of breast pockets and inclusion of pleated skirts.

contribution was valuable to these industries. Apart from the pride of working, they also did their jobs at half the salary of men. This was a win-win situation for most of the war time industries. Secondly, the skills that women acquired during their daily home chores proved to be very useful for these industries. Sewing, cooking, cleaning and other chores came easily to women. Thus, jobs that needed a fine hand like riveting in the aviation industry seemed like a boon for them. Glenn Martin, the then owner and CEO of Martin Marietta, a chemical and aerospace company) stated that women were successful in riveting because it closely resembled sewing and bringing together a garment (Weatherford 2009: 188). Many other women also worked in stitching the aviation upholstery or painting radium in various military equipments so that it would shine in the dark and aid the soldiers.

Many women rejected these feminine jobs, instead chose to challenge traditional norms of gender discrimination by enlisting for positions that required brute physical strength like running massive hydraulic presses which were used to cut metal parts in aerospace industries. They even joined as inspectors to ensure necessary adjustments were made before the planes were flown out to war often flown by female pilots. Mary Anderson, Director of Women's Bureau pointed out that "two years after Pearl Harbour, there were some 475,000 women working in aircraft factories which, by comparison, was almost five times as many as ever joined the Women's Army Corps" (Weatherford 2009: 189).

However the actual number of women labour during the war period was 19 million American women. They filled out the home front labour force, not only by working in war factory jobs, but in transportation, agricultural, and office work of every variety (Kiernan 2013: 88). More than a million women joined the federal government during World War II. The "government girls" as they were known served basically as clerks or as operators in the civil service sector especially in the ministry of defence which was also known as the war department during this period. Nonetheless, these jobs were only temporary as the male federal employees who were drafted or reassigned were entitled to their job after the end of the War (Ibid). In addition, women also served as volunteers by planting victory gardens, canning produce, selling war bonds, donating blood, salvaging needed commodities and sending care packages. They also joined the United Service Organisation (USO) which was an umbrella group of six volunteer institutions like the Young Men Christian Association (YMCA), Young Women Christian Association (YWCA),

National Catholic Community Service, National Jewish Welfare Board, Traveller's Aid Association, and Salvation Army (Moore 2003).

It was only in *Russia* that women were incorporated in active military service rather than in auxiliary corps. About 800,000 women served in the Soviet Armed Forces during the war, which is roughly eight percent of total military personnel. Out of them, around 550,000 served at front line positions. Nearly 200,000 were decorated and 89 of them eventually received the Soviet Union's highest award, the *Hero of the Soviet Union*, who served as pilots, snipers, machine gunners, tank crew members and partisans, as well as in auxiliary roles (Noggle 1994: 210).

Following a rapid force industrialisation of the Soviet economy in the 1930s under Stalin, in which women were drawn into non-traditional labour roles, the Soviet Union faced a dire emergency when it was attacked by the Axis powers (Operation Barbarossa) on 22 June 1941. In the next three years, over a million died and large tracts of the land were ruined. In this extreme situation, Soviet Union mobilised every possible resource for the war effort, including women in combat roles (Noggle 1994: 210).). In the first year of War, women were mobilised for industrial and other support tasks including mining, digging trenches and building fortifications for the military. Women accounted for about 40 percent of such roles (Ibid). Beginning in 1942, faced with manpower shortages, childless women were drafted in two basic units; one was medical services especially nursing at the front line positions and anti-aircraft units. Medical support tasks in the Red Army were deeply integrated with combat units. Doctors and nurses served at front lines under intense fire. All the nurses and over 40 percent of doctors were women (Ibid). One of the famous nurses in the Soviet Army was Vera Krylova who was enlisted as a nurse in the front line position but ended up as a combat soldier in the same unit that she was assigned to. The other basic unit which drafted women in large numbers was the anti-aircraft unit. While Britain and the US also had women in these units but they were not allowed to fire guns but in the case of the Red Army, women soldiers in anti-aircraft units were also the gunners (Noggle 1994: 221). Some units, including the 1077th Anti-Aircraft Regiment, also engaged in ground combat. A German pilot in his memoirs wrote that "I would rather fly ten times over hostile Libya than pass once through the fire of Russia flak sent up by female gunners" (Pennington 2002: 62). Reina Pennington argue that one of the reasons for the "success of women in all-

female military units is the emergence of the ‘military female subculture’ which allowed them to carry out their work in a far more casual and less-disciplined manner but always strived to prove themselves” (Pennington 2002: 58).

From 1943, women were drafted as pilots and combat soldiers. There was no all-female infantry unit as was the case during World War I but women served in integrated infantry units. Several hundreds of them received training in firing mortars, machine guns and rifles. A special school was established in 1943 which trained hundreds of women to become snipers. This was the first time in military history that women were given a weapon to shoot, not only for protection or under intense fire but for a strategic hit against the enemy (Noggle 1994: 224). Two snipers Nina Alexeyevna Lobkovskaya and Lyudmila Pavlichenko who killed over 300 German soldiers during a single ambush won ‘Hero of the Soviet Union’ which is the most prestigious military award. Some women also served as tank drivers and machine gunners (Ibid).⁶

In the Soviet Air Force, three women’s regiments were formed. The women pilots were organised by Marina Raskova who convinced Stalin of their potential value in the war efforts. The most famous was the 588th Night Bomber Regiment, also known as the ‘Night Witches.’ It had over 4,000 women pilots and carried out over 24,000 missions during the three years of their existence (Pennington 2002: 65). They flew combustible biplanes armed with machine guns to drop bombs over German positions at night. They had no other equipment like parachutes and had to learn how to slip-drive around the German spotlights. There was a substantial amount of fatalities but the all-female unit continued to run sorties after sorties each night, till the war was won. It was the only female unit in the entire war wherein even the ground crew were women (Ibid). The second bomber regiment undertook tactical missions like bombing enemy positions by day. Led by Marina Raskova till her death in 1943, the regiment flew high performance dive bombers. Even though all the pilots were women, the tail gunners were men. The third regiment was an interceptor unit which was commanded by a man and was later incorporated into a male squadron (Ibid).

⁶ Manshuk Mametova was a machine gunner from Kazakhstan and was the first Soviet Asian woman to receive the Hero of the Soviet Union for acts of bravery. Mariya Oktyabrskaya and Ukrainian Alexandra Samusenko were tank drivers decorated with the same award.

In other units consisting of irregular guerrillas who operated in and around areas of German occupation, women played an important role. About 28,000 women participated, which was around eight percent of these units. The women performed various tasks like communications, hoarding of weapons and acting as spies (Pennington 2002: 66).

However, despite their significant role in the war efforts, Soviet women soldiers faced several challenges in the military. First, the women struggled to obtain combat roles on the front lines. The 1936 Soviet constitution asserted that women were fully emancipated, but the state still considered women unsuited for combat (Pennington 2007: 67). As a result, when war broke out in 1941, the state rejected thousands of female volunteers eager to defend the motherland on the front lines. Even after the creation of all-female and mixed-gender combat units, many female soldiers were relegated to the rear. Women of the 1st Separate Women's Volunteer Rifle Brigade, assigned to domestic service detail, became frustrated by their lack of combat action and requested to be sent to the front. When these requests were denied, they disbanded the unit (Ibid).

Secondly, male-female relations in mixed-gender units posed a variety of challenges for Soviet women soldiers. Many women complained that the male-dominated military sought to defeminize servicewomen while denying them equal treatment. Male officers often undermined the authority of the few female officers (Pennington 2007: 113). In some cases, the tense relations between male and female soldiers escalated to sexual harassment and assault. Most of the mixed units in the Soviet military reported multiple instances of rape, resulting in sexually transmitted infections and unplanned pregnancies. This led to several women soldiers to opt for suicide or desert the military (Ibid).

Nonetheless, one cannot deny the impact magnitude of the role played by women in the Red Army. Robert Thurston points out that "women proved of equal competence when the force of circumstances threw them into a central role" (2000: 6). They performed a wide variety of combat tasks effectively and challenged all previously held norms of gender essentialism, especially when the national culture had afforded them little experience. Reina Pennington further elaborates on the women's participation in the Red Army by pointing out that "how extreme the threat to a society must be before it will use women in combat" (2007: 4). She argues that the Soviet Union during World War II was completely devastated, with its cities

decimated, its citizens on verge of starvation, tracts of land invaded and lack of surplus labour. Only under these dire circumstances, did it allow women to participate in the front line positions during the War (Ibid). However, Anne Noggle challenges this argument with the example of women participation in combat positions in the German Army (1994).

In the *Nazi Germany* gender division was promoted with women assigned to domestic duties and giving birth to the next generation of Germans, while the men engaged in politics and war. They were also pressurised to join either farming or industrial work in order to free men for war efforts (Karen 1981: 55). On the eve of War, 14.6 million German women were working in various sectors including agriculture and industry. Nearly six million were doing farm work, as Germany's agricultural economy was dominated by small family farms and 2.7 million worked in various industries (Ibid). Rest of them were employed as clerks, cooks and for other civilian tasks in the military bases (Lower 2013). Therefore, Germany went into the World War II with a completely different ideology than the Soviet Union which was much less conducive to the participation of women in war. Due to a labour shortage during the war, Nazi Germany employed several women but kept them away from combat till the moments before its collapse.

By 1942, when Nazi Germany had to administer large swathes of land which it had conquered, Auxiliary corps was established for women. Signal Corps was the first one to be set up with 8,000 women volunteers to operate as radio and telephone interceptors. Around 12,000 women were employed in the Staff Auxiliary Corps that carried out most of the clerical jobs in the military bases (Karen 1981: 58). Only in 1943, Auxiliary Corps was set up for the military services wherein around 100,000 women were employed. Most performed desk jobs including preparing weather reports, sending communications and other desk jobs. Some of them were also sent to the anti-aircraft units wherein they helped the ground crew. . Around 15,000 women were employed in 35 such units. Many women auxiliaries were also chosen to work at the concentration camps especially in Ravensbruck and Auschwitz (Ibid).

All of these positions held by women were an attempt by the Nazi military to free more men soldiers for combat rather than value their contribution. Even the women auxiliaries who served in uniform and wore insignia were neither trained in the use of weapons nor were they ever allowed to use them even during ambush. As Joshua Goldstein writes that the German military leaders were “horrified” at the Soviet’s use of military soldiers and resisted arming women till

very late in the War as manpower demands became extreme (2001: 112). In the last months of the War, Adolf Hitler reluctantly authorised the creation of an experimental women's combat battalion and a mixed guerrilla unit under the SS command; but neither of them were deployed until the fag end of the War. Thus, Anne Noggle points out that Nazi Germany was equally militarised and desperate as the Soviet Union but still prohibited arming women due to different ideology (Noggle 1994: 66). This ideology was common in all the Axis countries including Romania, Hungary and Italy. Women in all these countries were limited to nursing, communications or clerical jobs.

Despite different ideologies, all participating countries during the World War II allowed women to step out of the private domain and enter the all-exclusive male sphere of military. Scholars like Joshua Goldstein (2001) and Reina Pennington (2007) have argued that the presence of so many opportunities acted as the catalyst to break the shackles of gender division during the war. On the other hand, Anne Noggle (1994) points out that war and violence act as an aberration rather than a catalyst which changes the discourse in the society but once it is over, the society goes back to its previous norms. In case of World War II, most countries disbanded women units but regularised small auxiliary corps as part of the military especially in Britain and the USA. Even though the women were not allowed any position of authority in the military, they were still employed in deskjobs and in other rear duties. This became an example for several newly independent countries to employ and accept women in their militaries including Israel.

The increase in participation of women in the military also gave a boost to the women suffragette movement which had got submerged in the discourse of patriotism after the World War I. They began to demand for voting rights for women and equal-pay-for-equal-work. Most European countries and the US granted the same to their women citizens. Apart from the suffragette movement, women also started participating in the state politics especially in Britain. As Joshua Goldstein points out that the margin of rights that women won during this period would have taken centuries, without the two world wars (2001: 322).

Status of Women after World War II

The gains made during the World War II proved transitory as women were demobilised from 'men's work' to make way for the returning servicemen, as had happened at the end of World War I. Nonetheless, unlike the 1920s, the late 1940s and 1950s were periods of sustained

economic growth. The post-war reconstruction effort demanded an expanded labour force (Brown 1998: 34). In the late 1940s, various European countries and the US launched several campaigns to encourage women to enter or stay in the labour market. However, the same was not true for the military institutions in the same countries. Apart from a small number of women as part of the armed forces, most women were disbanded from their duties. They faced a lot of social stigma and many were labelled as “loose women” (Ibid: 38). On the other hand, the male war veterans were given state honours and social respect which were denied to women soldiers. To counteract the negative perception about them, these women became models of domesticity and ‘maternalism’ (Yellin 2010: 23). This later generated problems for the military to recruit women during 1950s and 1960s.

In Britain, women were urged to leave the heavy industries and join jobs that were traditionally perceived as feminine. Jobs were available in the newly created National Health Service for nurses, midwives, cleaners and clerical staff. Banking, textile and light industries such as electronics also expanded during this period and provided women with opportunities in clerical, secretarial and assembly work. Jobs were still strictly segregated by gender and routine repetitive work was categorised as women’s work (Brown 1998: 36).

Although, the percentage of women in the labour in Britain increased from 45.9 percent in 1955 to 51 percent in 1965, women were still considered to be ‘secondary workers.’ As most of them worked in gender segregated jobs like secretarial work and cleaning, there was no parity of pay with their male counterparts. Women in these workplaces remained excluded from any of the ongoing debates about equal pay, as did women who worked in the private sector. It was only in 1970 that the Equal Pay Act was passed in Britain which ensured parity in salary structure (Ibid).

In the British military, the Women’s Royal Army Corps (WRAC) was established in 1949 and disbanded in 1992 when women were fully integrated in the army. The WRAC had positions only for 1,000 women soldiers and they were responsible for only administrative and other support tasks (Berger 2012: 67). The Woman’s Royal Air Force (WRAF) was the woman’s branch of the British air force which was also set up in 1949 and disbanded in 1994. Their duties were limited to providing ground support to male passengers and ferrying planes to the bases. Only few were given pilot training as a distinct part of their service (Ibid). The Woman’s Royal Naval Service (WRENS) was revived in 1939 as part of the World War II efforts but was

integrated into the Royal Naval Force in 1993. The women soldiers worked as cooks, clerks, wireless telegraphists, radar plotters, weapons analysts, range assessors, electricians and air mechanics. The completely segregated women-units enlisted less than 5,000 women and were seen as auxiliary corps rather than part of the military. This distinction between the corps prohibited further enlistment of women in the armed forces (Ibid). The status quo continued till early 1990s when the Gulf War over Kuwait along with the demands of the third wave of feminism pushed for complete integration of women in the military (Moore 2016: 24).

In Russia, the same transition of women took place like in other European countries. Women had to leave their war-time jobs and go back to their old 'feminine jobs' or embrace domesticity as was expected. Some continued to remain in the military due to various social reasons like lack of opportunities in the society, sense of freedom and deep feeling of patriotism but they soon started facing discrimination from their male counterparts. Military academies were shut down and weapons training were limited to only a few (Brown 1998: 73). However, the situation quickly reversed in the 1960s due to the Cold War. In 1967, the Russian Universal Military Duty Laws were passed that stated "women offered the greater source of available soldiers during periods of large scale mobilisation" (Goldstein 2001: 69). Thus, several programmes were set up to encourage women to enlist during this period. Service in the military was made legal for all women upto the age of 40. Nonetheless, none of these women soldiers were directly involved in combat like their predecessors but continued to work in clerical jobs and acted as a 'second fiddle' to their male counterparts (Brown 1998: 75).

Women's participation in the US Army became legal immediately after the end of World War II. President Harry S. Truman signed the Women's Armed Services Integration Act of 1948, establishing a permanent place for them in the Army, Navy, Air Force and Marine Corps (Summerfield 1998: 45). The drive to recruit women into the US Armed Forces was at odds with social trends of the early 1950s. Most women were relegated to non-professional, low-paying jobs and promoted a feminine ideal of domesticity (Ibid). When the Korean War began in June 1950, the US found itself involved in a yet another conflict. The military establishment rushed to draft and recruit the needed manpower which included even women. Yet, the social acceptance of women in the military was low and it became difficult for the army to recruit them. Only 'pink collar' positions such as personnel and administration were open to them (Brown 1998: 128). A

1951 army recruiting pamphlet stated that “In authorizing job assignments for women, particular care is taken to see that the job does not involve a type of duty that violates our concept of proper employment for sisters and girlfriends. In the military transport field, for example, women do not drive heavy trucks” (Goldstein 2001: 93). By the end of the Kuwait War in 1953, the total numbers of women in the military had increased, but their percentage in the armed forces had declined. The conscription of only male soldiers, absence of official policy and societal attitudes towards women's roles contributed to serious doubts on one hand and ambivalence on the other about the value of women's involvement in the military.

In 1965, the US involvement in Vietnam again put the question of women soldiers in the forefront. Around 150,000 American troops were posted in Vietnam, but except for a small cadre of nurses, none of them were female (Yellin 2010: 67). A Pentagon spokesperson told columnist Jack Anderson that women “cannot be employed at jobs that are not in conformance with the present cultural pattern of utilizing women's services in this country. The work must be psychologically and sociologically suitable” (Moore 2016: 59). Even Women's Army Corps Director Brigadier General Elizabeth Hoisington discouraged sending Army women to Vietnam. She argued that public controversy over the issue of women in combat zones would deter progress in expanding the role of women in the Army (Ibid). The large scale integration of women into the US military began only by early 1970s, coinciding with the end of conscription after the Vietnam War and the shift to an all-volunteer army. By 1990, during Gulf war, women soldiers in the US Army gained a lot of visibility and were posted in combat areas regularly.

In other countries like Germany, France and Belgium, there was no academic research done on the fate of women soldiers and their integration into the army. Due to the lack of written work, one can only assume that were also segregated like their British counterparts during this period. As Europe did not face any other major war in the subsequent decades, the need to mobilise women as soldiers was not felt. It was only when the discourse of female emancipation in 1990s picked up speed, that various European countries opened their military for women.

After World War II, several new independent countries also emerged, breaking the shackles of colonialism. Many countries like India opted to continue with their traditional discourse of separating women from war infrastructure until 2017, when the Army Chief Gen. Bipin Rawat said that women would be recruited as combatants in the military (Ray 2017). Israel and South

Africa allowed the enlistment of women in their armed forces partly due to their particular needs as well as due to the influence of European and American military trends in their society. In case of Israel, the geographical and strategic needs along with feminist discourses emerging from the US created social acceptance of women as a part of the armed forces.

Apart from the emergence of newly established countries, the cold-war period also saw the rise of various international relation theories which challenged the existing theories of Realism and Liberalism. New approaches changed the levels of analysis and brought in different variables to understand the changing world order. Gender became one of the most important of them. Feminists adopted a critical approach to re-evaluate and formulate new understanding about sex, gender, power and state. The following section shall look into these critical approaches.

Gendering International Relations Theory

J. Ann Tickner rightly points out that “...international politics is a man’s world. It is a world inhabited by diplomats, soldiers, and international civil servants most of whom are men” (Tickner 2001: 3). Institutions such as the military and government are central to the field of international relations and they represent and reify specific gender relations. They are institutions of hegemonic masculinity because historically male bodies have dominated them (Connell 1995:77). The only approach to study these institutions is to deconstruct the discourses emerging from these institutions. Feminism in international relations emerged in the late 1980s at the end of the cold war. Ann Tickner (1992), Spike Peterson (1999), Rebecca Grant (1991) and Christine Sylvester (1994) challenged the notion of security used in international relations theory. Tickner reformulated Hans Morgenthau’s principles of political realism and “questioned the notion of security as military strength, power as abstract and absolute rather than relational, and the political sphere as objective, rational and independent from the domestic sphere” (Tickner 1992: 35). She pointed out that international relations are gendered to “marginalize women’s voices,” and stressed that “women have knowledge, perspectives and experiences that should be brought to bear on the study of international relations” (Ibid). She gave the example of security which “should not only be understood as ‘defending the state from attack,’ but should also consider that security for women might be different because women are more likely to be attacked by men they know, rather than strangers from other states” (Ibid: 3-4).

As with many theories, feminism reflects a wide range of perspectives generating internal debates concerning how it should be represented. As John Hoffman notes, “there can never be a truly singular voice of feminist foreign policy simply because of the diversity of views within feminism itself” (Hoffman 2001: 43). However, as feminism emerged as a critic to realism, most of its premises revolve around notions propagated by the realist scholars like security, power and state. It took almost a decade for feminists to move beyond the prism of realism and argue about issues that were usually ignored by the academia like the inter-sectionality debate about identities.

Feminism in international relations has sought to problematise knowledge construction within the larger ambit of studying politics and power balance. They have tried to deconstruct the existing frameworks of study through gender-centric approaches and highlight the inherent discrimination of resources and opportunities for women (Steans 2001: 83). In this light, one can identify three distinct strands of feminist thought which converge on three basic issues but diverge in their approach and framework towards gender. In common matters, all three approaches share a belief that gender is crucial in understanding power structures, especially policy making and military. They also point out that the traditional understanding of gender discriminates against women which lead them to be unjustly dominated or exploited by men. Lastly, they all agree that the existing international relations field is laden with terms, frameworks and methodologies that completely exclude women as a category of analysis (Enloe 1983: 66). Carol Cohn argues that the military lexicon that is used to convey identities or practices like the term ‘combatant’ are laden with patriarchal meanings and symbols which exclude the idea of equal participation of women in the army. The image of a masculine, gun-toting soldier is so inherent in the institution that nuances of femininity is completely ignored or rejected (Cohn 2000: 131). Nonetheless, the three strands of feminist discourse, as discussed below, highlight different gender-approaches towards state and its institutions.

Liberal Feminism: Scholars like Ann Cudd (2006), Diana Meyers (2004) and Susan Moller Okin (1989) following this approach emphasise on the individual capacity to maintain equality through their actions and choices (Okin 1989: 12). In other words, gender inequalities exist due to personal choices. Women have the right to participate in all social and political roles (including military) without facing discrimination. The exclusion of women from positions of

power in international relations is unfair to women and prevents half the population to make considerable contribution to the society. Liberal feminists believe that women's inclusion in various political and economic roles in a state would fundamentally change the international system. (Okin 1979: 34). They often include women as subjects of study especially those who operate outside the traditional understanding of gender roles. This strand of work pays homage to women who succeeded in international arena. Liberal Feminism does not treat war differently from other aspects of social life in which men dominate the high paying political and leadership positions. From their perspective, women's exclusion as soldiers resembles their exclusion through history as doctors, lawyers and other high status professionals (Brison 2002: 435). Calls for the inclusion of women and an end to gender discrimination are not radical challenges to the status quo, according to liberal feminists like Ann Cudd (2006), Diana Meyers (2004) and Susan Moller Okin (1989). They argue that women have performed well, when they have been allowed to participate in military operations like in World War II but have faced persistent discrimination, including dismissal once a war ends (Okin 1989: 13).

When the US military shifted from conscription to all-volunteer force after the Vietnam War, it became necessary to integrate more women, especially since social pressures for women's equality were rising and since the military itself was shifting towards more 'support troops' than combat. Starting in the late 1970s, liberal American feminists like Jean Hampton (1993), Virginia Held (1987) and Catherine MacKennon (1989) supported extension of the military draft for women as well. They argued that the best way to ensure women's equal treatment is to render them equally vulnerable with men to the political will of the state. They rejected the idea that by nature women are any more peaceful than men (Weber 2001: 66). US helicopter pilot Rhona Cornum who was captured by Iraq during the Gulf War said that

I think women are just like men; women are motivated to be in the military have the same range of reasons as men. In terms of performance, there's also that same range. I think some women will be terrific, some will be brainless and the vast majority will simply do their job and do it well (Carrieras 2006: 96).

Liberal feminists have been criticised on the grounds that "it asks women to exchange major aspects of their gender identity for the masculine version without prescribing a similar degendering project for men. By integrating into existing power structures including military

forces and the war system without changing them, women merely prop up a male-dominated world instead of transforming it” (Enloe 2001: 11).

Difference Feminism: This strand of feminism is also known as cultural, radical or gynocentric feminism. The scholars of this approach like Carol Gilligan (2005), Mary Daly (1998) and Sara Ruddick (2003) believe that women’s experiences are fundamentally different from men’s. They point out that the problem is not that men and women are different but that sexist cultures ‘devalue’ feminine qualities rather than promoting and celebrating. Regarding war, scholars like Gilligan argue that women because of their greater experience with nurturing are more effective than men in conflict resolution and less effective in combat situations (2011: 45). Some feminists like Alice Shalvi (2001) see such gender differences based on biology while most view it as cultural. Difference feminists advance two theoretical claims relevant to war. One, men are relatively violent and women are peaceful and two, men are more autonomous while women are connected in their social relationships. In the first claim, women’s care-giving role and the potential of motherhood best suit them to give life rather than take it. Thus, they are more likely to oppose war and find alternatives to violence. They have unique abilities to become peacemakers (Lawson 2015: 66). Many *difference feminists* also believe that women cannot change masculine institutions by joining them and are better off remaining away from them (Gilligan 2011, Shalvi 2001). Feminist Virginia Woolf has argued on these lines and famously remarked, “As a woman, I have no country. As a woman, I want no country. As a woman, the whole world is mine” (Woolf 1929: 30).

The second claim by difference feminists hold that men and women think differently about their separateness or connection with other people. This claim is part of the “object relations theory” in psychology (Gilligan 2011, 11). This claim argues that boys differentiate themselves from their female caregivers whereas girls identify with their female caregivers. This gender difference helps men adapt to kill in war (Gilligan 2011). Carol Gilligan in her work *In a Different Voice* (1982) popularised the separation vs. connection theme. She argues that girls and boys develop different moral systems based on social conditioning. This makes men to fear connection while women tend to fear competition. This approach when applied to war or military, changes the whole basis for its existence (1982: 113). Military as an institution emerged as a masculine domain which celebrated male qualities like physical strength, ability to kill and

most importantly, emphasis the need for protection from the other. Gilligan argues that the goal of feminism is “...liberation of women but does it mean to end male dominance by giving women access to power, or whether liberation means freeing both women and men to become more fully human. At the end, do we need more killing machines?” (2011: 11-12). Thus, women joining the military in an effort to be equal fundamentally challenge the thrust of feminism. This argument is used by radical feminist activists who call for complete boycott of women’s participation in masculine institutions (Lawson 2015: 71).

Difference Feminism is questioned by post-modern feminists who contest the theories about women’s peaceful nature (Enloe 1989, Elshtain 1987, Steans 2001, Cooke 1993). They point out that by adopting a strict male-female dualism, patriarchy gets reinforced further than being challenged (Enloe 1989: 66). Jean Elshtain criticises the emphasis on the opposite images of ‘just warrior’ and beautiful soul.’ Contrary to the notion of men’s wars, she finds women complicit in the construction of gendered war identities (Elshtain 1987: 23). The position of difference and liberal feminists regarding war can be reconciled by acknowledging their different levels of analysis- the individual for liberal feminism and the gender group for difference feminism. The abilities of an individual are not determined by her or his group, so liberal and difference feminisms are not incompatible (Steans 2001: 112).

Post Modern/ Post Structural Feminism: Scholars like Judith Butler(1990) and Gayatri Chakravorty Spivak (1999) question the assumptions on gender made by both liberal and difference feminists. Rather than take gender as two categories of people that exist, these scholars see gender and its roles as fairly fluid, contextual and arbitrary. Gender shapes both men and women through their experiences and actions (Enloe 1989: 68). Butler famously announced in a book event of her book *The Gender Trouble*, that “ Gender is everywhere” (1990). Thus, it becomes important for post-structural scholars to deconstruct the implicitly gender-laden conceptual framework of study (Enloe 1989: 68). They generally reject the idea of a single, objective reality. They delve into connections between gender, race, ethnicity, nation, class and other aspects of identities. They point out that what is considered masculine in some societies, is considered feminine or gender-neutral in another. What remains constant is the constant tension between the various aspects of gender and its roles (Butler 1990, Spivak 1999).

With regards to military, post-structural feminists like Annica Kronsell (2012) point out “that women play many roles in war, many contradictory and masculine in nature. The same can be said for men as well” (2012: 3). She further points out that what we consider as ‘feminine’ is nothing but the reflection of ‘masculine’ (Ibid). This constructed binary causes the tension between soldiers who have to choose between one of the binary identities in order to fit in. The best example of the same would be combat soldiers in the IDF. Most female soldiers in this position have to portray themselves like their male colleagues in their style, behaviour and aggression. Any lapse in it would be blamed on their femininity and thus, by extension their biology. This influences two contradictory processes: on one hand, masculine traits still get emphasised by the acts of these women soldiers and on the other hand, it completely excludes women who are unable to portray such traits or qualities. Thus, Kronsell points out that sex and gender are “both sites of social construction wherein traditions and culture create and re-create identities based on the context” (Ibid: 14).

All three strands of feminism diverge on the question of equal access of women to military resources. As discussed earlier, Difference feminism scholars argue completely against it while Liberal feminists do not see a problem with the existing picture. It is only the post-structural feminists who have deconstructed the whole question and have tried to put forward various approaches to study both the feminine and masculine questions regarding military. Liberal feminists like Cynthia Cockburn (1998) have argued for equal access for men and women in the military in order to “demystify the founding myth of the military itself: masculinity and the role of the protector” (1988: 89). Others, such as Weber (2001) have argued on “grounds of soldier-citizenship; that if first class citizenship is gained through access to military positions, women need to have equal access in order to gain full citizenship” (2001: 23). Difference theorists like Carol Gilligan (2011) argue that “women’s active role in the military was not the answer to a less militarised-masculine and dichotomic society” (2011: 214). The post-structural feminists like, Joshua Goldstein (2001) argue that “extensive consequences of a highly gendered soldier and fighter identity were not only felt by female fighters during the struggle, but also during the post-conflict transformation that then forced them to identify with the gender roles traditionally attributed to women” (2001: 28)). Cynthia Enloe wrote extensively on the militarised masculinity of western armies considered as a foundation for nation-state building and national identity reassurance. She pointed out that “the interwoven connectedness of nation-state

building, masculine initiation into the military body, the myth of the protector and the innocent, civilian victim of war were some of the reason behind exclusion of women from the military” (1999: 11). In the same line of argument, Jean Elshtain introduced the notion of the *Beautiful Soul* and the *Just Warrior* as gendered concepts mutually self-perpetuating the reassurance of a national security discourse as well as the mobilization of soldiers for protection (1987: 36).

Among this broad spectrum of post-structural feminists, Orna Sasson-Levy is one of the few scholars who has extensively worked with the women soldiers in Israel. She puts forward a framework for research known as the ‘de-gendering and re-gendering process’ through which she analysed various processes that influence gender relations in the military (2005: 88). She writes that,

During the military service, women soldiers in ‘masculine’ roles adopt various discursive and body identity practices characteristic of male combat soldiers, which signify both resistance to and compliance with the military gender order. From the women soldier’s perspective, these identity practices subvert the military gender regime, in that women are refusing to accept military definitions of masculinity and femininity as essentially dichotomous identities. At the same time, women’s adoption of masculine identity practices can be interpreted as, not subversion of but collaboration with the military’s androcentric norms. When women mimic combat soldiers, they adhere to a perception that identifies soldierhood exclusively with masculinity and thereby, strengthens rather than challenges the military gender order (Sasson-Levy 2005: 88-89).

In other words, a woman soldier, in order to fit in undergoes the process of degendering wherein she acts and apes her male colleagues which in turn substantiated the masculine nature of the military. On the other hand, the gender biases in the patriarchal framework of the military re-emphasises the femininity of the women soldier in contrast to her counterparts which is labelled as regendering. These contrasting processes create the tension between gender and the institution and thus, subsequently between gender relations in the society. For the purpose of this research, this framework of analysis shall be used to understand the various levels of tension/ hierarchy between a social construct like gender and a political institution like military with the help of the IDF as the case study.

Women in Modern Day armies

In almost every country today, militaries have women soldiers. They work in different capacities but most are confined to desk-jobs. Only three dozen countries have women in front-line positions and they are mostly industrialised countries which are either a part of the NATO or are US allies (Fitriani 2016). Regarding women in combat positions, the number of such armies varies with the definition of combat and its positions. In 2016, four countries in Africa have women soldiers in front line positions, namely: Eritrea, Libya under Gaddafi, South Africa and Gambia. In Europe, Denmark, Finland, France, Germany, Ireland, Norway, Poland, Russia, Serbia, Sweden and UK have active women soldiers. Although they constitute less than 10 percent of the total military in the EU, most positions are open for women soldiers. In North America, the US and Canada allow women in all roles including combat since 2010. In South America, Argentina and Bolivia has made great strides to incorporate women soldiers. In Asia, the picture regarding women soldiers become murky. Some countries like Israel and Turkey have a history of women soldiers while countries like India, Bangladesh, Pakistan, Nepal, Sri Lanka and Thailand have made recent overtures in making their military more holistic in terms of gender. A few countries like DPRK, China and the Philippines have women in combat-support roles (Ibid).

However, the interesting picture comes out in the GCC countries wherein women have been recently urged to join military in a voluntary capacity. The need for women soldiers in these countries have sharpened in recent years due to three reasons. Firstly, the increase in terror activities has created the need for women patrolling soldiers near the border to frisk women civilians and question them, if needed. Secondly, due to political upheaval between the US and the GCC, the general consensus is to move away from the dependence on the US military force for their domestic security. This has led them to revamp their military structure and incorporate women in their ranks. Lastly, with the end of the 'oil dream' in sight, it has become important for the GCC to institutionalise the military as a nationalist project (Young 2016). This has compelled several GCC countries like Qatar and the UAE to discuss the idea of conscription in their military. Qatar has already passed a law regarding the same but has not implemented it (Trenwith 2014). In the UAE, conscription has started since 2014 where in women have been given the choice to join the military provided they submit the approval of their parents or guardians (Ibid).

The contrast between conservative Islamic rules and the modern day incorporation of women in the military makes an interesting study.

Amongst the 36 countries which allow women in front line positions, only 14 countries have combat positions open to them. Countries like Australia, US, Canada, New Zealand, France, Germany, Israel, Norway, Denmark, India, Singapore, Sweden, Turkey and recently Japan have most of their combat positions open for women soldiers. Nonetheless, in most countries excluding Canada, Israel and Sweden, women make up around two percent or less of the combat forces (Fitriani 2016). There are several reasons for the same like psychological issues, social mind set and prevalent gender discourse which prevent women to join combat roles. However, with the changing trends of gender equality in the social sphere, there are compulsions for the military institutions to become more inclusive. This had led many of these countries to look toward Sweden and Israel as a model for gender inclusion in the military (Hopkins 2012). Israel, as compared to Sweden, faces more conflict and is always 'war-ready.' It has women soldiers in 92 percent of its positions and has a high level of integration of mixed-units throughout its structure. This has been discussed in greater detail over the next few chapters.

Conclusion

Since 2010 militaries across the world have made great strides in incorporating women in their ranks due to increasing need to expand the institution in light of sudden terror attacks. There is also a growing social clamour to incorporate women as equal citizens in a state. However this has not been without precedence in history. Since World War I, women have left the private sphere and stepped out as 'equal' to their male counterparts in both the job market as well as in military. Initially, the necessity for the above was due to the crunch in labour supply as well as tactical reasons of the war which necessitated the need for incorporating majority of available citizens in the military. Once the shackles of traditions were broken, it became difficult to constrain women in the designated domestic affairs only. They came out in larger number during World War II and made even a greater impact than the previous War. The changing scenario across various countries combined with the various waves of feminism started putting pressure on the various governments to open up roles and jobs for women citizens as well.

The twin trends of feminist movements along with changing trends in the patriarchal institutions have led various scholars to question which impacted the other. In the above chapter, the

intermingling of these trends shows that the feminist demands were the precursor to the changes in the society. Although, none of the early feminists demanded for inclusion of women in the military, they instead called for separation of biology and gender roles and treat women as individuals. They insisted on equal opportunities for women. These demands forced the governments to change their policies and accept women as part of the collective citizenry. Once patriarchal traditions began to be challenged and changed, it became a matter of time for the society to accept these emerging trends. Joining the military was no longer seen in the negative light, instead became an act of patriotism and service.

However, complete upheaval of ideas and institutions do not come so easily. It requires a lot of propaganda, activism and most importantly, time to slowly change them. In case of militaries today, inclusion of women in front line positions including combat came after decades of activism and debate. Despite the acceptance of women in their militaries, most of them lack a model to follow and thus are unable to recruit more women in their ranks. The IDF have become an example for these militaries due to the high percentage of women soldiers in its ranks (Hopkins 2012). The question that one needs to ask is that is it really a good model to ape on gender inclusion and equality in the military. The IDF states that “it is the only true gender equal military in the world” (IDF info). But is it really so?

Chapter 3

Gender Identities in the Israeli Society

Gender identities and practices, in any given society, is determined by various historical and cultural specificities. In Israel, it is the combination of historical practices of Judaism and the modern norm of nation-building which determine the gender identities prevalent in the society. Since its establishment in 1948, the State of Israel has had the image of a country in which women enjoy full equality. This image, due to the liberal and socialist ethos of the Zionist movement, is somewhat misleading. There are many broad areas, in which traditions, social institutions, religious rules, and even laws have kept women at a disadvantage including politics, labour market, public space and other social spheres.

Historically, Jewish women in the *yishuv*(1882-1948) had to fight a long battle to step out in to the public sphere and play an almost equal role in nation-building. They not only started educational institutions but also bore arms to protect Jewish lands, properties and institutions. Soon after 1948, they were pushed back to the private realm to maintain traditional gender roles. This brief period of change along with the socialist ideology and an atmosphere of constant war compelled the founding leaders of the State to ensure equal participation of all Jewish men and women in one of its most important institutions namely, the Israel Defence forces (IDF).

Nonetheless, the centrality of a military organisation to the Israel society also influenced the status of women. The army with its predominantly male environment reaffirms traditional gender identities by denying equal opportunities to women. The presence of the ‘old boys’ network’ in the civilian society perpetuates the army life and its prejudices. These biases spill on to the economic as well as to social spheres where women are assigned particular ‘feminine roles’ and are restricted in their choices. Even in the main legislations, gender biases linger on. The Proclamation of the Establishment of the State of Israel as well as the Basic Law: Human

Dignity and Liberty (1992) declares equality between the sexes which in the absence of a constitution form the country's normative rules, incorporates this principle but is rarely practiced.

This chapter is divided into different sections that attempt to capture the various arguments and arenas of gender interaction in Israel. The first four sections identify and entangle the complex picture of women's participation in pre-state era including their role in defence organisations. Against this historical review of trends, the next section looks at the gender participation and discrimination in politics, economy, society and military of Israel. The last section of the chapter deals with other gender identities like (Lesbian, Gay, Bisexual and Transgender) LGBT in the Israel society and their acceptance by the majority. This chapter as a whole challenges the notion of gender equality in Israel.

Women in Mandate Palestine

Apart from the role that religion played in establishing gender relations in the Jewish community, the impact of discrimination against Jews in Europe including pogroms in Russia and Ukraine in 1881 and the subsequent undertaking of *aliya* ushered in new changes in the social fabric of the community. These variations established the modern gender role in Israel. There were six waves of *aliya* during 1882-1903, 1904-1914, 1919-1923, 1924-1929 and 1929-1939. From 1939-1948 there was a wave of illegal immigration known as the *aliya bet* which took place against the order of the Mandate government (See **Tables 3.1** and **3.2**). Most of the Jews who came during 1882 to 1929 were from Russia and Eastern Europe and were fleeing the pogroms. They were inspired by socialist ideals and chose agricultural models for their sustenance in Mandate Palestine (Ben-Artzi 2008).

Table 3.1: Women in Different *aliya* Waves (in approximate numbers)

Waves of <i>Aliya</i>	Total population	No. of women	Percentage of women
1882-1903	37,000	14,930	40.4
1904-1914	43,000	22,395	52.1
1919-1923	65,000	31,520	48.5
1924-1929	85,000	39,814	46.8
1929-1939	280,000	144,157	51.5
1939-1948	140,000	62,381	44.6
Total	650,000	315,197	48.5

Source: Adapted from *Jewish Women: A Comprehensive Historical Encyclopedia*, 2009.

It was during the period of the second *aliya* (1904-1914) that one can ascertain the formation of the new settled community of Jews in Mandate Palestine known as the *yishuv* with its various elements like the emergence of leadership, settled agricultural economy and various cultural organisations (Ben Ya’akov 2008). One such institution was the ‘Union of Hebrew Women for Equal Rights’ which was formed in 1917 by a group of women leaders led by Sarah Azaryahu who had emigrated from Russia in 1906. Others like Fania Metman-Cohen, Sarah Thon, Shullamit Rupin and more stepped outside the traditional role of a woman as a house-maker to assist in developing the newly established community. They spearheaded educational institutions and nursing organisations to cater to the demands of the ever-increasing community of Jewish immigrants (Shilo 2009).

Table 3.2: Women in *aliya* during 1919-1939 (year wise)

Year	No. of women	Total	Percentage of women
1919	1,490	3,389	44.0
1920	6,788	13,865	49.0
1921	6,846	13,787	49.7
1922	7,994	17,166	46.6
1923	8,400	17,104	49.1
1924	12,642	26,304	48.1
1925	13,881	29,297	47.4
1926	6,590	15,501	42.5
1927	3,146	6,576	47.8
1928	1,221	2,634	46.4
1929	2,332	4,686	49.8
1930	4,059	7,766	52.3
1931	3,346	6,764	49.5
1932	9,469	18,085	52.4
1933	12,593	25,207	50.0
1934	19,926	38,106	52.3
1935	29,947	57,771	51.8
1936	24,300	46,691	52.0
1937	8,727	16,727	52.2
1938	12,049	24,041	50.1
1939	17,403	34,149	51.0
Total	213,149	425,616	50.1

Source: Adapted from *Jewish Women: A Comprehensive Historical Encyclopedia*, 2009.

The question of women’s identity during this period of *aliya* has attracted some scholarly attention. Authors like Deborah Bernstein (1993), Shoshana Siton (1998) and Kurz Anat (1995) have depicted the adoption of masculine characteristics by the women in *yishuv* and “the excessive admiration for masculine labour as opposed to feminine labour” (Siton 1998: 11).

Zionism and masculinity were considered almost mutually synonymous and to be part of the same, women had to adapt themselves to the new norms of patriarchy. This line of argument has been completely challenged by Billie Melman (1997) and Nira Yuval-Davis (2000) who point out that “both femininity and masculinity were central components of the new community in pre-state Palestine” (Melman 1997: 23). Nira Yuval-Davis argues that the women are missing in the collective history of this period because there is a differentiation of private and public domain in the nationalist narrative which led to the exclusion of these women (Yuval-Davis 2000: 45).

Margaret Shilo argues that despite lack of attention given to the women during the early *yishuv* period (1914-1929) by *yishuv* leaders, one cannot deny that “there was noticeable involvement, initiative and activity on the part of women, with the objective of achieving economic independence. She quotes an article by Sarah Thon published in the Zionist newspaper *Die Welt* in 1910 where in she wrote

women’s work in Palestine is ‘extraordinarily important,’ and that the goals of building the land are focused not only on making the desert bloom but also on achieving social reform—a reform that cannot take place without the involvement of women (Shilo 2009).

It is the unique factor of “building the land” which spearheaded the realisation of women working outside the private domain unlike their counterparts in Europe and the US during this time period. Sarah Azaryahu, a teacher who penned her life story when she was in her eighties, summed up her life in these words:

From the earliest days of my youth in Eretz Israel, I began to ponder two problems in particular: (a) the bitter fate of my wandering, persecuted people and (b) the downtrodden status of women amongst the Jews. And the answer lied in a threefold goal: achieving economic independence, educating the younger generation, and participating in the building of the Land (Azaryahu 1957: 16-17).

Wives of the *yishuv* leaders such as Fania Metman-Cohen and Sarah Thon took upon themselves the task of maintaining schools, giving vocational training to young women like becoming a seamstress or a midwife along with the traditional gender tasks of cooking and taking care of the households. Economic freedom urged more women to assist in building a thriving Jewish community in Mandate Palestine (Anat 1995).

Soon after the Western wall riots of 1929, women started being trained as part of the defence structure of the Jewish communities. The women units in Haganah and Palmach (discussed in greater detail later in the chapter) became full-fledged combat units during 1930s-1940s. This ‘revolutionary’ change of accepting women as part of the defence was not only due to a limited Jewish population that could protect but also because women during the early *yishuv* period fought hard to enter the public domain of nation-building. It is during the first waves of *aliya*, one sees the initial women suffragette movement amongst the Jews in Mandate Palestine.

Women in Haganah and Palmach

Women started getting included in Jewish organisations like Haganah since its inception in 1920 but they were a few in number. They were recruited by a commander who would chose members from among his circle of friends and family. They would be given initial training and would then be allocated specific tasks. Most women who joined during this decade were recruited as nurses to provide aid to the injured. Among them was an exceptional women-soldier who later became a commander in the Haganah, Rosa Cohen who participated in the evacuation of Jerusalem during the Passover riots in 1920 (Razi 2003). Apart from her contribution, very little is known about women soldiers in Haganah during the 1920s. Dganit Boni-Davidi quotes Devora Kirchenbaum, a Haganah member from Jerusalem in during the 1920s:

I began to be involved in Haganah affairs during the riots of 1920, when I was a very young girl. At the time we lived in the Beit Yaakov neighbourhood, and our house was a ‘point’ (a meeting place for Haganah members) where a few fellows would gather, among them Ze’ev Jabotinsky. They would bring weapons and put them in a hiding place inside our clothes closet. Since I was a Maccabi member, and our home was a ‘point,’ they trusted me and gave me all kinds of assignments (Boni-Davidi 1982).

As Haganah and Palmach functioned in secrecy, the number of members was negligible. In most cases, women were recruited to provide first-aid. They were also assigned tasks like hosting meetings, conduits for messages and other minor roles. The policy of including women became official only in October 1924, on the initiation of Rahel Yana’it Ben-Zvi from Jerusalem¹ and

¹Rahel Yana’it Ben-Zvi was the wife of the second President of Israel Yitzak Ben-Zvi. In 1924, she was one of the two women who were officially recruited in the Haganah as a soldier. She later became a commander in Haganah (Bernstein 2012)

Rosa Cohen from Haifa. Women members began to be formally accepted into the Jerusalem branch of the Haganah by 1925 (Shiffman 2008).

Initially, there was just one woman for each platoon of men. They served mainly as couriers and liaisons but were given training in the use of revolver and small arms. According to Avraham Peleg, there were only ten women members in 1927 which meant that they constituted less than five percent of the total Haganah membership which was around 200. However, in 1929, during the Western Wall Riots, they were 28 women out of 280 members (Peleg 1990a). Soon the number of women intake increased rapidly and they were given sergeant's training course. Hemdah Osio, was the first woman to participate in the course and was later assigned as the commander of the woman's platoon in Tel Aviv. Avraham Peleg interviews her during which she relates:

Our demand was to set the number of women in the ranks at a ratio of 1:10. After the organizational framework had been put in place, there was no problem at all in expanding the number of women. But here, a long, drawn-out struggle awaited us: raising the number of women members would entail appointing a female officer at the level of platoon commander. This was an audacious step in the dismal days following the Arab pogroms of 1929 ... but the women fought for it. This time the struggle took two years, and it was only in 1931, at a special assembly of all the women members, that the commander-in-chief Ya'acov Pat announced ... the establishment of a women's platoon (Peleg 1990c).

Despite acceptance of women amongst their ranks, the difficulty of being accepted into the organisation was much tougher for women than men. The estimation among the commanders and male soldiers of the women's ability to contribute to the organisation was very low and thus, an extensive recruitment of women was not deemed necessary (Bono-Davidi 2009). The gender perception of the women's performance compared to men was dismal and was looked down upon as a burden on the organisation. There was a clear preference for the mobilisation of males across ranks rather than for women. Even location mattered for the enlistment of women into the organisation. Jerusalem, Tel Aviv, Haifa and other big communities had larger number of women soldiers than Petah Tikvah where women were not even allowed to be members of Hanagah (Rattok 2002). The Jerusalem branch had the maximum number of women in their camp who were trained and were allotted specific field tasks.

In 1936, when the riots started, there were over 200 women members in Jerusalem who were trained in light arms and first aid. They constituted roughly of one tenth of the number of soldiers stationed there. By 1937, the number of women soldiers was close to 500 in Jerusalem. During this period (1936-1939), the proportion of women in the Haganah surpassed 20 percent. In 1937, out of 24,927 members of the organisation, 5,487 were women and by 1939, the number had almost doubled (Peleg 1990c). This sudden increase was due to a strategic reason. Women were assigned as liaisons and other support tasks like providing first aid, receiving weapons training and assisting in transporting weapons to their destination. As the conflict fronts increased, the need for support increased (Bono-Davidi 2009: 78) and it became necessary to immediately recruit more women from various places to meet the shortage (see **Table 3.3**).

Table 3.3: Women in Haganah

Year	Total no. of soldiers	Total no. of women soldiers	Percentage of women soldiers
1927	200	10	5
1929	280	28	10
1937	24,927	5,487	22
1939	39,452	9,863	25

Source: Adapted from *Jewish Women: A Comprehensive Historical Encyclopedia*, 2009.

Several avenues were opened up to for women recruitment in various social organisations such as the Civil Guard, Elizur which was a sports organisation and Hagam which was a physical education programme that was made compulsory in 1937 for girls in various schools. This became a model for more such programmes that started after May 1939. In response to the British White Paper, the Zionist General Council of the *yishuv* decided at its session on 8 June 1939, “to implement an expanded programme of physical education in all schools starting from 1939/1940.” (Oren 1983) In late 1940, the Haganah High Command also decided to establish youth battalions in the form of Field Units (*heil ha-sadeh*). The purpose was to absorb young people, both male and female who would receive training in preparation for entering active duty in the Field Units at the age of 18. The Gadna (youth battalions) programme was started as part of this and consisted of units with both men and women between the ages of 14 to 17 who were trained in communications (Oren 1983).

From the 1940s onwards, recruitment of women began at an early age, generally 12 or 13. The women usually entered the organization while single, although many of them later married and started a family while they were in service. It was also not unusual to have married women as part of the units. Some of the women were mothers of older children, and had more time to devote to the activities of the Haganah. However, most of the women members were of European/Ashkenazi origin, with a minority from the Sephardi families (Shiffman 2008). The reason was that the image of the Haganah was that of an Ashkenazi, elitist, secular organization. In contrast, the Ezel and Lehi who did not actively recruit women, were considered more populist and their ranks included many Sephardic as well as members of religious and even some ultra-Orthodox families. Most religious families did not look favourably upon their daughter's activities in a mixed organization that was secular from the outset, in which training exercises were held on the *sabbath* and holidays, and basic religious strictures such as *kashrut* and modesty of dress were not observed as the girls had to wear trousers or shorts (Cohen 2005).

However, religious rulings on issues such as women's participation in combat or in defence did not prevent majority of public from joining the Haganah. The *halakhic* issues were of less concern to people during this period because of the continuous environment of conflict. It was considered to be "time to act (*et la'asot*)" and not a time for questions or debate (Cohen 2005). The rabbis of the Agudath Israel movement argued that military service was inappropriate for women except in a state of emergency when women could be included, solely in auxiliary service roles.² Thus, religious women were allowed to join in the defence organisations in supportive roles that did not undermine their faith or custom (Shiffman 2008).

As the number of women soldiers increased in the Haganah, their roles also expanded. They gradually worked their way into active participation. One can divide the group of women in Haganah into two distinct categories. In the first category were women who were satisfied with the auxiliary duties they performed. This group made up the bulk of women soldiers. They engaged in assorted domestic tasks and kitchen work to which women were tied "by tradition" (Shilo 2008). They internalised the masculine perception that designated them for service roles

²Abraham Isaac Kook, in 1935 had reportedly told his pupils that women have forgotten their sacred duty as ordained by God and instead have been corrupted by the Devil to be a man (Kaplan and Shatz 1995).

while expecting them to be trophy soldiers in the defence organisation to keep up the general morale. A commander in 1941, Yitzak Sadeh said:

By serving as mother figures, they instilled a feeling of warmth and hominess in the military camps. They insisted that the men wear clean clothes, made sure to turn down the bed when the men returned from combat, placed a chocolate under their pillow and welcomed the men home from battle with a steaming cup of tea, a smile and a hot meal. They took care of the 'exhausted boys' and helped them to retain their sanity (Shilo 2008).

This kind of thought process was a dominant one during those days and it not only reveals the perception of male soldiers towards women but also how women themselves perceived their role in the military. They saw themselves as care-givers and supporters rather than main protagonist in the act (Stern 2006). The acceptance of this perception by the majority, would later lead to the existence of similar gender biases in the Israel Defence Forces.

The second group consisted of a small number of women who refused to resign themselves to the traditional roles. They demanded the right to full participation in all training exercises with all types of weapons, in addition to being included in military operations. In some cases the women fulfilled their goal, proving their worth as fighters and later as commanders. The majority of them passed through all the stages of training, displaying an impressive willpower that helped them overcome the obstacles of the gruelling training process (Melman 2000). Hemdah Osio argued that the "women needed to constantly demand and insist, and not content themselves with being treated nicely by central command or Tel Aviv headquarters" (Osio 1972). She believed that it was necessary to initiate assignments and demand training rather than relying on what was decided for the women by male soldiers (Ibid).

In 1941, an elite group of combatants was formed from the Haganah known as the Palmach. Yitzak Sadeh was made its commander and it consisted of approximately a 100 male combat soldiers. Women were not allowed to be part of this group as the leaders of the Zionist movement like David Ben-Gurion and Yisrael Galili felt that the young Jewish girls were the mothers of the next generation and they could fall into the hand of the "ruthless Arab enemy" (Baumel-Schwartz 2003). The exclusion of women from combat roles was frustrating, especially after they had gone through so much training and was in a state of advanced combat readiness. In

1942, few women fighters were granted “male assignment”, that is, combat role. It was made clear to them that their role was only temporary and that when the crisis was over, they would return to being ordinary soldiers in the Haganah (Cohen 2005).

The women combat soldiers had to obscure their womanliness and behave like their male counterparts (Baumel-Schwartz 2003). They not only adopted male military uniforms like war fatigues but also adopted other male practices like careless dressing, walking with a masculine strut, teasing other women and most importantly, behaving in an aggressive manner. They portrayed themselves as different from the other female soldiers and perceived themselves superior to them due to their acceptance in combat (Ibid).

These women made great efforts to prove that they were physically fit for battle and could carry out all male duties. It was clear to them that any failure on their part would affect their right to continue their service in the Haganah and Palmach. For this reason, the women soldiers made super-human efforts not to fail or break down (Shilo 2008). As Hadassah Avigdori relates

I was the only woman among twenty men and in addition to my weapon I had to drag along a first-aid pack, canteens and a stretcher. ... I exert the last of my strength not to fall behind the boys. Rushing up this steep incline is beyond my powers, but I must make sure that no one notices my weakness because afterwards there'll be talk and complaints about the girls. ... Musa politely offers his help, which I decline with exaggerated pride (Ibid: 209).

The importance of these two groups of women that is, those who were fulfilling service roles and those who were challenging male dominance over defence went beyond testing gender biases. They created a locus of opportunities for young women who came to Mandate Palestine, in search for their identity and nation. It provided them with a cause to unify and be part of the collective not only economically but also through the military culture and history (Cohen 2005). This set up the precedent of participation of women in military after the establishment of the State of Israel.

Most scholars like Efrat Ben-Ze'ev who have studied the history of Haganah point out that one must be wary of applying the concepts of present-day feminism in search for gender equality in this generation of women soldiers. The very fact that the women were participating in battle positions and holding command symbolised a great wave of equality. They were made part of the

nation-building process along with their male counterparts (Ben-Ze'ev 2011). Unlike the future waves of feminist suffragette movements, these women soldiers were satisfied with the chance of working outside their traditional roles.

However, scholars like Martin van Creveld point out that despite being a sexually integrated organisation, Haganah maintained a silence about its women soldiers and pushed their role to the margin. They were no women role models or public accolades given to a women soldier. They were not only neglected by the commanders but also by the politicians of the nationalist movement (Van Creveld 2005). This gave rise to what Dganit Bono-Davidi refers to as the 'myth of the woman soldier in 1948' and writes that "the myth of the woman on the battlefield in 1948 is known to every child in Israel; however, no one can say what they actually did there. No one can actually see where they were and how many were there. But everybody knows or maybe agree to know that they were there" (Bono-Davidi 2009: 89).

Women in the 1948 War (November 1947- May 1948)

On 5 May 1947, conscription was instituted for all men and women aged between 17 and 25 and by 30 March 1948, the call-up was issued for single women aged between 26 to 35 years. Five days later, a general mobilization order was issued for all men under 40. Participation of women in the defence organisations became compulsory and they were given the same training as men but under women commanders (Levy 2003: 47). Apart from a few who were chosen for Palmach, most women were allotted women only units led by women commanders and were stationed at strategic Kibbutzim for obtaining information, acting as liaisons and protecting convoys and neighbourhoods.

Women playing a pivotal role in the 1948 War are not contested by the scholars but their individual contribution and their scope of influence have been a matter of debate (Avrahami 1990, Chazan 2012, Cohen 2008, Levy 2003, Mordechai 2001). This is primarily due to two reasons: one, there were no written records of auxiliary services which were provided to the men especially the soldiers. These services were usually provided by women and were seen as part of the routine job rather than an act of exception or heroism. In the early 1948, there were 23,532 women soldiers in Jerusalem as part of the Haganah branch who fought the siege of Jerusalem but history does not remember them. As Chaya Ironi Avrahami aptly said "Women in Khaki were

invisible and nameless. Their fight was not only with the enemy but also with themselves, their family and with God” (Avrahami 1990: 43).

Secondly, the number of women who had donned male clothes was few and far between. Their impact was more individual than on the collective (Levy 2003: 49). Women leaders like Golda Meir stood out due to their independent capacity to bring change and in her case to bring funds for military training and to buy armaments from other countries (Ibid). Women combat soldiers were seen as a necessary aberration and were usually posted to guard the Kibbutz rather than being sent on sorties or to the battle field. However, there was a small exception of 1,200 women who were part of secret Palmach units. Very little is known about them or has been written about. As has been mentioned previously, scholars have pointed out that the lack of information about these female soldiers leads us to really question the existence of them in the battlefield (Shilo 2009).

Despite a lack of information about these women soldiers, a lot has been discussed about the rumours of torture that these soldiers faced during the war, which provoked Ben-Gurion to legally push women out of the battlefield immediately after independence (Ari 2009). Stories of horrific abuse, rape and torture were a common strand of discourse about these service women which were used to vilify the Arab population (Naor 2013). During that time, in the common parlance, the Arabs were depicted as a horrendous enemy who were abusing the young Jewish women soldiers fighting for a greater cause. This thought enflamed many young Jews to participate in the defence organisations in a more aggressive manner (Levy 2003: 52).

Women soldiers were also seen responsible for the failure of the units they were part of as they were a “burden—both physically and mentally” (Mordechai 2003: 63). According to the Moshe Dayan, who later became the Defence Minister (1967-1974), women reduced the combat effectiveness of Haganah units because men took steps to protect them out of “fear of what the Arabs would do to [the] women if they captured them” (Ibid: 63). The mixed-sex units were always seen as the weaker link in the organisation and in most cases, women were blamed for it. As Edna Levy has correctly pointed out that it was very difficult to differentiate what was reality and what was propaganda when it came to women and their rights during this period. They were “the silent, almost invisible part of the society that could be used to wield a lot of power, without objection” (Levy 2003: 52).

The absence of the women, during this period, is best exemplified when the Declaration of Independence was signed. There were just two women out of 37 signatories and Rachel Cohen and Golda Meir were the only women representatives among the members of the provisional council of state. This meant that the representation of women in the council was about five percent of the total signatories.

The lack of women representation and the perceived silence about their role in the society set the stage for the leaders of the newly independent state to re-establish traditional gender roles. Ben-Gurion, along with military leaders like Dayan made regulations to “rectify the aberrations of our past struggle and create a stable society” (Ari 2009). Women became the silent victims, yet again, to these state machinations. However, one cannot deny that Jewish women of the *yishuv* fought against the traditions of patriarchy to make an impact and help in creating the independent State of Israel.

Status of women in the New State

After the establishment of Israel in May 1948, proper legal structures were created for the functioning namely, military, political structure and economic zones. These structures were more or less envisaged and promoted by Ben-Gurion. His ideas about society, gender and traditions dictated the status and role of citizens in Israel. Regarding women and their position in the society, he re-drew the lines of traditional gender roles while accepting the equal responsibilities of men and women towards nation-building. On one hand, he urged women to continue to join the military and on the other, he made it clear that their first priority was to be a mother than a soldier. He equated the role of a mother similar to that of a combat soldier as both were responsible for the future of the nation (Ari 2009).

At the ceremony to mark the establishment of the Israel Defence Forces, Ben-Gurion said

Since you rightly believe that the security of the State must be pursued night and day, I want you to know that that security will not exist if our nation's women do not know how to fight. We are few – and our enemies are many. If, heaven forbid, a war falls upon us, the men will go to fight the enemy, and if, heaven forbid, the women who are protecting their children at home do not know how to use a weapon – what will be their end if the enemy falls upon them? The army is the supreme symbol of duty and as long as women

are not equal to men in performing this duty, they have not yet obtained true equality. If the daughters of Israel are absent from the army, then the character of the *yishuv* will be distorted (IDF Blog 2013).

This statement met with a lot of criticism from two specific groups. On one hand, the religious leaders downrightly rejected this proposal and argued that this was against the traditions of Judaism and pointed out that the presence of women in close contact with men would lead to several social issues that will affect the future generations (Israeli 1999: 67). In response, Ben-Gurion, wrote a letter to the Rabbi of the Karaite community which was made public in 1952. In this letter, he uses several examples from the Torah and Bible to “show that the Hebrew woman was not shut away in her house, but rather played an important part in the life of the nation, serving as a judge for her people and leading her nation out to war”(IDF Blog 2013). Despite persuasion from the state and its leaders, religious Jews refused to send their daughters to the military and thus by 1952, religious women were allowed to reject conscription on the grounds of traditions and beliefs.

Secular women, on the other hand, rejected Ben-Gurion’s proposal because it limited the scope of women’s participation in the army. Women were allotted a second tier position in the defence forces, and were only trained for a situation where “there will be no men to protect them” (Israeli 1999: 72). This was a major stumbling obstacle for the feminist movement in Israel. Apart from denying them equality in the mainstream military, combat was also closed to women. Ben-Gurion pointed out that it was “time for the women to leave the battlefield to their brothers and husbands and go back to their home” (Ari 2009). He retorted back to the feminists and said:

In war, an army’s main task is to destroy the enemy army — not just defend. When we protected the home with rifle in hand, there was no difference between boy and girl. Both could take shelter, and everything he knew — she knew. But in an army and in war, there is a reality of inequality in nature, and impossible to send girls to fighting units. Yet an army also needs non-combat units. And women are needed for appropriate professions to strengthen the nation’s fighting force by releasing men from those tasks for combat (IDF Blog 2013).

Scholars have pointed out that most of the decisions that Ben-Gurion took regarding the social structure of Israel was based around one central issue that is, demographic question (Israeli 1999: 68, Drory 2005: 72). He believed that the state’s existence could only be guaranteed by

swift demographic growth and hence, started several initiatives like birth grants to new mothers, cash allotment for children, incentives for mother's having a large family and most specifically creation of an ethos that celebrated the notion of "being a mother to our soldiers" (Chazan 2012: 35). This rapidly changed the image of a Jewish woman in Israel from a gun-toting soldier to a mother sacrificing her sons for the country. This change in figurative commemoration was across the various spheres of society and women were urged to become home-makers rather than in the nation-building forces.

Status of Women in Society

Israeli laws like Women's Equal Rights law (1951) and Basic Law: Human Dignity and Liberty (1992) prohibits discrimination based on gender in employment and wages. It guarantees equality for women in all spheres of civil participation (Harperin-Kadari 2004: 22). However, the reality is different from the legal definition. In Israel, women not only face structural discrimination but also prejudices through functional means which are established by traditional norms and discourses. The scope of discrimination spans from denying women to be part of various combat exercises as part of structural policy to having a segregated space for women in public transportation due to religious sentiments of a few. This spectrum of biased treatment has given the space for critical theorists, especially feminists to study the experience of oppression that is ingrained in existing gender relations. Scholars like Nira Yuval-Davis, Orna Sasson-Levy and Daphne Izraeli have argued that despite "having same skills, same knowledge in a similar situation, biology always wins" (Sasson-Levy 2008: 147)).

The dichotomy between state legislations and traditional norms, especially religious rulings have led to a unique phenomenon in Israel which the scholars call the "myth of equality in Israel" (Enloe 2001: 56) On one hand, we have, the "percentage of women breaking the 'glass ceiling' in various sectors increasing" and on the other hand, "the discriminatory trends against women have become more harder and sharper" (Enloe 2001: 56). This is best understood through the Israeli report given to the UN Commission for the Status of Women. The report discusses various contrasting economic and social highlights and mentions:

- Between 2010 and 2014, the Knesset passed roughly 50 initiatives meant to promote gender equality and empower women, but the average gap in monthly wages for men and women stood at 33.9 percent in March 2014.

- Women can serve in 92 percent of army positions, compared to 73 percent a decade ago.
- The advisor to the chief of staff on women's issues said that 45 percent of IDF units reported incidents of gender discrimination. Thirty-five percent of women reported that they were discriminated against because of their gender during their time in the army (UN Report Centre, 2014).

In 2013, Israel was dropped to 56th place out of 135 countries in gender index, a drop of 21 places since 2006 according to the gender index published by World Economic Forum (World Economic Forum 2013). Dalit Azulay, the Director of the Committee on the Status of Women and Gender Equality explained the reason behind the fall in gender index during a committee hearing in 2014 and said “a lot has been done but it’s not enough” (Raday 2014). This is the key-phrase for the battle of gender-equality in Israel. Women participate in most of the state processes including military, politics, economy and society in Israel but they continue to face gender biases and discrimination due to traditional norms and inherent structural biases. The following sections would look into the different aspects of women and its position in these particular fields.

a. Politics:

In the context of Israel, women’s participation in the political arena can be traced back to 1918 when the young Jewish women of the *yishuv* had to fight for the right to vote in the autonomous councils under the British Mandate Government. They won this right in 1926 with the support of the Labour movement and other liberal groups (Herzog 2009). Even though formal equality was achieved, it has not yet realised its potential: women’s integration at each level of the political structure.

Women’s representation in the Knesset has traditionally always been low and it has not changed dramatically over the decades. Immediately after the establishment of Israel, women’s representation in the Knesset was around 10 percent which increased to 11.7 in 1995. In the next election in 1959, there is a drop in the same with only 8.3 percent of women representatives. Since then till 2000, women’s representation in the Knesset has ranged from seven to nine percent. The exception was in 1995, after Yitzhak Rabin’s assassination (4 November 1995) when the women’s representation increased to more than 10 percent but soon after the 1996 elections, it shrunk down to 7.5 percent. After 2000, there has been a steady increase in the

number of women members of the Knesset. During both the 16th(2003-2006) and 18th(2009-2013) Knesset's, the women representation reached record high of 24 women members. The 19thKnesset, inaugurated in February 2013 had 27 women members while the 20th Knesset improved the record by having 28 women members which was higher than the women representation in the US senate (Knesset 2016).³**Table 3.4** throws light on the share of women representation in the Knesset.

This sudden increase since 2003 can be attributed to two simultaneous processes. One, the primaries system introduced by the Labour party in 1992 and subsequently adopted by other parties, brought about a change in women's status in politics. Between 1977 and 1999, the Labour list habitually featured only two women, but that began to change when primaries were introduced (Shapira 2013). In 2003, seven women received realistic spots in the Labour list. Left-wing Meretz adopted the "zipper" principle, wherein every other candidate would be a woman (**Annexure 1**). However, religious parties like the Ultra-Orthodox parties Shas and Agudat Yisrael, part of the United Torah Judaism coalition, feature no women since 1948(Ibid).

Secondly, there has been an increasing sensitivity towards equal participation of women in the society especially among the youth which has influenced the political parties to include more women members so as to woo newly inducted voters. According to the data published by the Citizen Empowerment Center in Israel as well as the Knesset Research and Information Centre, since 2005, the number of government resolution regarding the advancement of women has increased. The report stated that "the last two Netanyahu governments (2009-2015) made more operational decisions for the advancement of women than the government led by Ehud Olmert (2006-2009) – four decisions during each of the Netanyahu government's two terms, compared with only one by the Olmert government" (Knesset documents 2010).The resolutions include a increased representation of women in a committee responsible for appointing rabbinical judges; assured representation of women on the judges' selection committee, and additional funding to municipal party lists in which women comprise at least one-third of members.

³There have been a total of 50 female senators in the US Senate since its establishment in 1789. As of 2017, there are 21 women senators in 100-member strong senate which is not only more than the previous senates but also holds record for the highest women representation in the US Senate. In comparison, Israel had 28 women members in the Knesset in 2015 which increased to 33 in 2017.

Table 3.4: Representation of the Women in the Knesset (year wise)

Year	Knesset	No. of women in the Knesset	Percentage of women in the Knesset
1949	1	12	10.0
1951	2	12	10.0
1955	3	14	11.7
1959	4	10	8.3
1961	5	12	10.0
1965	6	10	8.3
1969	7	9	7.5
1974	8	11	9.2
1977	9	9	7.5
1981	10	8	6.6
1984	11	10	8.3
1988	12	9	7.5
1992	13	12	10.0
1996	14	9	7.5
1999	15	18	7.5
2003	16	24	20.0
2006	17	17	14.2
2009	18	24	20.0
2013	19	27	22.5
2015	20	28	23.3

Source: Report of Knesset Committee on the Status of Women, 2016, available at www.knesset.gov.il

However, despite the increase in the number of women representation in the Knesset, the political power in the hands of women participants in very little. Women representation in the cabinet has always been in single digits and they are usually given non-political, non-

controversial portfolios. From 1949 and 2003, only ten women have served as cabinet ministers: Shulamit Aloni, Shoshana Arbeli-Almozlino, Sarah Doron, Dalia Itzik, Limor Livnat, Tzipi Livni, Golda Meir, Ora Namir, Yehudit Naot and Yael (Yuli) Tamir. Out of them, only two have held positions of power: Golda Meir who became the prime minister of Israel and Tzipi Livni who served as the Deputy Prime Minister and Foreign Minister (see **Table 3.5**). Incidentally, after Golda Meir resigned in 1974, it took 12 years for another woman to get a cabinet portfolio when Shoshana Arbeli-Almozlino was appointed Health Minister under Prime Minister Yitzhak Shamir (Knesset 2016).

Of the 26 ministers and deputy ministers in the 34th Government (2015 - Present), only three are women - Ayelet Shaked (Minister of Justice), Gila Gamliel (Minister of Pensioners, Students, Young People, and Gender Equality) and Miri Regev (Minister of Culture and Sport) - though this still represents a record number of women ministers in one government. The 32nd government (2009 - 2013) had four women ministers (See **Table 3.5**). Till date, there has been no woman MK who has become the Defence Minister, Internal Security Minister or Finance Minister. The following gives details of various women ministers since 1948.

Table 3.5: Women Cabinet Ministers since 1948

Knesset No.	Government No.	Name of the Minister	Portfolio	Term
1	1	Golda Meir	Minister of Labour and Social Security	10/03/1949-01/11/1950
	2	Golda Meir	Minister of Labour and Social Security	01/11/1950-08/10/1951
2	3	Golda Meir	Minister of Labour	08/10/1951-24/12/1952
	4	Golda Meir	Minister of Labour	24/12/1952-26/01/1954
	5	Golda Meir	Minister of Labour	26/01/1954-29/06/1955
	6	Golda Meir	Minister of Labour	29/06/1955-03/11/1955
3	7	Golda Meir	Minister of Labour;	03/11/1955-

			Minister of Foreign Affairs	19/06/1956 19/06/1956-07/01/1958
	8	Golda Meir	Minister of Foreign Affairs	07/01/1958-17/12/1959
4	9	Golda Meir	Minister of Foreign Affairs	17/12/1959-02/11/1961
5	10	Golda Meir	Minister of Foreign Affairs	02/11/1961-26/06/1963
	11	Golda Meir	Minister of Foreign Affairs	26/06/1963-22/12/1964
	12	Golda Meir	Minister of Foreign Affairs	22/12/1964-12/01/1966
6	14	Golda Meir	Prime Minister	17/03/ 1969-15/12/1969
7	15	Golda Meir	Prime Minister	15/12/1969-10/03/1974
8	16	Golda Meir	Prime Minister	10/03/1974-03/06/1974
	17	ShulamitAloni	Minister without Portfolio	03/06/1974-06/11/1974
10	19	Sarah Doron	Minister without Portfolio	05/07/1983-10/10/1983
	20	Sarah Doron	Minister without Portfolio	10/10/1983-13/09/1984
11	21	Shoshana Arbeli-Almozlino	Minister of Health	24/09/1984-20/10/1986
	22	Shoshana Arbeli-Almozlino	Minister of Health	20/10/1986-22/12/1988
13	25	OraNamir	Minister of Environment; Minister of Labour and	13/07/1992-31/12/1992; 31/12/1992-

			Social Welfare	21/11/1995
	25	ShulamitAloni	Minister of Education and Culture; Minister of Science and Technology; Minister of Communications; Minister without Portfolio	13/07/1992-11/05/1993; 07/06/1993-01/08/1993; 07/06/1993-22/11/1995; 11/05/1993-07/06/1993
	26	OraNamir	Minister of Labour and Welfare	21/11/1995-21/05/1996
	26	ShulamitAloni	Minister of Communications; Minister of Science and Arts	21/11/1995-18/06/1996; 21/11/1995-18/06/1996
14	27	LimorLivnat	Minister of Communications	18/06/1996-06/07/1999
15	28	Dalia Itzik	Minister of Environment	06/07/1999-07/03/2001
	28	YuliTamir	Minister of Immigration and Absorbtion	05/08/1999-07/03/2001
	29	TzipiLivni	Minister of Regional Cooperation; Minister of Agriculture and Rural Development; Minister without Portfolio	07/03/2001-29/08/2001 17/12/2002-28/02/2003 29/08/2001-17/12/2002
	29	Dalia Itzik	Minister of Industry and Trade	07/03/2001-02/11/2002
	29	LimorLivnat	Minister of Education	07/03/2001-28/02/2003

16	30	Yehudith Naot	Minister of Environment	28/02/2003- 17/10/2004
	30	Limor Livnat	Minister of Education, Culture and Sport	28/02/2003- 14/01/2006
	30	Tzipi Livni	Minister of Immigration and Absorption; Minister of Construction and Housing; Minister of Justice; Minister of Foreign Affairs	28/02/2003- 04/05/2006; 31/08/2004- 10/01/2005; 10/01/2005- 04/05/2006; 18/01/2006- 04/05/2006
	30	Dalia Itzik	Minister of Communications	10/01/2005- 23/11/2005
17	31	Tzipi Livni	Acting Prime Minister	04/05/2006- 31/03/2009
	31	Tzipi Livni	Minister of Foreign Affairs	04/05/2006- 31/03/2009
	31	Yuli Tamir	Minister of Education	04/05/2006- 31/03/2009
18	32	Sofa Landver	Minister of Immigration and Absorption	31/03/2009- 18/03/2013
	32	Limor Livnat	Minister of Culture and Sport	31/03/2009- 18/03/2013
	32	Orit Noked	Minister of Agriculture and Rural Development	19/01/2011- 18/03/2013
19	33	Yael German	Minister of Health	18/03/2013- 04/12/2014
	33	Tzipi Livni	Minister of Justice	18/03/2013- 04/12/2014
	33	Sofa Landver	Minister of Immigration and Absorption	18/03/2013- 10/05/2015

	33	LimorLivnat	Minister of Culture and Sport	18/03/2013-14/05/2015
20	34	Gila Gamliel	Minister for Social Equality	14/05/2015-
	34	MiriRegev	Minister for Culture and Sport	14/05/2015-
	34	AyeletShaked	Minister for Justice	14/05/2015-

Source: Knesset Archives, available at: <https://knesset.gov.il/mk>

A major and significant part of the Knesset's work is carried out by various committees. Women's representation in all Knesset committees (apart from the Committee for the Advancement of the Status of Women) has always been less than men's. Until 1984, no women had served on either the Foreign Affairs and Security Committee or the Finance Committee, the two most powerful Knesset committees.⁴ Women Knesset members instead tended to be assigned to the more domestic or socially oriented committees. In the 13th Knesset (1992-1996), the Education Committee was chaired by a woman, and women sat on House Committee, Foreign Affairs and Security Committee, Labour and Welfare Committee, Immigration and Absorption Committee, Interior and Environment Committee, Economics Committee and War against Drugs Committee (Herzog 2005).

During the 15th (1999-2003) and 16th Knessets (2003-2006), women were relatively represented more in committees dealing in issues considered "female"—education, culture and sport, labour and welfare committee, and justice committee. In the 15th Knesset, there were women members in all standing committees and in the 18th Knesset (2009-2013), six women sat on the Finance Committee and two belonged to the Foreign Affairs and Defence Committee, earlier known as the Foreign Affairs and Security Committee. In addition, the Committee on the Status of

⁴Although Golda Meir was the Prime Minister of Israel from 1969-1974, she was never formally a member of any Knesset committee including Foreign Affairs and Security Committee. There was a constant tussle for power between the security committee and Golda Meir since 16 October 1972 Knesset hearing, after the Munich tragedy when 11 Israeli athletes were killed by Palestinian group on 5 September 1972. After accepting the recommendations of the Koppel Committee to accept the resignation of the four Israeli security officials present during the tragedy, she stated in the hearing that a lot of information was concealed from her by the committee despite its members being selected and appointed by her from within the Foreign Affairs and Security Committee. The final tussle took place after the 1973 War when Meir decided to appoint an Agranat Commission to investigate the War. Although the Foreign Affairs and Security Committee had majority members from the ruling coalition, Meir decided to completely bypass them and appoint a judicial panel (Medzini 2017).

Women, Science & Technology Committee and Sub-committee on Trafficking in Women were all headed by women (Mehozay 2016).

In the Israeli political landscape, the cross-party Committee for Women's Status deserves special attention. It was founded in 1992, during the 13th Knesset which comprised of eleven women MKs including two women ministers, and a deputy-minister. The Committee's objectives were to initiate legislations advancing women's status including achieving equality for women, promoting their interests, and addressing issues of discrimination against them (Lemish 2000).

The Women's Status Committee has had several successes. Some relate to organizational frameworks (such as governmental service for advancing women's status), to the creation of mechanisms that supervise government institutions (such as the Committee's authority to request reports from state entities regarding issues concerning women) and to protecting women from sexual harassment. It has also successfully introduced a broad range of critical issues both in the Knesset and the general public such as educating gender equality, offensive advertising, homosexual and lesbian rights, status of Arab women, and Basic Law: Human Dignity and Liberty (1992). In the range of issues it addresses, the Committee has made a strong contribution to establishing a feminist agenda, even though disagreements along party lines occasionally impact on the Committee and party interests sometimes supersede feminist interests (Ibid).

There have been less than five women MKs that have been appointed in leadership roles. Most of the top positions in the Knesset continue to be assigned to men with very few women getting same opportunities. In the 18th Knesset, one woman namely, Orly Levi-Abekasis served as one of the Deputy Speakers, while another namely, Yirdena Miller-Horovitz was the Secretary General and two women namely, Tzipi Hotovely and Ronit Tirosh were committee chairpersons (Knesset 2016).

Regardless of their fluctuating representation in the Knesset, women have participated in large numbers in political parties but this was not reflected in the party hierarchy until recently. Most secular parties have a women's division that encourages women to become politically active, provide support to their interests and promotes women's advancement within the party (Medding 2010). Some of the smaller parties, including those with a religious platform, discourage women

from running for office although Emunah, the women's branch of the National Religious Party, has run independently in local elections and won a seat on several occasions (Medding 2010).

The two major political parties namely, Likud and Labour have developed internal mechanism for increasing women's participation. The Labour party adopted a clause in 1992 to reserve a quota of 10 percent which increased to 20 percent in 2013. The Likud party of the other hand chose 13 percent voluntary quota for women. Other parties like Kadima too have adopted voluntary quotas (**Table 3.6**) Meretz party in 2009, adopted the highest standard currently in place which is a 40 percent clause, also known as the 'zipper' principle as discussed above. The threshold of women's representation laid down by the quotas has risen, mainly among left-wing parties such as the Labour party, where the quota increased to 20 percent; in Meretz, it reached 40 percent; and Balad, in which 33 percent quota was introduced in the 2009 elections and used again 2013.

Table 3.6: Voluntary Quota of Different Parties for Women Representation in the Knesset

Year	Party	Proportion of slots reserved for women (%)	Women who entered the Knesset due to the quota *
1992	Labour Party	10	1 (Yael Dayan)
1996	Labour Party	13	1 (Yael Dayan)
1996	Meretz	20	-
1996	Likud	9	-
1999	Labour Party	17	1 (Yael Dayan) + 1 with the resignation of an incumbent MP (Collette Avital)
1999	Meretz	30	-
1999	Likud	11	1 (Tzipi Livni)
1999	NRP	11	-
2003	Labour Party	13	-
2003	Meretz	30	-
2003	Likud	10	2 (Inbal Gavriely, Lea Nass) + 1 with the resignation of an incumbent MP (Pnina Rosenblum)
2003	NRP	20	1 (Gila Finkelstein)
2006	Labour Party	20	1 (Nadia Hilou)
2006	Meretz	40	1 with the resignation of an incumbent MP (Tzvia Greenfield)
2006	Likud	12.5	1 (Limor Livnat)
2006	NRP	17	-
2009	Labour Party	20	-
2009	Meretz	40	-
2009	Likud	19	1 (Miri Regev)
2009	Kadima	7	2 (Rachel Adatto, Orit Zuretz)

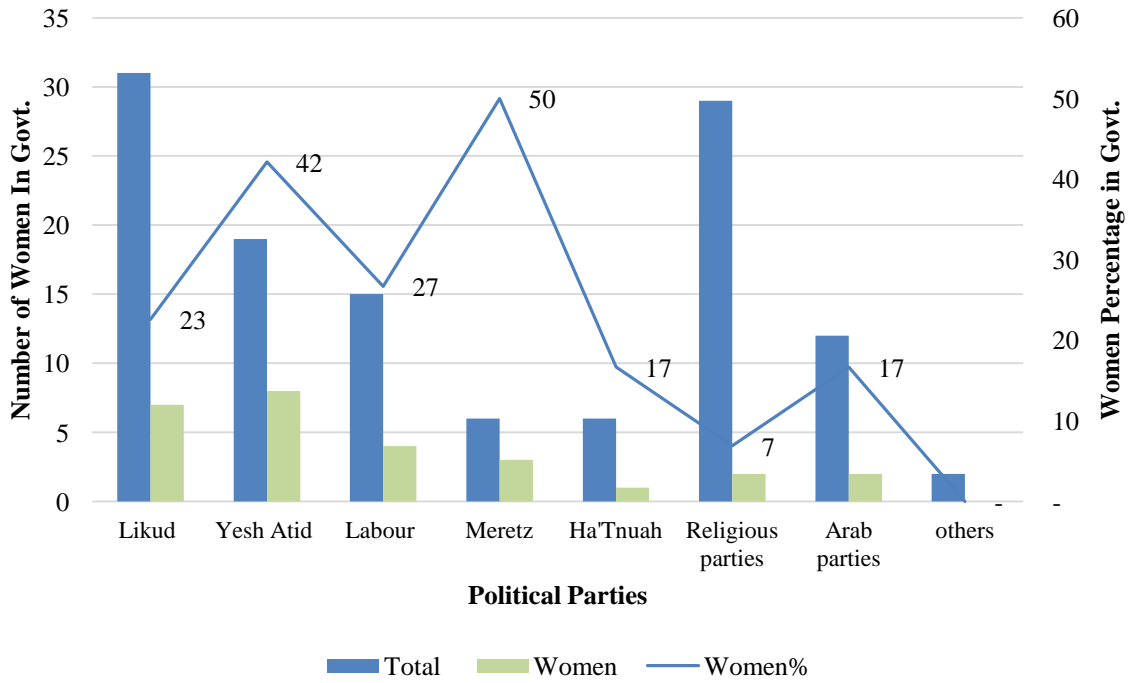
2009	Balad	33	-
2013	Meretz	40	2 (Michal Rozin, Tamar Zandberg)
2013	Jewish Home	20	-
2013	Likud	13.5	-
2013	Labour Party	20	1 (Michal Biran)
2013	Balad	33	-

*Names of only those women who have been elected through the quota

Source: The Israel Democracy Institute, 2016, available at <https://en.idi.org.il/media/4123/the-representation-of-women-in-israeli-politics.pdf>

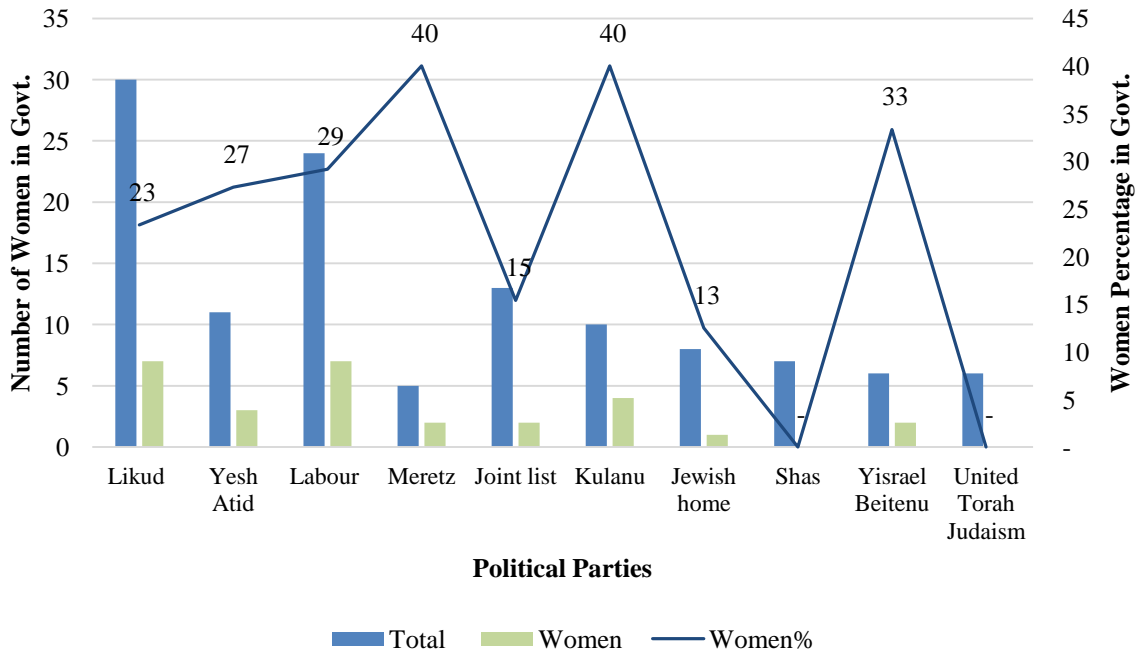
While these guidelines suggest a commitment to change, the reality is far from it. In the 19th Knesset (2013-2015), among the 31 Likud-Beiteinu party members, only seven are women (22.5 percent) (see **Figure 3.7 and 3.8**). Although eight of the 19 Yesh Atid members are women (42 percent). Four of Labour's 15 members are women as are one of the six from Ha'Tnuah and three of the six are Meretz party members. The religious parties including Shas, The Jewish Home and United Torah Judaism (combined 29 members) have only two women members, both part of the Jewish Home party, from the erstwhile National Religious Party. The Arab parties of Hadash, Ra'am-Ta'al and Balad (combined 12 members) have two women in the Knesset. In recent years, legislation has been proposed to obligate parties to open their ranks to women, by discouraging parties which field less than 25 percent women candidates (Abdo 2015).

Figure 3.7: Participation of Women in the 19th Knesset (2013-2015)



Source: Report of Knesset Committee on the Status of Women, 2016.

Figure 3.8: Participation of Women in the 20th Knesset (2015-



Source: Report of Knesset Committee on the Status of Women, 2016.

In Israeli politics, exclusive women parties have also made a brief appearance. Two women's lists participated in the first Knesset elections in 1949. One was a religious list that broke away from Ha-Po'el Ha-Mizrachi and it demanded for women's non-representation in a safe slot on the party's list, but failed to pass the qualifying threshold. The second—the WIZO list—was headed by Rachel Cohen-Kagan, who was the sole representative elected on behalf of the party. Cohen-Kagan's initiative brought the Law for Equal Rights for Women in 1951 onto the Knesset's agenda which was passed in the same year. Immediately after the election, WIZO ceased all political activity, instead decided to concentrate only on social welfare projects (Herzog 2009).

In 1977, second wave of feminism in Israel spurred new women's parties. Marcia Freedman founded an independent women's party, known as the Women's Party, whose leaders saw themselves as the next generation of women pioneers, and it aimed to emulate past achievements and unify women around cross-party problems. The party won close to six thousand votes, but did not pass the qualifying threshold of 1.5 percent votes (Israeli 1998). In the 1992 elections, Esther Hertzog, together with Ruth Resnick, a former Meretz member, set up a women's list called the Israel Women List which was supported by leading feminists, including Rachel Ostrowitz, one of the editors of the feminist magazine *Noga*, and Dina Blachman, a founder of Israel's Feminist Movement. Like its predecessors, the list called on women to transcend ideological issues that divided them and to combat discrimination against women but could not cross the threshold margin of one percent votes needed to enter the Knesset.

Another unsuccessful attempt in establishing a women's list occurred during the 1999 elections for the 15th Knesset (Sharoni 2003). The continuous failure of the women's parties in the elections reveal that a political identity for women still lacks acceptance in Israel's political culture. While religious parties and other identity based parties including ethnic parties have a clearly defined community of votes, gender-based parties have failed to demarcate their electorate. The failure of women parties can be attributed to several reasons. Firstly, most members of the women parties were activists rather than politicians and they lacked the political experience of fighting elections on pertinent issues like security or the Israel-Palestinian conflict that affected women across class and ethnicities. Further, these parties were plagued by internal factionalism rising from different ideas of feminism that individual members followed. While

some members called for addressing issues of discrimination, others held a more radical feminist view of removing discrimination completely. Feminist activists like Dina Blachman held strong radical opinion about penalising women oppression caused by religious diktats of various rabbis which was not acceptable to other members as well as to a large number of voters. The association of radical feminists with the women’s parties was perceived as a threat by men and women alike which became a deterrent to their success. Lastly, these women parties lacked funding. Nevertheless, these parties succeeded in raising the questions pertaining to women’s role and participation in the Israeli society.

The political landscape is not just limited to national politics but also encompasses municipal politics (local councils), as well as civil services. In 1948, with the creation of the State of Israel, every woman—Arab and Jewish—was entitled to vote in the first elections held. In 1950, when the first local council elections were held, the percentage of elected women representatives was only 4.2 percent which reduced to 3.1 percent in 1965 (see **Table 3.9**). During the 1969 elections, there were first signs of a reversal in Jewish localities. More women began to run for elections as heads of local authorities and by 1978, women accounted for 5.5 percent; and in 1993, it increased to 11 percent. Since then it has gradually increased to 32 percent in 2013 which increased to 35 percent in 2017 (Knesset Documents 2016; Glausiusz 2017). Out of the 256 municipal councils in Israel, just six are headed by women in 2017 (Glausiusz 2017).

Table 3.9: Women participation in Local Elections (in percentage)

Year	Women Participation
1950	4.2
1955	4.6
1959	3.8
1965	3.1
1969	4.0
1973	4.3
1978	5.5
1993	7.2
1989	9.4
1993	11.0
1998	17.1
2003	22.8
2008	27.3
2013	32.1

Source: Knesset Document on Elections, 2016, available at www.knesset.gov.il

To further increase the representation of women in the local authorities, the Center for Local Government founded in 1988 and is an umbrella organisation for all city and local councils, encouraged the establishment of working women's committees in all Jewish and Arab local councils. Legislation has also been proposed to mandate that every local council include a member of the Women's Council or an advisor to the Mayor on the status of women, to be funded jointly by the local authority and the Ministry of the Interior (Cohen 2016).

Despite large representation of women in local politics, only four women have ever held the position of a city-mayor since 1948. Twenty-nine women ran for mayoral slots in 1989, only one was elected; ten women ran in 1993 and none were elected; in 2008, one woman was elected as a mayor (Azulay 2015). In 2017, there is one woman mayor namely, Miriam Fireberg who heads Netanya.

In the civil and public sector, around 60 percent of employees were women in 2010. Around 43 percent of all working women are employed in these sectors, while rests are either self-employed or work in the private sector (Khattab, Miarri, Steir 2016). Women work in nearly all areas of the civil service, yet the pyramid structure of high representation of women at the lower levels and minimal representation in the top ranks also applies to this economic sector. At the lower levels, in 2010, 92 percent of the positions were filled by women, though some of the top positions included no women at all (Chazan 2012).

The limited number of women in public life can be attributed, to a large extent, to the political structure of Israel. The system of proportional representation, which encouraged women's representation in Europe, has had a limited effect in Israel. A great deal of power is granted to political parties, in which women tend to be under-represented, particularly at the decision-making levels (Shapira 2013).⁵The absence of majority government necessitates the establishment of coalitions with smaller parties, to form a government. This tends to strengthen the role of the small religious parties, which are generally opposed to the participation of women

⁵The proportional representation system has not been overtly successful in Israel with regards to encouraging women's participation in politics, as compared to Britain. Seth Freedman (2010) points out two reasons for the same. Electing members to the party list has traditionally been confined to the close-knit military alumni who was and continues to be an all-boys group. On the other hand, smaller religious parties like the Shas wield a disproportionate amount of power which forces other parties to follow their diktats in order to form a coalition government. Any attempt to include more women in the party list is immediately followed by threats to topple the coalition by these ultra-orthodox religious parties. These issues have led to an impasse on increased participation of women in the political sphere.

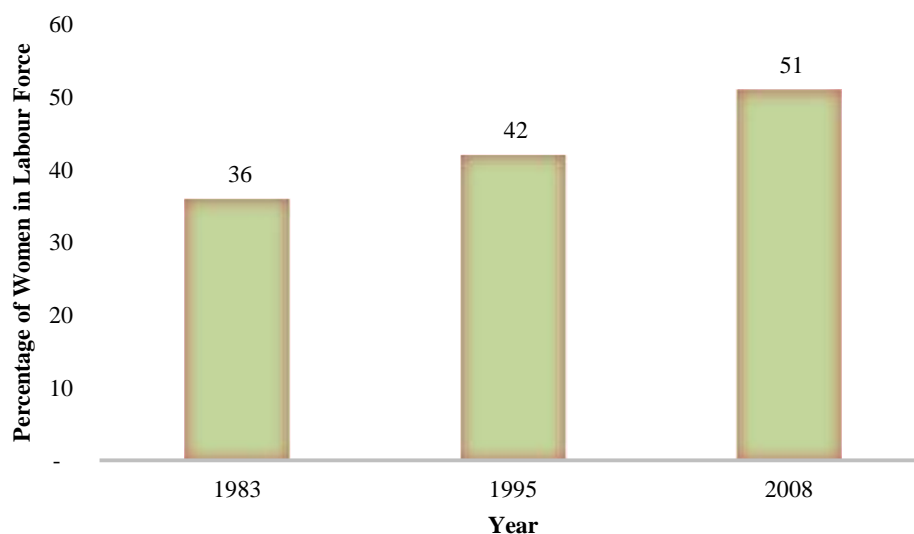
in public life (Freedman 2010). Giola Eiland, former head of the Committee on the status of woman said in an interview, “Designing policy for women in Israel in like writing poetry in a ball (Ibid).

b. Economics:

Representation of women in the economic sector of any country like the US, the UK, France and other Western countries has always been much less than their male counterparts. It has become a characteristic of the labour market in all economies, despite the development level of the nation, to be unequal and imbalanced (Carreon, Cassidy and Borman 2013: 14). In case of Israel, where majority of its citizens undergo compulsory military training as part of their induction to the society, their position and nature of job in the army define the economic opportunities that they receive in the labour market (Israeli 1995). A female soldier, for example, serves in the military in limited roles and for a shorter period which impacts her job opportunities in the labour market unless she completes her graduation degree or receives vocational training. On the other hand, male soldiers serving in specialised units like cyber warfare or combat, receive special training and education which opens up several doors of opportunities immediately after military discharge. Women comprise 47 percent of the total Israeli labour forces, Jewish women represent 51 percent of the Jewish labour force in 2008 (last available census). The percentage of women in total labour force has improved from 1983, which was the fourth census, to 1995 when the next census took place.⁶ In 1983, there were only 36 percent women in Israeli labour force which increased to 42 percent in 1995 and to 51 percent in 2008, when the last official census took place. Out of the total women labour forces in 2008, 59 percent of the women are married (See **Figure 3.10 and Table 3.11**) and around 40 percent of women work part-time or 35 hours per week (Kraus 2002, Abdo 2013).

⁶Israel had had six censuses till date. The first was in 1948, followed by in 1961, 1972, 1983, 1995 and 2008.

Figure 3.10: Trend of Women in Labour Force as per Census (in percentage)



Source: Adapted from Central Bureau of Statistics, 2010; available at <http://www.cbs.gov.il>

Table 3.11: Percentage of women in Labour force in 2008

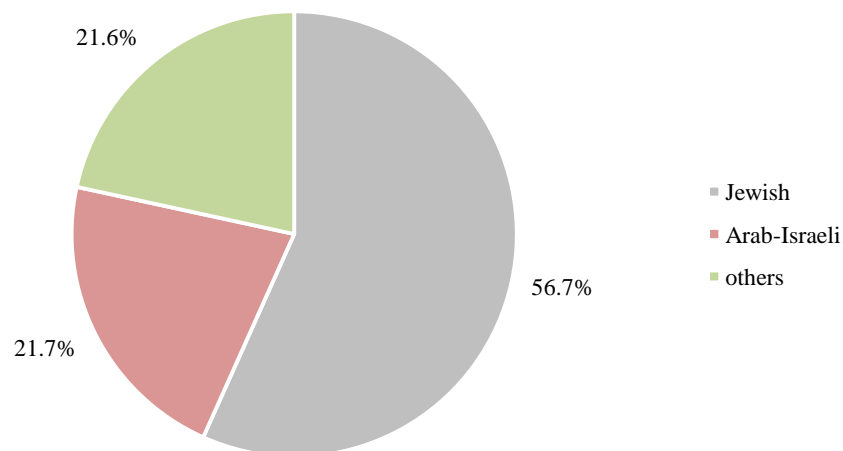
Census	Percentage of Women
1945	18
1961	24
1972	29
1983	36
1995	42
2008	51

Source: Adapted from Central Bureau of Statistics, 2010, available at: <http://www.cbs.gov.il/census/>

Regarding the ethnic and national differences among the women in the labour market, 2008, 56.7 percent of women were Jewish while 21.7 percent were Israeli-Arab women. Among Jewish women, 65.4 percent of women were born in Israel, while 18.2 in other Asian and African countries and 16.4 percent in Europe and North and South America. With regards to religion, 36 percent were Israeli-Arab Christian women, while 23 percent Druze and 18 percent Israeli-Arab Muslim women were employed in the labour market (See **Figures 3.12, 3.13 and 3.14**). The higher representation of the Israeli-Arab Christian women as compared to the Druze and Israeli-

Arab Muslim women was due to their higher level of education and modern lifestyle (Khattab, Miarri, and Stier 2016).

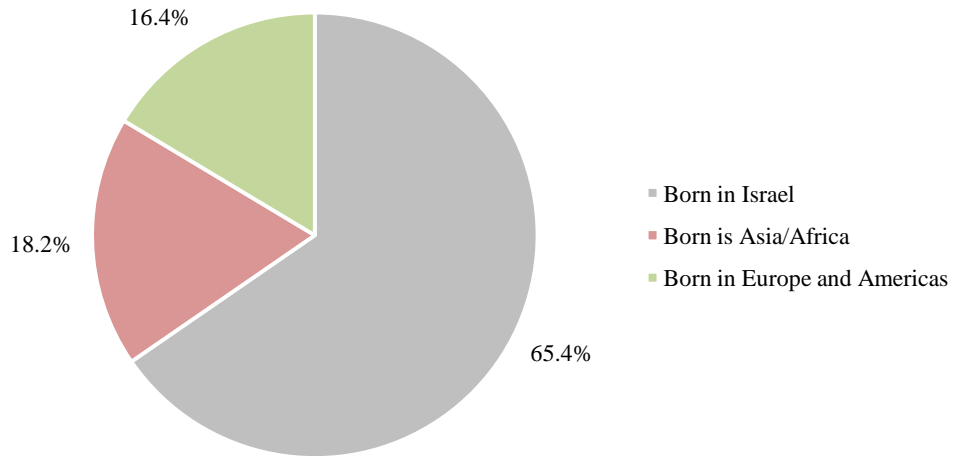
Figure 3.12: Percentage of Jewish and Israeli-Arab women in labour Market, 2008



Source: Adapted from Central Bureau of Statistics, 2010; available at <http://www.cbs.gov.il/>

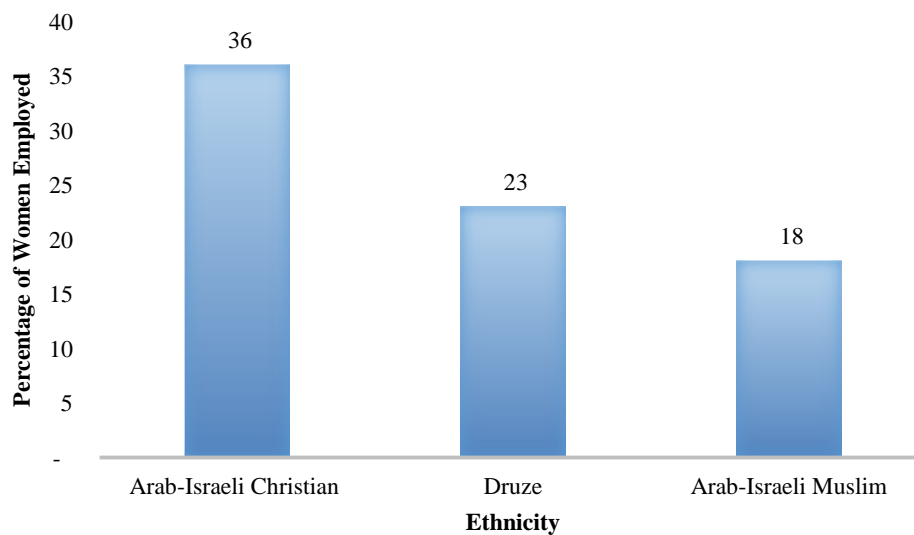
For this study, only the employment of the Jewish women as part of the larger women labour force in Israel is studied and analysed. According to **Table 3.15 and 3.16**, Jewish women are not equally represented in the major nine sectors of the economy. They are under-represented in production branches and over-represented in service sectors. The nature of the distribution of all women in Israel among nine occupational categories, compared with that of men, is balanced in only two categories, namely, scientific and academic sector, and sales. It is excessive in clerical and related sectors, as well as service sector. On the other hand, it is weak in skilled industry, transport and building which are heavily dependent in favour of men.

Figure 3.13: Jewish Women in labour force, 2008



Source: Adapted from Central Bureau of Statistics, 2010; available at <http://www.cbs.gov.il/>

Figure 3.14: Ethnic/Religious division between Non-Jewish Women in Labour Market, 2008



Source: Adapted from Central Bureau of Statistics; available at <http://www.cbs.gov.il/>

Table 3.15: Percentage of Jewish Women in Different Branches of Economy, 2008

Branch of the economy	Percentage of women
Agriculture	20.7
Manufacturing	24.1
Electricity and Water	10.6
Construction	4
Commerce, food services and hotel	32.7
Transport, storage and communication	13.6
Finance and Business	44.6
Public and Local services	47.6
Other personal services	23.3

Source: Adapted from Central Bureau of Statistics, 2010, available at: <http://www.cbs.gov.il/census/>

Table 3.16: Percentage of Jewish Women in Different Occupations, 2008

Occupation	Percentage
Clerical and related work	49.1
Professional and technical	52.3
Service work	54.0
Skilled work in industry, mining, construction and transport	11.6
Sales work	26.8
Scientific and Academic work	43.6
Agricultural	17.2
Non-Skilled work in Industry	15.7
Administrators and Managers	7.5

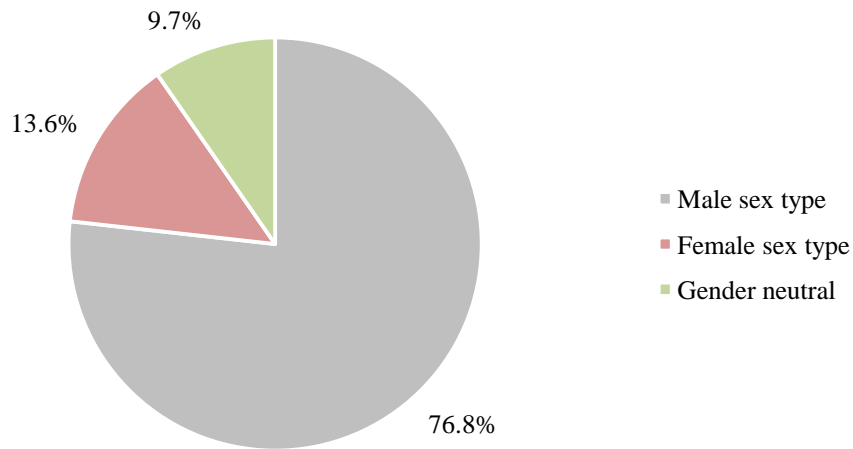
Source: Adapted from Central Bureau of Statistics, 2010, available at: <http://www.cbs.gov.il/census/>

This imbalance is more conspicuous when the representation of women in various occupations is examined (**Table 3.16**). If between 40 and 50 percent of the workers in any given occupation are women, then the occupation may be considered gender-balanced however such occupations are very rare (Abdo 2013). Of the 383 major occupations recorded in the 2008 census, 294 are male-sex-typed⁷ wherein men form the major labour force with percentage of women less than 40 percent (Carreon, Cassidy, Borman 2013, **and Figure 3.17**). Of these, 108 engaged 70-90 percent men; 163 occupations have 90 percent male labour force and in 23 of these occupations

⁷ Sex-typed occupation refers to a particular job which requires certain attributes or pursuits which are traditionally considered to be associated with a sex. Flying in the Israeli air force before 1994 was seen to be a male-sex-typed-occupation which was challenged by Alice Miller in her case against the Ministry of Defence. Male sex typed occupation can be defined as an occupation where in the majority of labour force are men who account for almost 50-60 percent of the total number of workers in that occupation. Female sex typed occupation can be defined in the same line with the percentage of women workers accounting for 50-60 percent of the total work force.

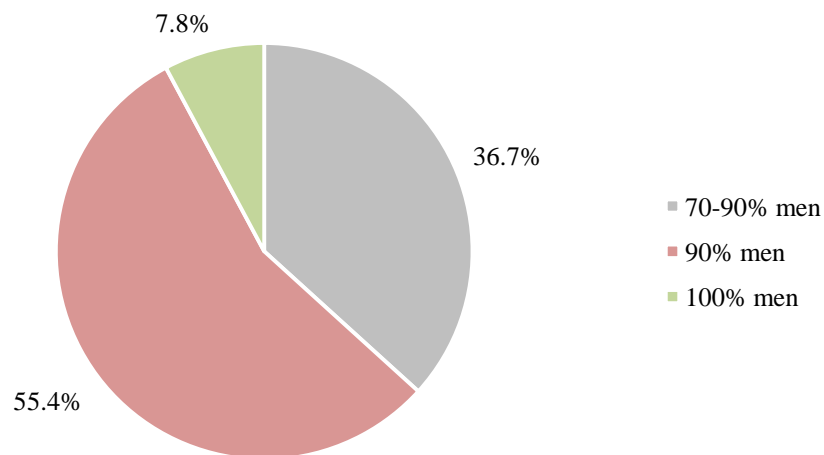
there are no women at all. Comparison of the 294 male-sex-typed occupation shows that 37 percent of these occupations are male dominated to some extent with limited women labour as a substantial minority, 55 percent have majority male workers with very few women as an inconsequential part of the occupation, and eight percent of the occupations exclude women altogether (**Figure 3.8**). In the large category of skilled workers, 68.9 percent of all occupations are dominated by men including managerial positions (Kraus 2012)

Figure 3.17: Percentage of Occupation Based on Gender Type, 2008



Source: Adapted from Central Bureau of Statistics, 2010; available at <http://www.cbs.gov.il/>

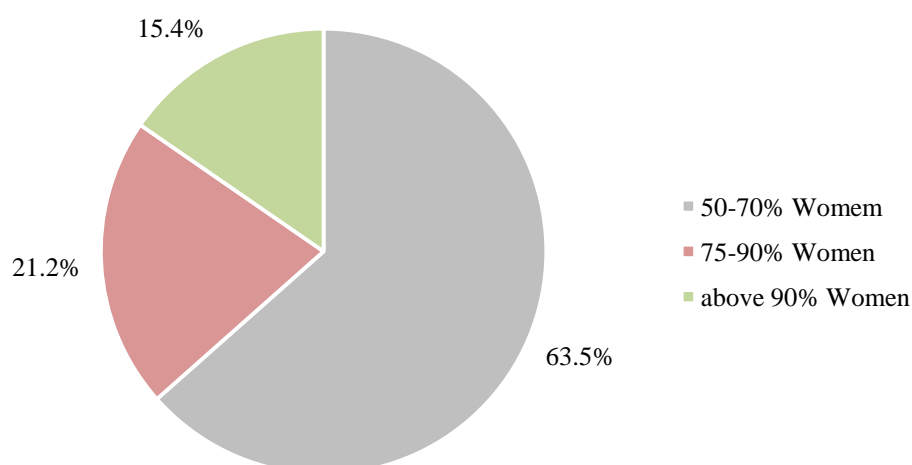
Figure 3.18: Break-up of Male Sex type Occupations, 2008



Source: Adapted from Central Bureau of Statistics, 2010; available at <http://www.cbs.gov.il/>

Most Jewish women in Israel are employed in small number of occupations. Sizable women's groups (over 5,000 in number) can be found in only 52 out of 383 occupations, that is only 13.6 percent of the total spectrum of jobs .They can be found in three male dominated occupations and in eight occupations that gender neutral. All the other occupations are feminine-sex-typed. In 33 of these occupations, 50-70 percent of all workers are women; in 11 of them, 75-90 percent; and in eight, over 90 percent. Forty-one jobs that is, 9.9 percent of all occupations which are women dominated employ more than 65 percent of the total Jewish women labour force (**Figure 3.19**).

Figure 3.19: Break-up of Female-Sex Typed Occupations, 2008



Source: Adapted from Central Bureau of Statistics, 2010; available at <http://www.cbs.gov.il>

The ten largest women's occupations in Israel, ordered by size, are (1) secretary, typist, stenographer; (2) elementary school teacher; (3) cleaning worker; (4) salesperson; (5) nursemaid; (6) bookkeeper and assistant bookkeeper; (7) household helper; (8) sewer in the needle trade industry; (9) practical nurse and (10) registered nurse. Of these ten occupations only two, salesperson and book-keepers, are not traditionally feminine jobs. In these ten occupations, over half a million women are employed and out of which almost 74 percent are Jewish women (Kraus 2012).

Another discrimination against women labour takes place in the grey-zone of pay gap. According to the 2008 census, the average income of employed women was US\$ 5.90 per hour as opposed

to US\$ 7.92 for men, which means that women's average pay for the same job was 74.4 percent of their male counterpart. This is largely due to the combination of two factors which are, pay increases automatically with seniority and women's average work life is shorter. Traditionally, the emphasis upon women has been family and children. Scholars like Yair Aharoni and Eliza Frenkel have termed this as 'familialism.' The family and motherhood play a crucial role at both the individual and collective levels for women's participation in the labour force (Aharoni 2014, Frenkel 2009). There is an extremely limited presence of women who have chosen career over having children and family in the political, economic and academic sectors. A list of the 50 most influential Israeli women drawn up by the *Ha'aretz* newspaper in 2003 had only two childless women while a similar list drawn up by *Lady Globes* in 2010 had six. This indicated that most women chose to join the economic workforce either as a part time worker or as a 'second fiddle' to their family (Frenkel 2009). This in turn, affected their growth possibilities and increased their pay gap as compared to the men.

There has been a steady increase in the number of women in managerial positions since the past few decades. . In 1983, women constituted just nine percent of managerial levels in all sectors which increased to 26 percent in 2008 (Paludi 2009). This increase in number of women managers can be explained by the influence of economic boom on the second wave of feminism that urged more women to become financially independent. However, these women are concentrated at the lower and middle managerial positions (Davidson 2014). Across all economic structures, more men than women occupy positions that confer major decision-making authority and the ability to influence key decisions like pay and promotions.

Women constitute over 65 percent of those employed by the state, with the vast majority being employed in education, health, welfare and public administration. The overall proportion of women managers in senior positions in civil service increased gradually from 27 percent in 1997 to 38.2 percent in 2007. In 2008, the three ministries with the highest proportion of women in senior positions were Welfare, Justice and Health (64, 66 and 67 percent respectively) and on the other hand, Internal Security and Tourism had the lowest percentage (11 and 12 percent respectively). Women also constitute 51 percent of the civil judges at all levels and 30 percent of those in the Supreme Court in 2014 as per Ministry of Foreign Affairs International Report on Women 2015.

Whereas women constituted 38.2 percent of the managerial positions in the public sector, they constitute only 22.7 percent of high positions in the private sector. In the latter, women are more likely to be in staff rather than in authority positions. They move into positions of expertise but rarely in positions of power and authority over the organisation and its resources. Even among these managerial positions, women tend to go towards 'feminine' posts rather than the alternative; in 2008, they constituted of about 47.1 percent of human resources manager while only 16.6 percent were financial managers and 15.3 percent were in sales and marketing (Davidson 2014).

At the entrepreneurial level, only 6.4 percent of female labour force, in 2005, can be classified as entrepreneurs as compared to 16.1 percent of the male labour force. Women's businesses are concentrated in small economic branches including servicing and retailing. They are under-represented in manufacturing, whole-sale and big businesses in general. Among the ventures by the women entrepreneurs, the main focus usually lies in catering other women like manufacturing and selling apparel, make-up and providing services like salon and childcare (Agassi 2010).

Among the thousands of high-tech start-ups that have mushroomed in Israel over the last decade, only two percent were set up by women alone or in conjunction with others. Furthermore, although Israel has one of the highest numbers of patents per person in the world, the percentage of women inventors is low (Tash 2016). In 2015, Israel had filed 3,555 patents out of which only 328 were filed by women (Elis 2015). Between the years 2000-2005, less than six percent of patents were filed by women in the Patent and Trademark office located in the US (Ibid). The limited number of patents filed by women in Israel as compared to the total number reveals that there are very few women in research and development sector especially in the cyber world (Tash 2016).

The growing gender disparity in the economic sphere compelled the Supreme Court to amend the 1999 law on equal-pay-equal-work in 2003. The amendments included legal procedures to address issues of pay-gap. It also provided several incentives for women to join the labour force full time. Maternity leave was extended from 12 to 14-weeks as well as the option of one year of unpaid leave. A national network of childcare at subsidized rates was introduced and women were given paid leaves at the discretion of their employers for house hold emergencies. These

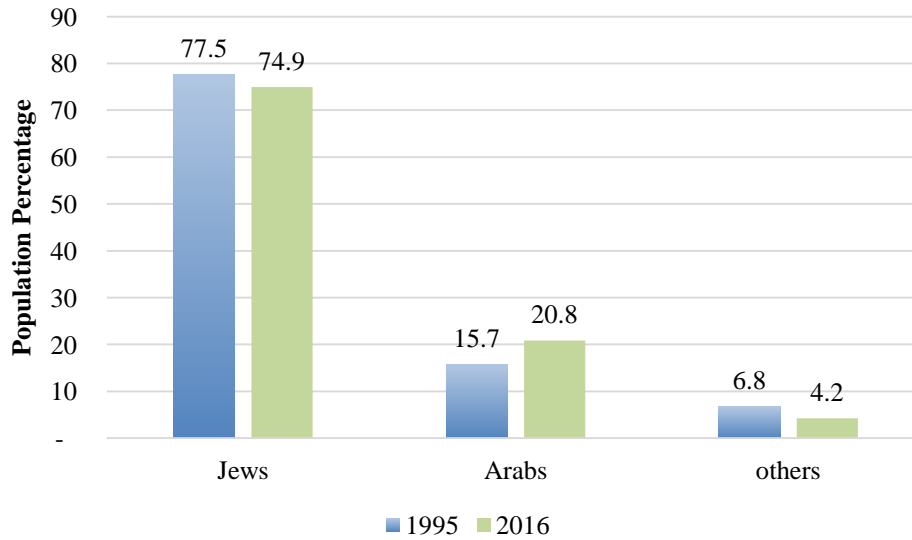
legal incentives as part of 2003 amendments have gradually improved the participation of women in the labour market (Aharoni 2014).

c. Society

To understand the status of women in the Israeli society, one need to look at its demographic profile. In 2013, the total population of Israel was over eight million, out of which approximately 6.3 million were Jews (75 percent), 1.67 Israeli Arabs (21 percent) and around 340,000 were labelled as 'others'. Comparatively, in 1993, the total population was 5.3 million, out of which 4.3 million were Jews and rest one million were Israeli Arabs and 'others' (**Figure 3.20**). Due to the high rate of immigration from the former Soviet Union in 1990s the growth rate of the Jewish population was around three percent annually which decreased substantially after 2000. In 2012, the growth rate of Jewish population was 1.7 percent while for the Israeli Arabs was 2.5 percent. The total population is very young with over one-fourth below the age of 15. It is also an extremely urban society with over 90 percent of the population living in urban centres (Choshen 2013).

In this demographic profile, women are around 50 percent of the total population. This percentage has remained constant with minor fluctuation throughout the history of Israel. At the end of 2015, there were 4,301,000 women (50.6 percent) and 4,199,000 men, that is, 98 men per 100 women. The Jewish population is characterized by a majority of women (97 men per 100 women) while in the Arab population, there is a majority, of men (102 men per 100 women). The life expectancy of the general population in Israel during 2005-2009, was 82.7 years for women and 78.9 years for men. Among Jews, life expectancy was 83.1 years for women and 79.4 years for men and among the Israeli Arabs, life expectancy was 79.3 for women and 75.5 for men. One of the major causes of mortality among women is breast cancer which accounts for one-fourth of total unnatural deaths among them (Jon Onson 2015).

Figure 3.20: Population comparison between 1995 and 2016 in Israel

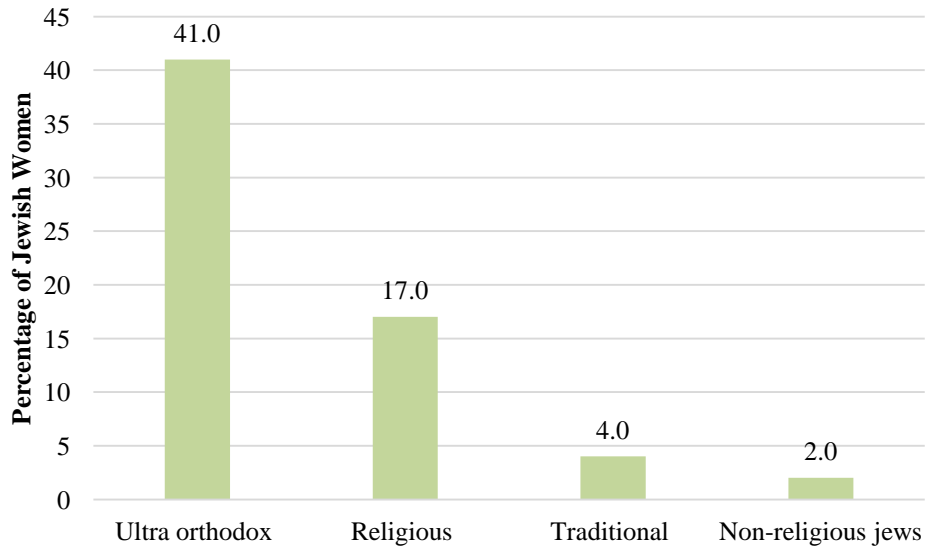


Source: Adapted from Central Bureau of Statistics, 2016, <http://www.cbs.gov.il/>

In 2010, the fertility rate in Israel was estimated at 3.03 which was a decrease from 3.89 in 1990. The average age of women at childbirth rose from 28.1 in 1990 to 30.1 in 2011. Among the ultra-orthodox Jews, 41 percent women have 5 children or more, compared to 17 percent among religious Jews, four percent among traditional Jews, and two percent among non-religious Jews, of the same age (Tal 2016; **Figure 3.21**). This indicates that there is an increase in the number of women especially from secular Jewish background who have chosen to delay their first pregnancy, in order to make a career choice.⁸ It also shows that women, in a growing pattern, have taken the power of choosing the time and number of children that is suitable for their individual growth rather than due to social needs and compulsion (Tal 2016).

⁸Sociologist Evgenia Bystrov has identified three reasons due to which secular Jewish women are choosing career over family in the past few years. She points out that there is gradual appreciation of an individual's autonomy on its life and choices which has led to a delay in family formation and child bearing. Apart from this, there is an increase in the acceptability of alternate lifestyles including live-ins and open-partner relations which challenge the traditional family and child structure (Bystrov 2015; 34).

Figure 3.21: Percentage of Same-age Jewish Women with Five or More Children, 2010



Source: Adapted from Central Bureau of Statistics, 2010; available at <http://www.cbs.gov.il>

Another factor that determines the role of women in a society is education. The State Education Law of 1953 is committed to provide “equal opportunities to every boy and girl, to allow them to develop in their way and create an environment which encourages the different and supports it” (Article 2 (11) State Education Law, 1953). The principle of equality has a leading role in the law, like most normative laws in Israel. In practice, however, gender equality is absent from various aspects of the education system including access to schools, opportunities for higher education and resources to continue vocational training. Gender inequality is frequently combined with ethnic and socioeconomic inequality, which deepens the gaps in the education system in particular (Gur-Ze’ev 2013).

The past six censuses reveal the contradictory picture of improvement in various levels of education across the country and the continuance of gender-inequality in the same. In the first census, around 39 percent of men had finished schooling as compared to just 18 percent women which gradually improved over the years. In 2008, 87 percent men and 82 percent women had completed schooling. The gender division becomes stark as the level of education increases (Gur-Ze’ev 2013). The percentage of male graduates increased from 11.3 to 18 from 1948 to 1983 while the percentage of women graduates increased from seven to 16.7 in the same period (see **Table 3.22 and Figure 3.23**). In 2008, there were 23.7 percent women graduates while 21.3 percent were male graduates. In post-graduate education, the number of men and women are

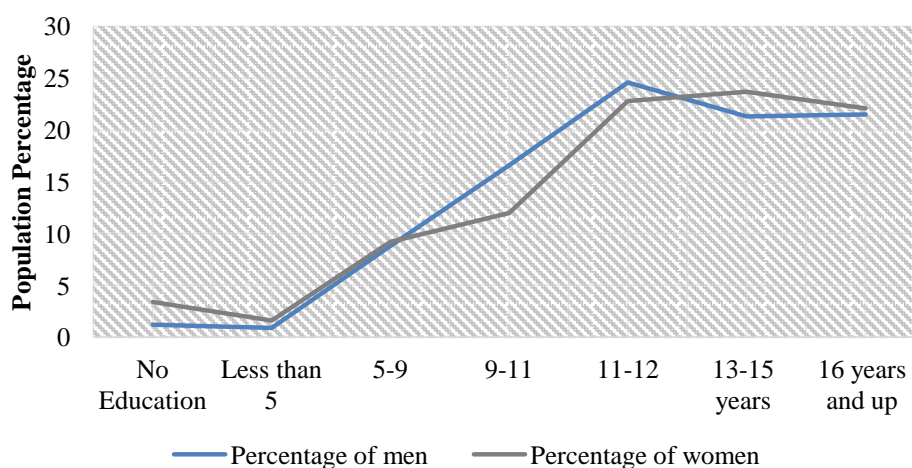
almost similar in 2008 with 21.5 percent and 22.1 percent respectively. In 1948, the number of post graduates, both men and women, were negligible which improved by 1983 when there were around 13 percent male post-graduates and only six percent female post-graduates (Gur- Ze'ev 2013). According to the Central Bureau of Statistics, as of 2009, in Israel there are about 33,627 persons with a doctorate degree; of which about 20,445 are men (60 percent) and 13,181 are women (40 percent). In 2008, around thirteen percent of the women and eight percent of the men in Israel over the age of 15 have not had education, 11.6 percent of women and 9.7 percent of men in Israel have one to 4 years of education, and about nine percent have had 5 to 8 years of education. The percentage of women with zero years of education (13.4 percent) is high compared with that of the men (8.2 percent) (Bentwich 2014).

Table 3.22: Level of Education among Women and Men, 2008

Level of Education (in years)	Percentage of men	Percentage of women
No Education	1.2	3.4
Less than 5	0.9	1.6
5-9	8.8	9.2
9-11	16.6	12.0
11-12	24.6	22.8
13-15 years of education (BA Degree)	21.3	23.7
16 years and up (Postgraduate degree)	21.5	22.1

Source: Adapted from Central Bureau of Statistics, 2010, available at: <http://www.cbs.gov.il/census/>

Figure 3.23: Education comparison between men and women, 2008



Source: Adapted from Central Bureau of Statistics, 2010; available at <http://www.cbs.gov.il>

The most common profession among women in Israel is education and teaching. One in every five women who work for pay is employed in the field of education. Women constitute a vast majority in the teaching staff of all education stages, from kindergarten to high school. The female dominance only grows stronger over the years. In 2000 the percentage of women in the teaching force was 74 percent which rose to 76 percent in 2008. However, the portion of women in the teaching force decreases as the education level increases. In elementary education, women constitute 85 percent of the teaching while in junior high, it is 81 percent. In high school, women constitute 73 percent of the teaching force. At the university level, there are a high percentage of women in the level of lecturer and senior lecturer, mostly in humanities, social science and medicine but the numbers go down in more technical streams like natural sciences and mathematics (Bentwich 2014).

Apart from these usual standards that are used to understand the gender relation in a society, several other domestic factors are taken into account. In case of Israel, it is a peculiar combination of state and religion that dictate the terms of gender relations. Israel was established as a state for the Jewish People (in its Declaration of Independence), and is defined as a Jewish and democratic state (in its Basic Laws). There has never been formal separation between religion and state in the legal and political structures and religion is intertwined in all levels of governance, political society, and civil society (Halperin-Kaddari 2010). Important issues pertaining to marriage, divorce, family and other aspects of the private life is determined by the religious rulings and courts. According to the Law Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 1953, and the Druze Religious Courts Law, 1962, all aspects governing marriage and divorce are under the jurisdiction of religious councils representing the different religions (Goldscheider 2015).

Two separate court systems exist for overseeing personal law. The first is the rabbinical courts, which are exclusively male tribunals, are the exclusive authority in matters of marriage and divorce (Navot 2014). The second court systems which are the civil courts that handle matters of custody, inheritance, guardianship, and alimony, but only with authority parallel to that given to the rabbinical courts. However, if there is a clash of judgement between the two courts on personal law, the judgement by the rabbinical court would hold sway (Ibid). Alimony, for example, comes under the ambit of civil court jurisdiction but if the divorce is filed on the

grounds of infidelity, then the rabbinical court has the authority to deny alimony to the woman (Goldscheider 2015).

Regarding marriage, rules are religious in nature and both the partners have to be a follower of Judaism, or any of the Abrahamic religions. If any one of the partner wishes to marry outside their religion, they have to travel abroad to do so. According to a Supreme Court decision of 1962, the Interior Ministry must officially recognize marriages contracted abroad by recording them in the Population Registry. Nevertheless, subsequent divorce resulting from this type of marriage still need go through the religious courts (Goldscheider 2015). In 2000, seven out of every ten marriages that took place abroad was mainly because one or both the partners refused to prove their Jewish identity according to the *halacha* (Ibid). Some of these marriages were also between partners of faith that are not recognised by the Jewish law like Hinduism or Buddhism (Goldscheider 2015).

The religious rules become more problematic when it comes to divorce. One needs to understand that the traditional commentary and decrees of the law have never brought women's experience or viewpoint into account (Goldscheider 2015). The traditional Jewish law (*halacha*) has changed with time but the State of Israel, by adopting a particular (*haredi*) strain of Orthodox Jewish law, perpetuated a more stagnant and conservative form of interpretation (Starr-Sered 1997; 112). Thus, in modern times, the gap between traditional Orthodox Jewish law and the status of women has become vast (Goldscheider 2015).

According to the Jewish religious law, a woman can only claim divorce under the '*Mais Ali*' clause which means that she has suffered from physical and mental trauma in the hands of her husband. If she is unable to prove the same while the husband wants to continue the marriage, the divorce would not be granted and she would be considered an *agunah* (chained woman) and may not remarry or give birth to halakhically legitimate children. On the other hand, the husband can claim divorce on any flimsy ground and this could "include 'she spoiled his food', or 'he found someone prettier', as good enough for the court" (Kauffman 1998). In case the woman does not want to grant a divorce to the husband, he can get a special dispensation called "permission from 100 rabbis" to marry another woman. For a woman, there is no such possibility of marrying again if her husband refuses to grant her a divorce first. Additionally, a man who has children with a woman not his wife may be considered immoral, but his children will be

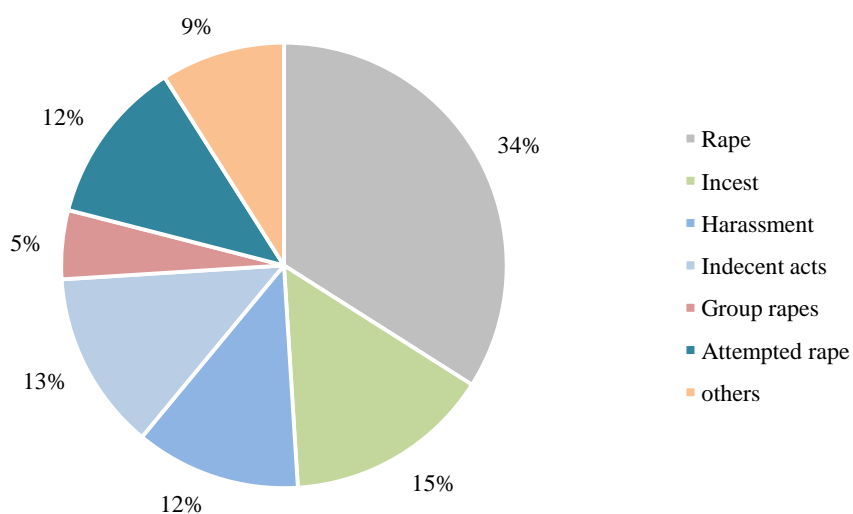
considered legitimate, while children born of a married woman with a man who is not her legal husband would not be accepted as part of the society or faith (Kauffman 1998). Furthermore, until 1973 even the woman's property rights were dependent upon the divorce, as the Spousal Property Relations Law conditioned the distribution of the marital property upon the granting of the final divorce papers. In 1973, the Spousal Property Relations Law was amended under which all couples married from 1 January 1974 had the right to jointly dispose or live in married property. In case of divorce, the marital property was to be split equally between the partners. (Lifshitz 2016). The construction of gender in Jewish law of marriage and divorce, as it is understood and practiced by rabbinical courts, results in inherent gender discrimination which is to the detriment of women (Halperin-Kaddari 2000b).

Apart from the legal domination that women face from religious authorities like *haredi* men, they also face social ostracisation in various public places. Most ultra-orthodox religious men refuse to sit next to women in public transportation. In Mehadrin bus lines in Jerusalem, separate seats were allocated for these men till January 2011 when the Supreme Court ruled that gender segregation in public spaces was unlawful (Heller 2012). They also refused women the right to pray at the Western Wall that includes singing, reading aloud from the Torah and wearing religious garments (*tallit*, *tefillin* and *kippah*). This has led to a strong movement by a group of women known as the 'Women at the Wall' to fight against this rule. In January 2017, the Supreme Court stepped in to allow women to pray and sing at the Western Wall which has been criticised harshly by the religious parties like Shas (Sherwood 2017). They also denounce the involvement of women in the military and refuse to serve alongside them (Cohen 2015). They demand segregated space for learning, praying and even celebrating marriages and other social events.

Another grave social issue concerning women in Israel is the violence that they face in both public and private sphere. In 1996, 240,000 women filed for legal cases against violent acts including marital rape and sexual harassment. This number almost doubled by 2006 (Kubovich 2012). However women organisations like Woman Aid Centre in Jerusalem and Woman First in Haifa claim that only 20 percent of the cases are reported while the rest goes silent (Grave-Lazi 2016). This is primarily because the maximum numbers of victims belong to either immigrant communities like Ethiopians or to lower class strata who rarely file their complaints (Ibid).

According to a 2015 report by the Association of Rape Crisis Centres which was presented to the Knesset Committee on the Status of Women and Gender Equality, around 84 percent were women victims (Grave-Lazi 2015). The complaints involved rape or attempted rape in 34 percent of cases, while 15 percent dealt with incest, and 12 percent concerned harassment in the workplace. An additional 13 percent of complaints involved indecent acts and five percent were related to group rape or assault (**Figure 3.24**). The majority of sexual assault incidents which was around 26 percent were committed by a family member of the victim, while 10 percent were committed by a boyfriend or spouse (Grave-Lazi 2015).

Figure 3.24: Types of Harassment Complaints in Israel, 2015 (in percentage)



Source: Adapted from The Jerusalem Post, 2016; available at <http://www.jpost.com/Israel-News/Reports-of-sexual-violence-on-the-upswing-43000-complaints-filed-in-2015-473205>

Women rights are protected under several corner-stone laws in Israel. In 1951 Women’s Equal Rights Law was passed, which guaranteed gender equality before the law. However, due to the pressure from the religious groups, the Knesset subordinated the principle of equality for women to *halakhic* rules on marriage and divorce (Raday 2009). The right to equality was expressly excluded regarding all issues of “prohibition and permission to marry and divorce.” In 1992, the Knesset found a way to circumvent the opposition of the religious parties by introducing, the Basic Law: Human Dignity and Liberty, which guaranteed, amongst other rights, the right to human dignity. It states, “The purpose of this Basic Law is to protect human dignity and liberty, in order to establish in a Basic Law the values of the State of Israel as a Jewish and democratic

state” (Basic Law: Human Dignity and Liberty 1992). The Supreme Court in 1998 held that equality for women is incorporated in the right to human dignity (Raday 1995).

Apart from the above an Equal Employment Opportunity law was also passed in 1988 and amended in 1998, to address issues of employment discrimination. It also imposed an obligation to pay equal pay for work of equal value (Aldo 2013). 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 (Halperin-Kadari 2004). 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 as basic principles of the legal system. The Prevention of Violence in the Family Law was passed in 2005, conferring jurisdiction on the courts to give protection orders that remove the violent person from the family home. It also improved the trial situation of rape victims, abolishing the requirement of corroborative evidence of rape and disallowing examination of the rape victim’s past sexual experience (Raday 2006).

Thus, it becomes apparent that despite legal guarantees, the status of women in the Israeli society is still dictated by traditional norms of patriarchy which determines the role and position of an individual based on sexual attributes rather than gender. There have been several changes due to various legislations on the social status of a woman but gender discrimination continues to linger on. One can attribute this to the cultural past of the society along with an inherent sense of discrimination which forces women to choose traditional paths of giving importance to family and child-bearing instead of challenging these norms (Enloe 2011). However, there is a contradictory trend among a minor section of women to challenge these social ideas and break existing glass ceilings in all social spheres.

d. Military:

On 26 May 1948, the Israeli Government established the IDF as the military institution of the newly founded state. Military service for all Jewish men and women was made mandatory. Women conscripts and soldiers were enrolled through the Women’s Corps which was established in May 1948 (Halperin-Kaddari 2004). The Defence Service Law of 1950 expressed an ambivalent approach to incorporating women in the IDF. Three criteria were established to

guide the above stated process. These criteria included the preference of motherhood and family over security requirements of the state as children were seen as the future of the state. Although women were accepted as part of the military, their roles and positions were limited to desk-jobs as they were seen as unsuitable for an active military role due to their gender attributes (Nevo and Shur 2002).

The law was amended in 1952 and was presented in a consolidated form. It specified the duration of the conscription period as 36 months for men and 24 months for women (which was later reduced to 21 months in 1968 and then increased to 24 months in 2015). The period for reserve duty for men was till the age of 40 or higher and for women till the age of 24, unless the latter marry or have children. It further specified medical related draft exemptions for all soldiers. For women, additional exemptions were also stated like marriage, motherhood, pregnancy or religious practice. The 1952 law specified three types of positions closed to women in the IDF namely combat roles, tasks in which the physical conditions are unsuitable for female soldiers and positions that demand a high degree of physical fitness. Combat support positions were open for women soldiers (Nevo and Shur 2002, 105). Since then, the Defence Service Law has been amended several times.

Since 1950 to 2010, the percentage of women eligible for conscription has been around 30 percent while the percentage of women recruited have increased slightly from 55 percent in 1950 to 62 percent in 2010. The rest have been exempted on grounds on religion conviction, parenting and pregnancy (**Table 3.25 and Table 3.26**). The number of exemptions on religious grounds have increased to 33.8 percent in 2010 from 12.1 percent in 1950 but there is also an increase in the number of women religious soldiers who have joined the military in recent years. These trends can be attributed to increasing population growth of religious Jews in Israel. The percentage of religious women joining the military increased from 13 percent in 2013 to 30 percent in 2016. This rising phenomenon continues despite stiff opposition from rabbis like Rabbi Shmuel Eliyahu from Safed who said that women who serve in the army become less religiously observant (Sharon 2014).

Table 3.25: Women in the IDF (in percentage)

	1950	1960	1970	1980	1990	2000	2010
Percentage of women eligible for conscription	28	33	30	30	33	35	33
Percentage of women recruited from women eligible for conscription	55	57	55	60	60	62	62
Percentage of women exempted from conscription	45	43	45	40	40	38	38
Percentage of women who chose army as their career after conscription	10	16	23	26	34	37	40

Source: Adapted from Israel Democratic Institution, 2011, available at https://www.idi.org.il/sites/english/PublicationsCatalog/Pages/Women_in_the_Israel_Defense_Forces/Publications_Catalog_7719.aspx

Table 3.26: Reasons for Exemption of Conscription among Jewish women (in percentage)

Reasons for Exemptions for Jewish women	1950	1960	1970	1980	1990	2000	2010
Marriage/engagement	28.9	30.6	22.1	11	9.2	4.8	3
Pregnancy	1.3	2.4	2.3	1.8	1.4	1.2	0.9
Motherhood	2.7	1.6	0.9	0.6	0.3	0.2	0.3
Religious Observance	12.1	8.4	19.7	26.6	29.1	31.8	33.8
Total Claims of exemption	45	43	45	40	40	38	38

Source: Adapted from Israel Democratic Institution, 2011, available at: https://www.idi.org.il/sites/english/PublicationsCatalog/Pages/Women_in_the_Israel_Defense_Forces/Publications_Catalog_7719.aspx

Theoretically, the IDF follows a policy of “gender equality and partnership” (Nevo and Shur 2002). In reality, as a military institution, it carries its own gender biases and crystallises the

same through various interactions among male and female soldiers like the relation between the women conscript and male officer-in-charge (Starr-Sered 2000). Established gender norms that privilege masculinity have created a culture of gender differences. While progress has been made since 1980s to improve the status of women soldiers like permitting them to join combat, there are still eight per cent posts in IDF that are closed to them. In an interview, Brigadier-General Suzy Yogevev said that, “The current changes in the IDF are too slow to make a long term impact in creating a gender-egalitarian IDF. The need of the hour is to change the way the society thinks and perceives gender” (Sasson-Levy 2005).

Other Gender Identities in Israel

Jewish law is based on a fundamental assumption of gender duality. *Halakhic* discourse generally imagines the human body to be sexed as either male or female (Schulman 2012). It is based on a system of commandments based on semiotics of the body, which is basically reading the body surfaces. Primarily, the genitals are “the place from which it can be recognized whether s/he is male or female” (Fonrobert 2009). On the basis of this evidence, people are categorized as either “saris” in the male cases, usually translated as “eunuch,” or as “sterile,” or “*ailonit*” in the female case, which translates “ram-like” woman. The ‘*saris*’ and the ‘*ailonit*’ as *halakhic* categories are perceived as either man or woman via their primary sexual organs. They are defined as not distinct genders, but as men or women who cannot reproduce. Thus, they are usually assigned one of the dual genders but are not considered as part of the community as they cannot participate in any of the traditional practices like circumcision (Ibid).

Since the law of Israel follows *halacha*, there is no legal recognition of same-sex marriage. Yet, with the rise of same-sex unions in recent years, there has been a greater recognition of such couples as common-law spouses, with consequent advantages to their legal status. The Supreme Court in 1994 following the Danilovich case gave legal status to same-sex couples for purposes of economic benefits. This was the first victory in the battle of the (Lesbian, Gay, Bi-sexual and Transgender) LGBT community for recognition of their relationships. A few years after this landmark decision, a Beer-Sheva family court gave legal status to a relationship agreement between lesbian partners. These verdicts have become quite a routine, in the past few years, and constitute a de facto recognition of same-sex relationships (Starr-Sered 2000). The inheritance law was also found to apply to same-sex partners in a 2004 case, when a Nazareth court ruled

that a gay man could inherit his deceased partner's property. The court decreed that "man and woman" could be interpreted as "man and man" or "woman and woman". In 2009, the National Insurance Institute recognised the rights of the partners in same-sex unions and made them eligible for mortgage loan and pension benefits. They also agreed to pay maternity benefits to gay men using a surrogate from abroad in order to have a child (Tamir 2012). At the end of the twentieth century this prevalence is reflected in the debate about Dana International, the transsexual Israeli pop star whose stardom put trans-sexuality onto the agenda of public discourse.

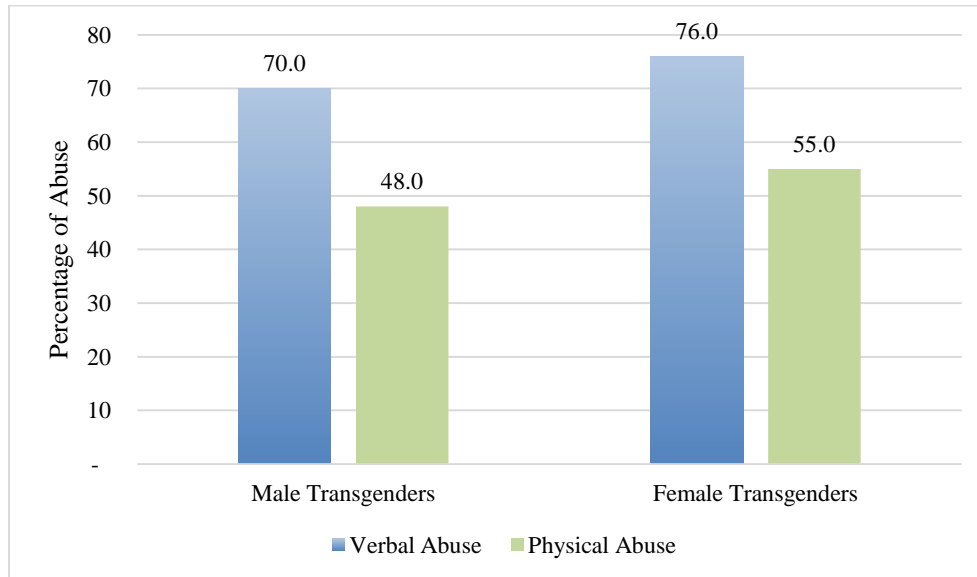
In the given categories in the chapter namely, political, economic, social and military, LGBT has been accepted in various degrees. In politics, Labour Party and Meretz, are the only two parties that support LGBT rights. Since the past few years, individual MK's from Kadima have held dialogues with the LGBT community and sought their support like MK Nino Abesadze advocated for the rights of the community in a Knesset meeting on homophobia in November 2012. Other minor liberal or progressive political parties support a similar platform as well, including the Green Party (2010) and the Green Leaf Party (2015). Officials from a number of parties, including Yael German of Yesh Atid, Limor Livnat of the Likud-Beiteinu coalition and Nitzan Horowitz of Meretz, backed same-sex marriage and pledged support for LGBT causes in 2015. On 22 October 2002, Meretz MK Uzi Even made history by becoming the first openly gay Member of Knesset. Three more openly gay Israelis - Nitzan Horowitz, Itzik Smuli, and Amir Ohana - have been elected to the Knesset since then (Knesset 2015).

Israel has an active LGBT community, with well attended annual gay pride festivals held in Tel Aviv and Jerusalem since 1998. Pride events are also held regularly in Haifa, Beer Sheva, Petah Tikva, Hadera, Ra'anana, Eilat and Rishon LeZion (Lior 2017).⁹ However, they face discriminations in the labour force. In 2015, only 44 percent of them worked full time and 35 percent work part-time, while 21 percent do not work at all. Of those who are working, most (57 percent) are earning minimum wage. Violence against this community is also on a rise. In 2015, 70 percent of transgender men and 76 percent of transgender women reported suffered from

⁹On 7 July 2017, pride parades took place all over Israel including Jerusalem. A crowd of over 200,000 participated in Tel Aviv (Lior 2017).

verbal abuse, while 48 percent of the males and 55 percent of the females reported physical abuse (Efrati 2015) (Figure 3.27).

Figure 3.27: Physical and Verbal Abuse of Transgender in Israel, 2014



Source: Adapted from the Haaretz, 2015; available at: <http://www.haaretz.com/israel-news/.premium-1.658091>

In the military, LGBT soldiers serve without hindrance in all branches of the military. Discrimination against gay, lesbian, and bisexual soldiers in recruitment, placement and promotion is prohibited in the IDF since 1993. The military recognizes same-sex couples, including widows and widowers of the same-sex (IDF Blog 2008). However, this is a change since early 1990s. In 1956, two male soldiers were put on military trial on charges of homosexual sexual intercourse, then defined as sexual conduct "against nature" and were convicted to a military prison sentence of one year. They were removed from military because, at that time, homosexuality was seen as a "mental disorder". In the 1960s, legal opinions by the Israeli Attorney General and the Supreme Court limited the application of the criminal laws against homosexuality, but the prevailing notion that homosexuality was a disease remained (Starr-Sered 2000).

From the 1960s until 1993, gays, lesbians and bisexuals were not formally exempt or banned from military service, but they weren't encouraged as well. Their sexual orientation was classified as a mental illness, which limited their role within the military, and there was no protection from anti-gay discrimination or harassment in the military. Until the 1980s, the

commanders still had to report to the military psychiatric department about homosexual soldiers. In 1993, the Knesset revised the military rules so that gay, lesbian and bisexual Israelis can serve openly and on an equal footing with their heterosexual counterparts (Ibid). Homosexuals have been allowed, since then, to serve openly in the military, including special units.

The IDF does not consider transgender or homosexuality to be a disqualifying condition for service. It also determines gender specific army regulations (length of service, which gender to be housed with, whether they are to wear a male or female uniform, etc.) on a case by case basis for its transgender soldiers. Further, many draftees who declare themselves as transgender can elect to receive exemption from military service. However, a steadily increasing number of gay recruits do full military service, often in combat units and intelligence units. Unit 8200, one of the largest units in the Israeli army, is well known for the large number of uncloseted LGBT soldiers serving in it (Reed 2015). In 2013, the IDF announced they would, for the first time, allow a transgender woman to serve in the army as a female soldier. On 17 May 2015, the IDF released an interview of a transgender career officer who said, “I can’t tell you that every single commander in the IDF is accepting of transgenders, but overall I think that our chain of command is made up of very good people. There’s an informal message in the IDF that if you have a problem with transgenders – shut up – because there’s no place for that kind of opinion in the army. I think it’s great!” (IDF Blog 2013).

Conclusions:

It is true that equality is definitely a myth. No single individual has equal biological or mental abilities. Nonetheless, every individual, as an equal member of the state, deserves uniform opportunities and similar allocation of resources. When this is denied to an individual, stratification of citizenship takes place based on various identities. Gender is the only identity that has the ability to fracture the society in two halves. Traditionally, women have always been seen as the ‘second sex’ regardless of the type and development of the society. Norms and discourses have been prevalent in all cultures that not only justify the subservience of women but also continue to support it.

However, in several states, circumstances create aberrance in these norms, by creating an opportunity for women to participate equally with their counterparts. In case of Israel, the deep scars of Holocaust and the desperation during the 1948 War gave the space for women to join in

the task of nation-building, equally with their men. However, immediately after the establishment of State, the traditional norms were put back in place and women were urged to return back to the “private sphere.” Nevertheless, the sense of equality lingered on and acted as the guiding force for various waves of feminist movements that demanded more rights, affirmative action’s and accommodation for women to be an equal partner in the society. This resulted in various legislations and an increasingly sensitive public sphere.

It is the increasingly aware social sphere that has compelled the government despite coalition pressure to make various changes in the social fabric of Israel, including the acceptance of women in most of the military units, allowing women to pray and sing in front of the Western Wall, to opt for civil-marriages abroad and still be recognised by the state and accepting various LGBT rights. The Supreme Court of Israel, through its various judgements have been very sensitive to these demands and have issued several landmark rulings that have accommodated the needs and requirements of a woman to be an equal citizen of Israel.

Justice Dalia Dorner, in 1998, said that, “The interest in guaranteeing the dignity and status of women, on one hand, and the continuation of society's existence and the rearing of children, on the other, demands - as far as possible - that women should not be prevented from realizing their potential simply because of natural functions which are special to them, and thus be discriminated against vis-a-vis men. The social regulations - including the legal regulations- must be adapted to their needs” (MFA 1998).

Chapter 4

Women and Israel Defence Forces

The Israel Defence Forces (IDF) shares a unique and strong relation with the society and plays an important role in the construction of national consciousness. The formation of the IDF was primarily an attempt to create a ‘people’s army.’ As a fledgling state with limited resources, an ever-expanding number of immigrants and threat of impending war, Israel was left with no option apart from mobilising its entire human resources through conscription. The latter soon became the backbone of the nation and provided every Jewish youth with a sense of national identity and a common experience of serving the ‘homeland.’ This transition phase was led by David Ben-Gurion whose vision provided a framework for not only his peers but also for the future generation to construct and maintain the IDF as the cornerstone of the state, even while subordinating to the civilian authorities..

The relation between the IDF and society is reflected through various social interactions and cleavages. The centrality of a military organisation to the Israeli society influences the traditional status of women. The army which is a predominantly male environment re-affirms traditional gender identities by limiting opportunities to women. These biases have been challenged by various legislations which have led to various changes in the structural policies of the IDF. There has been a substantial increase in the number of women recruits in various units and ranks of the military. These changes have taken place since 1987 when the Defence Service Law was amended. Although these developments have gone against the post-1948 vision of Ben-Gurion to allow a limited exposure for women to military, it has nonetheless fulfilled the needs of a nation in transition by allowing Jewish youth to realise their potential, without structural discrimination.

This chapter identifies and analyses the early vision of Ben-Gurion in creating the IDF as a people’s army. It maps the various legislations and amendments that have influenced the changing policies of the IDF. Further, it studies conscription and the structural incorporation of women in the military. It entangles with stages of military service that a women cadet undertakes before she joins a particular unit. It also looks at various roles that a woman cadet can choose depending on her profile scores like combat, combat support and non-combat roles. It concludes with a brief look at various units that women are serving today. The chapter argues that the slow

yet steady structural changes in the IDF has improved the participation of women in the military but there is still a long way ahead before achieving gender equality in the institution.

David Ben-Gurion and the Establishment of the IDF

The IDF was established on 26 May 1948, immediately after the establishment of the State of Israel and is commonly known by its Hebrew acronym *tzahal*. It was organised out of a number of armed groups which operated before 1948 such as Haganah, Irgun, Palmach and Lehi. These organizations were merged to form a unified army to pool resources to defend the newly established state (Williams 2000: 8). These groups existed separately until 1948 and had distinct political affinities. As discussed in Chapter Three, the Haganah was associated with the Jewish Agency while the Palmach got its funds from a political party known as Achdut HaAvoda, the fore-runner of present day Labour party. Despite different political affiliations, these organizations came together to help in the establishment of the state. After 1948, these military groups were absorbed into the IDF. However, several issues like large scale immigration of various ethnic Jews from different parts of the world created a stumbling block in forming a cohesive military institution. Amidst these historical processes, Ben-Gurion, acting simultaneously, as Prime Minister and Defence Minister played a leading role in creating an institution that not only met the defence needs of the state but also the civilian requirements.

From the time of his arrival in Palestine from 1906 until the 22nd Zionist Congress, in Basel in December 1946, Ben-Gurion's involvement in security matters were in the theoretical realm rather than in concrete terms.¹ Yoav Gelber argues that "he was the only leader to look further ahead and sense the dangers that would threaten the *yishuv* after the British departure. The challenge would stem not merely from the local Palestinian Arabs but primarily from the adjacent Arab armies, who would almost certainly invade the country" (Gelber 1979:10). Accordingly, he took over the defence portfolio when the Zionist Executive was reorganized at the Basel Congress. In March 1947, he met the Haganah Command Council and General Staff, and held talks with the district commanders, chiefs of the Palmach, and intelligence service, as

¹ Copies of his diaries and correspondences, in English, can be found at the Ben-Gurion University library and can be accessed at its digital archive library (<http://bgarchives.bgu.ac.il/archives/english/archion-en/collections.htm>). Interestingly, in his diary he has mentioned his part in the defense of Sejera in northern Israel and his participation in military encounters against the Arabs in 1907 and 1908. However, Ze'ev Drory points out that he was not accepted into the ranks of the 'Hashomer' (Jewish guard and self-defence organization) at its founding in 1909 and thus, it is not possible for him to be part of the defense of Sejera. (Drory 2004:4)

well as with ex-militia officers of the British and other armies who had fought in the World War II (Drory 2004:11). In late May 1947, Ben-Gurion summarized his understanding of the situation in his diary:

Insufficient training, including the Palmach; shortage of commanders, and those who are in the ranks are not good enough. Lack of operational experience. Faulty planning. The structure of the budget is inconsistent with the purpose. The equipment is disproportionate. For many years a central idea-the role [of the organization]-has been absent. What are the principal reforms: extensive training of cadres; improving the instruction; [establishment of] an advanced school [for senior commanders] ... promotion of young talents; expansion of the organization among the youth; acquisition of scientific and technological innovations in America ... a biannual programme of production and training; a force that would be able to stand up against the military forces of the Arab states and, moreover, care for [current] security(BGA, Ben-Gurion's Diary, 27 May 1947)

The reorganization of the Haganah and Palmach was based on a scheme that had been prepared in early September 1947 by Shalom Eshet, Ben-Gurion's military adviser. The organizational changes were accompanied in November through a revised plan prepared by Yigal Yadin and his aides. Ben-Gurion had previously sent Yadin to Switzerland as it was one of the few countries in the world that had conscription for its citizens. Yadin was asked to research and prepare a compatible structure for the impending Jewish state. On his return, he suggested conscription as the basis of recruitment (Williams 2000: 22-23). According to Stuart Cohen, Ben-Gurion himself preferred to have an army based on Leon Trotsky's ideas in which the entire workforce was to be conscripted in the army that would then dispatch 'labour battalions' to industry and agriculture (Cohen 2008: 19).

Although the Haganah was a popular and voluntary mass-organization, many of its members also belonged to various political factions and were subject to their discipline. In the absence of a central and recognized authority, there was a constant clash of loyalties. It became crucial for David Ben-Gurion to bring various small factions of armed youth under one regulating authority but he also understood that this said authority could not be the state political elite (Zweig 2004:23). He demanded a "chain of command and structure in the Haganah" which was met with

fierce opposition by the leaders of the organisation (Gelber 1989:193). Despite constant criticism by his own peers,² he stuck to his priorities and kept demanding an organised military institution.

Operation Nachshon in April 1948 was a milestone both in the course of the war and in the creation of the IDF.³ For the first time, the fledgling army, still in the midst of transformation from a militia to a regular force, took up the battle openly on its own initiative. The scope of the combat was aimed at lifting the siege of Jerusalem and to signal the prowess of the young army. This was achieved successfully by the demands and the directions given by Ben-Gurion (Zweig 2004: 213). The success of the Operation compelled his peers to make Ben-Gurion as the Defence Minister, but he refused to take the office and instead insisted on fulfilment of his demands of creating an organised military institution with a proper chain of command which would be subservient to civilian authorities. In his diary, he wrote:

At eleven o'clock the Defence Committee entered. Berl Raptor opened with an attack in the style of Al'HaMishnmar (Zionist-socialist newspaper) about the Head of the Haganah matter...I stated that still hadn't received the defence portfolio and I wouldn't accept it unless I was certain that 1) our army is subordinate to the people and only the people, 2) that everyone in the defence forces will operate according to a clearly defined, officially appointed chain-of-command, 3) that defence considerations will be the deciding factor in all defence matters (BGA, Ben-Gurion's Diary, 12 May 1948).

On 26 May 1948, the government approved the "Israel Defence Forces Order," that laid down the law for the army's existence and made it the sole armed force in the state. Further the order made the IDF subordinate to the government (Drory 2004: 22). On 30 May, the government approved the wording of the military oath proposed by Ben-Gurion which was based on the Haganah oath of allegiance.⁴ The very next day, a ministerial order announced the formal establishment of the IDF, and simultaneously the "Israel Defence Forces Order" was published

²He was called a 'dictator' by Yisrael Galili who was an Israeli politician but was compelled to resign from the Knesset by David Ben-Gurion during the General's Revolt in June 1948. (Zweig 2004).

³It was a Jewish military operation during the 1948 war. Lasting from 5–20 April 1948, its objective was to break the Siege of Jerusalem by opening the Tel-Aviv - Jerusalem road blockaded by Palestinian Arabs and to supply food and weapons to the Jews of Jerusalem.

⁴The wording of the military oath is as follows, "I hereby swear and commit myself to maintain allegiance to the State of Israel, to its constitution, and to its authorized government. To accept without condition and without reserve the burden of discipline of the Israel Defence Forces and to obey all commands and orders given by authorized commanders, to devote all my strength and even to sacrifice my life for the defence of the homeland and the freedom of Israel" (IDF info).

in the Official Gazette(Tal 2004: 48).⁵ The swearing-in ceremonies were postponed until the beginning of the cease-fire and the Provisional State Council ratified the Order in its session held on 1 July 1948. Its approval completed “the creation of the formal infrastructure that defined the role and status of the IDF in the State of Israel and its affiliation to the state's institutions” (Tal 2004:49).⁶

The IDF was meant to fill a central role in creating a national identity based on a common military experience. Its officers and soldiers became the focus of national identification and a symbol for the realization of an embryonic state. At the same time, the IDF stood above political and ideological disputes and beyond sectoral divisions. Ben-Gurion said, “Only the army can and must serve as a unifying factor in formulating the new image of the people and its loyal integration into the new culture and society being created in the State of Israel (BGA, Ben-Gurion’s Diary, 4 November 1948).”

The key-point in making IDF relevant to the ever-changing needs of the society was the ‘Youth’. On 3 April 1947 Ben-Gurion wrote:

Youth: not to establish a new youth movement in the conventional manner – which formulates its own *weltanschauung* and determines a position regarding current and enduring questions about the nation and society – but rather a framework of youth subservient to the nation. There is no hope that the pioneering youth movements will embrace all youth. A minimum of military training, field trips, learning about the country, information sessions (on illegal immigration and the like), Zionist education; leaflet distribution by the children, newspaper reporting, contributing to local production

⁵The official order can be found in David Ben-Gurion’s book “When Israel Fought in Battle,” under the Appendix titled, ‘Order of the Day for the Establishment of the IDF – 31 May 1948’, p.114. It is a Hebrew book but the same order has been reproduced by several scholars like David Tal (2004), Eliot A. Cohen (2012) etc.

⁶The first test of the IDF’s loyalty to the state was tested in the Altalena Affair which took place in June 1948. The ship Altalena, carrying combatants and weapons of Etzel, a pre-independence militia, to Israel, directly challenged the Government’s sovereignty. Etzel commanders made two demands to the government, 1) to transfer a portion of the weapons brought by the ship to erstwhile Etzel members who had been inducted into the army; and 2) to distribute a fifth of the cargo to independent units of Etzel in Jerusalem. Prime Minister Ben-Gurion rejected these demands on the grounds that only the Provisional Government had the sole right to distribute weapons in the State. Yisrael Galili and Levi Eshcol held talks with the commander of Etzel, Menahem Begin, but they were unsuccessful. Ben-Gurion stuck to his position. Violent clashes soon took place between soldiers belonging to the IDF and Etzel forces who had deserted the military and had come to help their comrades. Ben-Gurion ordered the military to shell the ship which resulted in the death of 16 people and the sinking of the ship. He re-emphasized that “only one army under one common discipline and one authority would enable the State to take a firm stand in the face of invading Arab armies” (Tal 2004:52).

– and service in the entrance ranks of the ‘Haganah’” (BGA, Ben-Gurion’s Diary, 3 April 1947).

The need to recruit the youth in the task of nation-building and provide them with a sense of national-ownership led to the idea of conscription which has been discussed later in the chapter. Ben-Gurion was emphatic on women joining the military and said:

Since you rightly believe that the security of the State must be pursued night and day, I want you to know that that security will not exist if our nation’s women do not know how to fight. We are few – and our enemies are many. If, heaven forbid, a war falls upon us, the men will go to fight the enemy, and if, heaven forbid, the women who are protecting their children at home do not know how to use a weapon – what will be their end if the enemy falls upon them?” (IDF Blog 2013).

It is important to note here that his idea of women’s participation in the IDF was different from what the women had undergone during the 1948 war. He was urging women to step back from the previous position of power and still be part of the nation-building process through the military. He makes it clear, as reported in the Leavonworth Paper:

Here is a fundamental difference between the Haganah and the IDF. Until November 1947, the Haganah was for local defence. There was a need to defend the place of settlement and the call to defence included everybody who was capable. But an army is a totally different thing. In war, an army’s main task is to destroy the enemy army — not just defend. When we protected the home with rifle in hand, there was no difference between boy and girl. Both could take shelter, and everything he knew — she knew. But in an army and in war, there is a reality of inequality in nature, and impossible to send girls to fighting units. Yet an army also needs non-combat units. And women are needed for appropriate professions to strengthen the nation’s fighting force by releasing men from those tasks for combat” (Tal 2004: 46).

Ben-Gurion’s vision of a military with youth as its backbone was substantiated with a gender discriminatory structure. Scholars like Ronald Zweig (2004: 78) and Ze’ev Drory (2004: 36) have pointed out that his stand on women’s participation in the military was based on political pressures from the religious parties. He tried to find out a middle path by allowing women to participate even while giving them the scope to maintain femininity in a male bastion. However,

some scholars like Nitza Berkovitch have disputed this line of argument and have blamed Ben-Gurion for creating an institution with inherent gender biases (Berkovitch 1997).

Apart from security needs, three other requirements namely, immigration of refugees, absorption and education became part of the IDF portfolio. Appearing before soldiers undergoing an officer-training course, in May 1949 Ben-Gurion asserted that “as long as war is still possible in this world we cannot exist without an army” (Tal 2004: 112). It is clear that he understood that the task of meeting such requirements needed enormous manpower and the legitimacy of state power. These concerns were met in only one institution namely, the IDF which was modelled as ‘people’s army.’

People’s Army

Since its inception, the IDF has been projected as the ‘people’s army’ and perceived as an institution that would help in creating emotive and social ties between the “people and the land” (Cohen 2005: 32). The inclusionary nature of the IDF has brought together Jewish, Druze and Bedouin youth to a common and egalitarian stage, helped them to bond together and assisted them in creating a unified national identity and culture. Apart from the above, the IDF also helps in the process of nation building, provides social mobility and helps in integrating the immigrants (Levy 2007a:74). It also assists in addressing social issues like gender discrimination through its structural and functional legislations and norms.

The conscription model was incorporated in the IDF to realise such aspirations. As most of the Israeli youth undergo compulsory military service, military education and legislations provide them with a framework to accept and be part of creating a national experience. As most of the immigrants arrived in Israel with their own sense of history, culture, identity and language, it became the responsibility of the IDF to help in forging an identity amongst these youth that superseded various ethnic and historical singularity that they carried. The common experience of a military service not only helped them in getting absorbed in the society but also follow various norms and discourses prevalent. It helps in creating bonds between the communities as well as acts “as a rite of citizenship in Israel” (Williams 2000:12).

In 1951, the chief-of-staff of the IDF Yigal Yadin remarked on the IDF’s devotion to the task of nation building and said:

Every army has to transform citizens into soldiers. But we also have to make citizens out of soldiers. More precisely, it is our task to see to it that Jews from the various Diasporas who have not yet become either citizen in the full sense or soldiers will consider themselves solidly rooted Israelis: patriots, conscious of their national destiny and fighters (Cohen 1997a: 54).

The creation of a state is usually accompanied by various discourses in the construction of national consciousness. These discourses can be identified into three themes: historical, emotive and political. In the first theme, historical relations and experiences were evoked to create a common history (Ibid). The culture of Diaspora life and the horrors of Holocaust were reiterated to emphasise the common experiences of the immigrant Jews to Israel. In the second theme, the discourse emphasized the emotional ties that link a Jewish person with the state of Israel (Cohen 2005: 57; Levy 2007: 12). It encouraged participation in nation-building to “re-create the land of their fore-fathers” (Cohen 2005: 57). Enrolling for conscription as well as volunteering for social services was seen as an “act of belonging” (Ibid). The same discourse also portrayed the manifestation of the “other who did not belong.” The construction of the identity as ‘us versus them’ led to the isolation of the Israeli Arabs who were given exemption from enrolling into conscription (Levy 2007a:13).

The third theme emphasised the political ideology of nationalism which assumes that the state and the nation coincides. Tangible national markers like flags, celebrating Independence Day and institutions like the army play a major role in cultivating the notion of solidarity among the people (Cohen 1997a:60). Conscription helped in the initiation of sentiments of belonging to a particular community and state. Military parades and pageants in the IDF also helped in evoking nationalist sentiments (Ibid). This discourse highlighted the role of the IDF in the process of ‘nation-building.’

Apart from these, the IDF participated in various activities like expanding agricultural lands, building roads and bridges in the remote areas, giving healthcare and education to the new immigrants in collaboration with the Jewish Agency and immigrant camps. They also built war memorials and military cemeteries like Palmach memorial and Jerusalem Brigade memorial, immediately after the 1948 war that aroused nationalist sentiments (Williams 2000: 14).

Military service in the IDF also provides social mobility for the youth. Reuven Gal describes the process of social mobility in the IDF as

Service in the military has become an entrance ticket to Israeli society in general and to the job market in particular. The first thing required for any young person who looks for a job is his/her certificate of discharge from the military. Not only does it verify that the candidate has fulfilled the requirement of the military service, but it also indicates the rank achieved as well as a brief evaluation regarding conduct. In most cases this will be considered far more evidential than any other form of recommendation...successful service in the IDF serves as a springboard for social mobility (Gal 1986:38).

Conscription provides an opportunity to the majority of the Jewish, Druze and Bedouin youth to participate in the military. Based on the results of the physical and aptitude tests held after the basic training, the conscripts are transferred to various units in different capacities. Every year a few of the conscripts are selected for combat training and the rest are given training in various skills including translation and database management. These skills help the young conscripts to seek employment after the end of their conscription (Cohen 2008: 121).

The conscripts are awarded a 'certificate of discharge' at the end of their conscription period which contains details of their skills, ranks and achievements. They are also provided with monetary aid from the 'Guidance and Fund for the Discharged Soldier Division' in the Ministry of Defence. This aid is provided for five years after the completion of conscription, being discharged or retirement from military service. Based on the 'certificate of discharge,' the conscripts are entitled to financial benefits like housing loans, university grants and aid for vocational training. The conscripts also receive financial aid as part of the 'De-mobilisation Grant' and the amount of the grant is determined by the length of conscription and type of service.⁷The 'certificate of discharge' as well as the financial benefits provides opportunities of social-mobilisation for various social groups like the Ethiopian Jews. Majority of them lives below the poverty line in Israel. During 1980s, almost 68 per cent of them lived in "ghetto like conditions and survived on less than US\$4 per day" (Ben-Yehuda 2010: 142).

⁷ For details see, Ministry of Immigration Absorption, Israel, "IDF handbook", 2011.

Another important facet of a ‘people’s army’ is the construction of the norm of ‘social levelling.’⁸ This refers to the idea of an egalitarian society and practically manifests in a non-biased military service with equal opportunities and support. This norm is not only meant for economically deprived groups but also for socially biased sections like the women and the LGBT group. The IDF through its various legislations (as has been discussed earlier) has tried to provide a dynamic structure for equal participation for all sections of the society. The structure of its training curriculum keeps changing based on recent findings by the Medical corps and the Research and Development unit of the IDF. The introduction of Body Mass Index (BMI) as a category for different physical curriculums, especially for women soldiers, has opened doors to hitherto closed posts like combat (Friedl 2012, Gross 2016b). The impact of these structural changes on the functional outcomes is however questionable. In 2016, only seven percent of women recruits graduated as combat cadets which been discussed later in the chapter.

Thus, these changes and outcomes challenge the premise of IDF as a people’s army. Further, it questions the symbiotic relation between the institutional norms and discourses of discrimination prevalent in the Israeli society. The notion of gender discrimination that is prevalent in the Israeli society, as has been discussed in Chapter three, is linked to these structural changes in the IDF. One can point out that the IDF creates these discriminatory notions about gender through its structural and functional interactions, which is then crystallised through social interactions and behaviour in the society. It is thus important to understand the gendered experience of the IDF through its structural legislations.

Defence Service Law and Amendments

With the conclusion of the 1948 war, the IDF entered a process of re-organization. The Defence Service Law received its final approval on 15 August 1949, during the 68th sitting of the First Knesset. It determined that the length of service for every young man and woman in Israel (including new immigrants up to the age of 26) would be for 24 months. At the start, inductees would undergo basic military training for a period ranging from six weeks to three months. They would then be sent for a year of pioneer-agricultural training, accompanied by educational and cultural activity. The remainder of their time would be devoted entirely to military training and

⁸The term social leveler is used for people or institutions that advocate the abolishing of socially acceptable distinctions like gender bias or racism. The author tries to use this term to analyse the changing trends of the IDF to become more gender sensitive but due to its structural policies fails to completely embrace this idea.

operational activities. All enlisted soldiers serving in the navy or air force were exempt from agricultural training (Navot 2007).

Ben-Gurion made the following remarks in his speech during the Knesset debate (5 December 1948) on the Defence Service Law:

The Defence Service Law which is before you is intended to impart to our army two basic characteristics required for our security: a military capability and a pioneering capability. The first year of service will be devoted principally to pioneering education in the army framework; after a few weeks of preliminary military training ... the age 18 and above cohorts, native born and immigrants, young men and women, will be sent for agricultural training. This will be accompanied by intensive cultural activity designed to inculcate the Hebrew language among youth who did not attend school or were deprived of it because of poverty, and to cultivate in the entire youth generation a sense of service, cooperative work, mutual help, responsibility, order and discipline, familiarity with the country, life in nature, and combatant and productive service. The agricultural training that will be given to all youth, including immigrants to age 26, has two objectives: military and settlement. According to the opinion of military experts with whom I consulted, including important experts from abroad, an efficient army will not arise in this country, a country of immigrants, if youth, and especially the immigrants among them, do not receive first of all agricultural education which will root them to the life of the homeland and accustom them to physical labour, teach them the language, overcome cultural gaps, induce order and discipline before they enter the regular army. Agricultural training will make the establishment of frontier settlements possible, for without them state security will not be firm. These border settlements will serve as the first defensive wall of the State of Israel. Not a wall of stones, but a living wall. (BGA, Ben-Gurion War Diaries 1947-1949)⁹

This law brought into light two discriminatory issues of gender and religion, in various areas of military service namely, length of conscription, duties, reasons of exemption and many more. During the Knesset debates about the Defence Service law (1949), the principle of compulsory service for Jewish women was supported by all the political parties except the religious parties.

⁹ These same lines have been reproduced by Zeev Drory (2004:49)

As discussed in Chapter three, women had served alongside men in combat units during the 1948 War (Halperin-Kaddari 2000). Nonetheless, the law reflected a contradictory attitude of the policymakers towards women's service. According to the vision of Ben-Gurion, it was deemed essential that women, as equal citizens, participate in national security and be given sufficient military training to be able to defend themselves in case of attacks (IDF Blog 2013).

At the same time, it was emphasized that military service must not interfere with motherhood—considered women's unique contribution to the survival of the Jewish people and thus to national security. Pregnant women and mothers were exempt from service. The value of women's service was discussed primarily in terms of their freeing men for combat roles and on the front lines (Berkovitch 1997:606). While there was no state legislation or policy by the IDF that prohibited women's participation in combat roles, in 1951 the Minister of Defence introduced regulations that closed combat and other military positions to women. There were three basic guidelines for women's service according to these regulations. Firstly, motherhood took precedence over military service; secondly, recruitment of women for desk jobs allowed men to shoulder more strenuous roles in the military; and lastly, the honour of a woman was as important as that of the country and thus during war time, they must be protected (Nevo and Shur: 2003).

These guidelines became the cornerstone in the 1951 and 1953 amendments to the Defence Service Law. The duration of service for women was reduced to 21 months from 24 months and for men was increased to 36 months. Men from the age of 22 years to 40 years were compelled to serve reserve duty while the age limit for women was 24 years or until they marry, whichever was earlier. Combat roles and any other positions that required physical strain was closed for women which left just the desk jobs and 'pink collared jobs' for them (Ibid). Further, the reasons for exemptions were detailed out for women who could avoid the military service as marriage, pregnancy, motherhood or religiously observance. The law also imposed civic service obligations on unmarried religious women who were exempted from military duty (Halperin-Kaddari 2000; 76). In 1959, the Knesset passed a consolidated version of the Defence Service law which incorporated these amendments to the original legislation.

In 1986, another consolidated version of the Defence Service law was passed (**Annexure 2**). The amendment had no clause regarding the participation of women soldiers in various military roles. The absence of a legal stipulation provided space for the soldiers to challenge the existing

structural biases against them. The only exception was that the reserve duty age for women was increased to 38 years regardless of their marital status. In practice, however, the IDF continued to discourage women's participation in various combat and combat support roles. This was supported by the High Command Regulations (2.0701) of the IDF which regulate the service of women soldiers (**Annexure3**). In sections 4 and 5, titled 'Jobs', the regulation states:

Women soldiers in the IDF shall be employed in all military professions that are defined in the list of military professions as professions to which women may be assigned, with the exception of field, combat professions, taking into account their credentials, capabilities and their special service conditions as women. A woman soldier may volunteer for jobs that are outside the framework of the definition in section 4 above, after she signs a suitable declaration to volunteer, and her voluntary service for the job is approved by the Chief Officer of the Women's corps and the Head of the Manpower Division.¹⁰

Previously, women's jobs were determined by the Defence Minister according to the Defence Service Law Amendment of 1952 titled '*Women's Jobs in Compulsory Service*,' which specified of a list 25 possible jobs to which the army can assign women recruits. It did not include roles in combat or in combat support units. For the latter, a woman had to consent through a written declaration and only then would she be evaluated for the same. These regulations continued to be part of the IDF statutes until 1995 even though they have been legally repealed in 1987.¹¹

In 1994, a young woman known as Alice Miller aspired to become a combat pilot and applied for the same. She is originally from South Africa and had moved to Israel when she was six years old. She lived near Tel Aviv and in early 1990s, had taken a deferment from the military service to complete her degree of aeronautical engineering from the Technion (Israel's Institute for Technology), Haifa. As a dual citizen, she also had civil pilot licence from South Africa. With a strong profile in aeronautics, she was surprised when her application was rejected by the Israeli Air Force on grounds of her gender. She said, "They didn't have an answer except girls cannot be a pilot. They didn't have an answer beyond that" (Arora 2013).¹² Miller contacted several

¹⁰This description was submitted by the IDF to the Supreme Court of Israel during the Miller case in 1994 and was reproduced as an appendix to the judgement.

¹¹Amendment no. 2 of the Defence Service Law, 1987 under Section 21(b) which stated that "no written declaration was required by the cadets to join a particular military unit if they met the requirements of the same" (Appendix 2)

¹² Kim Arora, 2013, Times of India, 13 May 2013, Page 6.

politicians until one day President Ezer Weizman granted her a telephonic interview. During which he said, “Cutie Pie, the day hair grows on the palm of my hand is the day women will become fighter pilots” (Ibid). This was reported in the media and the president stood by his words. A then Knesset member Naomi Chazan from the Meretz party urged Miller to file a petition in the Supreme Court against the IDF directive. The case was filed in 1994 wherein Miller petitioned against the IDF, Chief of Staff, Manpower Directorate and the Women’s corps on three grounds (**Annexure 3**).¹³

- 1) “The policy of an absolute disqualification of women for the profession of aviation violates the basic right of equality between sexes.” The requirement of admission for men to the flying school is based on the qualification of the aptitude tests by the candidate. The Kaba score or the profile score determines the acceptance of the male recruit into the course as has been discussed later in the chapter. However women are denied this opportunity despite have a similar score. The discrimination is not based on any aptitude tests or any minimum requirements but because of their gender. The army based on their policies are not interested in the question of suitability of women in these positions.¹⁴ Thus, they refuse to try out women candidates for the same. This violation denies the woman of equal right and opportunity to make the most of her potential.
- 2) “The disqualification in limine of women for position, even when they are suitable and have the necessary qualifications, harms their social image and blocks their prospects of promotion to senior positions in not only army but also in the society.” Combat unit is considered to be the elitist units in the army. They are usually a pre-condition for promotion in the army and thus, most positions of senior staff officers in the IDF are closed to women. Professional position in the army acts as a springboard for obtaining employment in the civil sector. A job as a pilot in the IAF, for example, helps in obtaining a job as a pilot for the El-Al company. By denying the women an equal opportunity to serve as a pilot, she is also being denied of the same opportunity in the civil sphere.¹⁵

¹³Details of the entire case has been taken from the judgement.

¹⁴In conversation with a person involved in the case, Tel Aviv (Jaffa), 8 March 2016

¹⁵Ibid.

- 3) “The petitioner is aware that the exclusion of women from combat professions may be based on relevant considerations. Therefore she does not argue that the existing restrictions on the recruitment of women for combat units should be cancelled entirely. Nonetheless, the petitioner argues that an all-embracing disqualification of the integration of women in combat positions is an unacceptable position.” Historically, Israel itself has examples of successful women integration in combat positions and combat support units (Shetreet and Homolkha 2015).

In response to the petition, the IDF submitted an affidavit through Air Force Commander-in-chief Herzl Bodinger. In the affidavit, the army stated the reasons that justify the policy of the military with regard to the conscription of women soldiers. The reasons given were as follows:

- 1) “The basis for this policy lies in the distinction that the law makes between men and women with regard to the extent of their duty to serve. On the basis of this distinction it is argued that the service conditions for women, as dictated by law, have implications for the nature of their service, both in the regular forces and the reserve forces. Because of the difference in the relevant characteristics of men and women, the principle of equality does not apply.” This was in reference to the Defence Service Law, 1952 which specified the conscription period of women to be less than of men and thus, affected their quality of service. Although the 1986 amendment, removed any obstacle for women to choose a post suitable to their qualification, the existing service length as specified by the law prevented them from doing so.
- 2) “The training of a pilot is a lengthy process, and the financial investment in funding is huge. The training of a pilot therefore looks towards the future.” It is based on the assumption that the candidate will serve for a long period, beginning with compulsory service and thereafter in reserve duty. Thus, there is an inbuilt preference for men rather than women who have limited obligations for reserve duty (Shetreet and Homolkha 2015).

On 8 November 1995, a five-member panel in the Supreme Court passed its judgement on the case comprising of Justice E. Mazza, Justice Strasberg-Cohen, Justice D. Dorner, Justice Y. Kedmi and Justice E. Tal (**Annexure 3**). The judgement stated:

The statutory distinction between men and women with regard to the duty of service and conditions of service was intended as a concession to women, presumably in view of the biological differences between the sexes. This concession regarding the service conditions of women constitutes a factor to be considered by the army when planning its manpower arrangement; but it cannot be a reason for permitting discriminatory treatment of women soldiers. This order will require the respondents to summon the petitioner for aviation aptitude examinations. If she is found to be suitable, and meets all the other usual preconditions for men candidates, she will be allowed to participate in an aviation course (Miller vs. Minister of Defence 1995).

This judgement was supported by Justice Mazza, Strasberg-Cohen and Dorner while the other two judges rejected the judgement. It was a huge victory for not Alice Miller but also for all the women who were denied the opportunity to enrol themselves in posts suitable to their qualifications and temperament.

This judgement laid the basis of the Equality Amendment of the Defence Service Law that was passed in March 2000 which stated that “The right of women to serve in any role in the IDF is equal to the right of men (IDF Blog 2013).” The amendment also had one important qualification regarding women’s service. The military was permitted to refuse an appointment of a woman cadet to a military job if demanded by the nature and characteristics of that particular role. This should not be seen as an infringement of her rights as it was depended on the role per say rather than the gender. The amendment reiterated that the laws of the IDF as determined by the Minister of Defence will be equally applicable on both and female soldiers (Schafferman 2008). This amendment finally opened up 92 percent of all combat positions in the IDF, as has been discussed later in the chapter.

Conscription

The draft or conscription system in the IDF has been a corner stone in the Israeli society. It is unique on two accounts. It is the longest military conscription and it is the only conscription service that is compulsory for women in West Asia (Cohen 1997: 82). As has been discussed earlier, compulsory military service was the only solution for Israel as the time of its independence when it needed to mobilise its entire manpower for not only defence purpose but also for social requirements like absorption of immigrants, educating the public and fostering a

national identity. The requirements of the Israeli society have kept changing through the decades and so has the duration of the service. It started with two years each for men and women in 1949 and then subsequently kept changing to meet the needs of the society. Since 2015, the duration of the service is 32 months for men and 24 months for women (Markovitzki 2015).

The annual number of conscripts keeps fluctuating as per the Jewish population. In 1990, around 74.7 percent of eligible youth signed were drafted which fell to 70.1 percent in 2000. After the Equality Amendment of 2000 came to effect, the conscription rate increased to 75 percent in 2010 (Cohen 2013). Since then, conscription has declined by 3.5 percent. . In 2016, the IDF saw the conscription of 72 percent of people who were listed as duty bound to serve in the military (JTA 2016).The number of conscripts serving at any given time is classified information, thus one can only estimate the number of serving soldiers at any given time.¹⁶Among the 28 percent who didn't enlist, majority are *haredi* Jews who are exempted or have been given deferment. Others in the category include people who have claimed exemption on medical and other grounds. There is a small minority of conscientious objectors who have also been exempted. The decrease in the enlistment rate is not due to low motivation or other social trends but instead it primarily reflects the burgeoning growth of the *haredi* population. Even though there are a large percentage of *haredi* men who claim exemption, the number of the same has increased in the IDF ranks. In 2015, the number of *haredi* men who signed up for military was 1,972 which increased to 2,300 *haredi* recruits in 2016 (Ibid).

A steady rise in the number of women conscripts in the past five years has also been observed as more opportunities opened up for them. The IDF recruited four times as many female soldiers in 2016 than in 2010. There is also a 400 percent increase in the number of women in combat and combat units in 2016 as compared to 2010 (Pyzer 2016). This can be credited to the opening of three mixed-gender combat battalions namely Karakal (2000), Aryot Hayarden (Lions of the Jordan Valley) (2015) and Bardelas (2016) in the past few years. The number of religious women in the military has also substantially gone higher from 13 percent in 2013 to 30 percent

¹⁶ On 23 July 2015, the director-general of the Defence Ministry, Maj. Gen. (res.) Dan Harel, told Army Radio that 44,000 IDF soldiers currently serve in the standing army. This is the first time the number of soldiers serving in the career army was disclosed. The estimates of the number of conscripts are based on this figure (Cohen 2015).

in 2016.¹⁷ This rising phenomenon continues despite stiff opposition from rabbis like Rabbi Shmuel Eliyahu from Safed who said that women who serve in the army become less religiously observant (Sharon 2014). In 2015, there were a total of 4,810 female religious soldiers who were serving in the army (Pillegi 2017).

The drop-out rate from conscription has also increased in the recent years. In 2013, one in every six men did not complete his military service. The percentage of leaving the service was 16 percent for men and 7.5 percent for women. The main reasons for dropping out are their inappropriateness" for military service, and both physical and mental health problems (Ronen 2015). For women, the reasons also include marriage and unplanned pregnancies. To tackle this issue, the IDF in 2015 made it harder for soldiers to leave the service on psychological grounds (Ibid).

Conscription is a pre-requisite for an array of social and financial advantages. During the military service, the conscript is entitled to a number of benefits like a stipend of approximately NIS 600 per month, housing in the city where they serve, intra-city bus passes, discounts offered by various shops and super marts, social programmes like weekend getaways, tours and classes (Sadeh 2013). If male conscripts get married during their service or become a parent, they get a financial grant that is equal to three-month stipend. For conscripts who are the sole bread winner of the family, 'Family Support' payments are provided by the IDF to a member of the family. At the end of the conscription, the discharged soldier is entitled for university grants, housing loans as well as de-mobilisation grant for financial assistance. These benefits are calculated in the form of the length and type of service (Ibid). The de-mobilisation grants can also be claimed to pursue higher studies, to enrol in vocational training, to purchase an apartment, to establish an enterprise or to get married.¹⁸

¹⁷The number of religious women serving in the IDF was negligible in 2000 when only 930 of them served as cooks or Hebrew teachers in various bases. Due to their religious observance, they could not be recruited in male dominated units which were far more in number than co-ed ones. With the increase in the number of women soldiers in the IDF after 2000, several bases have been converted for women-only training. This has resulted in large number of enlistment of religious women in the military as new opportunities opened up for them. The number of religious women soldiers in the IDF in 2015 was 4,810 out of which 2,100 of them belong to *haredi* families (Pillegi 2016).

¹⁸ For details see, Ministry of Immigration Absorption, Israel, 2011.

Exemptions for Women

The 1948 Defence Service Law details the grounds for exemption from conscription. Women were given the right to decline the call for conscription on grounds of marriage, pregnancy, motherhood or religious conviction.’ From 2016 onwards, the IDF also exempted women immigrants, who arrived in Israel after turning 22 years (Gross 2016c). The following table shows the exemption and service period for both men and women who made *aliya* since 2016 (Table 4.1).

Table 4.1: Exemption and Service Period for Men and Women who made *aliya* since 2016

Group	18-19 Years of Age	20-21 Years of Age	22-27 Years of Age
Single Men	32 months	24 months	Volunteering
Married Men	24 months	18 months	Volunteering
Single Women	24 months	12 months	-
Married Women	-	-	-

Source: Adapted from The Ministry of Aliyah and Immigrant Absorption, available at: http://www.moia.gov.il/Publications/idf_en.pdf

In 1948, the majority of the Jewish women in Israel were married at the young age of 18 and they started their family life immediately. Conscription delayed the marital age of women to 21 which was considered to be late (Herzog 1999:72). Thus, the percentage of women opting for the exemption on the grounds of marriage or engagement was around 30 percent. With the changes in the societal norms, the accepted marital age also changed. Today, most Jewish women marry after they attain 25 years. Marriage as a clause for exemption of conscription is rarely evoked by women in Israel in recent years (Rimalt 2007:110).

A pregnant woman is allowed to file for exemption from conscription. During the early years of IDF, recently married women were asked to undergo pregnancy tests before they joined conscription (Herzog 1999:75). They were also given exemptions if they expressed a desire to have a child within a year or two. In case of unplanned pregnancy, they were discharged from conscription and were given a medical certificate stating the reason behind their termination of the conscription (Izraeli 1997). Nitza Berkovitch sees this “maternal exemption as a powerful proof of the construction of the Jewish-Israeli woman...foremost, not as an individual and citizen but as a mother and a wife” (Berkovitch 1997). For the past few years, women conscripts who are unmarried are given an option for terminating the unplanned pregnancy and continuing

conscription. The 2011 report of the Medical corps¹⁹ states that the incidence of unplanned pregnancies in 1997 was 18.6 per 1000 soldiers during the compulsory military service. By 2000, the incidence rose to 21.5 per 1000 which further increased to 23.4 in 2010. (Klein 2014).

In case of women, parenthood is also a clause of exemption from conscription under section 39 of the Defence Service Law. Women who have children under the age of 18 are excused from conscription. The number of exemptions on this ground has been on a declining curve with 2.7 per cent of women citing parenthood in 1950 to a mere 0.3 per cent in 2010. To pursue their career ambitions, women are delaying their pregnancies.

Religious conviction is another major reason for exemption from conscription. To claim the exemption, a woman has to get a letter (*p'tur*) from a rabbinical court or authority that declares her as a religious Jew. The letter must also declare that she does not travel on *sabbath*, eats only *kosher* food and cannot serve in various locations due to her religious observance (Cohen 2008: 88). In 1948, the Chief Rabbinate of Israel had passed a rule that stated that it was *halakhically* not permissible for young women to serve in the army as Jewish law does not allow a single woman to be under the jurisdiction of any coercive authority that is governed by men (Ibid: 89). Since then, this ruling has become a legitimising force for following policies that discourage religious women to join military. Religious girls' schools do not allow recruitment activities on school grounds. They further teach that conscription is *asur* (forbidden) and it is against the wish of the God. Weekly Torah pamphlets distributed in synagogues quote lines from scriptures to support the policies of discouraging women to join military (Ibid). According to the report issued by the IDF in 2012, the number of exemptions on religious grounds in 1948 was 45 percent of the total eligible draftees and thus got reduced to 38 percent in 2010 and to 35 percent in 2012 (Table 4:2).

The IDF has started various programmes to encourage religious women to enlist. '*Tarbut toranit*', for example was started in late 1990s to train religious women in the Education corps as teachers for schools and absorption centres (Rossman-Stollman 2014). Several other rules were also introduced like allowing religious women to leave the army base in the evening to return to their home, creating special synagogues for women to pray as well as the freedom to leave

¹⁹ The report was published in Hebrew and was presented to the Knesset members only. The report got leaked to the public and was reported in various daily newspapers.

military service if the religious observance of the women was getting affected. Such measures have helped in increasing the number of religious women in the military. The number of religious women foregoing an exemption from military service has doubled from 935 in 2010 to 2,159 in 2015, according to the Israel Defence Forces Manpower Directorate (Ettinger 2015).

Religious conviction is also used by many non-religious women to claim exemption. The number of such cases has increased in the past decade and has forced the IDF to crack on such evasions through private investigation agencies. The percentage of such cases has increased from three in 2000 to eight percent in 2010 (Harkov 2014). Most women who have passed from secular high schools and have claimed to be religious are under the scanner. In 2010, about 1,000 women were caught by the IDF for avoiding to serve in the military by citing religious observance.²⁰ To avoid such cases, in March 2009 a bill was introduced in the Knesset that established more stringent criteria for exemption (Ratzlav-Katz 2009). The bill stated that women who sought exemption on the grounds of religious observance would need to declare that they were enrolled in a religious educational institution for at least two out of the three years preceding their exemption request. They would need to obtain an official certificate from the school as evidence of their claim. On 29 June 2014 the bill was approved by the Ministerial Committee for Legislation but has not still been adopted by the IDF (Harkov 2014).

Women and the IDF

Israel is the only country in West Asia that has compulsory military service for women, as per the laws of the state.²¹ Along with the men, women were urged to enlist as early as in 1948 when the IDF introduced conscription. A long road has been travelled since then when women were asked to perform traditional desk duties to the present wherein 92 percent of military roles are open to them. The changing path has been influenced by two contradicting yet symbiotic forces within the military. The IDF, like other military across the world, is a male bastion which

²⁰Six investigative officers of IDF used Facebook to track 1,000 girls who refused to serve on grounds of religious observance. They were asked to give explanation and were fined. However, the IDF could not punish them further or force them to join conscription.

²¹In the West Asian region, only Jordan, Iran, Oman and Turkey allow women to volunteer for the military. Usually these women are in the medical, engineering or training corps. Opting for military as a career option is socially frowned upon in Iran and Oman. Countries like Egypt, Saudi Arabia, Iraq, Kuwait, Qatar and UAE allow women to participate in security forces posted at border check points or at airports for frisking women. Since 2013, the Kurdish army fighting in Syria, also known as YPG or as People's Protection Unit have recruited a large number of Kurdish women fighters.

privileges physical strength and male prowess. This is reflected in its structural norms which manifests through its recruitment, basic training process and other institutional policies.

However, the same institution is also seen as a people's army and an egalitarian space for every Jewish youth to realise their potential.²² In this context, the IDF has tried to change its functional outcomes to be more sensitive towards women and other deprived communities. In recent years, it has not only supported women to rise up the ranks but also has tried to become sensitive to gynaecological issues as has been discussed in Chapter five. These have reflected in the growing number of women conscripts in the past five years as has been discussed later in the chapter. Despite these changes, gender discrimination still lingers on. The number of women at higher ranks is still not proportionate to the number of women in the same unit. The same applies for the number of women officer's as compared to their male counterparts. The following sections look into the various structures of the IDF that women are part of including the air force and the navy.

Enlisting in the Army

The process of joining the IDF begins through *tzav rishon* (the first call notice) which is issued to all eligible men and women in Israel when they turn 17. For most of them, it is the first official interaction with the army. The notice invites the youth for a day-long process to evaluate their physical and mental state and provide them with various markers like physical profile score and mental ability result that would help them chose their potential service units in the IDF.²³ The process includes data verification, Hebrew level evaluation, medical tests and psychological evaluation. For both men and women candidates, the process of evaluation remains same except in the psychological test structure (IDF info 2016). As the essential components of physical

²²The concept of IDF as a people's army has been challenged by several academicians including Stuart Cohen and even civil leaders but the institution continues to believe that it is a melting pot for all eligible citizens of Israel. In its web portal as well as Facebook page, it states, "The IDF prides itself as a people's army with individuals from all walks of life and backgrounds coming together for one single purpose. Every person has their own unique journey, and these soldiers are just some of the thousands that are dedicated to protecting the citizens of Israel" (IDF Blog).

²³Information regarding the basic recruitment process was given during personal conversations with Adi Cohen, Penina Schiffman, Eliza Frenkel, Zvika Cohen, Yonathan Herzkovitch, Daniel Gal and Nitsan Fire who were/are members of the Ben-Gurion University Model United Nation community (BGUMUN) and have served in the IDF. Most of them were released from the military service in 2014 after serving the stipulated period of conscription. These conversations took place in Ben-Gurion University, Beer Sheva, January- March 2016. The information was then verified by government sources as indicated in the text.

evaluation like Body Mass Index (BMI) tests, vision check as well as other health markers remain comparative, there is no discrimination based on gender (Gross 2016).

However, in the psychological evaluation (*kaba* which is an acronym for *kivutzat aicut*) the structure itself is divided for men and women. The *kaba* decides one's intelligence score which in turn opens up certain prized positions including combat and combat support roles. Unlike the physical test score, there is no chance of changing one's *kaba* score (Garin Mahal). There are three components in the *kaba* score (**Table 4.2**):

- 1) *dapar* which stands for *dirug psicotecni rishoni* which are psychometric tests that one has to complete during *tzav rishon*. The scores of which constitute 50 percent of the *kaba* score of a male candidate while it is 60 percent for a female candidate.
- 2) *tzhar* (*tzion hascalah rishoni*) which represents the applicant's formal education structure including the number of years and quality of education. It comprises 17 percent of the *kaba* score for men and 40 percent for women.
- 3) *tzadak* (*tzion dirug clali*) which is an interview meant for men who wish to sign up for combat positions. This constitutes 33 percent of the *kaba* for men and 0 percent for women (Garin Mahal).

Table 4.2: Components of the Kaba Score for Men and Women (in percentage)

Type of Score	Men	Women
Dapar	50	60
Tzhar	17	40
Tzadak	33	
Kaba (Dapar+ Tzhar+Tzadak)	100	100

Source: Adapted from GarinMahal, IDF, available at: <http://garinmahal.com/kaba-dapar>

Usually the *kaba* scores are between 41 and 56. If one scores under 41, then they are evaluated as not fit for the IDF. A score within 41-47 is considered a low score and only non-combat roles are open for these candidates. Any score from 48 to 51 will allow a candidate to become a commander but would not be allowed to be promoted to a top-ranking officer. He/ She will also be ineligible for combat duties. A candidate scoring 52 to 54 is allowed to join an officer's course as well as apply for combat roles. The highest score one can get is 54 to 56 which basically opens all the doors for the candidate in the IDF.

As women are not allowed to give the first interview, their score is made up of only two components: *dapar* and *tzhar* which restricts them to improve their score through personal interaction. Their psychological evaluation is based on logical and analytical (data reasoning) tests and evaluation of their formal education only. This limits their chances of improving their *kaba* scores which in turn affects the kind of posts and openings available to them. Most women get an average score of 49 which allows them to become commanders in various Basic Training Units (BTU). Nonetheless, some women (around three percent) get a score of 52 which makes them eligible for an interview to determine their suitability for combat (**Table 4.3 and 4.4**).

Table 4.3: Type of Military Service available as per Kaba Score

Kaba Profile Score	Military Service
>41	Not fit for the IDF
41-47	Only for non-combat roles
48-51	Not eligible for combat but can become a commander. Not eligible for promotion to a top-ranking office.
52-53	Eligible for combat
54-56	Highest possible score. Opens all feasible positions for recruitment.

Source: Adapted from GarinMahal, IDF, available at: <http://garinmahal.com/kaba-dapar>

Once the tests and interviews are over, a complete profile score is prepared for each candidate. Profile scores are a combination of *kaba* scores, medical profile scores and individual characters scores. They are then sorted into groups as given in the table below (**Table 4.4**).

Table 4.4: Type of Military Service according to Profile score

Profile Score	Type of Military Service
21-23	Not fit for military service but one volunteer in <i>sheurut leumi</i>
24-44	Temporary Profile but can be changed in few months after re-evaluation.
45-63	Fit for non-combatant units
64-72	Fit for Artillery and Armoury Units. Can apply for combat tryout
73-82	Fit for Infantry (Nahal and Golani). Can apply for combat tryout
83-97	Fit for combat and Special forces.

Source: Adapted from GarinMahal, IDF, available at: <http://garinmahal.com/kaba-dapar>

These profile scores not only determines the unit but also their posts and possibility of a promotion during one's compulsory military stint. In other words, this score determines one's

fate in the IDF and women are discriminated during the determination of the same. Once the profile scores are informed, a second letter is issued to candidates which give details about secondary try-outs and tests; for example candidates for combat units have to go through *gibush* where they are tested to ascertain their eligibility for elite units. Soon a date is announced for orientation day. The IDF has four induction seasons of three months during the year. The months of July, November and March are for combat units and months of October and February are for general Israeli army positions (IDF info 2016). On the Orientation Day, BTUs are allotted. Basic training happens in various levels depending on the post profile and location of the course. For combat soldiers, the training level varies from 05 to 07 while for non-combat soldiers, the training level is 02. Even within each of these levels, the approach to basic training tends to be different on each base. Despite the differences, certain elements are constant to basic training and every course includes gun training, physical training and requires soldiers to help guard the base (Gal 2007).

There are three types of basic training bases: general, corps and brigade. The general bases train soldier for non-combat assignments for all the branches and corps of the IDF. The Central Women's Training Base trains all women recruits. The men too have a similar base known as the Central IDF Basic Training Base. There are no mixed-gender bases. The training lasts for a month for both men and women during which they are taught military discipline, use of military weapons and orients them to the values of the IDF. As most of the soldiers in these bases have a low profile score, field exercises and other strenuous physical activities are not undertaken (Pfeffer 2009).

All units of combat corps have specialised training bases, with the exception of infantry. These combat basic training courses last from three to four months depending on one's speciality. They are extremely strenuous and have various field exercises. Women are usually trained in separate companies within the same training base. They follow a different physical education programme that in recent years has become sensitive to the biological needs of a woman (Gal 2007). Although they run the same distance and pick up the same weight as their male counterparts, the technique of doing the activity has changed. Weights are distributed through bags that help support an individual's physical structure while distance running is divided into time slots suitable for different (Body Mass Index) BMI range (Gross 2016). As most of the commanders

in these bases for basic training are women officers, there is an increased sense of gender sensitivity during the course.

The Brigade basic training is exclusively for infantry and airborne corps. They maintain different basic training bases for their units as their training course and structure is different from the other corps. Due to their compact size and uniqueness, there is a sense of superior identity and cohesiveness that last even after the end of compulsory military service. The exception to all the above three is the Nahal Corps which is a brigade-size training base that includes both combat and non-combat male and female recruits. Women and male with limited physical capacities are trained separately than the others but they do share the same base and some similar structural courses (IDF blog).

Since the 1980s, the IDF has undergone a number of policy transformations regarding basic training. During the initial years of the institution, the approach during the basic training was “break down the civilian in order to build up the soldier” (Gal 1986). This was accomplished by using harassment (which was known as *tirturimm* in local lingo and is translated to mean ‘rattling’) and humiliation as a tool. Two additional principles also contributed to this approach: “Tough in training, easy in combat”—a principle that was common to all combat units, and “Extreme Harassment leads to group bonding”—a principle that was believed to create more unity and cohesiveness among the group (Ibid).

As women were not allowed to participate in the combat until early 1990s, they did not undergo strenuous, sometimes unhealthy training exercises. On one level, this supported the discourse on women as the weaker counterpart in the military and on the other, the potential for opening new posts for women became limited. However, this did stop them from encountering harassment including sexual objectification and humiliation from their seniors and male counterparts. Various attempts by senior commanders to alter this doctrine were futile as it was a tradition rather than an official policy (Sasson-Levy 2005).

The impact of the 1973 War led the IDF to conduct a deep introspection of its policies, that one can start noticing changes. The emphasis shifted to ‘building the soldier’ rather than ‘breaking down an individual.’ Harassment became an offence which when reported could technically lead to severe punishments (Gal 1986; 2007). Proper exercise routines were created in collaboration

with the Medical corps for various groups of recruits depending upon their profile score. Due to these structural changes, it became easier for women to participate in various basic training units which ultimately led to the opening of many more posts for them.

Women in Officer's Training Course

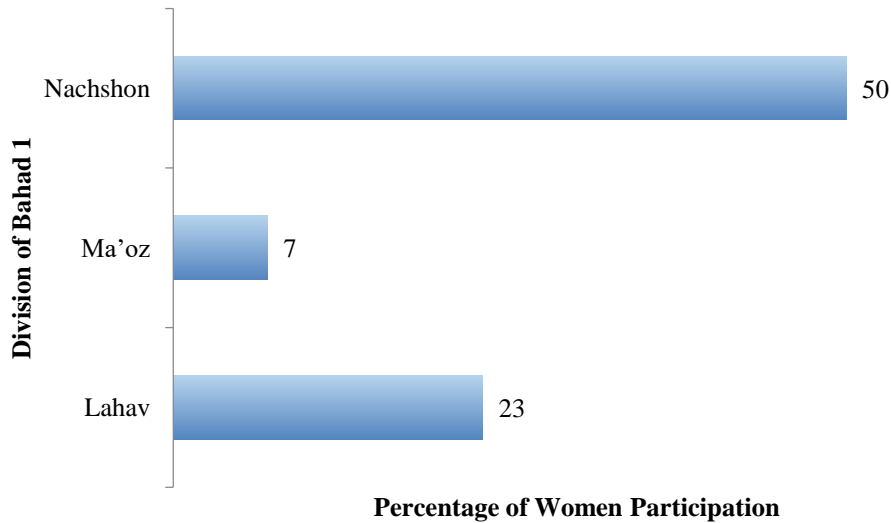
Bahad 1 is the training base for officers. It does not belong to any particular unit or corps but acts as a school for all officers in the IDF (except for navy and airforce).²⁴ The training course lasts for four to six months depending on the unit one is affiliated to. It is divided into three tracks: rear positions, forward positions and combat positions. Roughly, 5,500 officers are commissioned annually, out of which approximately 40 percent is assigned to field units while the rest to combat or combat support units. Women make up to approximately 40 percent of the total commissioned officers annually (Goldstein 2013).

The cadets are formally tested when they enter the school. Unlike other training courses, the Bahad's teaching staff has to execute pre-determined lesson plans which leaves no space for independent teaching. The course is divided on the basis of function rather than gender. Both male and female cadets are trained together. However, to accommodate religious soldiers, each battalion in the school includes a platoon specially assigned for religious cadets (Ibid.). This division is one of a kind in the IDF as most divisions in mixed-gender units take place on gender lines and not on religious lines. The school is divided into three divisions (**Table 4.5**):

- 1) *lahav*: responsible for Land Officer's Course and for infantry. In 2013, a third of the cadets defined themselves as 'religious.' In 2013, women constituted 23 percent of the course.
- 2) *ma'oz*: responsible for officer's training for combat and combat support cadets. Only seven percent women passed out from this division in 2013.
- 3) *nachshon*: responsible for the other officer training. Women populated this division far more than men, constituting around 50 percent of the total cadets in 2013.

²⁴Information about officer's training was collected during personal conversations with Adi Cohen, Daniel Gal, Penina Schiffman, Nitsan Fire, Nilli Caine and Zvika Cohen in Ben-Gurion University, Beer-Sheva, January-March 2016. All of them were officer's in the IDF and had served for more than three years of military service. Zvika Cohen was an officer in the AirForce, Nilli Caine and Adi Cohen were Basic Training Officers, Daniel Gal was a combat officer in Karakal, Penina Schiffman was an officer in the Logistics support for Karakal and Nitsan Fire was an officer in Unit 8200 in Intelligence corps. They were all trained in Bahad 1.

Figure 4.5: Women Participation in Bahad 1, 2013 (in percentage)

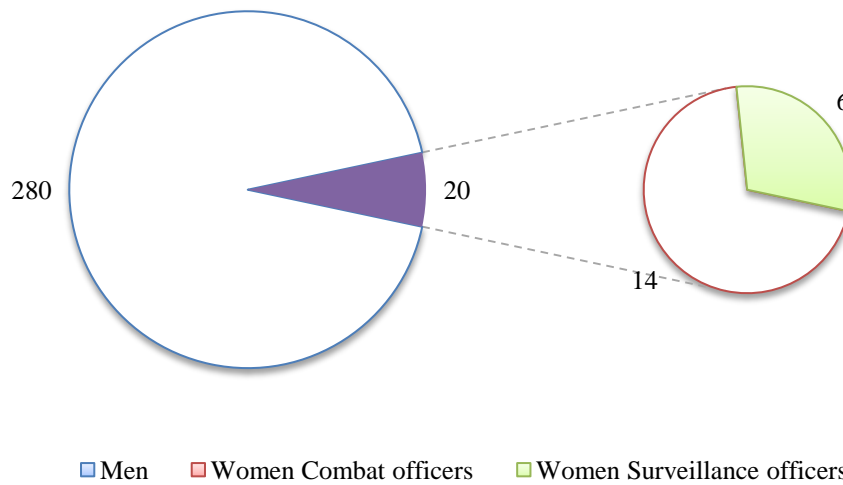


Source: Adapted from Israeli Society and IDF Officer's School, 2014

However, the training structure has implicit gender biases which manifests during the selection and training processes as it is based on the model for an infantry platoon commander. It is structured around male parameters and emphasised physical prowess. Even in non-combat course, approximately 40 percent of the curriculum involved physical training. As a result, many women drop out of the course as they are physically not able to meet the required standards in infantry specialization (Libel 2014). It is important to note that the infantry course was never meant for women soldiers and was considered to be very strenuous for even male cadets (IDF Blog 2012).

The structural and gender dimension of the course also caused tension between religious cadets and women recruits. Since 2011, the growing dominance of religious cadets within the combat officer's course (which is considered as the most elite course in Bahad 1) as well as growing social conservatism in the school brought further structural changes like gender segregation on a religious basis, separate training lessons and so on. These non-essential policy changes not only increased tension within the school but also undermined the gender equality objective of the IDF (Gross 2015). In 2016, out of 300 combat soldiers who graduated as officers, only 20 were women soldiers, out of which six graduated as combat officers and 14 as surveillance officers (Table 4.6; Breitbart Jerusalem 2016).

Figure 4.6: Combat Officer Graduates, 2016



Source: Adapted from Breitbart Jerusalem, 2016; available at

<http://www.breitbart.com/jerusalem/2016/03/04/meet-the-idfs-new-female-combat-officers/>

Women Corps

The office of the IDF Spokesperson published a special pamphlet in 1980 which described the Israeli women's corps as follows:

Sorry to disappoint you if you have been influenced by the Hollywood image of Israeli girl soldiers being amazon-type warriors accoutred in ill-fitting male combat fatigues and toting sub-machine gun. Today's Israeli female soldiers are trim girls, clothed in uniforms which bring out their youthful femininity. They play a wide variety of non-combat roles, though thoroughly essential, roles within the IDF framework and within certain sectors of the civilian community (Gal 1986: 101).

The Women's corps (*CHEN- helnashim*) which literally means 'charm' in English was founded on 16 May 1948. It was modelled after the British ATC as an independent corps which has been discussed in Chapter two. Although it began as a non-combat unit, within a year it was restructured as a professional support system for women in the IDF and as a parallel administration to the command system. Its main tasks were to formulate policy relating to the service of female recruits, advice commanders and officers on the issue of women's service and health and to command the women-only units (Shalvi 2000). They were responsible for training,

initial assignment and the well-being of the women recruits. According to the IDF Blog (2013), the objectives of *CHEN* were:

- 1) To help realize the potential of women in the IDF in accordance with the needs of the IDF and policies of General Staff.
- 2) To advise commanders and servicewomen on specific matters pertaining to the military issues of female soldiers.
- 3) To be responsible for the instruction and training of female recruits, NCOs and officers.

The Women's corps was headed by a Brigadier-General (Brig. Gen.) who had under her command a large number of women officers and NCOs. These officers were stationed in every unit to look after the integration of women soldiers. Susan Starr-Sered (2000:73) argued that the main project of these officers in the military units was to prepare women recruits to focus less on physical and military readiness than to train them to present a certain image that of a 'militarized body.' Edna Levy-Schreiber and Eyal Ben-Ari call the Women's corps as the largest match making agency in Israel (1998:174). Feminists like Laura Sjoberg and Orna Sasson-Levy have pointed out that the presence of a separate unit for women issues have led to crystallisation of gender differences and emphasis on issues like marriage, pregnancy and abortion (Sjoberg 2003: 89, Sasson-Levy 2005:51).

The Women's corps was a failure in championing equal promotion rights for women officers (Shalvi 2000). Before 1983, the head of the corps was a colonel while their counterparts in other corps were Brigadier General. Officer Amira Datan was the first Operating Commander (OC) of the Women's corps who became a Brigadier General in 1983. Apart from the OC, all the other women officers in the corps remained in the officer level and were denied promotion rights (Shalvi 2000). Women officers in other units were also denied promotion and equal pay.

The growing clamour for change and gender equality amongst the Israeli public and media meant that the Women's corps was constantly criticised during the 1980s and 1990s. Issues like women fighting combat, equal pay and promotion rights for women conscripts and soldiers and transparency in the IDF training programmes became 'hot-debates' in the public sphere (Starr-

Sered 2000: 75-76). This triggered a series of legislations and restructuring of the IDF to eliminate gender discrimination. As a part of the latter, the Women's corps was dismantled on 1 August 2001 and the erstwhile OC of the corps was designated as the Chief of Staff's Advisor for Women (Shalvi 2000).

Some scholars argue that the abolition of the Women's corps has hindered the career growth of women soldiers since it thrusts them into a male-dominated arena without giving the earlier consideration and protection that was available in the corps (Sasson-Levy 2005: 52; Cohen 2008: 164). A few scholars point out that having a corps completely for women reduce the chances of having an egalitarian character of the IDF. It gives special focus on women-related issues and is thus treated outside the general affairs of the military (Starr-Sered 2000: 76).

Possible Positions available for Women in the IDF

Brig. Gen. Kahana, during an induction programme of women recruits in Karakal in October 2016 said, "To give to the country and to serve in the IDF are rights and requirements for all men and women." (IDF Blog 2017) In the same year, 92 percent of all IDF units and posts were open to women. These positions can be divided into combat, combat support and non-combat roles. The combat roles have been discussed later in the chapter. The combat support roles include instructor, trainer, Non-Commissioned Officers (NCO), and many more. The non-combat roles like in administration, spokesperson office, foreign relations and so on are most populated by women soldiers. The rest of the eight percent of posts that are barred for women are combat positions in Special Forces, Infantry and Armour, and combat positions in the rest of the ground forces like Paratroopers (IDF info).²⁵

The major milestone in the history of women's participation in the IDF is the case filed by Alice Miller in 1994 which compelled the IDF to open its door for women to join various ranks which were hitherto closed to them. Before the case, women were not allowed to participate in any of the combat or combat support roles. They were restricted to either 'desk jobs' or 'rear duties'. In most cases they were assigned to 'pink-collared' professions like teaching, communication and office work. The gender bias of these roles lingers on till 2017 wherein women still populate these non-combat positions far more than their male counterparts. The percentage of women in

²⁵ One needs to compare between the service options given for men and women in the information given by the IDF in its website.

administrative roles in 2010 was 23 percent as compared to three percent of women in combat (Nevo and Shur 2011).

After the Supreme Court judgement of 1994, the IDF started making changes to its structure which manifested in the Equality Amendment to Defence Service Law in 2000. The amendment stated that women had the equal right to serve in all positions as men in the IDF. In the same year, the regular army service for men was shortened from 36 months to 32 months which led to a gap in the ranks. In March 2016, Lt. Col. Limor Shavtai, who served as the deputy Gender Affairs Adviser to the Chief of Staff said:

That has forced the army to be more open in its thought process, more pluralistic, in order to think about what other positions can be opened up to women. Many of the obstacles are societal — they are cultural obstacles, not obstacles in terms of the woman's ability. Today, we have no option but to recruit them in all possible units (Gross 2016).

Combat Positions for Women in the IDF

The struggle for equal rights for women has been intrinsically linked to the women's right to fight in Israel's wars. Since 2013, approximately 1,500 women recruits annually graduate as female combat soldiers. In 2015, the number rose to 2,100 from just over 500 in 2011 (**Figure 4.7, Figure 4.8 and Figure 4.9**; Ahronheim 2016). The number of women combatants has increased steadily in the past two decades but still they account for just seven percent of the total number of combatants. There are just four combat units open for women soldiers which are:

- 1) Karakal— is a special battalion for both men and women and is a full capacity combat unit. The name Karakal is the Hebrew name of a desert cat without noticeable physical differences between male and female. This battalion was started as pilot unit in 2000 under the Equality Amendment to the Defence Service Law (Ahronheim 2016). Out of the 500 soldiers, women constitute 70 percent of the unit (Ibid). They are mainly stationed in the south along the Egyptian Jordanian borders. They do all the training together and have similar course curriculum. Women need to possess a profile score of 82 while men need a score of 72. The former also needs to pass the Women's Fighter Tryout (*gibbush lochemot*) in order to be accepted into Karakal.

Women soldiers need to sign up for three years of military service like the men. Both genders undergo four months of basic training followed by three months of advanced

training. After seven months, they are stationed along the Egyptian border where the biggest threat they encounter comes from drug smugglers (Rush 2014). In the 15 years of the unit's existence, they have been engaged in battle only twice. On 21 September 2012, a female soldier killed a band of terrorists who were crossing the border while in October 2014; battalion jeep was attacked by militants from across the border. The IDF's Spokesperson's office said that such stories of female bravery have added to the allure of Karakal and may explain the growing number of women seeking combat duty (Goldman 2016).

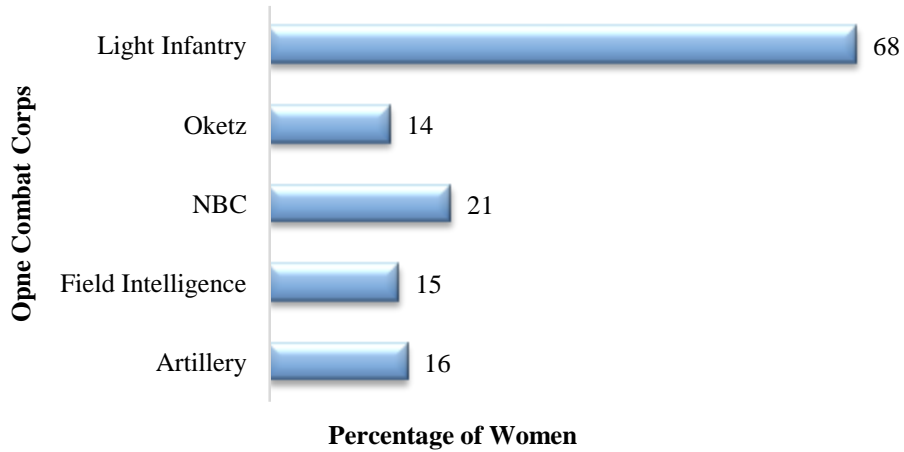
- 2) Baka'at battalion/Aryot Hayarden, also known as the Lions of the Jordan Valley Battalion is a mixed-gender battalion that was created in 2014 and is responsible for the Eastern border of Israel. It was formed to replace the Kfir Brigade's Lavi Battalion that was dispersed after it came under fire at the *beka'ot* checkpoint in April 2014. Currently it holds a ratio of 50:50 of men and women soldiers. It also has women commanders and officers who have been transferred from the Karakal unit (Holmes 2017).

Despite the relative quiet of the sector, it faces threats from Palestinian cities Tubas and Tayasir as well as hostile cities like Nablus and Jenin. However, when it comes to training, the battalion is also preparing for other scenarios, like "the increase of radical groups coming to us from the border with Jordan especially in the light of the ongoing civil war in Syria" (Holmes 2017). The first female company commander in the battalion, Major Aviya Hilel said "There's no difference between a male and female fighter. There are female fighters here that if you put them in the Paratroopers or Golani, you wouldn't know the difference. We have female fighters who were better than Kfir Brigade fighters in a fitness competition and thus, they are here today" (Zitun 2015).

- 3) Bardelas Battalion is a Hebrew word for cheetah and is used for a mixed-gender battalion that was created in August 2015 and they took charge in January 2016. The main task of this light infantry battalion is to provide security at the Arava region in South Israel (IDF info).
- 4) Oketz is a special force unit in the Kfir brigade which was created in 1974. It specialised in training and handling of dogs especially Belgian Shepherd for military applications. They are trained to operate in both urban and rural areas. Their main task is to pursue selected target for manhunts and to detect breaches at the border. They are also trained for search and rescue operations, find out hidden explosives and to track drug chains (IDF Blog 2012). For women recruits in this unit, they must pass the Female Fighter tryout, after that they are

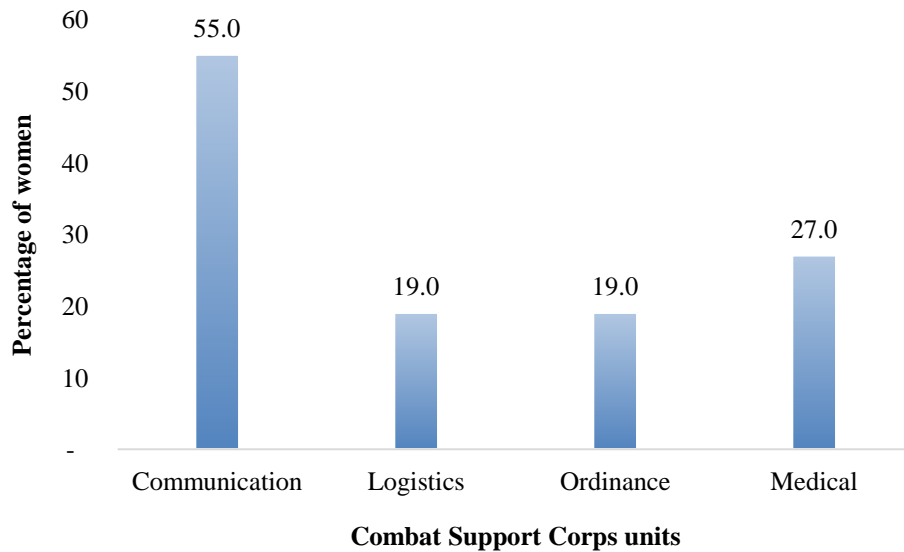
placed in Karakal. There is a further tryout within the unit in order to be accepted to Oketz. The men, on the other hand, need to be drafted in the Kfir brigade and then do the tryout for Oketz. Although, there are women in the unit, the percentage of the same is 12 percent of the total number of women combatants in 2016 (IDF Spokesperson Office, 2017).²⁶

Figure 4.7: Percentage of Women in Open Combat Posts by Corps, 2016



Source: Adapted from IDF Spokesperson’s Office, 2017

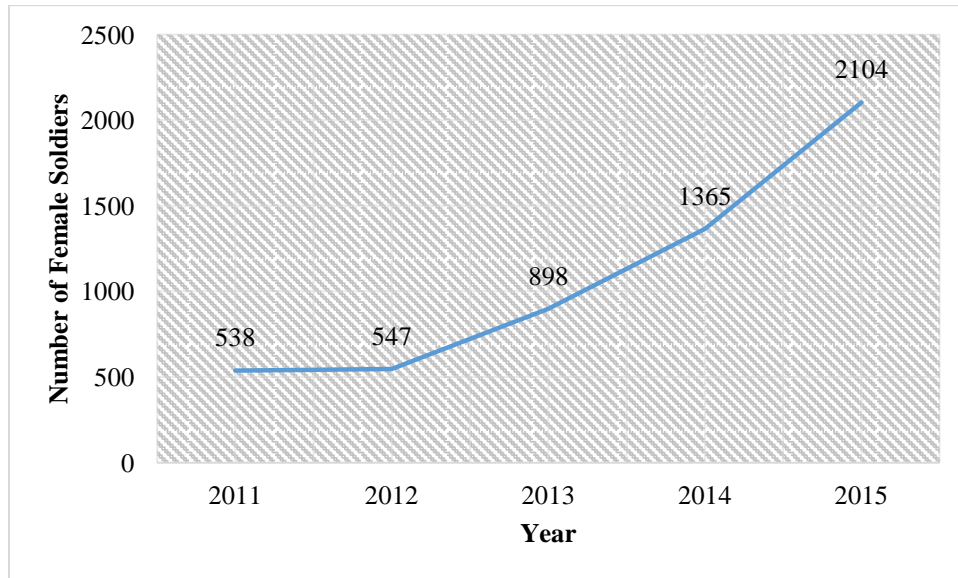
Figure 4.8: Percentage of Women in Combat Support Corps, 2016



²⁶ The IDF Spokesperson Office released a booklet on 8 March 2017 (International Women’s Day) titled, “Women in the Service of the Army.”

Source: Adapted from IDF Spokesperson's Office, 2017

Figure 4.9: Female Soldiers Serving in Combat duties (2011-2015)



Source: Adapted from IDF Blog, 7 March 2017

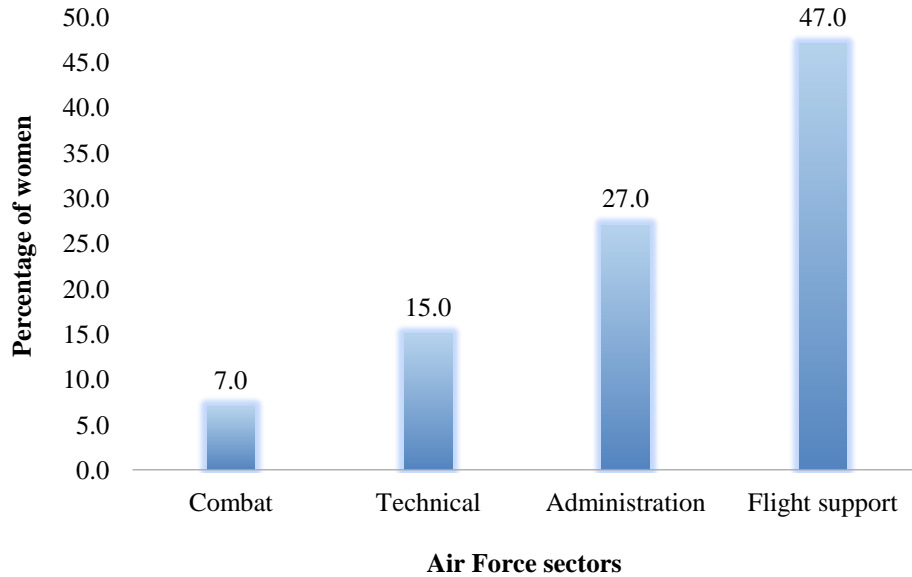
Other combat units like Modi'in Sadeh (Field Intelligence Unit), Snapir(naval combat), air force pilots and so on also started accepting women in its ranks but are a combination of combat and other military training. They are usually on the front line, in support with the combat units. They get the same advanced training as the combatants but are provided with specialised curriculum fitting their position in their individual units. However, when it comes to an active combat position, women are allowed only in three battalions as has been discussed earlier. The IDF reported that a fourth mixed-gender combat battalion would be started in late 2017 to accommodate more demands of women to join combat (IDF Blog). In 2016, 68 percent of total women combatants were in light infantry like in Karakal and Bardelas while 12 percent were in Oketz. There were 21 percent of women in Combat Engineering corps who do not engage in direct in direct combat yet are part of combat units to support their electrical instruments during their missions. Around 15 percent of women are in field intelligence and the rest are combat-support roles in artillery units (**Figure 4.7**). The percentage of women in combat support corps in 2016 is 55 percent in Communication corps, 19 percent in Logistics corps, 19 percent in Ordinance corps and 27 percent in Medical corps. These corps are not associated with any particular combat unit but provide assistance to various combat units, as required (**Figure4.8**).

Israeli Air force

The Israeli Air Force, commonly known as the Air Corps, was founded on 28 May 1948. From the beginning, women were allowed to join the corps and be part of its various units like flight support, technician and administration. In 1951, Yael Rom became the first woman graduate of the IAF pilot course but due to prevalent societal concerns regarding combat and possible capture of women soldiers by the enemy, she was not allowed to join the unit (Ginsberg 2014). Until 1994, women were barred from assuming combat and combat support positions including becoming a pilot or a flight technician. The number of open positions available for women was limited to teaching, administration and ground support. The highest position a woman could reach before 1998 in the IAF was to serve as flying instructor on a simulator or to be a technical aid.

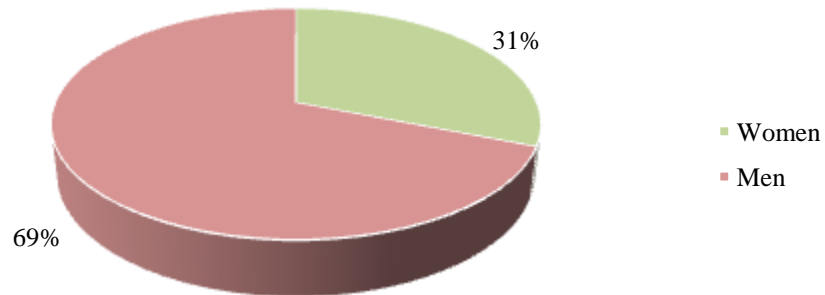
Things dramatically changed in 1994, when Alice Miller filed a case against the IDF seeking her right to enlist into the pilot's course during her military stint. In a historic decision, the Israeli Supreme Court supported Miller and pointed out that the ban on female recruits to the aviation course was unconstitutional. Although Alice Miller could not clear the tryout for the pilot's course she paved the way for other women to break the existing glass ceiling. Within few years, in 1998, Sheri Rahat became an F-16 combat navigator, the first woman graduate in nearly five decades and soon after, Roni Zuckerman (2001) graduated as the first combat pilot (Gross 2016b).

Figure 4.10: Percentage of Women in the Air Force by sector, 2016



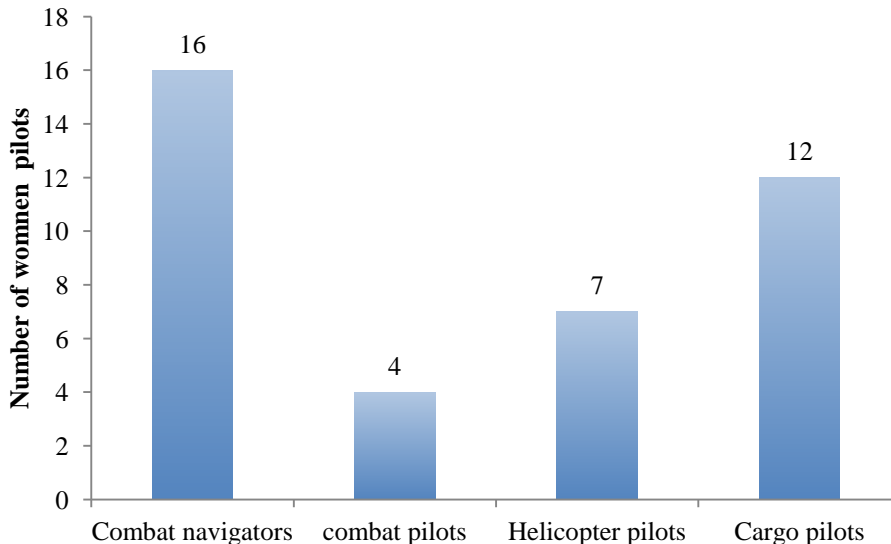
Source: Adapted from IDF Spokesperson's Office, 2017

Figure 4.11: Gender-Wise Distribution of Conscripts in the Air Force, 2016



Source: Adapted from IDF Spokesperson's Office, 2017

Figure 4.12: Number of Women Pilots in Air force, 2016



Source: Adapted from IDF Spokesperson’s Office, 2017

A decade and half later, women conscripts constitute 31 percent of the Air corps with 47 percent of them working in the flight support unit, 27 percent in the administration, 15 percent in technical unit and seven percent in combat (**Figure4.10** and **4.11**).²⁷Until 2016, a total of 39 women have received pilots’ wings; 16 combat navigators, four combat pilots, seven helicopter pilots and 12 cargo pilots and navigators including a deputy squadron commander (**Figure4.12**; Ginsberg 2016). They make up just 10 percent of the total number of women conscripts who have been part of the course since 2001 but the rest have dropped out before graduating for variety of reasons. In the same year, women were only seven percent of the total graduating class out of which just one women conscript, Lt. Shahar, became the fourth female combat pilot (Zitun 2017). Out of the 39 women pilots, two were religiously observant, out of which Tamar Ariel died in a natural catastrophe in Nepal, who served in the Air corps while following all the religious customs like wearing long khaki skirts (Ginsberg 2016).

Although these figures show an abysmal participation and absorption of women in the Air corps, one cannot deny that the presence of women in the air force is ubiquitous.²⁸ Women are slowly

²⁷ The IDF Spokesperson Office released a booklet on 8 March 2017 (International Women’s Day) titled, “Women in the Service of the Army.”

²⁸In the civilian aviation sector, there are only four women pilots and a woman first officer who fly for EL Al in 2016. One of them is a ultra-orthodox woman who received her pilot licence from the U.S. Rest of the women pilots are alumni’s of the IAF.

making their mark and having their presence felt in a completely male bastion. Maj. Racheli Weinberg, head of a unit that seeks out potential air crew enlistees, said that:

I feel that still today, 20 years later, we do not know the profile of the female pilot as we do that of the male pilot. The evolution of it is much slower and not enough time has elapsed to make it researchable, which is why we are looking to pass through our strainer as many women as possible in order to understand the characteristics of the female Israeli Air Force pilot. (Ginsberg 2016)

Israeli Navy

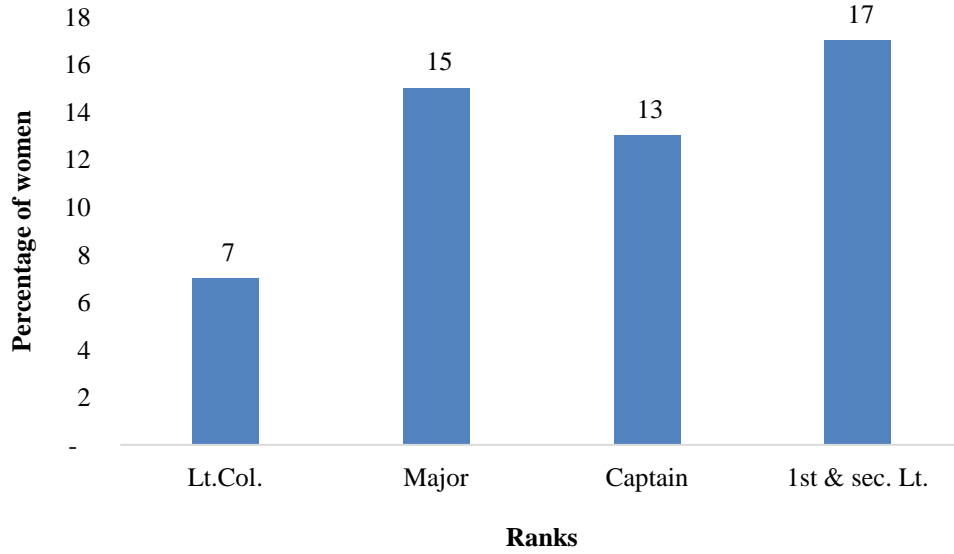
The Israel Naval force operates primarily in the Mediterranean Sea, the Gulf of Aqaba and the Red Sea. The naval force includes the Missile Boats flotilla, Submarine flotilla and 13th Flotilla which is the naval commandos unit.²⁹ The Naval Officers Training School first opened its doors to women soldiers in 1997 much later than the Air corps or the Army; and only in 2014 was the option of becoming a naval vessel commander made available to women conscripts (IDF Blog 2015).³⁰

The Naval officer's course runs for two and half years and is considered to be one of the most intensive programmes in the IDF. Following their basic training, women cadets are divided into four different areas of expertise—submarines, sailing, machinery and electronics. They are also trained to dive into the depths of up to 30 metres. At the end, each graduate is awarded the rank of lieutenant junior grade, necessary for commanding naval vessels as well as a bachelor's degree in political science from Haifa University. After the training they are committed to 61 months of military service (Ahronheim 2017). In 2017, 32 cadets graduated from the naval academy, out of which only two were women (Ibid).

²⁹There are no women in Israel's Merchant Marine till 2017.

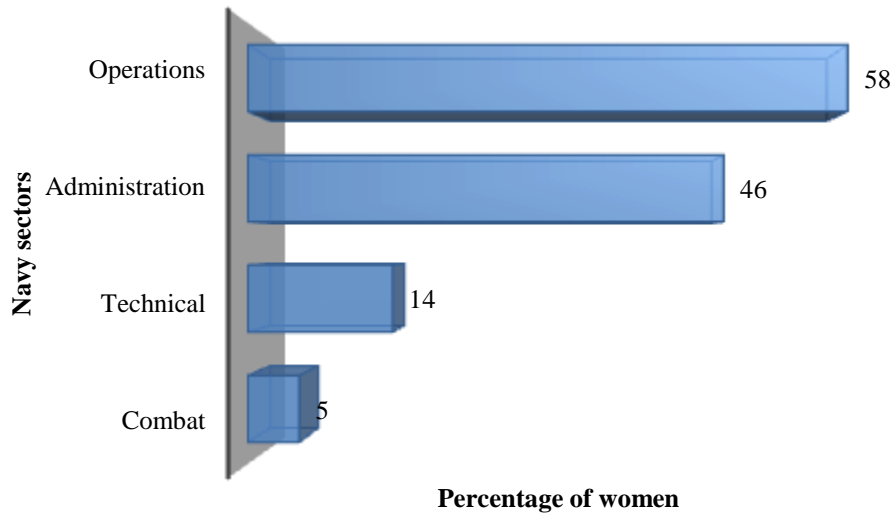
³⁰<https://www.idfblog.com/2015/03/12/5-things-didnt-know-idf-naval-officers-course/>

Figure 4.13: Rank-wise Distribution of Conscripts in the Navy, 2016



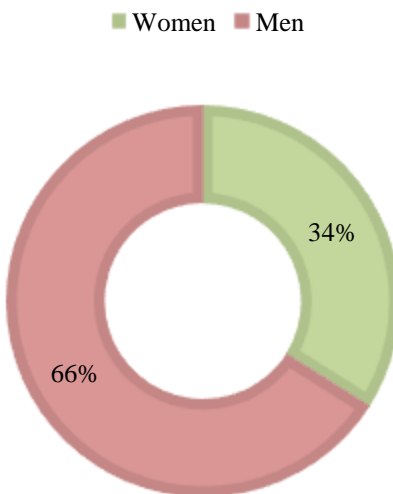
Source: Adapted from IDF Spokesperson Office, 2017

Figure 4.14: Sector-wise Percentage of Women in the Navy, 2016



Source: Adapted from IDF Spokesperson Office, 2017

Figure 4.15: Gender-wise Distribution of Conscripts in the Navy, 2016



Source: Adapted from IDF Spokesperson Office, 2017

In 2016, the percentage of women in the Navy was 34 percent, out of which they were 58 percent in the operation sector, 46 percent in the administration sector, 14 percent in the technical sector and just five percent in combat (**Figures 4.14 and 4.15**). In the same year, women constituted only seven percent of the Lt. Col. rank and 15 percent of Major rank in the navy (**Figure 4.13**). Unit Snapir, also known as the Harbor Security Unit allows female combatants in its ranks. The first female Naval Commander Or Cohen was given in charge of a combat vessel (Dvora) only in 2015 (Zitun 2014).

The number of women naval combatants are also very few in number. Recently, on 5 October 2016, a ship operated by female combat troops and cadets intercepted a flotilla carrying female activists bound for Gaza Strip. This was the first time that women naval soldiers were put on the forefront of a mission (Booth 2016). Soon after, the IDF Chief of Staff Lt. Gen. Gadi Eisenkot said that, “By standing here, you have proved that women have a unique role to play in the navy and in key positions of the IDF’s fighting force.”(Ibid) In spite of the numbers and prevailing traditions, women have become an intrinsic part of the corps and they have been integrated into various positions across the units. However, the structural discrimination of longer military service, lack of gender sensitivity in structural norms as well as existing discourses has restrained the participation of women in the naval corps.

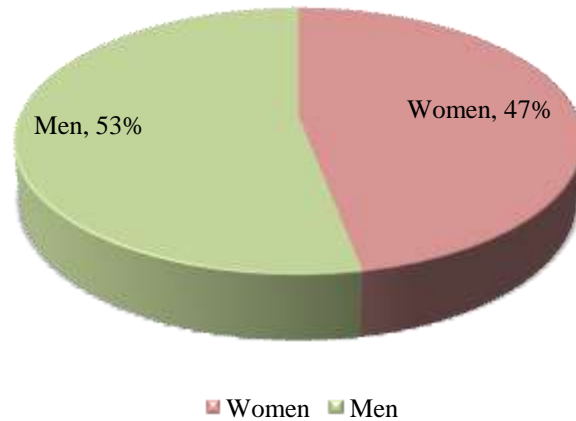
Intelligence Corps, Home Front Command and Border Guard Corps

Apart from the three main service arms of the IDF, there is other corps that takes care of special requirements of the military. The Intelligence corps are mostly desk-jobs while Border Guard corps requires combat training. In all these except for special units, women are allowed to hold to participate in majority of the roles.

The Intelligence Corps is responsible for collecting, analysing and dissemination of intelligence information for the General Staff and the higher political echelons. Although it is part of the IDF, its jurisdiction lies under the Military Intelligence Directorate which is also known as Aman. The primary mission of the corps, unlike the other units in Aman is to provide warning as well as reports during war and security threat against Israel (IDF Blog). The corps includes Unit 8200 which is one the biggest and mostly anonymous unit in the IDF and is responsible for cyber and signal intelligence. (Behar 2016) It is also known for being sensitive towards gender as well as LGBT soldiers.

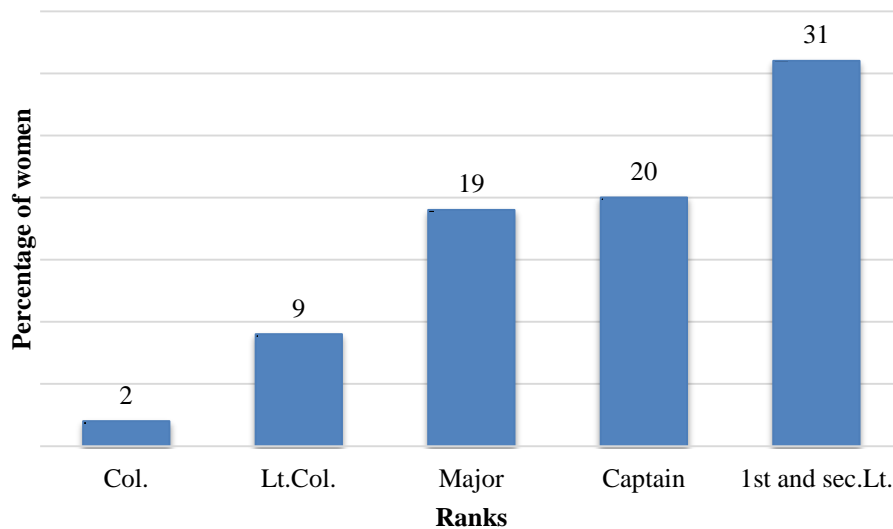
Another unit that is youngest in the Intelligence corps is the Modi'in Sadeh who are responsible for intelligence collection in the field and transfer that information to other field units. They are also known as “The viewer before the camp” and combine combat capabilities along with intelligence gathering skills. Inside of the unit, there are three troops – “Shachaf” which is under the Northern Command, “Nitzan” which is under the Central Command, and “Nesher” which is under the Southern Command (IDF info). In 2016, 47 percent of Intelligence corps were women. They made up two percent of the rank of Colonel (Col.), 9 percent of the rank of Lt. Col. in the corps, 19 percent of the rank of Major and 20 percent of the rank of Captain (**Figure 4.16 and 4.17**).

Figure 4.16: Gender-wise Distribution of Conscripts in the Intelligence Corps, 2016



Source: Adapted from IDF Spokesperson Office, 2017

Figure 4.17: Rank-wise Percentage of Women in the Intelligence Corps, 2016

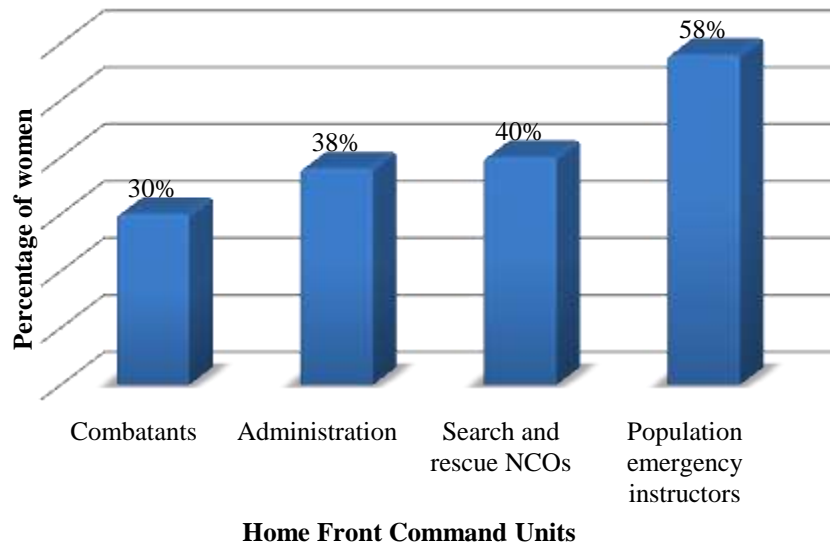


Source: Adapted from IDF Spokesperson Office, 2017

The Home Front Command was created in February 1992, in the aftermath of the Kuwait Crisis. Its main task is to prepare the rear as well as the civilian population for emergency and security threat. It's comprised of major reserve forces to alert civilian population and the ability to mobilize rescue missions or in times of war (Zitun 2017). In recent years, the emphasis has been

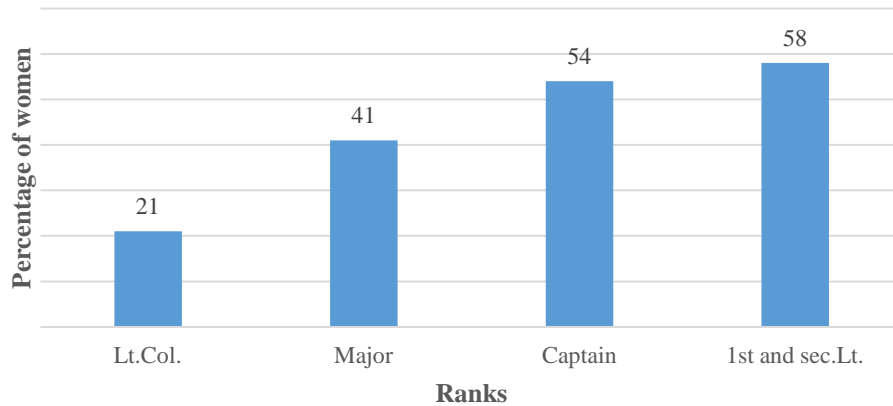
to create a strong mobilizing force to deal with the threat of mass projectiles. It is a mixed unit with a make-up of 70 percent male and 30 percent female (Ahronheim 2017). In 2016, out of the total female soldiers in the unit, 30 percent are female combatants, 38 percent in administration, 40 percent are search and rescue non-commissioned officers and 58 percent are population emergency instructors. They made up 21 percent of the rank of Lt. Col. in the corps, 41 percent of the rank of Major and 54 percent of the rank of Captain (**Figure 4.18** and **4.19**). They have also been sent on overseas missions such as Turkey, India and Kenya (IDF Spokesperson Office, 2017).

Figure 4.18: Unit-wise Percentage of Women in Home Front Command, 2016



Source: Adapted from IDF Spokesperson Office, 2017

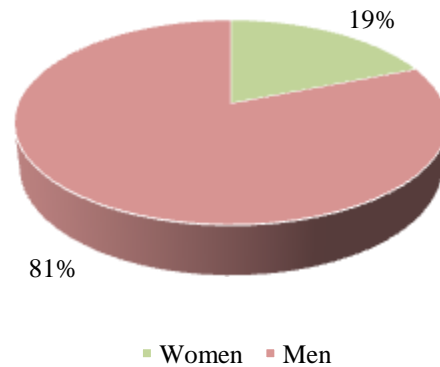
Figure 4.19: Rank-wise Percentage of Women in Home Front Command, 2016



Source: Adapted from IDF Spokesperson Office, 2017

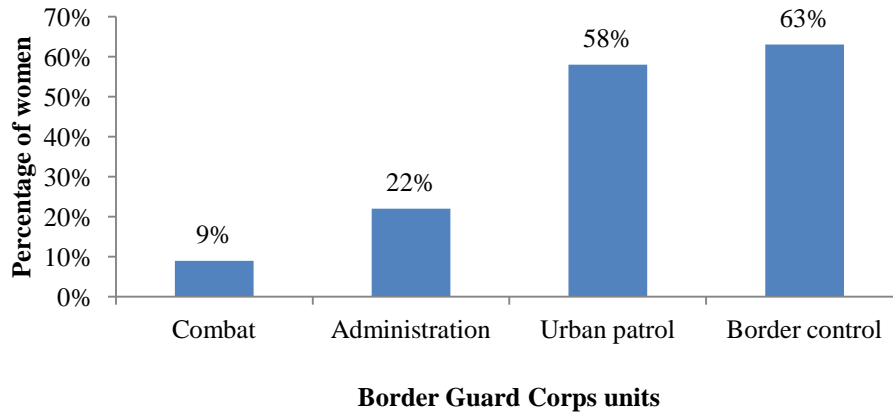
The Border Guard Corps has been under the jurisdiction of the IDF since 1948 onwards and their main task is to provide security at the border security posts on the Egyptian and Jordanian borders.. In recent years, they have also been deployed in the northern territories along with other infantry units. However, their main focus lies on the Egyptian and Jordanian borders (Ahronheim 2017). Around 80 percent of its posts are combat and combat support positions. In 2016, women constituted 19 percent of the entire corps, out of which 9 percent were in combat, 22 percent in administration, 58 percent in urban patrol and 63 percent in border control (**Figure 4.20** and **4.21**). The combat units in these corps are supported by field intelligence units, among which there are all-women infantry surveillance companies like Team Mor who help in intercepting infiltrators across borders.

Figure 4.20: Gender-wise Distribution of Conscripts in the Border Guard Corps, 2016



Source: Adapted from IDF Spokesperson Office, 2017

Figure 4.21: Unit-wise Distribution of Women in Border Guard Corps, 2016



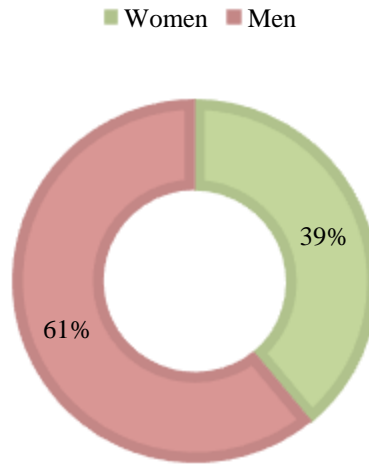
Source: Adapted from IDF Spokesperson Office, 2017

General Staff Corps

The General Staff Corps consists of the Military Police, Education Corps and Adjutant General Corps. These are the traditional positions that women conscripts have held since the beginning of the IDF. The Military Police corps is 4,500 soldier-strong brigade-sized unit which is responsible for various law enforcement duties like guarding military prisons, investigating crimes committed by soldiers and locating deserters. It serves as the Manpower Directorate during peace time and as the Technical and Logistics Directorate during war (IDF Spokesperson Office, 2017). The first batch of women recruits joined the corps on 20 August 1948 and was in charge of protecting various *kibbutz* near Tel Aviv and Jerusalem. Traditionally, there were gender specific units for training namely, Pashatz for men and Plugat Shotrot for women.

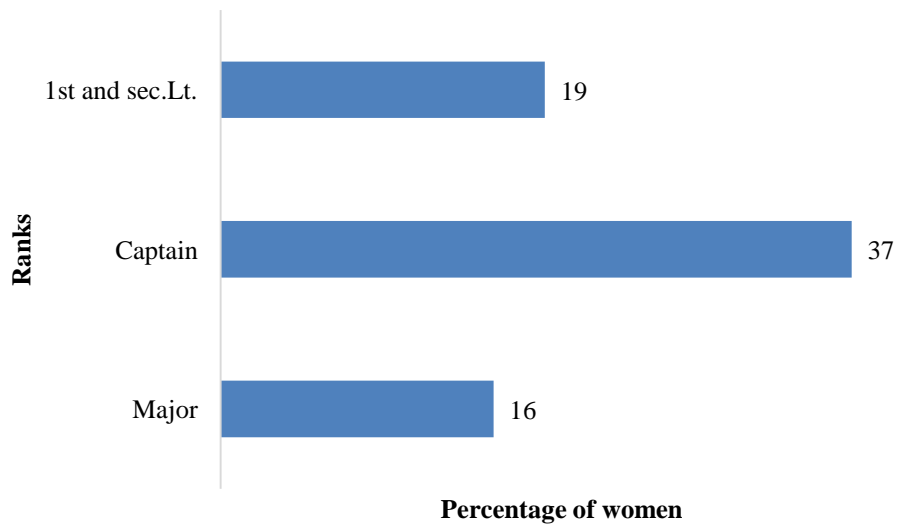
From 2006 onwards, male and female recruits were trained in one company but in different platoons (IDF Blog 2008). Commanders of the company could be of either of the gender. One of the most prestigious company, known as the Course Company or Plugat Maslul (*palmas*), recruits both women and men to check Palestinians at checkpoints. They undergo advanced weapons training and serve at sensitive checkpoints like Hebron (Goldberg 2014). In 2016, the Military Police corps had 39 percent women soldiers. Women have also substantially risen up the ladder and have contributed 16 percent to the rank of Major and 37 percent to the rank of Captain (Figure 4.22 and 2.23).

Figure 4.22: Gender-wise Distribution of Conscripts in the Military Police Corps, 2016



Source: Adapted from IDF Spokesperson Office, 2017

Figure 4.23: Rank-wise Percentage of Women in the Military Police, 2016

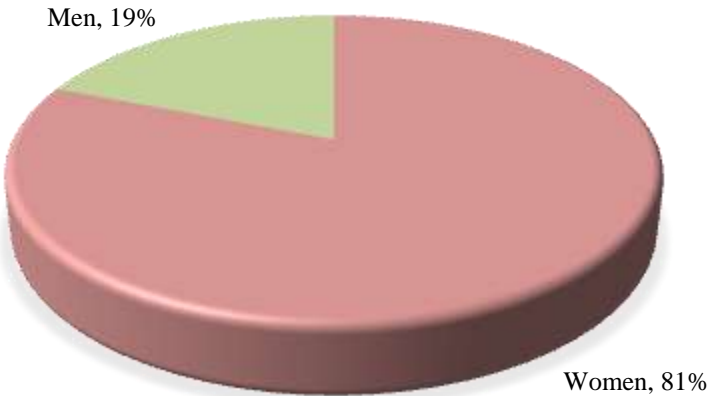


Source: Adapted from IDF Spokesperson Office, 2017

The Education and Youth corps is an important component of the IDF since its beginning as it plays a crucial role in integrating new immigrants who arrive in Israel to make it their own home. The corps not only has to teach them Hebrew Language but also help them integrate into the society. Further, they help the immigrants living in the transit camps to learn about Israel.

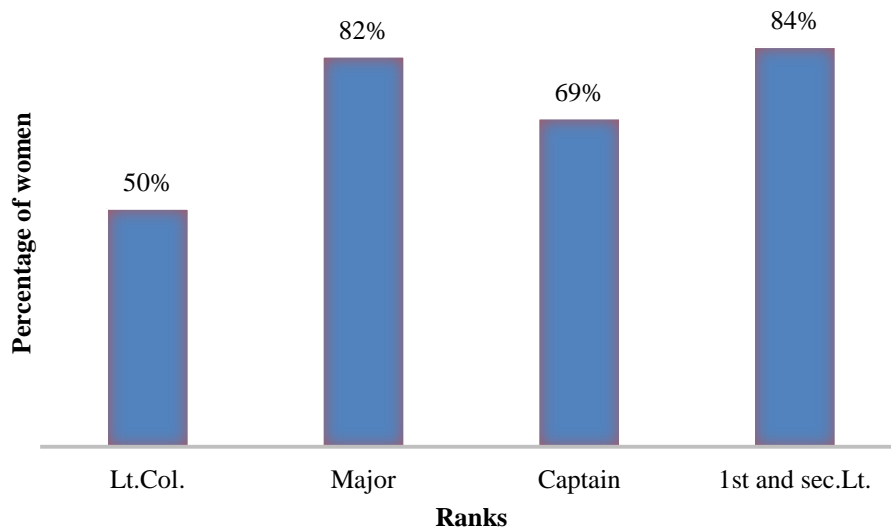
The rising importance of a military education system led the IDF to create an education framework in 1984 that was spearheaded by women conscripts who were made part of various military units as educators. Their task was to educate all the recruits, irrespective of their origins, educational qualification and their ranks. Focus was not only of Hebrew language but also on the heritage and objectives of the IDF (Cohen 2005). In the 1980s and 1990s, the education framework was aimed at legitimizing and sensitizing service in the occupied territories in light of the Lebanon War and the Intifada. In early 1990s the Education corps was merged with Gadna (the Youth corps) to help foster new immigrants who arrived from Ethiopia and other places. Most of these social tasks fell on service women who were considered to be “soft and approachable” (Ibid). In 2016, the Education corps consisted of 81 percent women and only 19 percent men. In the same year, women made up 50 percent of the rank of Lt. Col. in the corps, 82 percent of the rank of Major and 69 percent of the rank of Captain (**Figure 4.24** and **4.25**).

Figure 4.24: Gender-wise Distribution of Conscripts in the Youth and Education Corps, 2016



Source: Adapted from IDF Spokesperson Office, 2017

Figure 4.25: Rank-wise Percentage of Women in the Youth and Education Corps, 2016



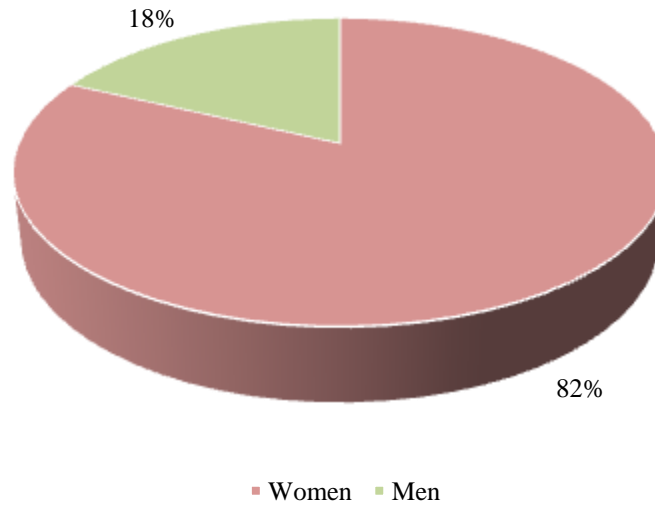
Source: Adapted from IDF Spokesperson Office, 2017

The Adjutant General Corps is the main support unit in the IDF Human Resources Directorate and its main task is to serve as administrators to the military and provide assistance while dealing with manpower. Further, they assist in helping the needs of individual soldiers and act as liaison between soldiers and their family. They also take care of various administrative requirements of military casualties and provide assistance to their rehabilitation programme. This corps was created on 22 May 1977, after the October War to assist the military in maintaining the reserve forces (Kosti 2008).

Slowly, the scope of its duties increased and they started assisting in various manpower duties. Today, there is an adjutant officer and a liaison officer in every unit who is responsible for the manpower needs and individual requirements of the same. This corps needs a special mention as it is one of the few that is led by a woman commander, Orna Barbivai, who became a Major General and has been heading the Manpower Directorate since 2011. She was the first woman to be made Major General. At that time, Tzipi Livni, the then Opposition head said that, “There is no rank that is too heavy for a woman’s shoulders, and there is no doubt that Brig. Gen. Barivai was appointed because for her talents” (Katz 2011). In 2016, the Adjutant General corps consisted of 82 percent women and only 18 percent men. In the same year, women made up 19

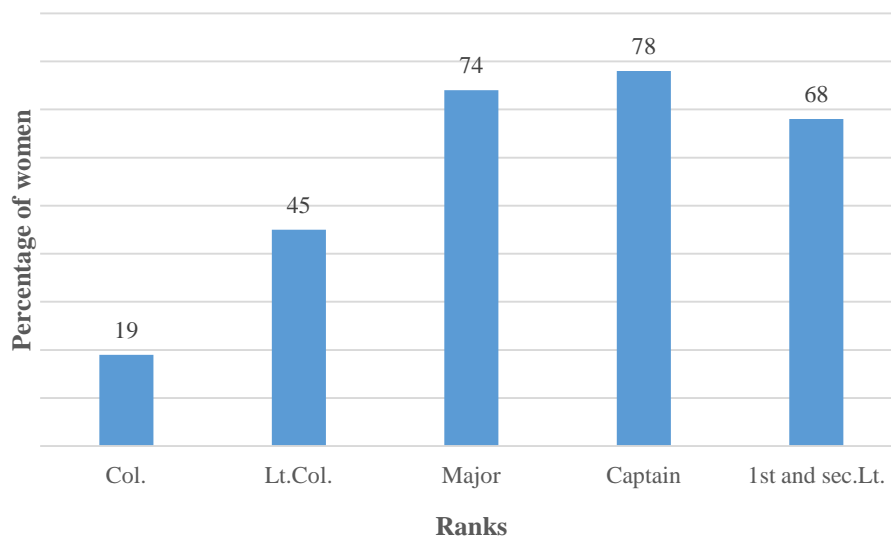
percent of the rank of Col., 45 percent of the rank of Lt. Col. in the corps, 74 percent of the rank of Major and 78 percent of the rank of Captain (Figure 4.26 and 4.27).

Figure 4.26: Gender-wise Distribution of Conscripts in the Adjutant Corps, 2016



Source: Adapted from IDF Spokesperson Office, 2017

Figure 4.27: Rank-wise Percentage of Women in the Adjutant Corps, 2016



Source: Adapted from IDF Spokesperson Office, 2017

Conclusion

One cannot deny that military has always been the stronghold of nationalism. Its symbolic value as the most important national institution has always made it above criticisms. Its exclusiveness as the sole guardian of the nation's defence as well as its identity of a 'people's army' makes it the cornerstone of any nation. The same norms that make the military the most essential structure of the country, also makes it the harbinger of biases. Its association with traditional macho discourses like war and weapons makes it a complete male bastion, which not only differentiates between genders but also within the same. Certain physiological characteristics are prized far higher than the others due to certain circumstances and these preferences linger on through decades, even when the circumstances have changed.

When the IDF was created, defence was the utmost priority for the state. This task gave preference to the participation of men over women in military due to the age-old symbiotic relation between gender and violence. However, the circumstances have changed today. Wars are no longer fought in battlefields but inside air-conditioned rooms in front of hi-tech computers. Intelligence is more prized than brute force. As Stuart Cohen points out that the need of the hour for IDF is to make itself more "smarter and sharper" (Cohen 2008). This needs a change in the structural policies and norms of the military. One can argue that this is not an easy task, although the military institution has taken several steps to break the traditional macho bonds and be more relevant to the dynamic demands of the nation.

Increased number of women in the IDF should be seen as part of this change. In the last decade, there has been a substantial jump in the inclusion of women in not only various units but also in higher ranks. There is an increased rationale of sensitivity towards feminine physiology and needs. Emphasis is laid on individual's potential rather than traditional requirement of physical strength. Thus, in 2016, the IDF has men who are working in desk-jobs as intelligence officers while women are working in the field as combat soldiers. This has in turn affected the status of women in the Israeli society. A large number of women have started their start-ups in Israel since 2010. El Al now has all-women fleet of crew who have been recruited after their service in the

IAF.³¹ There are several more examples of women taking up reins of traditional macho powers since 2000 onwards.

Nonetheless, the wave of change has brought in three distinct issues— it's too slow to keep up with the changing Israeli society and thus, there is clamour for faster and more inclusive pace; secondly it has brought a clash between the traditional feminine norms like motherhood and changing discourse of gender equality; and lastly, the age-old conflict between gender interactions based on traditional identities have created obstacles for this phase of transition. Speaking at a Women's International Zionist Organization event in January 2016, Defence Minister Moshe Ya'alon pointed out this age-old obstacle to the promotion of women within the military when he was asked if a woman can be a defence minister, he said "Why not? A more difficult question is whether I can foresee a woman as chief of the General Staff." (Gross 2016b).

³¹On 22 January 2016, pilot Smadar Schechter and first officer Merav Schwartz flew the first all-women cockpit of an El Al flight to Cyprus. Both of them are alumni's of the IAF (Zelliger 2016).

Chapter 5

Gender Debates and Discrimination in the IDF

As an institution, the IDF follows a policy of gender egalitarianism in its structural norms by accepting women recruits in 92 percent of all available posts and ranks in various units. This policy is a culmination of several processes like the impact of various feminist movements, changes in the Israeli society and transformation in the nature of warfare. These revising norms affect the traditional functioning of the military as a patriarchal institution that privileges masculinity over other social attributes. This, in turn affects not only existing gender identities but gender relations in the light of a fluid definition of gender roles. The contention between the traditional gender identities and changing discourses in the military leads to discrimination in the postings and promotions of women soldiers, creation of a militarised body, degendering and regendering processes and psychological trauma for women soldiers in a bid to fit in the military. These outcomes manifest in an increasing number of reporting of sexual harassment cases. The cyclical logic behind both structural and functional discrimination drags the IDF away from its stated goal of achieving gender equality which has been highlighted in the.

Further, this chapter identifies and analyses the four waves of feminism that significantly affected the Israeli society and its premier institutions like the IDF. Additionally, it studies the different levels of gender discrimination prevalent in the IDF using the structural-functional approach that focuses on the conflict between structural norms and functional discourses. This tension gives rise to a phenomenon of regendering and degendering which has been discussed later in the chapter. It tries to study the impact of the structural-functional tension upon masculinity and transgender identity within the military institution. The chapter tries to entangle the relation between religion and gender within the IDF which significantly impacts a number of its policies. The chapter concludes with a brief look at the changing nature of the military institution which supports the structural changes in bringing about a gender-egalitarian military in Israel.

Gender Debates in Israel: Waves of Feminism

Israel, like Western Europe and the US has faced four major waves that have shaped its feminist movement. One can trace the first wave of feminism as early as the pre-statehood period wherein it manifested in the voices of young Ashkenazi women who came to the then Mandate Palestine through *aliya* and claimed inclusion in the public sphere and involved themselves in the goal of “building their land” (Herzog 2011). Margaret Shilo points out that the main objective for these women was to achieve economic independence as well as to achieve social reform amidst the diverse community. Wives of the *yishuv* leaders took the initiative to start and maintain schools, give vocational training to other young women as well as to foster a feeling of ‘belongingness’ among the hundreds of women who were immigrating to Palestine and making it their home (Shilo 1986).

These early feminists were influenced by the stirrings of gender debates that were in vogue in the early 20th century Europe (Bijaoui-Fogiel 1992b, 65). Several landmark strides were taken by the European feminists during this period that influenced the feminist discourse amongst the Zionist leaders. The *juedischer frauendbund* (Jewish Women’s Organisation) was founded in Germany in 1904 by Bertha Pappenheim and it strove for equal voting rights for women within Jewish affairs. Several Sunday Schools were created across Europe which opened doors for upper-class/high-strata Jewish women to step out in the public for Jewish teaching. This generated not only economic independence among women but new public roles for them. Jewish Women’s salons were a rage in Europe as they were a neutral space for conversation and reflection about society and other issues. Most of these salons were run by influential women who not only had the economic means to do so but held an important public position due to their family linkages (Ibid, 72).

As the situation worsened across Europe since late nineteenth century, these women along with their families came to Palestine and brought with them the first wave of feminism. Several distinguished women like Sarah Azaryahu, Sarah Thon, Fania Metman-Cohen and Shulamit Rupin spearheaded changes like creating educational institutions, training women in vocational chores and many other tasks that not only catered to the demands of women to step out of the private domain but met the needs of the newly established community by providing educated task-force (Bijaoui-Fogiel 1992a).

This early feminist struggle reached its peak during 1919-1926 when they started demanding the right to vote for *yishuv* institutions. They believed that suffrage would bring equality and recognition of their efforts. They won this right in 1926 with the support of the Progressive party, *hadassah* organisation, and other liberal groups. Although theoretically formal equality was achieved, in practice, women were still left out of the political process (Bernstein 1987, Herzog 1998). The failure of these early feminists to gain equality with suffrage can be traced to two important issues. These women sought to preserve their distinctiveness as women and emphasised more on their contribution as a women and mother rather than a 'partner in the nation building process.' Secondly, constant armed clashes including the Western Wall Riots of 1929 laid more emphasis on defence rather than on social changes. It gave importance to security discourses rather than civil equality debates (Bernstein 1987). These reasons pushed the agenda of the early feminists behind the raging security need of the young Jewish community in Palestine. However, one cannot deny that the overturns made by these feminists allowed young Jewish women to participate in the defence forces of Palmach and Haganah which later on opened doors for women to equally participate in the military.

The first wave of feminism receded away by the later 1940s in the light of constant security needs and pressing demands of the newly established State of Israel. The focus was on community building and securing areas that left no space for other civil discourses. Four major wars in four decades, namely, the 1948 war, Suez War of 1956, June War of 1967 and October War of 1973 kept the focus of the state and the public on security needs rather than on social requirements (Herzog 2011). After 1967, the IDF became the centrepiece of nationalism which led to the marginalization of the civil society and its demands. As the army became the most important institution, the emphasis was naturally on men and on masculinity. It left no space for questioning the military or the state by the civil society. This ultimately led to complete lacunae of alternate discourses challenging the state or the prevalent social norms. This can be attributed to not only the constant prevalence of security demands but to the lack of social imagination desiring change in the civil sphere.

However, the appointment of Golda Meir as prime minister in 1969, along with the economic boom that followed the 1967 War, enabled a large number of women to enter the labour market (Bernstein 1987). They were mostly involved in home-based economic activities or in other

feminine occupations like teaching and nursing. Due to lack of alternate discourses, these women accepted that they were limited to particular roles and had to face unequal pay scale. Further, they were almost completely absent from the decision-making processes in the economic, political and social spheres (Ibid). Nonetheless, this particular stratum of working women provided the base for the second wave of feminism that impacted Israel after the October 1973 war.

The second wave of feminism reached the US and Europe during the 1960s as part of the various civil protest movements. The debates had a wide range of issues like sexuality, family, reproductive rights, workplace equality and other legal equalities (Bijaoui-Fogiel 1992a, Herzog 1998). This wave of feminism largely left Israel untouched (Herzog 1998). There were no organised movement of women demanding any of the rights like their western counterparts. In 1970, Shulamit Aloni, upon her return from the United States was the first to ask “Does Israel need a women’s right movement?” (Ram 1993) and founded the Citizen Right Movement (CRM or Ratz in Hebrew) in 1972. Soon after two faculty members in the University of Haifa, namely, Marcia Freedman and Marilyn Safir hosted a seminar challenging the existing suppression of women in Israel. This meet was attended by leading academicians in the country and soon, several young professors like Daphne Israeli, Galia Golan and others picked up the baton of gender protests (Herzog 1998).

Thus, this wave of feminism started evolving very slowly and was limited to the academic circle around the time of the outbreak of 1973 War. The magnitude of that war and its subsequent post-mortem compelled the spilling of issues such as unequal representation of women in the task force onto the national agenda (Cohen 2005). For women, the 1973 War served as a kind of magnifying glass which revealed with painful clarity the position of women within Israel’s social structure. The full intensity of the gendered role division that existed between men and women in the public sphere became clear during the three weeks of hostilities and the subsequent months of stepped-up mobilization of reservists (Izraeli 1981). The massive and swift mobilization of the majority of men brought the entire economic and social life to a complete standstill. Factories,

businesses, offices and schools were closed down for more than a month. Public transportation was few and far between as there were no women bus drivers (Rebhun and Waxman 2004).¹

At the time of the war, only 27 percent of women worked outside the home and virtually all Israeli women did all of the household chores and child care. The average female wage was less than the amount needed for an adult to support herself. Marriage rates were very high and women married early in their lives. They had three or four children and were rarely part of any strenuous public life activity like participating in social debates or protests (Israeli 1981).

Apart from the regular work force, women were excluded from the three major role systems in the war effort, namely, military leadership, civilian administration (apart from Golda Meir as Prime Minister) and war production (Cohen 2005). Although women were part of the IDF as soldiers, they were rarely sent for combat or combat support roles during the War. They were no women in the top ranks of the military except for the head of Women's Corps, Col. Devorah Tomer (1970-1973) who was excluded from all strategic meetings during the campaign. The picture was not so different in the Knesset at this time (Ibid). Golda Meir as the Prime Minister was the only women in the cabinet during the 7th Knesset (1969-1974) which had only 7.5 percent of women as lawmakers. Thus, there was a very limited representation of women in the civilian administration.

In the war production industries, women were in limited numbers as they were not allowed to work in heavy industries. The only areas of activity that was considered legitimate for women concerned the soldiers by helping them in treating the wounded, widows and orphans; baking and knitting for their male relatives at the front; nursing at the hospitals; and looking after the family members who returned with trauma from the frontline (Cohen 2005). The longer the hostilities persisted, the greater the number of such feminine roles emerged that were given legitimacy as appropriate for women during conflict times.

This created a sense of *déjà- vu* for the Israeli society as it was a continuance of earlier instances that kept occurring after each major war that Israel faced in the past. The feelings of anger and frustration intensified the awareness among educated women regarding the existing role division

¹It was disclosed that neither of the two bus cooperatives that monopolized public transportation in Israel (Egged and Dan) allowed women to become members or employed women as drivers on a contract basis

as well as their lower position in the society as a whole. However, no one apart from the feminists in the academic circle questioned the existing norms of gender division (Herzog 1998). Natalie Rein, a feminist scholar argues that “new feminist ideas were looked on as nothing short of blasphemous. The Zionist ethos has always thought of itself as advanced, one of the myths being that its men and women are equal. Now it was suddenly being faced by contradictions” (Rein 1989).

Soon after the October War ended, the loosely organised and informally connected feminists who were basically from the Tel Aviv University and University of Haifa began protests across the country. They held noisy demonstrations at rabbinical courts, political gatherings and beauty pageants and disrupted professional conferences and sessions at the Knesset (Ram 1993). They demanded equal representation for women in all spheres of work force as well as equal-pay-for-equal-work. They did not focus on the differences between women but instead on the similarities and analysed the institution of patriarchy and the systematic oppression of women. They saw themselves as taking part in a militant revolutionary struggle both for women’s right as well as for social change (Ibid). In Haifa, for example, the first organisation created was called Women for a New Society (NILAKHEM) which means “We Will Struggle.” In Jerusalem, the feminist movement was overtly socialist as it was formed within a political movement Matzpen which was internationally associated with Socialist Workers Party which is a far-left political party of Great Britain (Bernstein 1987).

However, the first success of the second wave of feminism was in the victory of Ratz in the election to the Knesset held on 31 December 1973, soon after the end of the October War. It was the first party in Israel to be formed and headed by a woman, Aloni which espoused human rights and women’s equality as policy guidelines (Helman and Rapoport 1997). Marcia Freedman, a declared radical feminist, held the third place on the Ratz list. The party emphasised the connection between the dominance of the security discourse and the inequality of women in the society and placed the issue of women’s rights and status in relation to their family and society as a whole on the national agenda. The increasing frustration of women along with radical feminist discourses translated into votes and Ratz in its maiden battle won four seats in the Knesset (Ibid).

Soon after, the Ratz MKs including Ruth Resnick and Marcia Freedman started raising core feminist issues in the Knesset. Issues like domestic violence against women, issue of abortion, legal rights over a woman's body and sexual identity were frequently aired (Freedman 1990). Although, the Knesset did not enact any legislation due to these protests, the ferocity of these arguments compelled the creation of official committees that encompassed these issues. In 1975, the Prime Minister Yitzhak Rabin appointed the Commission on Women's Status headed by Ora Namir (Labour Party) and it submitted its report in 1978 to Prime Minister Menahem Begin. The report examined the status of women under the law and in education, military, labour market, family and in decision-making processes (Ibid). The report had 241 recommendations towards promoting the status of women in Israel. It was the first time since independence that there was an official document that accepted the stark gender inequality in the society. The only vacuum in the document was the issue of marital status of women as the commission could not reach unanimity as there was no separation between state and religion (Freedman 1990).

The Commission on Women's status provided an opportunity for women from different spheres to work together. Approximately one hundred women participated in the deliberations of the Commission and it constituted the first official encounter between women politicians and women academics (Freedman 1990). Many scholars see this as the political realisation of the second wave of feminism while depict this as a platform for the third wave of feminism in the 1990s (Bernstein 1987, Herzog 1998, Freedman 1990). The Commission served as a means for 'consciousness-raising' and one of its few achievements was the creation of the post of the Advisor to the Prime Minister on the Status of Women. The report influenced the IDF to take several steps to improve the status of women within its ranks. During the decade that followed, only 41 of its recommendations were implemented (Freedman 1990) but the report was a breakthrough as it provided a political legitimacy to the ongoing feminist movement.

The IDF too underwent a process of upheaval after the October War of 1973. The process of self-criticism carried out by the military high command after the war along with it the pressing need to overhaul the military structure leading to reassessment its policy towards women. There was a growing clamour for incorporating advanced technologies in the army which required trained personnel and this in turn opened up new but limited military opportunities for women soldiers (Ram 1993). Although the IDF increased its intake of women soldiers in various others

roles, this was primarily to offset manpower shortage instead of following a policy of gender equality. These norms remained unchanged until the 1990s when a legal battle shook the entire structural framework of the IDF.

The Israel Women's Network was established in 1984 whose main mission was to work with Knessetmembers and policy-makers regarding issues pertaining to women (Haberman 2012). This was another milestone in organising the feminist movement as a proper organization and once again most of its founders were from the academia and were responsible for opening gender and women's studies in various universities and colleges in the country. They tried to straddle the academic and the political sphere in order to bring concrete returns for their feminist demands. The chief characteristics of this organization were conscious defiance, grassroots initiatives and the absence of direct dependence on any singular political party. They highlighted violence, rape and harassment especially in the IDF which was normalised as an accepted part of the military culture (Ibid).

Almost a decade later, in 1992, during the 13th Knesset, an ad-hoc Committee on the Status of Women was established and it became a statutory committee in 1996. Majority of its members were from Israel Women's Network (Haberman 2012). The report of the Committee in 1998 stated: "When the committee was set up, we didn't reinvent the wheel but a new engine was added to the wheel, a feminist, militant engine that crossed the lines of party, origin, age and religion" (Ibid). The Committee made a significant contribution in institutionalizing the feminist agenda by creating frameworks to deal with women's status. They introduced topics such as educating for gender equality, fighting gender-offensive advertising, LGBT rights, preventing sexual harassment and other basic rights of women in the Knesset.

During this period, the nation was gripped by the Alice Miller case wherein a young woman filed a case against the IDF on discrimination based on gender as she was rejected by the Air Force to apply for pilot test. In response to her petition, the IDF submitted an affidavit which stated that there is a distinction between men and women with regard to the extent of their duty to serve which impacts on the nature of their service (**Annexure 3**). It further stated that the defence expenditure behind the training of a female conscript would be incommensurate to the high costs of maintaining Air Force preparedness and combat capability. This argument was rejected by the Supreme Court which directed the IDF to change its policies regarding the incorporation of

women and to lay emphasis on skills rather than of gender attributes. This judgement laid the basis of the Equality Amendment of the Defence Service Law that was passed by the Knesset on 10 January 2000. This ushered in the third wave of feminism.

The third wave of feminism emphasised more on differentiation rather than on egalitarianism. Feminists like Orna Sasson-Levy, Ruth Halperin-Kadari and Susan Starr-Sered argued that creating a sense of gender equality in patriarchal institutions leads to organised discrimination that is not only legitimised by the institution itself but leads to the re-definition of existing gender roles and relations which results in cleavages in social fabric (Sasson-Levy 2006, Halperin-Kadari 2005, Starr-Sered 2008). They interviewed several women combat officers and women politicians and came to the conclusion that “women needed to be treated as per their identity and not as other half of the men” (Sasson-Levy 2001). They further pointed out that the quest of gender equality has thus failed as the transition has taken place on traditional gender division instead of individual lines. The IDF was seen as a classic example of this transitional failure where in the structural changes have not been successful in eliminating functional discrimination.

Discrimination within the IDF

While embodying the ethos of masculinity, the IDF has historically been inclusive through the conscription of both genders. This has generated a myth of gender equality but in practice, this institution perpetrated gender-based difference through its norms and practices. By virtue of conscription, the norms of IDF is one the most important factors impacting gender relations of the society as a whole. As an institution, the IDF has served to foster societal transition towards greater gender equality in what has traditionally been a patriarchal society (Sasson-Levy 2005). Increased feminist demands and an unwillingness on the part of Israeli women to accept their existing oppression within the ranks of the military instigated the IDF to change its legislations and practices to make it more cohesive and inclusive which in turn reflected in the changing norms of the society (Ibid). Yet, numerous barriers to full equality still persist and the state continues to struggle to ensure equality of opportunity and resources for women, both during and after military service.

As an institution, the functioning of the IDF takes place on two levels of analysis, namely, structural and functional. The IDF, like other military across the world, privileges masculinity

and the male body over their female counterparts. This is reflected in its structural norms which manifests through its recruitment, basic training process, postings, promotions and other institutional policies (Sasson-Levy 2001). These structural norms are based on the changing requirements of the military rather than the social demands of equality. As the military is slowly transforming itself from the concept of 'standing army' to a 'smarter army', the need of the same is shifting from requiring combat soldiers to cyber soldiers (Cohen 2005). This transition has led the IDF to periodically change its structural policies to incorporate suitable citizens, regardless of gender and socio-economic backgrounds.

These same structural policies affect the other level of analysis that is, the functional discourse. The IDF is seen as an egalitarian space for every Jewish youth to realise their potential, regardless of their backgrounds or affiliations. However, the structural norms of the military create institutional discrimination which leads to functional discourses like regendering and degendering (Sasson-Levy 2005). Norms such as differentiated profile scores (*kaba*), as has been discussed in Chapter Four, leads to women being discriminated as they are unable to join various infantry and other units. These scores play an important role in promotions and postings wherein women had to confront glass ceilings and glass elevators despite changes in the structural norms. These functional discourses lead the IDF further away from its goal of gender equality.

Thus, one can argue that the simultaneous friction between structural policies and functional discourses pull the IDF away from its stated goal of achieving gender equality. This, in turn impacts the participation of women in the military as they continue to face various discriminatory policies and experiences. The persistent discrimination against women soldiers re-emphasises the masculine ethos of the military, which then continues as a vicious cycle which refuses to end. Thus, the ideal of gender equality remains a distant dream for the IDF.

Structural Discrimination

There are several structural processes that a conscript encounters during his/her military stint. The first interaction with the military institution takes place through *tzav rishon* (the first call notice) which is sent to all eligible candidates when they turn 17 years old. During the day-long process, there is a physical and psychological evaluation of all candidates, the results of which make up the profile score as has been discussed in the previous chapter. The profile score is

made up of three distinct components: *dapar* (psychometric tests), *tzhar* (background score) and *tzadak* (Interview). Women conscripts are not eligible for the *tzadak* tests as they are meant for male conscript who wish to join the infantry or combat roles (Garin Mahal). Instead, there is an increased weightage of the *tzhar* score for the women. This profile score not only determines the unit but their posts and promotions during one's military service (Gal 2006). Thus, the structural norm of denying the woman conscript an opportunity for an interview discriminates the candidate on not only on the available options of units but on presenting their case effectively to the military command. Extra emphasis on the background score which basically deals with language training, quality of formal education and other background data provides specific opportunities for women to take up determined roles of Hebrew instructors, Basic training commanders and other such instructing posts in the IDF.

Soon after the profile score determines one's unit, basic training commences for all the conscripts. They take place in three types of bases: general, corps and brigade. The general bases train soldier for non-combat assignments for all the recruits. They are gender-specific units to orient themselves basic military discipline and use of military weapons (IDF Blog 2013). These training courses follow gender sensitive curriculum especially for field exercises as the recruits are not chosen for any strenuous posts. For combat and combat support roles, basic training is given at specialised bases known as corps wherein women are trained in separate companies within the same base. The training curriculum is gender sensitive with different physical training courses for both men and women. Most of the commanding officers in these bases are women officers which has created an increased sense of gender sensitivity (Ibid). The Brigade basic training is exclusively for infantry and airborne corps. Women are not allowed to join various units of infantry so they are only a few of them who have scored a very high profile score in the infantry basic training bases. In the other units, women and male with limited physical capacities are trained separately within the same base (IDF Blog).

The population of women recruits is more in the general bases while there are a very few women in the brigade bases. This leads to a sense of superior identity among those women who are chosen in the airborne corps or in the few infantry units that allow women (Sasson-Levy 2005). These women look down upon the gender sensitive curriculum that is followed in the other two bases but not in the brigade base. The sense of entitlement of completing a similar training

course like their male counterparts leads them to mock the other's participation and view them as "necessary yet second-tier" soldiers in the IDF (Ibid). They start behaving as their male counterparts and view the non-combat soldiers as 'weak'. This leads to several cases of razing between these groups of women which spirals into episodes of humiliation and harassment (Goldstein 2013).

After the completion of the basic training, these recruits join their units and their posts as decided according to their profile score. As of 2017, 92 percent of all IDF posts were open to women which can be divided into combat, combat-support and non-combat roles (Gross 2016b). Among the combat roles, there are only four units that accept women in their ranks, namely, Karakal, Lions of the Jordan Valley Battalion (Baka'at battalion/ Aryot Hayarden), *Bardelas* Battalion and Oketz. Women combatants account for only seven percent of the total number of combatants (Frantzman 2015). Among the combat-support roles, women account for 21 percent of the total number of soldiers and these women do not engage in direct combat but they are part of the combat units to support their missions by providing them communication, logistics, engineering and medical assistance (IDF Blog). Majority of the women recruits are allotted non-combat positions including intelligence and education.

Apart from the army, the airforce and the navy accept women in their ranks. The air corps has traditionally accepted women to be part of its units except as pilots. They were recruited in flight support, technical support and administration duties. In the wake of the Alice Miller case, in 1994 women are recruited as pilots in the air corps (Gross 2001). However, by 2016, only seven percent of combat pilots were women soldiers and only 39 women have received pilot wings in the past decade and a half (Ginsberg 2016b). The abysmal participation of women in these units reveals a lack of gender sensitivity among the male soldiers which further inhibits the long-term absorption of women in its ranks.

The naval corps reveals a more discriminating trend towards women soldiers. The Naval Officer Training school first opened its door to women soldiers in 1997 much latter than the air corps and the army (IDF Blog 2015). As the course is considered to be the most intensive programmes in the IDF due to its length of two and half years as well as for its strenuous content, women are rarely encouraged to join the same. Only in 2014, women were given the option of becoming a naval vessel commander. In the 2017 batch, 32 cadets graduated from the naval academy out of

which only two were women (Ahronheim 2017b). These numbers showcase that navy is one of the least friendly options for women recruits due its lack of accommodation.

These structural norms disclose the factual representation of women in the IDF. However, the numbers reveal that even though there is an increased participation of women in the military, discrimination against them continues. Functional discrimination such as pink-collared jobs, glass ceilings, sexual harassment and many more issues continue to intimidate women to explore their full potential within the military organisation. However, a far more challenges facing women soldiers are the functional discrimination that persists within the IDF.

Functional Discrimination

Function in an organisation determines how others interact within the same and build relations as a contract between one-another and with the organisation (Harder 1996). In the military, soldiers interact with each other based on various identities including gender which results in creating bonds and cleavages that act as a functional attribute of the institution. These functions are a result of four forces, namely, penetration, communication, integration and distribution along the structural lines of the institution (Melese 2015). There are external factors too that influence these relations but the solitary nature of defence requirements make the IDF a perfect case study for the study of structural-functional approach towards gender equality.

In the IDF, the mingling of women and male soldiers take place across 92 percent of posts and units which restricts the complete penetration of women in the institution (Nevo and Shur 2002). The lack of women in large numbers affect the promotion cycle in the institution. The structural norms of encouraging women to join 'pink-collared' jobs further restrict the distribution and integration of women as equal partners in the military. This gives rise to various contradictory and condescending opinions regarding participation of women in the military and impacts the level of communication between women and male officers (Ibid). This simultaneous process of structural and functional discrimination inhibits women to participate and explore their potential in the IDF.

There are several major outcomes of the structural-functional friction which includes discrimination in the postings and promotions of women soldiers, creation of a militarised body, degendering and regendering processes and extreme psychological trauma for women soldiers in

a bid to fit in the military. These outcomes manifests in an increasing number of sexual harassment cases which has been discussed later in the chapter.

Table 5.1: Rank- wise Percentage of Women in IDF, 2016

Units	Percentage of Women in various Ranks				
	Col. And Above	Lt. Col.	Major	Captain	1st & 2nd Lt.
Ground Forces	1	7	17	19	27
Air Force	1	7	12	16	26
Navy	-	7	15	13	17
Intelligence Corps	2	9	19	20	31
Home Front Command	-	21	41	54	58
Military Police	-	-	16	37	19
Adjutant Corps	19	45	74	78	69
Youth and Education Corps	25	50	82	69	84

Source: Adapted from IDF Spokesperson Office, 2017

Table 5.2: Unit-wise Percentage of Women in IDF, 2016

Units	Percentage of Women
Air Force	31
Navy	34
Intelligence Corps	47
Border Guard Corps	19
Military Police	39
Adjutant Corps	82
Youth and Education Corps	81

Source: Adapted from IDF Spokesperson Office, 2017

Postings and Promotions:

After the basic training, women conscripts are allotted their posts in various units and are allotted either ‘desk jobs’ or ‘rear duties’ according to their profile score (Cohen 2008: 162). Dafna Israeli argues that there is a circular logic behind the deeply gendered process of posting and promotions in IDF (Israeli 1998: 152). The clearly-defined gender roles in the IDF restrict the army’s flexibility in its assignment of women soldiers, which, in turn limits the women’s usefulness to the military. The shorter conscription period of women makes it less cost effective to invest in their training which in turn restricts their role in the military. The final result is that the female soldiers become increasingly dispensable and in most cases, are assigned to ‘pink collared’ professions like teaching, instruction, communication, office work and nursing (Ibid).

Apart from the infantry and combat units, the IDF has various other support corps like the Intelligence corps, Home Front Command, Border Guard corps, General Staff corps, Youth and Education corps and Adjutant corps. As the military is slowly transforming itself to a more technologically advanced smarter army, the number of combatants required have further reduced. The need of the hour is specialised soldiers who fight cyber wars sitting inside a ‘strong room’ (Cohen 2013). The need for brute force amidst the ranks of the military has reduced substantially which has increased the intake of women in the other units of the army. In 2016, women constitute 47 percent of the Intelligence corps. In Youth and Education corps, Adjutant corps and General Staff corps, women make up the majority in 2016 (**Table 5.2**). This proves that despite favourable legislations, women still prefer or are allotted traditional feminine roles of teaching and administration. They continue to serve in ‘desk jobs’ as traditional notion of appropriate roles for women soldiers (Sasson-Levy 2003). This has led to fewer numbers of women challenging the traditional gendered role division in the military. Intelligence is the only grey zone wherein women participate equally as men in the fight against cyber attacks.

In the Navy and Air force discrimination against women is more structural than functional. The length of the course and the strenuous nature of their content discourage women to join their ranks (Ahronheim 2017b). There is a lack of gender sensitivity towards its women recruits as the number of women soldiers itself is very few. This then leads to fewer women to participate in these corps. The cyclical logic behind less participation of women in these corps allows them to act as male bastions and convey a sense of elitism as compared to other units. Due to lesser number of women in these corps, there is less number of women in commanding position. There are only one percent of women officers who have been promoted to the rank of Colonel or above in air corps while there are none in navy.

Various scholars like Susan Starr-Sered, Dafna Izraeli and Orna Sasson-Levy have asserted that the presence of a ‘glass ceiling’ as well as ‘glass elevator’ are a factor in the biased promotions of women soldiers (Izraeli 1997, Starr-Sered 2006, Sasson-Levy 2011). The Commanding Officer of the Women’s corps Brigadier-General Israela Oren in 1999 said that “the presence of a ‘glass ceiling’ is highly evident in IDF as one can climb to a certain point and then no more. The glass ceiling is present right after the rank of Major” (Rimalt 2007:151). Nonetheless, the increased participation of women in the military since the 2000s have resulted in the shifting of

the glass ceiling to a higher level, although it still continues to exist. In 2016, the glass ceiling is clearly evident in naval corps wherein there are no women officers above the post of Lieutenant Colonel (*sgan aluf*) while the Air Force has only one percent of women officers in the ranks of Colonel and above. In case of the army, in 2017, only two percent of women were Colonel in the Intelligence corps, none in the Home Front Command corps and military police (**Table 5.1**).

The highest rank that a woman officer has reached in the IDF is that of Major General when in May 2011, Orna Barbivai was appointed as the Head of the Manpower Directorate in the IDF. She was the first and until 2017 the only woman to reach the second highest rank in the IDF (Katz 2011). She retired in 2014, leaving behind four Brigadier General women officers, namely, Brig. Gen. Merav Kirshner who heads the Manpower Planning and Administrative division; Brig. Gen. Michai Ben-Muvhar who heads the staffing department; Brig. Gen. Sima Vaknin Gil who is the Chief Military Censor; and Brig. Gen. Tevet Wiesel who is the women's affairs advisor to the Chief of Staff (Cohen 2014). It is important to note that all these posts are in Adjutant corps which is basically a non-combat unit. There have been no women in any high ranks in any of the combat or combat support units.

The 'glass elevator' is present in the units which are traditionally seen as 'pink-collared' like Youth and Education corps and Adjutant corps (Rimalt 2007: 152). These corps are heavily staffed by women and has a large number of women officers in their high ranks. In 2016, around 25 percent of women officers were in the ranks of Colonel and above in the Youth and Education Corps; and 19 percent of women were in the ranks of Colonel and above in the Adjutant corps (four of them were Brigadier-General (*tat aluf*) as discussed above; **Table 5.1**). Women are given higher preferences for promotions in these corps. This not only makes these corps more favourable for women soldiers but provides opportunities as well for women to rise ranks without challenging the patriarchal norms of the military. This cyclical nature of 'pink collared jobs' leading to 'glass elevator' and lack of challenge to 'glass ceiling', create a false sense of gender equality within the military.

The gender discrimination against the women in promotions and posts has an adverse impact on their career after the military. Not only do they get fewer resources as they are allotted to desk jobs, their career ambitions are shortened based on such practices. As the conscription report

plays an important part in determining the kind of job opportunities available in the civilian world, women get 'short-changed' there as well (Izraeli 1997: 154).

Militarized body:

The discourse against women serving in the military has been consistently on the lines of corporeal differences, echoing normative conceptualizations of gender in terms of human body and its functions as per the Israeli society (Starr-Sered 2000: 76). The discursive repertoire includes the opinion that women are not physically strong enough; emotionally erratic during menstrual period; probability of getting married or bearing kids is higher; and a higher sense of burnout due to gynaecological reasons (Ibid). These discourses convert a biological body into a militarized body wherein external opinions dictate the functioning of the same.

It has been scientifically proved that women and men of the same (Body Mass Index) BMI have different physical strength capabilities. Biologically, due to the child bearing capacity of a woman, the external weight carried by women is shared between the muscles of her shoulders and hips which are one of the strongest muscles in a woman. Thus, if a woman carries weight more than her body mass like other male soldiers, it affects not only her hip muscles but her gynaecological organs which come under severe stress (Gross 2016b). This issue can be solved by creating shoulder straps to pick up the mass which distributes the weight on other shoulder and back muscles. The Research and Development Corps of the IDF has made several such logistical changes over the past decade which has led women to equally participate in various physical activities such as the male recruits (Ibid).

However, there are several other body functions including menstruation which have not been dealt appropriately by the IDF. Usually women soldiers suffering from stomach cramps or other related issues are given either day-offs or other duties that do not require physical activities (Steele 2006). In case of emergency, the women soldiers are sent back home for a week to recuperate. This has led to several myths regarding menstruation including the opinion that women are emotionally erratic during this period. In mixed units, women are ridiculed for their "weak bodies" which compels them to take medication or other options to reduce their flow and pain (Drury 2010). During personal conversations during the field trip, several combat soldiers accepted that they took contraceptives continuously, against medical orders, in order to completely do away with their monthly menstruation. The sense of shame and guilt of not being

equal to men make some women hide serious complications and continue to exert themselves which in long term hurts their child bearing capacities.

The sense of shame is not only limited to the menstruation period but to other body functions like going to the washroom for taking a bath or urinating. One of the common reasons for discouraging women to join field exercises is the lack of appropriate space for them to relieve themselves in the open (Steele 2006). Although the IDF provides 'pee-bag' to the male soldiers who are serving inside the tank or are in the field for days, there is no equivalent of the same for women. There have been several models that were given out for trials but none could solve the issue of shame that a woman faces while relieving herself in public (Ginsberg 2015). This sense of shame regarding body functions inhibit women to serve in units that have majority men or have extensive field exercise.

Since its inception, the IDF has been considered a 'marriage mart' for women soldiers. It was generally the norms until the 1990s wherein the women soldiers found their life partners within the military. As the society evolved, the marriage age further increased (Starr-Sered 2000). In 2016, the number of women who dropped out of the IDF due to marriage was negligible instead around 1,000 women dropped out of the military due to unplanned pregnancy (Itzkovich 2017). This can be attributed to the lack of sexual education as well as difficulties in accessing contraceptives in the IDF bases.

Other gynaecological issues like fibroids and cysts which are common among women in the early 20s have resulted in large number of women dropping out of the military or choosing non-combat units (Drury 2010). These issues are not life-threatening or impact the functioning of individual but the lack of knowledge regarding the same leads to various myths and discourses which discourage women to continue their military service. For many who have continued to serve in the military while suffering these issues, there is a sense of high burnout as they constantly battle these myths to prove themselves equal to the others (Ibid). This not only harms the biological self but over time creates trauma and insecurity regarding their bodies.

The militarised body of a young woman soldier has been a matter of debate in the IDF for several decades. Several logistical and operational changes like introduction of BMI as a factor for physical tests were enacted to curtail these discourses but the prevalence of the patriarchal

notion of a gendered body provides limited space for the success of these changes. The existence of shame related to the body and its functions compel the women soldiers to either hide being the patriarchal notion of a gendered body or fight these notions and become a militarized body.

Degendering and Regendering

According to Orna Sasson-Levy, from the inception of IDF, there has been a structural redefining of femininity as a result of two simultaneous mechanisms of degendering and regendering in the institution that not only reconstructs but reifies gender differences (Sasson-Levy 2005: 106). On one hand, women were given the “right to contribute to the collective” by participating in the military and thereby performing the most important task – “defending the nation” (Berkovitch 1997: 608). On the other hand, the same right was accompanied by exemptions and restrictions like married women and motherhood whereby women could only serve in non-combat roles and their service was limited for a shorter tenure as compared to men (Sasson-Levy 2005: 106). Thus, the same right that construed a gender-egalitarian institution accompanied the mechanisms that challenged the former.

The mechanism of degendering attacks the structure of gender identity by recognizing that the two genders are not homogenous in nature and attributes. In contrast, regendering is a process that highlights the gender differences through hegemonic norms (Sasson-Levy 2005: 106). In the case of the IDF, the mechanism of degendering takes place at the initial stage when women conscripts are enrolled in the institution and thereafter, the process of regendering begins whereby the women conscripts are given separate instructions, training and roles which reiterate the gender differences (Ibid). This process has three parts which in turn redefines the femininity of the women soldiers in the IDF.

The first part is the discourse on corporeal differences between male and female conscripts that begins from the pre-draft phase (Sasson-Levy 2005: 107). At the orientation programme of the conscripts, the male conscripts are advised to improve their physical fitness and train themselves to the best of their ability for defending the nation. The women conscripts, on the other hand, are advised to co-operate with their male officers and give their best as per their limited strength. Differentiated physical training courses during Basic Training leads to gender segregation among the cadets based on physical prowess. Women cadets are usually clubbed with male soldiers who have been graded low on their physical tests during *tzav rishon*. They are further directed to

improve their physical appearance as they 'represent' IDF. Susan Starr-Sered points out that as national symbols of equality, women soldiers are expected to be "attractive, neat and sexual" (Starr-Sered 2000: 88). Edna Levy-Shreiber adds that "female soldier's body wink, pose and look good. Body stance, facial expression and props in hand... signal a passive body that is all appearance. Control and discipline do not build up women soldier's strength and stamina, but keeps women's bodies' slim, neat and looking pretty... the effort is to appear as a static object" (Levy-Shreiber 1998: 173).

The image of an attractive, well coiffured women conscript is further reinstated in the Israeli society by various pictorial representations of the same (Starr-Sered 2000: 88). Women conscripts are regularly sent as guides with the VIPs and visiting officers, local or foreign. They are often given the task of presenting gifts or flowers to guests of honour in various IDF meetings and parties. These tasks give rise to photo opportunities of women soldiers by the Israeli press as well as by the official IDF spokesperson's office. They are often depicted as good looking objects and a "colourful background to the various military officers on the podium" (Levy-Shreiber 1998: 174). Further, images of women in full battle attire with heavy guns are regularly printed in leading newspapers to showcase the gender transformation of the military. These images exemplify the corporeal core of gender differences in the IDF.

The other aspect of the discourse is the emphasis on physical strength in the military. In an interview conducted by Orna Sasson-Levy, a woman soldier said that

It's like they expect women conscripts to be like 'tomboys'. They have to look physically like men but behave in a feminine manner and not lug cables or heavy equipment. So, if you are a woman you are not suppose to do 'heavy work' but if you insist and still do it, it just means you are not a feminine enough... something is 'screwed' in your genes" (Sasson-Levy 2003: 63).²

The exaltation of physical strength in the military has been legitimised by the usage of heavy artillery in combat. However, the nature of combat itself has changed since the 1990s and wars have become "smaller, smarter, technologically suave and a battle of word and wits" (Cohen 2008: 12). The use of heavy artillery and other heavy equipments has been reduced and are

² The interview was part of a study headed by Orna Sasson-Levy to study the changes in IDF after women were allowed in combat.

replaced by technologies that require “just a fingerprint” (Ibid). Stuart Cohen points out that the changing nature of combat and the subsequent changes in the weapons of war no longer need ‘brute strength’ instead they rely on intelligence and co-ordination (Ibid: 14). The legitimacy behind the exaltation of physical strength in the military has now been challenged by technology.

The last aspect of the discourse on corporeal differences is to highlight the biological deviations and reconstruct gender identities based on the same. Susan Starr-Sered points out that the lessons and training that the IDF provides to the young conscripts regarding sex education and gender issues aid in the conception of the idea that the women soldiers are “helpless victims with vulnerable bodies” (Starr-Sered 2000: 88). During the basic training, women soldiers are advised to protect themselves from the dangers of rape and sexual harassment.

The second part of the regendering process is the stress on emotive differences. Women are traditionally considered emotionally stronger than men (Yuval-Davis 1997: 649). This belief stems from the traditional understanding of gender in which the dominant role of women was motherhood that required women to be emotionally stronger. The same understanding further draws attention to the emotional instability of women during particular periods like menses and menopausal days. This strain of argument has been challenged by various streams of feminists like liberal, radical as well as post-colonial. However, as Cynthia Enloe has pointed out the traditional understanding of gender is the dominant feature behind the social construction of gender identity in modern society (Enloe 2000: 54).

The above mentioned understanding of the emotive self of a woman is one of the reasons that military institutions rarely have a woman in charge of decision making or strategy planning (Yuval-Davis 1997: 648). The IDF, till 1983, did not promote any woman soldier to the Brigadier-General level which would have allowed them to participate in the strategy planning meeting or meetings called by Chief-of-Staff. After 1983, when the Commanding Officer of the Women’s Corps was promoted to the rank of Brigadier General, she was the only female soldier in the IDF who was allowed to sit in the above mentioned meetings (Halperin-Kaddari 2004: 164). Women were always used by Intelligence Units as part of honey traps but incorporation of women in intelligence units in large numbers can be traced to 2000. In 2016, women were just 8 percent of the total intelligence units including satellite intelligence and cyber war (Cohen 2016c).

The last part of the regendering process is the construction of symbols that give legitimacy to the existing understanding of gender identity. One of the main symbols used is that of a human body (Saigol 2003: 123). Historically, the land and the nation have always been portrayed as a feminine that is open to plunder and destruction if not protected by her “brave sons and husbands.” The nationalist movements in many countries after the Second World War depicted the need to “free the mother from the chains of colonialism and restore back her pride” (Ibid). The Zionist movement was no different. Slogans like ‘Back to the Motherland’ and ‘Free the Motherland’ gained prominence in the *yishuv*. After the establishment of the State of Israel, the land continued to be depicted as the motherland in various cultural discourses (Levy-Schreiber 1998: 174). The IDF continues with this cultural discourse and every year on a quarterly basis during the recruitment period, IDF publishes advertisements in daily news calling on Jewish youth to conscript and “serve the motherland” (Starr-Sered 2000).

Women are made into a vulnerable symbol of national identity in need of protection (Yuval-Davis 1997:650). They are depicted as the “mother, care-giver and the nurturer” of the nation’s future as well as the vulnerable link between the present and future generation. Nira Yuval-Davis suggest that, “As biological ‘producers of children and therefore literally ‘the bearers of the collective’, women tend to be constructed as the symbolic bearers of the collectivity’s identity and honour” (Ibid). Women are seen as a symbol of national purity and honour and yet possess neither the power nor the strength to defend themselves (Starr-Sered 2000: 88).

At the IDF, one of the acknowledged functions served by the women soldiers is to be “constructed as the opposite of men” (Izraeli 1997: 152). They are projected as vulnerable bodies and prone to capture. The body of the female soldier is loaded heavily with symbols of national pride and prestige. Potential rape or capture of female soldiers by the enemy is seen as a challenge to the masculinity of the nation (Rimalt 2007: 149). Until 2001, women officers were rarely allowed to cross the borders or enter into combat zones even as nurses, drivers or teachers. They stayed back at the base camps and continued to live in the “sanitised, secure surroundings” (Ibid). Dafna Israeli has written that the maximum abuse or violence that a female soldier faces in the IDF is from the hands of her reporting Commander, but that is seen as acceptable as it is within the contours of the state but the same act becomes unacceptable when it happens outside the military lines (Izraeli 1997: 154). Edna Levy-Shreiber has observed that

If the prototypical male body defends its state, women's bodies need to be defended. If the prototypical male body fights, women's bodies are fought over. If men are agents of the state then women are the symbol of the same, representing at the collectivity at its most vulnerable. If the prototypical male body is solid and reliable then the woman's body is erratic and vulnerable, defenceless and exposed. If the militarised male body is unafraid, then the militarised female body is frantic with worry or prostrated with grief. If the prototypical male body is aggressive then the prototypical woman's body is a symbol for potential victims of aggression. (Levy-Schreiber 1998: 173).

The process of regendering as well as degendering in the IDF leads to redefining of femininity. This results in psychological trauma and insecurities among the young female soldiers (Mazali 2005: 48).

One of the most traumatic changes that female soldiers undergo is the process of 'fitting-in' the redefined construction of femininity (Sasson-Levy 2005: 108). On one hand, they dress and act like their male counterparts and on the other they have to maintain their regulated feminine nature. Based on several interviews Orna Sasson-Levy has concluded that after a month of basic training, most female conscripts start mimicking their male counterparts. They start tucking their shirts, rolling their wrist-cuffs, spitting, abusing and cracking dirty jokes (Sasson-Levy 2007: 187). She quotes an interview in which the young female conscript says, "I just wanted to hang out with the guys, so I started wearing low hip trousers and punctuating my sentences with vulgar slang like *jeaffa* (filthy)" (Ibid). Significant in this woman's comment is the way that she has adapted to the military life by wearing male clothes and by using male speech mannerisms.

In the process of fitting in, the female conscripts start suppressing their own identities and adopt the regulated and redefined femininity that is espoused by IDF (Starr-Sered 2000: 88). They start looking at their bodies with disgust and shame. Susan Starr-Sered claims that many young female soldiers feel that their biological functions are an "annoyance" and a burden to their career. They start behaving according to the IDF gender stereotypes. They learn to be "second class soldiers" and accept the biases present in the institution (Ibid).

Another impact of the same is the growing division among female soldiers. The female soldiers who adapt to the IDF gender ethos look at the others with scorn and them as "losers" and "not sure of their situation" (Sharoni 1994: 98).

All come here with their own brand of cream, perfumes and cosmetics, many learn to live without it but the few who cling to their cosmetic box are the ones in trouble. They just become ornaments in the units... nowhere to go, no useful things to do... You see they are like those cheerleaders; they just need to look pretty and leave the hard work for others. Pathetic (Sasson-Levy 2005: 120).

It seems evident that many young female soldiers are not able to adapt to the IDF ethos and are thus, left out by their counterparts.

This growing divide is evident among the female soldiers who are allowed to carry arms and those who are posted in 'desk jobs.' Sasson-Levy found that the armed female soldiers are the ones who depict themselves as having incorporated male corporeal and linguistic mannerisms despite the fact that they are rarely allowed to use those arms (Sasson-Levy 2005: 112). The relatively few women soldiers who have been incorporated in combat units after 2001 usually bond with each other and rarely interact with other women conscripts.³

Hence, the structural redefining of femininity within the IDF has led to the creation of various discourses and norms that challenge the basic tenet of gender-egalitarianism of IDF. The creation of cultural codes that emphasis masculinity, stereotypical opinions of depicting the female body as vulnerable and hegemonic beliefs like the emotional instability of women are enacted and legitimised in the IDF during daily interactions (Sasson-Levy 2005:128).

Sexual Harassment

The IDF, which is the corner-stone institution of Israel, has been under the scanner for accusations of sexual harassment since its early days. The phenomenon itself is widespread and takes a variety of forms but rarely got attention or was remarked upon. It has been common for male soldiers to shout sexual invitations and comments at women soldiers and while the extent of this behaviour varies from unit to unit, it has been an accepted part of the IDF culture (Halperin-Kaddari 2004: 166). Further, sexual harassment is seen as a problem that women in IDF need to cope with. It is understood as a part of the 'military life' and "nothing to be remarked about" (Izraeli 1997: 142).

³ In an interview by Sasson-Levy, one of the women combat soldiers in the karacal unit was asked if she kept in touch with her batch mates. She said that "I play with guns and not toys" (Sasson-Levy 2005)

From the beginning, the IDF has provided an intense environment for sexual harassment due to its patriarchal nature. According to Dafna Israeli, “It was common for pretty young female to become trophies of the male commanders” (Israeli 1999). Carmela Menashe, military correspondent for the *Voice of Israel* tries to explain this rampant presence of harassment by describing the military culture in the IDF as one of “flourishing licentiousness” in which the male soldiers represent their masculinity in the garb of potency and thus a sense of entitlement (Ibid). This led to the creation of a permissive licence which the male soldiers used over their female counterparts as part of military culture. One must note that most of these harassment instances were camouflaged in romantic nuances as has been portrayed in various Israeli movies depicting the era 1960s and 1970s. Iconic movies like *Yoselle, How Did It Happen* (1989), *Little Man*(1978), and *Yossi and Jagger* (2002) have dealt with the issue of sexual harassment in the IDF through a variety of cinematic troupes but have concluded on a socially accepted idea of ‘...and they lived happily forever.’(Kamir 2006) Thus, even though there was an awareness of the ongoing harassment in the military, the Israeli society turned a blind eye towards it.

Until the late 1980s, the expression ‘sexual harassment’ was not even used in the IDF. Only the harshest case of rape and abuse were reported but no action was taken (Halperin-Kaddari 2004). In most cases, the women secretaries were transferred to different units after their ‘affair’ with their officer was over. The Commanding Officer of Women’s corps, Col. Ruth Muskal in an interview with Susan Starr-Sered said, “During my days of conscription, I never knew what sexual harassment meant. I just followed orders. Now, they tell us that it was wrong for us to follow them” (Starr-Sered 2000: 78)

The nonchalant attitude of the IDF, during its early years, towards sexual harassment can be seen as a part of the inherent gender ethos of IDF in which the male officers demonstrate their masculine prowess through sexual relations and violence (Starr-Sered 2000: 91). Cynthia Enloe argues that it was a common understanding in the post-World-War militaries that male officers need “a lot of sex” during peace time to showcase their power and status (Enloe 1983: 140). A few number of sexual harassment cases that were filed each year in Israel before the 1990s were seen as an aberration rather than a pertinent problem (Starr-Sered 2000: 91). In 1985, two women soldiers filed sexual harassment cases against their commanders and a year earlier the IDF spokesperson Brigadier General Ephraim Lapid responded:

We get involved only when there is a crime or prominent wrongdoing. We cannot respond regarding voluntary sexual relations, as in the IDF, they also are young single officers who develop positive relationships with the women soldiers with whom they work. Also when the man is married and the woman soldier gives in to his wooing, we have no control over that. We must remember that they have also been cases of unjustified complaints made by women soldiers and these caused injustice to the officers. The social fortitude of the Israel army is a value in Israel's security. We should not ignore injury to the individual but it is also wrong to blow this out of proportion. (Starr-Sered 2000: 91-92)

Adjudication of sexual harassment cases in the IDF lies within the ambit of Military Justice Law (MJL) which is its internal judicial system. The law came into effect in 1955 when the Knesset ratified it as part of the amendments to the Defence Service Law. Its jurisdiction encompasses all active IDF soldiers, reservists and contractors accused of committing a military or criminal offence while in service (Sternberg 2016).

According to the Military Justice System, there are two mechanisms for handling various cases, namely, adjudication by military courts and disciplinary action by adjudication officers and commanders. The military courts have the authority to try criminal cases and impose long-term prison sentences while the latter have the power to only sentence disciplinary action. Sexual offenses in the IDF are handled differently than other offences (IDF Blog 2012). In accordance with *General Staff Order (GSO) 33.0145, Prohibition on Inflicting Harm of a Sexual Nature, 1979 (Annexure 4)*, sexual harassment constitutes both criminal and civil offenses. The responsibility of the implementation of the above stated order is shared by General Staff Command Advisor for Women's Affairs, unit commanders and adjutant officers. The decision to adjudicate a matter by military court is made by the Military Attorney General who is appointed by the Minister of Defence. This General Staff Order was the basis of adjudication of all sexual harassment cases that were reported in the IDF. Due to the lack of a comprehensive definition of sexual harassment and a separate system of grievance redressal, this failed to tackle the issue of sexual harassment in the institution.

Furthermore, until 1998, there was no proper law that defined sexual harassment in Israel. It was socially described as 'rape' or 'sexual advances without mutual acceptance' (Starr-Sered 2000:

90). Acts or words that degraded the women soldiers like making them dance on bar stools or asking them for private performances was not part of the social definition of sexual harassment (Ibid). A 1994 internal report by the Women's corps on sexual harassment highlighted that most incidents of sexual harassment resulted in low fines and punishments imposed on the perpetrator. A soldier who was found to be having attempted forced intercourse with a woman soldier was fined 100 NIS, while the harshest punishment for those who had actually abused or raped was just a seven-day suspended sentence. This report led to a huge public outcry and created immense pressure on the Knesset to bring about a change (Ibid: 96).

In March 1998, the Knesset passed the *Sexual Harassment Prevention Law* that defined sexual harassment in the broadest terms, covering acts and insinuation ranging from obscenities towards women, sexual insults and innuendos, sexual objectification and to indecent proposals (**Annexure 5**). Apart from defining sexual harassment, it provided the scope of treatment that could occur both within and outside the workplace, including harassment by a person in a position of power. It compels employers to take concrete steps to prevent harassment and publish proper mechanism to file a complaint as part of the records of the employer. This law provided clear channels through which women could file complaints and seek immediate redressals (Halperin-Kaddari 2004: 180).

The language of the law specifically targeted the IDF and Military Police as the number of complaints of sexual harassment kept increasing over the years (Sternberg 2016). Until 1995, the IDF rarely published data about sexual harassment cases within its institution. In 1995, MK Naomi Chazan picked up the issue of sexual harassment in the military in the Knesset debates and pressurised the IDF to reveal the data collected on sexual harassment complaints. The increased number of complaints and the lack of compensation to the victim became the basis of various sections in the law which directed immediate acceptance of the legislation by the security forces and the people serving in the same. The IDF immediately produced a manual as well as a mandatory training film about sexual harassment and launched a 24-hour hotline for complaints on inappropriate behaviour within the military (Sternberg 2016).

In 1998 the Chief of Staff Shaul Mofaz declared 'zero-tolerance' towards sexual harassment (Halperin-Kaddari 2004: 176). Soon the number of complaints increased from 280 in 1997 to 370 in 1998. In 1998 and 1999, 54 officers and non-commissioned officers were discharged from

the military and 120 officers who were found guilty of harassment charges were demoted (Ibid: 177-178). During this period a high profile case was filed against Brigadier General Nir Galili for forcing sexual intercourse with a young woman soldier who was his private secretary during 1995-1996 in Tze'elim base in Southern Israel. In 1996, she lodged a complaint of rape against him and Galili was tried by a disciplinary court and was found guilty (Starr-Sered 2000: 92). It was ruled that he could not be promoted for two years, a period that ended in April 1998. In early 1999, the IDF announced his promotion to Major-General and his appointment as a commander in a key-border unit.

As a result, the concerned woman soldier petitioned the high court and claimed that according to the 1998 Knesset legislation on sexual harassment, Galili should be court-martialled instead of being chastised for "inappropriate behaviour." She further accused the IDF for ignoring her other complaints and the complaints of other victims of Galili. During the hearing, Galili's lawyer argued that Galili had already been promoted twice since the earlier hearing and two Defence Ministers (Moshe Arens and Yitzak Mordechai) and two Chief of Joint Staff (Amnon Shahak and Shaul Mofaz) had decided to promote him despite the pending case of sexual harassment. Chief of Joint Staff Major General Shaul Mofaz said, "Though I condemn Galili's behaviour, I cannot ignore his military abilities. He is one of the best officers in the IDF and the nation needs him on the border" (Starr-Sered 2000: 93). Despite the support by the IDF, Galili lost the case and in March 1999, the High Court ruled that the promotion to Galili was 'null and void', though he was allowed to serve in the military (Starr-Sered 2000: 93-94, Halperin-Kaddari 2005: 182, Jacoby 2005: 27, Levy 2006:112 and Sasson-Levy 2008:32). This case proved to be a major milestone in the fight against sexual harassment in the IDF.

Despite legislation and high court rulings, the phenomenon of sexual harassment persists in the IDF. These can be attributed to four factors that continue to be prevalent in the IDF. Firstly, there is a lack of understanding amongst the soldiers regarding the definition of sexual harassment (Cockburn 2009). Most soldiers, including women officers, believe that rape or forced sexual advances are the only two criteria under the ambit of sexual harassment. Inappropriate physical touch or signs is considered to be in the grey-zone of the same. In various cases, there is a confusion regarding the interpretation of the intent behind these unprofessional touch or signs (Ibid). During a personal conversation with a group of recently discharged conscripts, there was

a lack of consensus about the scope of harassment; most of them argued that the intent behind these acts is the main source of defining harassment. An improper act of touching a woman's buttocks by her male soldier friends can be assumed to be unfriendly touch or even a sign of sexual intimidation.

Secondly, there is no coherent understanding of the scope of sexual harassment. It is a general consensus that sexual harassment is limited to physical touch or intimidation. Verbal abuse is another particularly insidious form of harassment but is often dismissed as 'trivial' and is very rarely acted upon and thus is accepted by the society in large. It serves as a reminder of the threat of physical abuse which impacts the victim's emotional well-being (Cockburn 2010). In various interviews conducted by Sasson-Levy, she found incidents repeatedly mentioned that sounded like sexual harassment to her but were labelled as *k'taim* (practical jokes). Women soldiers were nicknamed as 'whores', 'sluts', 'bitches' and other derogatory terms (Sasson-Levy 2001). Susan Starr-Sered points out that "verbal abuse depends on words to remind the victim of the constant possibility or the threat of being sexually violated" (Starr-Sered 2005). In other words, repeatedly calling a woman soldier by derogatory names not only diminishes her self-esteem but creates opportunities for other male soldiers to mock, intimidate or threaten her.

Thirdly, the constant and increasing festering of sexual harassment in the IDF can be contributed largely to the cultural climate in the institution that tolerates and in the process legitimizes sexual harassment (Sasson-Levy 2008:35). Most women career officers treat the issue of sexual harassment as an 'irrelevant issue' in the IDF but as part of the military bonding experience wherein women need to toughen up and be accepted by their male counterparts. Brigadier-General and Advisor of Women affairs to the Chief of Staff Yehudit Grisario who retired in 2010 said, "Sexual harassment is not an issue in IDF. The men in the military are educated and aware of sexual harassment so it's definitely not an issue" (Sasson-Levy 2011: 35).

Another factor behind the continuation of harassment in the IDF is the refusal of many women soldiers to file or pursue their complaints. A woman soldier disclosed in an interview that she did not report sexual harassment as she did not want to be labelled as 'victim' and be "seen as acting like a girl" (Sasson-Levy 2008: 38). Approximately 37 percent of women soldiers in 2013, for example, refuse to pursue their own complaints either due to "fear of being targeted by the senior male officers or of being ostracized by fellow soldiers". A female soldier, in an interview

said that after she had filed a sexual harassment complaint, her friends started calling her as a 'whore' (Ibid)

There have been several high-profile sexual harassment cases in Israel since the 1998 legislation on sexual harassment was passed. Most of them are high-ranking politicians who have been accused of inappropriate sexual behaviour during their military stint. Three most high-profile sexual harassment cases involved cabinet ministers and even the President. Yitchak Mordechai who was a Brigadier-General in the IDF served as the Minister of Defence (1996-1999) and Minister of Transport (1999-2000) and he was compelled to resign from the cabinet after he was indicted for sexual misconduct during his military service. In March 2001, he was convicted and sentenced to 18 months of imprisonment. Soon after, he resigned from the *Knesset* (Bern 2005).

Another high profile case was of Silvan Shalom who held several cabinet posts including Finance (2001-2003), Foreign Affairs (2003-2006) and Vice-Prime Minister (2009-2013). On 24 March 2014, a woman claimed that Shalom had sexually harassed her more than 15 years ago. This was followed by similar claims by other women and this forced him to resign from public life and he was never tried (Cohen 2014). The most conspicuous one was the sexual harassment charge against Moshe Katsav who served as President from 2000 to 2007. He was forced to resign as president in 2007 as part of the plea bargain when he was accused of sexual harassment by his junior aides. Around seven women testified against him and he was found guilty of all charges. On 22 March 2011, Katsav was sentenced to seven years in prison and two years' probation for rape, indecent acts, sexual harassment and obstruction of justice. He became the first former President of Israel to be sentenced to prison (Yagna 2011).

According to the data published the IDF, there has been an increase in the number of complaints by 20 per cent annually since 2010. In 2010, the number of complaints was 492 out of which 28 per cent involved verbal harassment, 13 per cent voyeurism and 10 per cent physical abuse. In 2012, there were 777 reporting of sexual offences which increased to 930 in 2013 and 1,073 in 2014. In 2015, the number rose to 1,186 which increased by 17 percent in 2016 (Cohen 2016c). The IDF spokesperson said "the dramatic rise was due to increased awareness among soldiers about the possibility of filing complaints on the matter" (Ibid). Maj. Gen. (ret.) Hagai Topolansky, who retired from military service after heading the IDF manpower directorate, said that despite the seeming upward trend of reporting harassment cases, there has been a decline in

the number of women complaining to *metzah*—the Military Police investigation unit—about sexual assault in the military ranks (Ibid). Thus, despite filing of complaints, no action can be taken without a request of investigation (Levush 2016).

Gili Cohen, in her 2016 report regarding the sexual harassment cases in the IDF, analysed that half of the alleged sexual assaults in the military were against draft soldiers during their military service. Out of which, 22 percent of complaints were filed against career officers and non-commissioned officers. Around 25 percent of these complaints were against high-ranking officer (major and above) while the rest were against NCOs and officers serving up to the rank of captain. Approximately only 10 percent of these cases reach the point of an investigation or legal action. Despite the increase in the number of reported sexual assaults, the number of investigations by *metzah* has remained constant. Cohen points out that from 2009 to 2016, the number of investigations has been between 125 and 144, out of which about 50 percent pertain to cases of physical harassment (Cohen 2016c).

In 2016, another high profile sexual harassment case rocked the IDF. In March 2016, two female soldiers filed a sexual offence case against Brig. Gen. Ofek Buchris for raping and assaulting them when he was the commander of the Golan Brigade from 2010 to 2012 (Cohen 2016). A few days before the case was filed, he was promoted to the head of Operations Division of the IDF. On 21 July 2016, the Military Attorney General (MAG) Brig. Gen. Sharon Afek agreed to indict the case and bring it to trial after 13 more cases of sexual crimes were filed against Buchris in the span three months. Brig. Gen. Sharon Afek said that he indicted Buchris with a “heavy heart in light of the defendant’s stellar record as a combat officer” (Wootliff 2016). Ten days after the indictment, Buchris retired from the IDF.

The trial began on 28 August and ended on 18 December 2016 when he was convicted of conducting prohibited sexual liaisons with his junior.⁴ He took a plea deal in which he accepted most of the charges in return of erasing the rape charges. He further stipulated that he would not be imprisoned based on the conviction. He was demoted to the rank of Colonel and received a suspended sentence. IDF Chief of Staff Gadi Eisenkot, in a statement, said “We will not shut our

⁴ According to the indictment filed by military prosecutor Col. Sharon Zigigi, who led the prosecution of the case, between July 2012 and January 2013, Buchris perpetrated all three counts of rape along with seven other sex crimes against “A.,” a low-ranking subordinate, and another six sex crimes against “L.,” an officer working for him.

eyes, give up or hesitate to take decisive actions, even in cases where high-ranking officers are involved, regardless of their rank, their actions or their successes — these things are not relevant in such cases” (Jeremy-Bob 2016).

Such high profile cases bring to light the spiralling issue of harassment in the IDF despite having undertaken various measures like punishments, educational videos and information campaigns. Some feminist scholars point out that the increasing number of sexual harassment cases reported in the IDF is actually a good sign as it shows that women are learning to say ‘ No to abuse’ and are more vigilant to cases of harassment (Starr-Sered 2000:94, Sasson-Levy 2008: 42). They argue that even though the number of indictments is less, the awareness towards the issue would deter many such possible cases. A few radical feminist scholars like Alice Shalvi deny the above and argue that the rise in harassment complaints are equal to rise in the number of female soldiers in the IDF(Shalvi 2001: 145).⁵They further claim that ‘soft changes’ like awareness and education would only deter a few soldiers and thus, there is a need to overhaul the entire IDF culture that gives preference to masculinity by sensitising it and creating a suitable environment for egalitarian participation (Levy 2010: 188).

Masculinity and the IDF

Since historical times, the military has been synonymous with masculinity. It is depicted as a male domain for “rugged, strong heroes to protect the weak, the women and the land” (Kaplan 2003: 113). It is seen as a rite to adulthood that all men must undertake to “break away from the shadow of their mothers” (Belkin 2001: 544). Cynthia Enloe has argued that the military is portrayed as a masculine entity so as to “create a link between the presumed cultural properties of maleness and the institutional needs of the military” (Enloe 1983: 154-155). Susan Starr-Sered and Orna Sasson-Levy view the military as the most forceful institution for the construction of gender identities in the society. The social construction of the discourse on masculinity, as determined by the military, portrays a male soldier as the epitome of the same (Starr-Sered 2000:90; Sasson-Levy 2011:106).

⁵ There was a baby-boom in Israel after the 1973 war wherein the population of Israel increased from 3,493,000 in 1975 to 4,266,000 in 1985. This growth in population, according to Alice Shalvi is reflected in the increase in the number of female soldiers in the IDF in recent years.

In the case of Israel, where military service is compulsory for all Jewish youth and is the central institution of the social fabric, the construction of gender identities as per the military discourse percolates to the societal level. Under the military service, the ethos of the ideal masculinity is imposed on the young conscripts. This aids in the construction of ‘militarised masculinity’ (Kaplan 2003: 114). The term ‘militarised masculinity’ was used or coined by Robert Connell to discuss the change in the values and ethos of the term ‘masculinity’ to a more aggressive concept of the same (Connell 1995:20). The concept of ‘militarised masculinity’ is applicable to countries where conscription is prevalent and there is a close bond between the social and military sphere. According to Connell, in case of Israel, the constant threat of war and a siege mentality that is maintained through cultural, political, educational mechanisms have led to the creation of ‘military mind’ which finds it easier to accept and mould their understanding of gender identities to a more militarised definition of the same (1995: 24) .

Uta Klein has pointed out that the link between military and masculinity in Israel can be traced back to the Zionist movement when the identity of the ‘new Jew’ was being created (Klein 1999: 49). The Zionists perceived the Diaspora Jews as effeminate and passive, and modelled themselves as their ‘manly’ counterpart. The Zionist ethos of masculine ideals of physical strength and indomitable spirit further got intensified during the 1948 war which led to the creation of hegemonic masculinity which brought in layers of differences within the same gender. (Ibid: 50).

Social identities and notions of self are intertwined with the institutions that individuals associate themselves with. They find purpose and meaning within these institutions as they have access to the symbolic and material resources for constructing their own identities. Conscription offers men unique resources for the construction of a masculine identity that is defined by “emotional control, overt heterosexual desire, physical fitness, self-discipline, self-reliance, the willingness to use aggression and physical violence” (Israeli and Rosman-Stollman 2012). These qualities are tightly aligned with the military and with the hegemonic ideal. Connell states “hegemony is likely to be established only if there is some correlation between cultural ideal and institutional power” (1995, 77). In case of Israel, the Zionist ideal of a macho male along with the demands of the military institution creates hegemonic masculine identity which is then enforced on all male soldiers.

However, hegemonic masculine identity can only be attributed to male officers who have embraced the ideals of the same and have risen the ranks to the top. This creates hierarchical masculinities between men who have successfully done and the others who have failed to reach the zenith (Enloe 2000). There are three identifiable masculinities apart from hegemonic identity present in the IDF. *Subordinated masculinities* are oppressed and subject to overt control by more dominant identities like gay or LGBT soldiers (Connell 1995, Lomsky-Feder and Ben-Ari 2003). They are usually given a low profile score and are trained along with women officers. They are ridiculed by their peers and constantly face the trauma of not being masculine enough. *Marginalized masculinities* are neither dominant nor subordinated but are not accepted as a mainstream identity like Bedouin or Druze male officers who are an intrinsic part of the military but are usually ignored in the institutional policies (Ibid). *Complicit masculinities* are part of the mainstream social fabric but occupy a low hierarchical rank due to either economic or cultural reasons; soldiers of Sephardic origin in the early years of the state can be cited as an example (Ibid).

The definition and scope of these identities have changed since the inception of the IDF. Soon after independence, Israel absorbed a large number of immigrants. It needed to transform these uniquely diverse identities into a national collective which was possible only through military mobilization by the IDF (Israeli and Rosman-Stollman 2012). The success of the initial military efforts by the IDF brought about national admiration for the image of the warrior. Combat soldiers began to be regarded as national heroes and the “embodiment of patriotism and good citizenship – gold standard for all Israeli men” (Ben-Eliezer 2012; Sasson-Levy 2006, 2011).

The third wave of feminism in the 1990s that gained momentum in the next decade brought a change in the meaning of masculinity in Israel as well as globally. With the rise of anti-militarism and the changing nature of warfare, the macho warrior image came under attack (Almog 2004). An alternative identity of *sensitive masculinity* began to emerge which was far more accepting of gender equality than the earlier. While this was not the dominant identity in Israel, it became more accepted and acknowledged, especially by the younger generations (Ibid). Thus, when a traditional macho male cried in public, as soldiers did during funerals of their comrades, this did not shatter their identity as an alpha male or as a hegemonic male. It is instead accepted as a changing norm of the accepted masculine identity. In other words, the masculine

identity continued to relate more to traditional and hegemonic components while including newer sensitive ideas such as displays of emotion (Naveh 2010).

Despite the changing nature of these masculine identities, the experience of military service remains constant and has become an inherent part of maturation as a rite of passage to adulthood (Belkin 2004: 62). It is internalised by the society as essential to a boy's right to belong to the elite group of Jewish men who have helped in building and defending their nation (Mazali 1993: 75-76). The military draft is portrayed as "fulfilment of all male adolescent desires of adventure, thrills and perils" (Belkin 2004: 55). Lomsky-Feder argues that the draft is seen as an opportunity for fulfilment of masculinity (1992: 73). While still in school, young Jewish boys are given preparatory training to join the military service. These trainings include stamina building and physical strength. In this context, even parents play an important role (Mazali 1993: 39). They support their sons' maturation process and view it as a necessary and justified act and Mazali sees this as the upholding of "the most fundamental social contract in Israeli Jewish society" and argues that the process of father-son joining the "same military for the same purpose" creates a 'collectivity' (Ibid: 45-46).

The social construction of masculine identity and the burden on every Jewish youth to blend with the identity causes severe trauma and a powerful sense of being 'left out' of the social experience of growing up. The initial training phase of the conscription period tests the physical ability of all Jewish youth enrolled. Only a few are selected to directly continue combat training based on their fitness level and others are seen as "soft" and "effeminate" (Kaplan 2003:119). They are given beginners training in physical strength and after a particular period (in most cases, eight months) they are again tested on their fitness ability. The male conscripts who fail the tests are given non-combat posts like driving, handling equipment, providing security to various military buildings and units and in "worse cases, even cooking" (Ibid: 123). The male conscripts who are posted in non-combat roles not only face ridicule from their peers, but they also question their own identity as a male.

Conscription in Israel determines the future of the Jewish youth based on their performance and postings during their tenure. The leaving certificate issued by the IDF is an important document for job application and welfare benefits (Belkin 2004: 56). Most conscripts trained and posted in combat roles become a part of the social network of high ranking military officers and retired

officers who help them to get better job prospective. Orna Sasson-Levy points out that most women in Israel prefer men who are trained in combat fighting over others as their husbands. She quotes from an interview, “I know that I prefer men who are combat soldiers to others who are just *jobniks*. I am quite ashamed of this preference...but who would want their husband to stay back in the house doing chores with me while the country is facing a war. Apart from this, I really think that combat soldiers are really good looking and they are so macho” (2005: 90). The preference towards the combat soldiers puts pressure on young conscripts to mould themselves in the ideal masculine identity to have a better future.

Apart from the fear of social exclusion, there is a psychological aspect of trauma that the young Jewish men go through. Being a part of the process to fit in the ‘militarised masculine’ identity, most Jewish young men suppress their own individuality and try to become part of the larger collective. They undergo severe trauma by suppressing their emotions, their creativity and their own identity (Kaplan 2003: 129). This affects not only individual growth but also their social behaviour. In most cases, they suffer from ‘war fatigue’ due to constant combat training as they are unable to share their fear or emotions. Danny Kaplan argues that the lack of psychological attention to the trauma faced by the young Jewish men in their conscription period leads them to acts of violence and abuse (Ibid: 142-143).

I will tell you the truth, I was confused and scared. I didn’t know how to shut him up (a Palestinian man who was shouting slogans outside a check post) and I wanted him to stop screaming. I was scared that the other men will start throwing stones at me. I didn’t know how to deal with the fear. It paralysed my brains and I was confused. The only object I could concentrate on was the little girl standing in the line. You must understand I had to make the man shut up. I shot the girl and she just fell down. There was that blasted silence finally. Fear, you ask, I have learned to live with it. (Mazali 1993: 42)⁶

Other Genders and the IDF

Transgender is a term that is used for individuals whose gender identity and expression does not conform to the conventional understanding of gender which is usually depicted as bi-polar, that is, masculine or feminine (Butler 2006 : 83). Being a transgender does not imply that one

⁶ During an interview with Rela Mazali, a male soldier of IDF had tried to describe his way of coping with fear and violence.

belongs to any particular form of sexual orientation.⁷ There are various types of transgender but for most scholars, they are studied as the broad spectrum between the two poles of gender (Eugenides 2002; Butler 2006; Fine 2010). A few scholars have labelled them as the “third gender” (Eugenides 2002). In many countries, their struggle to be recognised and be accepted is a part of a bigger movement known as the “pride/queer movement” which include homosexuals and trans-sexuals.⁸

In Israel, the transgender community was not even recognised until the late 1990s when three simultaneous events brought the limelight on the community.⁹ The Aguda association which was started in 1975 as a national, non-profit organization for representing the rights of the homosexuals in Israel accepted the transgender community as one of the minority community in Israel (Belkin 2004 :54). They included the term in their association mandate and incorporated the issues of the community as part of their movement in 1992.

Israeli media began to trace the transgender community in Israel following the rise of Israeli transgender Sharon Cohen as a reputed international singer (Meyers 2001:77). She won the *Eurovision* song contest and became a world famous transgender icon known as Dana International.¹⁰ There were several reports, interviews and movies that were released on the community. One of the famous movies *Drifting* was released in 1992 that opened up the taboo subject of sexual and gender minorities for public debates and opinion.¹¹

The third significant event was the 1993 decision by the Knesset to abolish restrictions on gay and lesbian soldiers, as well as, to remove the specification for stating gender while joining conscription in the IDF (Belkin 2004: 43). The Israeli military has never formally prohibited transgenders to join its rank. Before 1993, the “out-of-closet transgender” were usually

⁷ Eugenides (2004) discuss that transgenders are usually homosexual or bisexual in nature. In many cases, they continue living as heterosexual in order to draw less attention towards them.

⁸ The pride/queer movement started as a movement by the homosexuals for their rights in late 1960's. It slowly gained momentum as a movement seeking rights for sexual and gender minorities.

⁹ Nora Greenberg, the co-ordinator of transgender issues in Aguda's national board, in an interview published in Haaretz, 6 May 2003 said that, “The problem with being a transgender in Israel is that you are treated as a mental patient rather than a gender minority. In most cases, you are just invisible and in worst, they give you directions to a psychologist.”

¹⁰ Oren Meyers points out that the construction of Sharon Cohen's identity as Dana International was not just through surgical operations but through reports and articles that created a popular culture accepting the transgender community (2001 :78)

¹¹ The movie ‘Drifting’ is directed by Amos Guttman and is the first Israeli LGBT themed movie.

discharged or sent to mental health evaluation centre to determine whether they were a security risk (Ibid.). They were treated as a part of the homosexual community and were subjected to the regulations stated in the 1983 Manpower Division Standing Order K31-11-01, *Service of Homosexuals in the IDF* (Ibid: 44). The regulation stated that the homosexuals would not be discharged from service because of their sexual orientation. However in reality, many soldiers from the community were stripped of the ranks and were demoted to secretarial posts (Belkin 2001: 543).

In 1993, the Knesset met for the first time to discuss the issue of sexual and gender minorities in the IDF. The subsequent statement by the Knesset abolishing restrictions on sexual identities was a milestone in the long battle for recognition and acceptance by the Lesbian, Gay, Bisexual and Transgender (LGBT) community. In 1993, Prime Minister-cum-Defence Minister Rabin declared that “I don’t see any reason why sexual and gender minorities should be discriminated against” (Ibid: 545)

The IDF has undertaken various “progressive steps” to integrate the LGBT soldiers and to ensure an accepting environment for them in the IDF. In 2015, the IDF, in an amendment to its policies ensured equal rights to both the partners in a same-sex union. This policy ensured that both the partners would not be asked to simultaneously report for reserve duty (IDF Blog 2015). In the same year, the IDF for the first time supported a trans-gender soldier in her physical and psychological transformation using hormone treatment through its medical corps. Further, it has supported several initiatives by civilians like *Israeli Pride Times Two*, to assist LGBT recruits in openly coming out of the closet during the military stint. Omer Nahmany, a reserve soldier in the Israeli Border Police points out that “it’s all about a person’s ability, not gender or sexual orientation” (IDF Blog 2014) In 2017, Brig. Gen. Sharon Afek, the Military Attorney General, came out as gay in the military and during an interview, he said “When I was a young officer, times were different and I worried that the issue would be used against me and that I might really hit the glass ceiling but happily, the issue did not make waves” (IDF Blog 2017).

Despite such supporting claims, reports of abuse and violations against the community have been regularly reported in the media. A few right wing Knesset members have opposed the integration

of the sexual and gender minorities in the IDF¹². A study published by the Israel Gay Youth (IGY) in January 2012 found that there was rampant discrimination and abuse targeted against the sexual and gender minorities in the IDF. The head of the organization, Avner Dafni said that “the picture was not yet rosy enough but the intention of the high brass was to change it.”¹³ Several scholars like Aaron Belkin and Merissa Levitt have argued that there is a new trend of ‘pink washing’ among young soldiers who speak “glowingly of their coming out of closet experiences in the army and cover up other discrimination by stressing on better treatment of gay, lesbian, bisexual and transgender people” (Belkin 2010, Levitt 2012).

Religion and Gender in the IDF

The increasing integration of women in various areas of military service, including combat roles, threatens to clash with another significant trend in the rise of the number of religious male soldiers being drafted in the IDF. Two religious groups, namely, ultra-orthodox (*haredi*) and religious Jews have been enlisting in the IDF in large numbers. This trend can be observed from 2007 onwards, when the number of *haredi* men enlisting in the military grew nine-fold times. Before this, only 650 *haredi* men who served in the Nahal brigade were part of the IDF. In 2007, the

The *Tal* law was extended by the Knesset for a period of five-more years which encouraged more *haredi* men to join the institution (Cohen 2016c).¹⁴ The figures released by the IDF in 2010 revealed that there was 110 percent increase in the participation of *haredi* men in the military. There were around 2,048 ultra-orthodox men who were serving in the IDF in 2010, which

¹² MK Uri Ariel in an interview to the Knesset channel said that, “it’s dangerous to conscript LGBT youth as it is against the Jewish law and would interfere in the military abilities” (Harkov 2013).

¹³ The study was published in *The Jerusalem Post*, 12 June 2012.

¹⁴ The *Tal* Commission was a public committee appointed in 1998 by Prime Minister and Minister of Defence Ehud Barak to deal with the military exemption of religious students. Due to the increase in the numbers of ultra-orthodox students who claimed exemption from military service in order to study the Torah as their career, there was a huge public backlash. These students lived on state subsidies and did not hold any paying jobs. In 1998, when the commission was installed, this arrangement applied to approximately 30,000 men. The recommendations of the commission were presented on 7 March 2001, serving as a basis for the legislation of the Deferral of Military Service for Yeshiva Students Law (Temporary Order), which is also called the *Tal* Law. In July 2007, the validity of the law was extended by five more years. Soon after, the IDF took pro-active steps to encourage enlistment of these youth which resulted in the increased number of religious soldiers in the institution. Shachar was one such program that started in 2007 to involve only ultra-orthodox male soldiers. The program recruited them in the technical units of the Air Force.

increased to 2,475 in 2015 and 3,200 in 2016 (Harel 2011, Cohen 2016). The IDF has made special efforts to accommodate the religious demands of these soldiers especially in gender separation. A new *haredi* Paratroop brigade was set up apart from the existing Netzah Yehuda and Tomer Battalions to attract younger *haredi* men. They enlist in men-only units in the navy and intelligence (Landsmann 2016). Despite the rising trend the IDF still faces difficulty in enlisting single *haredi* men into 'regular' service, out the special programmes designed for them.

The number of religious Zionist soldiers too has increased ten-fold since 1990. The exact number of religious soldiers cannot be ascertained as the IDF does not publish any data or report regarding the personal beliefs of its soldiers. Although a study published in the military journal *Ma'arachot* in 2007 stated that 31.4 percent of officers in the IDF were religious and most of these officers join combat or infantry units which are mostly male-only or have very few women in the units (Harel 2010).

The main objection of *haredi* rabbis and religious Zionist rabbis is the lack of gender segregation within the IDF. They believe that this results in issues of modesty, sexual attraction between male and female soldiers which results in committing of 'sins' (Cohen 2016). In a popular document that was circulated in 2011 Ashkenazi Chief Rabbi Avraham Shapira wrote

We should not make peace with a situation in which one third of all female graduates of state religious schools are recruited into the army, and we must therefore 'attack' the issue at its core The girls of Israel should be educated to withstand temptation, to retain a pure mouth, and avoid sins of being alone in the presence of men, and forbidden sexual relations ... (Sztokman 2012).

In other words, women soldiers who are drafted are not only assumed to be at risk of committing those sins but tempt men to fall into the same trap. Religious Zionist rabbis further add that "women are fundamentally unfit to serve in the military due to their god-gifted nature of nurturing and thus will weaken the institution of the IDF" (Ahronheim 2017). However, a large number of religious Zionist women have continued to enlist themselves in the military in past decade (2007-2017).

As more number of 'religious-friendly zones' are created within the IDF, women see their service options being limited. Hadass Ben-Eliyahu of the Center for the Advancement of Women in the Public Sphere at the Van Leer Institute agrees that "it is clear that the more religious men

serve, the more of gender segregation command we will see. By command, I mean not only separate units, but separate tasks, what kinds of jobs are open, entire units or structures will be closed to women” (2012). Since 2007, when there was an increase in the number of *haredi* men signing up for the military service, several policies of the IDF too changed. Women instructors were strictly asked to teach young recruits without touching them including weapons training (Sztokman 2012). In a media report published on 7 September 2012, Shani Boianjiu, an infantry instructor described her encounter with a religious student during her training course. She wrote:

I came up behind him and put both hands on his shoulders, shaking him. I wanted to explain, “Look how easy it is for me to shake you out of position,” but I couldn’t, because the soldier was yelling at me like he was on fire. I couldn’t make out what he was saying, but he was still in training and I was shocked by his disobedience. I thought maybe he was confused, so I bent down in the sand and grabbed his foot, moving it so that his toes pointed forward. If anything, he screamed louder. It was only when the drill ended that I caught what he was saying: ‘I observe touch.’ What this meant was that he couldn’t touch or be touched by girls or women. I was his superior and trainer, but I was also a girl (Boianjiu 2012).

Apart from instructions, women were asked not to touch weapons in front of religious soldiers as it affected their sentiments (Boianjiu 2012).

Further, they were asked to excuse themselves from group activities during their menstruation period as it was against the religious beliefs. They were asked not to publically sing or dance or even discuss body functions in a group consisting of religious soldiers (Sztokman 2012). Things began to change in 2011 with the appointment of a new Chief of Staff Benny Gantz who refused to uphold these policies. He indicated his disapproval of the same when Lt. Col. Ram Moshe Ravad was asked to leave his post as Chief Rabbi of the Israel Air Force after he staged a walk-out of an IDF event where women soldiers were speaking. Gantz said that “the IDF cannot excuse soldiers from official army events based on their personal beliefs” (Ben-Ari 2012).

Relation between Religious Zionist rabbis and the IDF further worsened in 2016 when the then Chief of Staff Gadi Eizenkot announced the launch of a pilot programme to train all-women tank teams (Caspit 2017). Rabbi Yigal Levinstein, the head of the Pre-Military academy responded by calling on all young religious women to refuse to enlist in the army and claimed that “Jewish

women who enlist in the IDF came out as ‘non-Jewish’” (Pillegi 2017). Knesset Member Bezalel Smotrich of *HaBayit HaYehudi* took a further step by calling on young religious Zionists to "skip one recruitment cycle in order to teach the IDF a lesson" (*Times of Israel*, 2017).

Chief of Staff Gadi Eizenkot and head of IDF's Manpower Directorate Maj. Gen. Moti Almoz met a large delegation of leading rabbis during which they clarified that the army was trying out pilot programme without undermining the principles of the gender status quo wherein women and men had their housing and bathrooms separate in mixed units. He mentioned that the aforementioned tank crews would be exclusively made up of women with “no mingling of sexes.” He further promised to enforce gender segregation in the mixed unit barracks without compromising on the ethics of equality of the IDF (Landsmann 2017). This meeting succeeded in convincing the religious rabbis to call off their protests but it further signalled the rising trend of religious radicalism in the IDF. According to Brig. Gen. Zeev Lehrer, who served on the Chief of Staff's panel of the integration of women in 2012, “There is a clear process of ‘religionization’ in the army, and the story of the women is a central piece of it. There are very strong pressures at work to halt the process of integrating women into the army, and they are coming from the direction of religion” (Caspit 2017).

Changing Nature of the Military

Since the end of the 20th Century, the nature of warfare has changed drastically and has prompted military organisations across the globe to change its traditional approach to defence. Two distinct trends have been identified by scholars regarding the changing nature of war; first, the number of low intensity wars has increased rather than conventional wars; and secondly, there are more wars between state and terror organisation rather than between states (Cohen 2005, 238-240; Eiland 2007; Libel 2011, 86). The rise of asymmetric wars especially in populated areas has led armies of various nations to change their tactic and analysis. The question is no longer: ‘Where is the enemy?’ but has shifted to ‘Who is the enemy?’ (Eiland 2007). This shift in a basic variable has changed the main focus of the military from direct combat to intelligence gathering.

In recent decades, the IDF too has faced the same dilemma. The definition of ‘Who is the enemy?’ in the Israeli-Palestinian conflict has changed many times depending on the political situation of Palestine. The same problem of definition was no less important for Israel during the Second Lebanon War (2006) when Israel decided that its enemy was Hezbollah and not Lebanon

which ultimately put Israel in a tight spot in the international arena (Eiland 2007). This prompted the military institution to strengthen its intelligence units and broaden its scope of function to not only gather data about relevant targets as well as to provide information about the changing picture of the enemy.

Unit 8200, which is known for its cyber spy cell, created an elite intelligence cell in 2005 for the same purpose (IDF Blog 2016). It collects and analyses signal intelligence and reports to various combat units like Sayeret Matkaland Shayetet 13 that are located on the Golan Heights. This cell, informally known as Gadsam, is responsible for providing data to the combat units and even to the Chief of Staff within a matter of few hours regarding any possible human or organisation target. They follow these targets electronically which includes high ranking Hizbollah or Iranian officials by reading online discussions, listening to phone calls and other means of electronic surveillance each day and every hour (Ibid). This helps the IDF to not only predict the acts of these targets but provides crucial breathing space as well for the combat units before any operation.

From 2005 onwards, when several western governments faced a series of global hacking and subsequent leak of sensitive information, cyber security became an important aspect of the nation's security. The IDF expanded its Intelligence corps to incorporate specialised cells to deal with the constant threats with cyber attacks and cyber bullying. Due to the nature of its function, limited information is known about these cells. However, military journalists like Gili Cohen and John Reed have pointed out that in 2015, Israel's export of cyber security products designed to protect companies, banks and governments from hackers and snoopers was approximately US\$ 8 billion which exceeded the exports of Israeli military hardware for the first time (Cohen 2016; Reed 2016). Reed concludes that "The numbers reveal that there is something cool and geeky being cooked in Unit 8200 which is changing the flavour of the IDF" (Reed 2016).

Apart from intelligence, technology too has played an important role in changing warfare. The new conflicts are won by precision weapons with minimum collateral damage and with meticulous target acquisition. These weapons including drones have reduced the scope of human dependence and intervention during target attacks (Gross 2015). During Operation ProtectiveEdge in 2014, several unmanned weapons were used which were controlled by soldiers who were located far away from the battle field or scene of violence. The act of 'Knock on the

roof, for example, was done by unmanned drones to alert the civilians in the Gaza Strip regarding an impending attack by the IDF (Ibid). These drones were programmed by soldiers sitting in control rooms far away from the border.

In recent years (post 9/11), the requirements of the changing nature of war have prompted the military institution to restructure its organisation. In 2007, Chief of Staff Gabi Ashkenazi, after the 2006 Lebanon war called for a “smaller yet smarter IDF” (Cohen 2005; 116). The intention was to reduce manpower and streamline its command structures as well as to substitute brain power instead of muscle power by using the latest technology available. It started by closing and writing off many armoured units like the Meitar unit which was responsible for operating the long range precision-guided Tammuz missile since 1986 (Zitun 2017). Divisions and brigades like the Druze battalion were wound up or subsumed under other units (Lapin 2015). The number of heavy vehicles and logistics were reduced considerably. At the same time, the number of Special Forces has gone up. From 2007 to 2017, the IDF has gradually emerged as a military of special, sophisticated units supported by huge array of intelligence gathering and technological support (Caspit 2017).

Stuart Cohen argues that the process of restructuring the organisation and re-allocating the resources was not merely to improve the IDF’s organisational proficiency and performance but to make it more acceptable to the changing demands of its own people (Cohen 2005, 117). The Women’s corps, for example, was closed down in 2005 to help in the integration of women as equal soldiers while the Druze battalion was wound up to help better integration of Druze soldiers in the IDF.

The transformation of the structural norms in the IDF as has been discussed in the chapter opened up new avenues for youth who were previously denied on the grounds of physical or psychological reasons. These youth including women and men with limited physical strength were assessed on their other skills like language learning, logic and data reasoning, mental maths and other various abilities (Reed 2015). They were then recommended directly to particular units like Intelligence Corps and Logistic Corps. Programmes such as Magshimim (three-year after school programme for 16 to 18 years old) help in identifying children who are exceptional with computer coding and hacking skills and are then trained to join the IDF directly without basic training course like other recruits. They are directly recruited and are trained in the unit bases

itself (Ibid). The gradual integration of these youth has diluted the hyper-masculine identity of the IDF by reflecting a more realistic picture of the social fabric.

Conclusion:

One cannot deny that the IDF has taken big strides in changing its policies towards making the institution more gender friendly. However, both psychological as well as cultural barriers keep women officers from exploring their potential in the military. Traditional stereotypes of military institutions along with cultural notions of a female body restrict the complete integration of women soldiers despite favourable legislations and policies. This results in functional discriminations like uneven promotion, sexual violence, restructuring gender identities and creating militarised bodies. The existing prejudices encourage younger women recruits to choose from within the accepted pink-collared jobs in the military rather than ‘break open the barriers.’ Some women recruits do try to explore new avenues and make a mark for themselves. Most of them face stiff discrimination but they accept it as part of military life. The cyclical logic behind structural norms leading to functional discrimination which then emphasises traditional stereotypes and hampers change in the institutional norms compels the IDF to continue to strive towards gender equality within the institution without practical realisation. Other factors like religion and changing nature of warfare too play an important role in the integration of women in the military and as Brig. Gen. Yehudit Gresario, in 2010, said “all-out equality in the military is an ideological fallacy.”

Chapter 6

Conclusion

The participation of women in the Israel Defence Forces (IDF) has to be located within the larger context of the evolution of the gender identity and the progressive approach towards the enlisting of women in military including for combat operation. The participation of women in the military has, traditionally, been considered as an aberration of the gender social norms. These norms were an expression of the accepted binary nature of sex and its attributes, which shaped the understanding of gender. This helped in the establishment of gender identities and roles based on an individual's sex rather than his/ her own perception of it. As patriarchy became the social norm in different societies over century, these identities became fixed and resulted in a direct correlation between biology and one's status and role in the society. As a result women, have always been associated with peace and men with violence and war due to the universal gender-specific stereotypes. There were occasional exceptions like the women Amazons who picked up weapons to attack and defend their cities but these were few and far between to have a larger impact on the gender roles.

These fixed notions regarding gender identity were further reiterated by leading philosophers and scholars since the days of Plato and Aristotle who argued in favour of legitimising the restriction of women to the private sphere. These arguments were carried forward by scholars across generations until the Reformation Movement in the 16th and 17th Century which laid emphasis on individual rationality instead of traditional norms. As social science emerged as a field of study in the late 18th Century, it became evident that gender and sex were two different and distinct identities of the same individual. Sexual identity pertained to biological characteristics of an individual while gender identity was the social construction of an individual's behaviour and action.

It is not until the late 18th Century that one identifies concrete works of thought championing women's rights in the society. Mary Wollstonecraft was one the pioneer who wrote extensively on equal rights of women and their participation in the public sphere. These writings influenced several women during 19th and 20th century in Europe and the US to demand the right to vote, right to property and right to education and reproduction. However, the trajectory of these

demands changed by the early 20th century due to the political manoeuvres in Europe which culminated in the two World Wars.

Women's participation in both the World Wars had a similar trajectory but a differing scale of involvement by women. In both the cases, women were urged to join factories and industries in large numbers to fill up the vacuum left by men who joined the war efforts. Women employment in Britain during World War I increased from 23.6 percent in 1914 to 37.7 percent and 46.7 percent in 1916 and 1918 respectively. This increased, during World War II when 46 percent of women enrolled themselves in the British labour market. Even though they received lower wages for the same work as men, it was still a liberating experience for them to step out of the household. Many upper class women joined nursing as a means to aid the nation during the World War I and later started voluntary nursing schools to train women as nurses during World War II. Several Auxiliary services were created as part of the military like Women Royal Navy Services, Women Army Auxilliary Corps and Women Royal Airforce to accommodate women volunteers during both the Wars. They were in supportive-roles by helping run kitchens, postal and phone communications and acted as liaisons between different units.

However, the exception was the acceptance of women in the military as front-line soldiers. During World War I, there were only three women in the Allied forces including Dorothy Lawrence who disguised themselves as men and joined the battlefield. Among the Axis forces, there was a 2,000-strong battalion of women soldiers known as the Battalion of Death but during their participation in the War, many male soldiers joined the unit, thus, making it a mixed-gender battalion. Nonetheless, the end of the War brought in the same fate for women as these units were asked to return to their civilian life. As more soldiers returned from various battlefields, job opportunities for women in the civilian sector further dwindled.

By the beginning of World War II, earlier pattern of including women in the public sphere can be noticed as early as 1939. They joined in all-possible occupations which were traditionally reserved for men including driving trams and working in munitions factory. In December 1941, the British government passed the National Service Act which started conscription for women. They were given an array of support roles like driving, manning anti-aircraft guns and RADAR stations, ferrying aircraft from factories to airfields and deciphering coded messages in

communication units. In the British Army, around 72,000 women served in Women in Royal Navy Service (WRNS), 125,000 in Women in Army Auxiliary corps (WAAC), 212,000 in Auxiliary Territorial Services (ATS) and around 185,000 in WAAF.

In the US Army, around 250,000 served in WAAC, 10,070 in WASP, 90,000 in (Women Airforce Service Pilots) WASP and 25,000 in (Coast Guard Women Reserves) SPAR. In the Soviet Armed Forces, about 800,000 women served, out of which 550,000 enlisted in front-line support roles. In Germany, only 100,000 women served in the military as part of Auxiliary Corps. However, the gains made during the war proved transitory for women as they were demobilised from the military as well from civilian work force to accommodate the returning servicemen who returned after the end of the war in 1945.

Examples set by women during the two World Wars influenced several fledgling countries to incorporate women in their military including Israel. The post-World War II period also saw the rise of various international relations theories which challenged the existing frameworks of research adopted by Realism and Liberalism. New approaches brought in different variables including gender to re-evaluate relation between power and state. There are several strands of feminism in international relations namely *liberal feminism* which emphasises on the individual's capacity to maintain equality through their choices; *difference feminism* that argued womens' experiences are fundamentally different from men as sexist cultures like military devalue feminine qualities instead of promoting it; and *post-modern feminism* challenges the notion of gender itself and argue that participation in the military leads to the construction of militarised masculinity that affect both men and women equally. These feminist strands have played an important role in influencing the domestic feminist movements in various countries like Israel.

Israel has an historical tradition of women's involvement in not only shaping the military through their participation during the pre-state era but also by their subsequent contribution to the institution. The nation-building process spearheaded the presence of Jewish women outside the private domain unlike their counterparts in Europe and the US who stepped out primarily due to the requirements of war-time. These Jewish women who came to Mandate Palestine during six waves of *aliya* starting from 1882 onwards chose to participate in the civilian life by meeting the

needs of the newly established *yishuv*, the Jewish community in Mandate Palestine. They spearheaded educational institutions and nursing organisations to cater to the demands of the ever-increasing immigrants. Soon after the Western Wall riots of 1929, women were accepted as part of various security organisations like Haganah and Palmach. Initially, they served mainly as couriers and liaisons but soon, bore weapons to join combat duties along with the men. They played a crucial role during the 1948 War when they were not only responsible for defending several *kibbutzim* but were also part of several front-line units.

After the establishment of Israel in May 1948, proper legal structures like conscription were established to regularise the participation of Jewish citizen including women. These structures were envisaged by political leadership headed by David Ben-Gurion who re-drew the lines of traditional gender roles by emphasising the importance of motherhood and family over women's participation in the public sphere. These traditional ideas became an inherent part of Israeli politics, economy, society and military and which led to structural discrimination of women. Women's participation in the political arena has historically always been low and from 1948 to 2017 only 10 women have served as cabinet ministers and only two have held important position namely' Golda Meir as the Prime Minister of Israel and Tzipi Livni as the Deputy Prime Minister of Israel.

In Israel labour force, women are under-represented in various sectors of the economy like construction, transportation and manufacturing. Women status in the society is determined by several factors like access to education, job opportunities as well as religious customs. Religious institutions also play a deterrent role in the participation of women in the military. On one hand, religious soldiers refuse to serve with women and demand for separate barracks for training and service and on the other, religious leaders claim that serving the military by women soldiers is a religious sin as modesty cannot be maintained in the institution.

The IDF is perceived as 'people's army' which helps in creating emotive and social ties between different sections of the society. The inclusionary nature of the conscription brings together Jewish, Druze and Bedouin youth to a common and egalitarian stage and conscription adds to social mobility and social levelling. In 2015, the conscription period was changed to 24 months for both men and women who were not serving in combat units. There are several reasons for

women to claim exemption from the military service which include marriage, pregnancy, family and religious observance.

Theoretically, the IDF follows a policy of 'gender equality and partnership' but the reality is more complex. As a military institution it carries several gender biases which are crystallised through its structural norms and functional discourses. Until the Equality Amendment to the Defence Service Law of 2000, women were restricted to around 76 percent of all possible posts and women were allowed to serve in 92 percent of the positions in the IDF including combat units.

There are four combat units that accept women namely, Karakal, Oketz, Bardelas and Aryot Hayarden. Women are also allowed to join combat-support units like Home Front Command and Border Guard Corps. Participation and absorption of women in the Israeli Air force and Navy is very limited. The number of women naval combatants are very few in number. The lack of gender sensitivity in structural norms in these units has restrained the participation of women.

This research addressed the question of equal participation of women in the IDF and after nearly a century (1920- 2017) of struggle for equality and the many legislation and structural arrangements, women continue to be under-represented in the institution,. This raises several questions regarding not only the existing hurdles in the institution but also about factors that have contributed to their improved but slow participation of women.

The research has been conducted using the structural-functional model as a framework to study the discourses and norms emerging out of the interaction between gender and military. The existing structural arrangements like biased training and recruitment unveils the gendered nature of the institution. The functional discourses, on the other hand, reiterate the discrimination emanating from the structure and enforce it as an accepted part of the military life. The cyclical nature of the structural norms and functional discourses compels the institution to forgo its policies of gender equality.

According to the Structural-Functional research model, the military has both specialised and non-specialised functions which can be broadly divided into input and output functions. The input includes socialisation, interest articulation, interest aggregation and communication while output includes rule making, rule adjudication and rule application. In IDF, socialisation takes

places on two levels. On the macro level, the structural norms and functional discourses interact with each other, leading to articulation of institutional policies. On the micro level, female and male soldiers communicate with each other not only within structural premises like training but also in functional discourses like harassment.

Socialisation leads to interest articulation in form of demands or appreciation by individuals or groups. These articulated interests range from individual demands like observance of certain religious customs to group demands like accepting trans-genders as equal to all. When these interests are supported by a large majority, they are aggregated to form a group demand which is then used to compel the institution to change certain structural norms and functional biases. Sexual harassment, for example, has been a dominating issue for majority of the soldiers especially for women and (Lesbian, Gay, Bi-sexual and Transgenders) LGBT since 1948 onwards. It was considered as part of military culture wherein the male soldiers represented their masculinity in the garb of harassment and until the late 1990s, there were no structural policies undertaken to address the issues emanating from harassment.

However, two important interferences by external factors changed the attitude towards this issue. In 1995, MK Naomi Chazan picked up the issue of sexual harassment in the Knesset debates and pressurised the IDF to reveal the data collected on sexual harassment complaints. Soon the Sexual Harassment Prevention Law (1998) was passed by the Knesset that defined harassment and laid down proper mechanism to address pertinent issues. These interventions led to aggregation of individual interests that not only culminated in rise of harassment reports by women soldiers but also in structural accommodation to address these reports.

The output functions of the institution namely rule making, rule adjudication and rule application are the product of the input. These are basically structural changes that take place through various legislations and policies of the institution due to socialisation and interest aggregation. However, due to the nature of institution which inherently privileges masculinity and its attributes, the input- output functions generate a friction between structural norms and functional discourses. Though, gender interaction in the IDF takes place across 92 percent of posts the women are still encouraged to join pink-collared jobs due to various structural norms. This is seen as limiting the distribution and integration of women as equal partners in the military and gives rise to various contradictory and condescending opinions regarding participation of women

in the military This friction between structure and function in the institution generated certain contradictory trends like discrimination in the postings and promotions of women soldiers, creation of a militarised body, degendering and regendering processes and extreme psychological trauma for women soldiers in a bid to fit in the military. This inhibits women to participate and explore their potential in the military.

These discriminatory functional discourses re-define gender identities and relations of soldiers as per traditional ideas of gender followed by the military. On one hand, women are encouraged to contribute to the task of nation-building by participating in the military and on the other hand, they are discriminated in the scope of involvement in the institution due to their gender. Thus, the same right that construed a gender-egalitarian institution has mechanisms that challenged the former. This leads to a twin process of degendering and regendering. In the IDF, degendering takes place during the process of recruitment when both the gender are treated equally and are urged to sign up for the military as part of their national duty. This creates a sense of gender-less state but after recruitment, regendering takes place which is a process that highlights the gender differences through hegemonic norms. Thus, hypothesis one which states “*Efforts by the IDF to redefine existing gender identity of soldiers institutionalise discriminatory practices*” have been validated. The structural efforts made by the IDF have failed to bring about gender equality due to the existing norms of functional discrimination and instead, has redefined the gender identities and relation through the institutional prism.

Apart from the input-output functions of the model, there are external factors that impact the behaviour of the institution. In this research, cumulative trends especially the impact of the feminist movements, changing gender relations among the youth and increasing rejection of gender discrimination by the society have affected the norms and discourses of the institution.

The feminist movement in Israel can be divided into four phases which have pushed women's rights into the public sphere. The first wave during the pre-state period (1908-1948) when young Ashkenazi women migrants demanded for inclusion in the public sphere. They were influenced by the feminist movements taking place in Europe influenced by the writings of the Bronte sisters and Virginia Woolf. Apart from demanding the right to participate equally in the nation-building process, these early Jewish feminists demanded for the right to vote for *yishuv* institutions and believed that suffrage would bring equality and recognition. They sought to

preserve their distinctiveness as women and emphasised more on their contribution as a women and mother rather than a 'partner in the nation building process.'

The second wave of feminism in Israel can be traced as a result of the October 1973 War which highlighted the gender inequality prevalent in the society. During the War, majority of the male population was mobilised as reserve soldiers which brought the economic life to a standstill. Factories, businesses and even public transportation were closed for a long period of time. Even though the country was being led by a woman during this period of turmoil, namely, Golda Meir, the status of women in the society continued to be of 'second-class citizen.' The increasing frustration over the lack of gender sensitivity among the political leadership created a sense of awareness among a large number of women including academicians. These women activists took several steps like floated a women's party known as the Ratz which won four seats in the 8th Knesset (1974-1977), official committees were set up to look into status of women in the society and several non-governmental organisations started to help women explore their potential in labour force..

The impact of this wave of feminism was felt in 1994 when for the first time the Supreme Court of Israel, through its judgement on the Alice Miller Case, challenged the existing gender discrimination in the IDF and passed orders contrary to these norms. The judgement stated that biological differences cannot be a reason for discrimination with regard to military service and promotions and thus, women should be allowed to participate in all positions of the military based on impartial tests and interviews. This judgement laid the basis of the Equality Amendment of the Defence Service Law that was passed by the Knesset on 10 January 2000. This amendment opened 92 percent of positions in the IDF for women and it laid the basis for structural changes to encourage more women participation like the formation of mixed-gender combat units and women only combat support units.

This ushered in the third wave of feminism which emphasised more on differentiation rather than of egalitarianism. These feminists argued that creating a sense of gender equality in patriarchal institutions like military leads to organised discrimination that is not only legitimised by the institution itself but leads to the re-definition of existing gender roles and relations. Through their writings and protests, they influenced a large section of women who came together to demand further changes in the political and military institutions. From the beginning of the 21st century,

one can notice unprecedented changes in the IDF to encourage women amongst various ranks like change in the structure of profile score, gender-sensitive basic training based on factors like Body Mass Index instead of gender and posting of women soldiers near the border.

The fourth wave, also known as the post-structural feminist movement is a continuation of the above which challenges all structural policies and norms that determine and legitimise gender identity and relations. They are not only critical about state institutions like the military but also of social structures like marriage and family. They perceive these structures as inherently patriarchal and hence are opposed to gender-equality. This movement has a very limited outreach in the society until date as only youth in few major cities especially Tel Aviv are influenced by the same.

The above movements also brought the rights of male and LGBT soldiers into the public agenda. Conscription imposed the ethos of the ideal masculinity with its emphasis on brute strength and violence upon young Jewish male which aids in the construction of ‘militarised masculinity.’ It is internalised by the society as essential to a boy’s right to citizenship. The social construction of masculine identity and the burden on every Jewish youth to blend with the identity causes severe trauma and a powerful sense of being ‘left out’ of the social experience of growing up.

In Israel, the transgender community was not even recognised until 1993 when the Knesset passed a law to abolish restrictions on gay and lesbian soldiers, and to remove the specification for stating gender while joining conscription in the IDF. This was a milestone in the long battle for recognition and acceptance by the LGBT community. However, reports of abuse and violations against them have been highlighted in the media.

These feminist movements especially the second and the third waves had a deeper impact on the military due to its spread across the country. It helped in encouraging a gradual understanding various forms and levels of gender equality between individuals and institutions which in turn affected one’s perception of gender identity. It challenged the norms of gender essentialism by sensitising people towards inherent discrimination that was accepted by majority. The growing criticism against discrimination urged the IDF to continue taking structural changes in its pursuit towards gender equality. Thus, hypothesis two which states “*Gender sensitization in the IDF is the result of the gender debates*” has been validated.

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Annexure 1:

Women Members of Knesset since 1948

Year	Knesset	Women Members	Parties	Number of women
1949	1	Rachel Cohen-Kagan	WIZO	10
		HasyaDrori	Worker's Party of EretzYisrael	
		BebaIdelson	Worker's Party of EretzYisrael	
		FaygeIlanit	United Workers` Party	
		Hannah Lamdan	United Workers` Party	
		Ada Maimon	Worker's Party of EretzYisrael	
		Golda Meir	Worker's Party of EretzYisrael	
		DevorahNetzer	Worker's Party of EretzYisrael	
		Shoshana Parsitz	General Zionists	
		Ester Raziell-Noar	Herut Movement	
		YehuditSimhoni	Worker's Party of EretzYisrael Herzl Berger replaced YehuditSimhoni on 5 February 1951	
		JeniaTversky	Worker's Party of EretzYisrael JeniaTversky replaced HeshelFrumkin on 5 February 1951	
1951	2	BebaIdelson	Worker's Party of EretzYisrael	11
		Sarah Kafrit	Worker's Party of EretzYisrael	
		BatshevaKatznelson	General Zionists	
		Hannah Lamdan	United Workers` Party, Faction Independent from AhdutHa`avoda	
		Ada Maimon	Worker's Party of EretzYisrael	
		Golda Meir	Worker's Party of EretzYisrael	
		DevorahNetzer	Worker's Party of EretzYisrael	
		Shoshana Parsitz	General Zionists	
		Ester Raziell-Noar	Herut Movement	
		Rachel Tsabari	Worker's Party of EretzYisrael (replaced Yechezkel Hen on 1 April 1952)	
		JeniaTversky	Worker's Party of EretzYisrael	
		Ester Vilenska	Israel Communist Party	
1955	3	Ruth Haktin	AhdutHa`avoda - Poalei Zion	12
		BebaIdelson	Worker's Party of EretzYisrael	

		Sarah Kafrit	Worker's Party of EretzYisrael	
		Hannah Lamdan	Worker's Party of EretzYisrael (replaced Ehud Avriel on 31 July 1957)	
		TziporaLaskov	AhdutHa`avoda - Poalei Zion	
		Golda Meir	Worker's Party of EretzYisrael	
		DevorahNetzer	Worker's Party of EretzYisrael	
		ShosanaParsitz	General Zionists	
		Ester RazielNoar	Herut Movement	
		Emma Talmi	United Workers Party	
		Rachel Tsabari	Worker's Party of EretzYisrael	
		JeniaTbersky	Worker's Party of EretzYisrael (replaced Shlomo Hillel on 6 July 1957)	
		Esther Vilenska	Israel Communist Party	
		SenettaYoseftal	Worker's Party of EretzYisrael	
1959	4	Ruth Haktin	AhdutHa`avoda - Poalei Zion (replaced YigalAllon on 25 October 1960)	9
		BebaIdelson	Worker's Party of EretzYisrael	
		Hannah Lamdan	Worker's Party of EretzYisrael	
		Golda Meir	Worker's Party of EretzYisrael	
		DevorahNetzer	Worker's Party of EretzYisrael	
		Esther RazielNoar	Herut Movement	
		TovaSanhadray	National Religious Party	
		Emma Talmi	United Workers Party	
		Rachel Tsabari	Worker's Party of EretzYisrael	
		JeniaTbersky	Worker's Party of EretzYisrael	
1961	5	Ruth Haktin	AhdutHa`avoda - Poalei Zion	10
		BebaIdelson	Worker's Party of EretzYisrael	
		Hannah Lamdan	Worker's Party of EretzYisrael, Rafi replaced GioraYoseftal on 23 August 1962	
		Golda Meir	Worker's Party of EretzYisrael	
		DevorahNetzer	Worker's Party of EretzYisrael	
		Esther Raziel-Naor	Herut Movement, Herut-Liberal Bloc	
		TovaSanhadray	National Religious Party	
		Emma Talmi	United Workers` Party	
		Rachel Tsabari	Worker's Party of EretzYisrael	

		JeniaTversky	Worker's Party of EretzYisrael AharonYadlin replaced JeniaTversky on 4 May 1964	
		Esther Vilenska	Israel Communist Party	
		Ruth Haktin	AhdutHa`avoda - Poalei Zion	
1965	6	ShulamitAloni	Alignment, Israel Labor Party, Alignment	9
		Shoshana Arbeli- Almozlino	Alignment, Israel Labor Party, Alignment Shoshana Arbeli-Almozlino replaced Haim Gvati on 17 January 1966	
		MathildaGuez	Rafi, Israel Labor Party, Alignment	
		Ruth Haktin	Alignment, Israel Labor Party, Alignment	
		Golda Meir	Alignment, Israel Labor Party, Alignment	
		DevorahNetzer	Alignment, Israel Labor Party, Alignment	
		Esther Raziel-Naor	Herut-Liberal Bloc	
		TovaSanhadray	National Religious Party	
		Emma Talmi	United Workers` Party, Alignment	
		Rachel Tsabari	Alignment, Israel Labor Party, Alignment	
1969	7	Shoshana Arbeli- Almozlino	Alignment	8
		Ada Feinberg-Sireni	Alignment	
		Haika Grossman-Orkin	Alignment	
		MathildaGuez	Alignment	
		Zina Herman	Alignment	
		Golda Meir	Alignment	
		Esther Raziel-Naor	Herut-Liberal Bloc	
		TovaSanhadray	National Religious Party	
1974	8	ShulamitAloni	Civil Rights Movement, Ya`ad (1), Civil Rights Movement	10
		Shoshana Arbeli- Almozlino	Alignment	
		Geula Cohen	Likud	
		Marcia Freedman	Civil Rights Movement, Ya`ad (1), Social-Democratic Faction, Independent Socialist Faction	

		Haika Grossman-Orkin	Alignment, United Workers` Party, Alignment	
		MathildaGuez	Alignment	
		Esther Herlitz	Alignment	
		NuzhatKatzsab	Alignment	
		Zita Linker	Likud	
		Golda Meir	Alignment Jacques Amir replaced Golda Meir on 10 June 1974	
		OraNamir	Alignment	
		SenettaYoseftal	Alignment SenettaYoseftal replaced ZviGuershoni on 1 September 1976	
1977	9	ShulamitAloni	Civil Rights Movement	8
		Shoshana Arbeli- Almozlino	Alignment	-
		Geula Cohen	Likud, Tehiya-Bnai	-
		Sarah Doron	Likud	-
		Tamar Eshel	Alignment	-
		Haika Grossman-Orkin	Alignment	-
		Esther Herlitz	Alignment Esther Herlitz replaced YehoshuaRabinowitz 14 August 1979	-
		Stella Levy	Shinui - Center Party Stella Levy replaced Stef Wertheimer 20 February 1981	-
		OraNamir	Alignment	-
		Sara Stern-Katan	National Religious Party	-
1981	10	ShulamitAloni	Civil Rights Movement, Alignment, Civil Rights Movement	8
		Nava Arad	Alignment	
		Shoshana Arbeli- Almozlino	Alignment	
		Geula Cohen	Tehiya	
		Sarah Doron	Likud	
		Tamar Eshel	Alignment	
		Miriam Glazer-Taasa	Likud	
		OraNamir	Alignment	
		Edna Solodar	Alignment Edna Solodar replaced Moshe Harif on 16 January 1982	

1984	11	ShulamitAloni	Civil Rights Movement	10
		Nava Arad	Alignment	-
		Shoshana Arbeli-Almozlino	Alignment	-
		Geula Cohen	Tehiya	-
		Sarah Doron	Likud	-
		Miriam Glazer-Taasa	Likud	-
		Haika Grossman-Orkin	Alignment, United Workers` Party	-
		OraNamir	Alignment	-
		Amira Sartani	Alignment, United Workers` Party	-
		Edna Solodar	Alignment	-
1988	12	ShulamitAloni	Civil Rights Movement, Meretz	7
		Nava Arad	Alignment, Israel Labor Party	
		Shoshana Arbeli-Almozlino	Alignment, Israel Labor Party	
		Geula Cohen	Tehiya	
		Sarah Doron	Likud	
		Tamar Gozansky	Hadash Tamar Gozansky replaced TawfikToubi on 4 July 1990	
		LimorLivnat	Likud LimorLivnat replaced Haim Corfo on 14 April 1992	
		OraNamir	Alignment, Israel Labor Party	
		Edna Solodar	Alignment, Israel Labor Party	
1992	13	ShulamitAloni	Meretz	11
		Nava Arad	Israel Labor Party, Single MK - Nava Arad Nava Arad replaced Yitzhak Rabin 5 November 1995	
		Naomi Blumenthal	Likud	
		Naomi Chazan	Meretz	
		Yael Dayan	Israel Labor Party	
		Tamar Gozansky	Hadash	
		Dalia Itzik	Israel Labor Party	
		LimorLivnat	Likud	
		Masha Lubelsky	Israel Labor Party	
		AnatMaor	Meretz	
		OraNamir	Israel Labor Party	
		Esther Salmovitz	Tzomet, Yi-ud, Atid	
1996	14	Naomi Blumenthal	Likud GesherTzomet, Likud- Tzomet, Likud	9

		Naomi Chazan	Meretz	
		Yael Dayan	Israel Labor Party	
		Tamar Gozansky	Hadash-Balad, Hadash	
		Dalia Itzik	Israel Labor Party	
		Sofa Landver	Israel Labor Party	
		LimorLivnat	Likud GesherTzomet, Likud-Tzomet, Likud	
		AnatMaor	Meretz	
		Marina Solodkin	YisraelBe`aliyah	
1999	15	Colette Avital	One Israel (2), Labor-Meimad Colette Avital replaced MatanVilnai 17 November 1999	14
		Naomi Blumenthal	Likud	
		Naomi Chazan	Meretz	
		Yael Dayan	One Israel (2), Labor-Meimad	
		ZehavaGalon	Meretz	
		Tamar Gozansky	Hadash	
		Dalia Itzik	One Israel (2), Labor-Meimad	
		HussniyaJabara	Meretz	
		Sofa Landver	One Israel (2), Labor-Meimad	
		LimorLivnat	Likud	
		TzipiLivni	Likud	
		AnatMaor	Meretz	
		YehudithNaot	Shinui -the Secular Movement	
		Orit Noked	Labor-Meimad Orit Noked replaced Shlomo Ben-Ami on 11 August 2002	
		Dalia Rabin-Pelossof	Center Party, New Way, One Israel (2), Labor-Meimad	
		Nehama Ronen	Center Party Nehama Ronen replaced AmnonLipkin-Shahak on 8 March 2001	
		Marina Solodkin	YisraelBe`aliyah, YisraelBe`aliyah	
2003	16	Orna Angel	Labor-Meimad- Am Ehad Orna Angel replaced Sofa Landver on 8 February 2006	18
		Colette Avital	Labor-Meimad, Labor-Meimad- Am Ehad	
		Ruhama Avraham Balila	Likud, AchrayutLeumit, Kadima	
		Naomi Blumenthal	Likud	
		Ilana Cohen	Am Ehad, Labor-Meimad- Am Ehad	

		NetaDobrin	Labor-Meimad- Am Ehad NetaDobrin replaced Orna Angel on 15 February 2006	
		Gila Finkelstein	National Religious Party	
		ZehavaGalon	Meretz-Democratic Choice-Shahar, Yahad and the Democratic Choice, Meretz-Yahad and the Democratic Choice	
		Gila Gamliel	Likud	
		InbalGavriely	Likud	
		Erela Golan	Shinui -the Secular Movement, Secular Faction, Shinui - Party for the Secular and the Middle Class Erela Golan replaced YehudithNaot on 16 December 2004	
		Tovallan	Labor-Meimad- Am Ehad Tovallan replaced EfiOshaya on 21 January 2006	
		Dalia Itzik	Labor-Meimad, Labor-Meimad- Am Ehad Avraham Yechezkel replaced Dalia Itzik on 17 January 2006	
		Sofa Landver	Labor-Meimad- Am Ehad Sofa Landver replaced Avraham Shochat on 11 January 2006	
		LimorLivnat	Likud	
		EtiLivni	Shinui -the Secular Movement, Secular Faction, Shinui - Party for the Secular and the Middle Class	
		TzipiLivni	Likud, AchrayutLeumit, Kadima	
		YehudithNaot	Shinui -the Secular Movement Erela Golan replaced YehudithNaot 16 December 2004	
		Lea Nass	Likud	
		Orit Noked	Labor-Meimad, Labor-Meimad- Am Ehad	
		MeliPolishook-Bloch	Shinui -the Secular Movement, Secular Faction, Shinui - Party for the Secular and the Middle Class	
		Penina Rosenblum	Likud Penina Rosenblum replaced TzachiHanegbi on 10 December 2005	
		Marina Solodkin	YisraelBe`aliyah, Likud, AchrayutLeumit, Kadima	
		YuliTamir	Labor-Meimad, Labor-Meimad- Am	

			Ehad	
		EsterinaTartman	YisraelBeitenu EsterinaTartman replaced Michael Nudelman 8 February 2006	
2006	17	Colette Avital	Labor-Meimad, Labor Under Ehud Barak	18
		Ruhama Avraham Balila	Kadima	
		Amira Dotan	Kadima	
		ZehavaGalon	Meretz-Yahad	
		Tzvia Greenfield	Meretz-Yahad Tzvia Greenfield replaced Yossi Beilin on 4 November 2008	
		Nadia Hilou	Labor-Meimad, Labor Under Ehud Barak	
		Dalia Itzik	Kadima	
		Sofa Landver	YisraelBeitenu	
		LimorLivnat	Likud	
		TzipiLivni	Kadima	
		Sara MaromShalev	Gil Pensioners Party, Justice for the Elderly, Gil Pensioners Party	
		Orit Noked	Labor-Meimad, Labor Under Ehud Barak	
		Lia Shemtov	YisraelBeitenu	
		Marina Solodkin	Kadima	
		YuliTamir	Labor-Meimad, Labor Under Ehud Barak	
		EsterinaTartman	YisraelBeitenu	
		RonitTirosh	Kadima	
		Shelly Yachimovich	Labor-Meimad, Labor Under Ehud Barak	
2009	18	Nino Abesadze	Kadima Nino Abesadze replaced TzachiHanegbi on 9 November 2010	21
		Rachel Adatto	Kadima, Hatenua Chaired by TzipiLivni	
		Ruhama Avraham Balila	Kadima	
		ZehavaGalon	New Movement - Meretz ZehavaGalon replaced ChaimOron 25 March 2011	
		Gila Gamliel	Likud	
		TzipiHotovely	Likud	
		Dalia Itzik	Kadima	

		Fania Kirshenbaum	YisraelBeitenu	
		Sofa Landver	YisraelBeitenu	
		Orly Levi-Abekasis	YisraelBeitenu	
		LimorLivnat	Likud	
		TzipiLivni	Kadima Yuval Zellner replaced TzipiLivni on 3 May 2012	
		AnastassiaMichaeli	YisraelBeitenu	
		Lea Nass	Likud	
		Orit Noked	Labor Under Ehud Barak, Haatzma`ut	
		MiriRegev	Likud	
		YuliaShamalovBerkovich	Kadima YuliaShamalovBerkovich replaced Haim Ramon on 2 July 2009	
		Lia Shemtov	YisraelBeitenu	
		Marina Solodkin	Kadima	
		YuliTamir	Labor Under Ehud Barak RalebMajadele replaced YuliTamir on 13 April 2010	
		RonitTirosh	Kadima	
		EinatWilf	Labor Under Ehud Barak, Haatzma`ut EinatWilf replaced Ophir Pines-Paz on 10 January 2010	
		Shelly Yachimovich	Labor Under Ehud Barak, Israel Labor Party	
		HaninZoabi	National Democratic Assembly	
		Orit Zuaretz	Kadima, Hatenua Chaired by TzipiLivni	
2013	19	Michal Biran	Israel Labor Party	27
		Ruth Calderon	YeshAtid	
		Karin Elharrar	YeshAtid	
		RinaFrenkel	YeshAtid	
		ZehavaGalon	Meretz	
		Gila Gamliel	Likud YisraelBeitenu, Likud - National Liberal Movement	
		Yael German	YeshAtid	
		TzipiHotovely	Likud YisraelBeitenu, Likud - National Liberal Movement	
		YifatKariv	YeshAtid	
		Fania Kirshenbaum	Likud YisraelBeitenu, YisraelBeitenu	
		Adi Koll	YeshAtid	

		Sofa Landver	Likud YisraelBeitenu, YisraelBeitenu	
		Aliza Lavie	YeshAtid	
		Orly Levi-Abekasis	Likud YisraelBeitenu, YisraelBeitenu	
		LimorLivnat	Likud YisraelBeitenu, Likud - National Liberal Movement	
		TzipiLivni	Hatenua Chaired by TzipiLivni	
		MeravMichaeli	Israel Labor Party	
		ShuliMoalem-Refaeli	HaBayitHaYehudi	
		MiriRegev	Likud YisraelBeitenu, Likud - National Liberal Movement	
		Michal Rozin	Meretz	
		StavShafir	Israel Labor Party	
		AyeletShaked	HaBayitHaYehudi	
		Orit Strock	HaBayitHaYehudi	
		PeninaTamanu-Shata	YeshAtid	
		Shelly Yachimovich	Israel Labor Party	
		Tamar Zandberg	Meretz	
		HaninZoabi	National Democratic Assembly	
2015	20	Rachel Azaria	Kulanu Chaired by Moshe Kahlon	33
		Merav Ben Ari	Kulanu Chaired by Moshe Kahlon	
		AnatBerko	Likud	
		Michal Biran	Zionist Camp	
		Nava Boker	Likud	
		Yael Cohen Paran	Zionist Camp	
		Karin Elharrar	YeshAtid	
		ZehavaGalon	Meretz	
		Gila Gamliel	Likud	
		Yael German	YeshAtid	
		SharrenHaskel	Likud	
		TzipiHotovely	Likud	
		NuritKoren	Likud	
		Sofa Landver	YisraelBeitenu	
		Aliza Lavie	YeshAtid	
		Orly Levi-Abekasis	YisraelBeitenu, Single MK – Orly Levi-Abekasis	
		TzipiLivni	Zionist Camp	
		YuliaMalinovsky	YisraelBeitenu	
		MeravMichaeli	Zionist Camp	
		ShuliMoalem-Refaeli	HabayitHayehudi Chaired by Naftali Bennett	
		AyeletNahmias-Verbin	Zionist Camp	
		TaliPloskov	Kulanu Chaired by Moshe Kahlon	

		MiriRegev	Likud	
		Michal Rozin	Meretz	
		StavShafir	Zionist Camp	
		AyeletShaked	HabayitHayehudi Chaired by Naftali Bennett	
		YifatShasha-Biton	Kulanu Chaired by Moshe Kahlon	
		KseniaSvetlova	Zionist Camp	
		RevitalSwid	Zionist Camp	
		Aida Touma-Sliman	Joint List (Hadash, Raam, Balad, Taal)	
		Shelly Yachimovich	Zionist Camp	
		Tamar Zandberg	Meretz	
		HaninZoabi	Joint List (Hadash, Raam, Balad, Taal)	

Source: Knesset Archives, *Members of Knesset*, available at: <https://knesset.gov.il/mk>

Annexure 2:

Defence Service Law (1986)

Defence Service Law (Consolidated Version), 5746-1986*

Note: does not include changes to the law since 1986.

Chapter One: Interpretation

Definitions

1. In this Law

"medical board" and "higher medical board" means a medical board, and a higher medical board, constituted by virtue of section 51;

"time", for the purposes of the duty of reporting under this Law, includes a period of time beginning on a particular day or upon the doing of a particular thing or upon the occurrence of a particular event;

"the Rehabilitation Laws" means the Invalids (Pensions and Rehabilitation) Law (Consolidated Version) 5719-1959[1], the Fallen Soldiers Families (Pensions and Rehabilitation) Law, 5710-1950[2], the Discharged Soldiers (Reinstatement in Employment) Law, 5709-1949[3] and any such other Law as the Minister of Defence may declare to be a Rehabilitation Law;

"person of military age" means an Israel national, or a permanent resident, of an age as specified hereunder:

(1) in the case of a male person - any age from eighteen to fifty-four years;

(2) in the case of a female person - any age from eighteen to thirty-eight years.

"person designated for defence service" means an Israel national, or a permanent resident, who has not yet reported for defence service and is of an age as specified hereunder:

(1) in the case of a male person - any age from eighteen to fifty-four years;

(2) in the case of a female person - any age from eighteen to fifty-four years.

"calling-up officer" means a person appointed under section 50 to be a calling-up officer;

"physician" means a person authorized or entitled to be authorized to practice medicine under the Physicians Ordinance (New Version), 5737-1976 [4];

"dentist" means a person authorized or entitled to be authorized to practice dentistry and the Dentists Ordinance (New Version), 5739-1979[5];

"defence service" means regular service or reserve service;

"regular service" means service in the Regular Forces of the Israel Defence Forces;

"reserve service" means service in the Reserve Forces of the Israel Defence Forces; "permanent resident" means a person whose permanent place of residence is in the area to which the law of the State of Israel applies or whose stay is deemed by virtue of section 45 to be permanent residence.

Calculation of age

2. For the purposes of this Law - (1) the calculation of age shall be in accordance with the Jewish calendar;

(2) a person who attains a particular age in a particular year of the

Jewish calendar shall be regarded

- (a) if he attains that age after the 1st Tishrei and before the 1st of Nisan of that year - as having attained that age on the 1st of Tishrei of that year;
- (b) if he attains that age after the 1st of Nisan of that year - as having attained that age on the 1st of Nisan of that year;
- (c) the determination of age shall be governed by the provisions set out in the schedule.

Chapter Two: Reporting for Registration and Examination

Reporting for registration

- 3. (a) The calling-up officer may, by order, call upon any person designated for defence service or person of military age to report for registration at such place and time as the calling-up officer or a person empowered by him in that behalf has prescribed by order.
- (b) A person called upon to report as aforesaid shall report at the place and time prescribed as aforesaid and shall give to the calling-up officer or a person appointed by him in that behalf such particulars relating to himself as have been determined by regulations.
- (c) Where a person has been called upon to report as aforesaid and, after he has fulfilled his obligations under subsection (b), a change occurs in any of the particulars therein referred to, such particular having been referred to by regulations as a material particular, such person shall notify the calling-up officer of such change within fourteen days from the day on which it occurs.
- (d) A person designated for defence service, or a person of military age, who has reported for registration by virtue of this section shall always carry with him a certificate attesting his reporting, as provided by regulations, and shall produce it on demand to a police officer and also

to a calling-up officer or a person empowered by him in that behalf.

*Preliminary
examination*

4. (a) Where a person designated for defence service, having been called upon to report for registration under section 3, has not yet reported for examination under section 5, a calling-up officer may, by order, call upon him to report for a preliminary examination to be carried out in conduction with the registration, if the calling-up officer is of the opinion that such an examination is required in order to effect the registration or to expedite the examination proceedings under section 5.

(b) A person designated for defence service who is called upon to report as aforesaid shall report at the place and time prescribed in the order of the calling-up officer or a person empowered by him in that behalf and undergo any of the types of examination designated by the Minister of Defence for this purpose by regulations.

*Reporting for fitness
examination*

5. (a) A calling-up officer may, by order, call upon any person of military age to report, at the place and time prescribed in the order, with a view to determining his fitness for defence service.

(b) A person of military age who has been called upon to report as aforesaid shall report at the place and time prescribed in the order of the calling-up officer or a person empowered by him in that behalf and shall undergo any examination which in the opinion of a medical board is necessary in order to determine his medical fitness for defence service and shall also undergo, in accordance with instructions of the calling-up officer or a person empowered by him in that behalf, any other examination for the purpose of determining his general fitness for defence service, including an examination for the purpose of determining the measure of his suitability for a particular assignment in the defence service. The tests for the various degrees of medical fitness shall be prescribed by regulations.

(c) When a medical board has completed the examination of a person of military age, it shall state whether it finds such person medically fit for defence service.(hereinafter: "fit for service") or temporarily unfit for service in medical respect (hereinafter: "temporarily unfit for service").

Reexamination

6. (a) Where a person of military age has been found unfit for service or C, temporarily unfit for service, the calling-up officer may call upon him, by order, to report for reexamination for the purpose of determining his fitness for service (hereinafter referred to as "reexamination"), and he shall report at the place and time prescribed in the order of the calling-up officer or a person empowered by him in that behalf.

(b) The power vested in the calling-up officer by subsection (a) is also vested in him in respect of a person of military age who, having served in regular service or belonged to the Reserve Forces, has been exempted from regular service or reserve service by reason that he has been found unfit for service or temporarily unfit for service.

(c) Where a person, having been found unfit for service, is found fit for service upon reexamination, then, whether he has not yet been called up for regular service or whether he has already been called up for regular service but has not yet completed the period of service to which he is liable under this law, a calling-up officer may call upon him by order

(1) if he has not yet completed his 23rd year - to report for regular service or the completion of his regular service;

(2) if he has completed his 23rd year - to report for regular service or the completion of his regular service for a period not exceeding six months or not exceeding the balance of the period of service to which he is liable under this Law, whichever is less;

(3) whether or not he has completed his 23rd year - to report for regular service or the completion of his regular service for a period as provided

in section 15 or 16, according to his age, if he is a physician or dentist, and a person so called upon shall report as aforesaid.

(d) Where a person, having been found temporarily unfit for service, is found fit for service upon reexamination, then, even if he has already been called up for regular service, he may, so long as he has not completed the period of service to which he is liable under this Law, be called upon by a calling-up officer, by order, to report for the completion of the period of service to which he is liable under this Law, and a person so called upon shall report as aforesaid.

(e) The medical board shall at every reexamination apply the tests in force at the time of the reexamination.

Further exam

7. Where a medical board has found a person of military age fit for service, unfit for service or temporarily unfit for service, the board shall notify its decision, in writing, to the person of military age and to the calling-up officer, and they may, on conditions prescribed by regulation, request that the medical board or the higher medical board, as the case may be, subject the person of military age to a further examination and determine his fitness for service.

*Medical exams
of 17 year olds*

8. A calling-up officer may, by order, call upon an Israel national or permanent resident who has completed his seventeenth year to report for medical examination, at the place and time prescribed in the order, for the purpose of determining his fitness for defence service, and section 2(2) shall not apply to the calculation of his age; where such an order has been made, the provisions of sections 5(b) and (c), 6 and 7 shall apply to the Israel national or permanent national as if he were a person of military age.

Immunization measures

9. A calling-up officer may, by order, with the approval of two physicians, direct that a person designated for defence service shall, at

the place and time specified in the order, be immunized by inoculations and vaccinations (both hereinafter referred to as "immunization measures") against a particular disease, and the person in respect of whom the order is made shall report, and enable the immunization measures to be taken, as set out in the order.

*Application of
Rehabilitation Law to
person harmed
by exam or
immunization*

10. (a) Where a person designated for defence service, or a person of military age not serving in defence service, suffers any harm in consequence of an examination or immunization measure under this chapter, the Rehabilitation Laws shall apply to him and the members of his family as if when suffering the harm he had been in defence service and the harm had occurred in the period and in consequence of his service; and if he does not serve in defence service after the harm occurred he shall, for the purposes of the Invalids (Pensions and Rehabilitation) Law (Consolidated Version), 5719-1959, be deemed to have been discharged from the service on the date when he was found under this Law to be unfit for service or was exempted therefrom. For the purposes of this section, "harm" means illness, aggravation of illness or injury.

(b) Wherever in any enactment reference is made to the Rehabilitation Laws, such reference shall be deemed to include subsection (a) unless the context otherwise requires.

*Order to provision of
means of identification*

11. A calling-up officer may, by order, call upon any male person designated for defence service or of military age to report, at the place and time prescribed in the order of the calling-up, officer or a person empowered by him in that behalf, for the purpose of providing such means of identification as the Minister of Defence may have prescribed by regulations. The person to whom the order applies shall report at the place and time prescribed as aforesaid for the purpose of providing means of identification.

*Non-reporting
for examination not to
relieve from duty
of reporting for
defence service*

12. (a) Where a person designated for defence service has been called upon to report for determination of his fitness for defence service and has not so reported, or reported has refused to be examined or to complete the examinations, a calling-up officer may call upon him to report for defence service, under section 13 or 27, as the case may be, if he is at the time of military age, even though his fitness for defence service has not yet been determined; but he shall not begin military training so long as he has not been medically examined for the purpose of determining his medical fitness for defence service and been found fit for service; and the provisions of sections 5 to 8 shall apply to the examination *mutatis mutandis*; the examination shall take place within one month of his reporting, and if he refuses to be examined, he shall be treated as a person who has contravened section 122 of the Military Justice Law, 5714-1955[6].

(b) Subsection (a) shall apply *mutatis mutandis*, to a person of military age found temporarily unfit for service who has been called upon to report for reexamination under section 6 and does not report or, having reported, refuses to be examined or to complete the examinations.

Chapter Three: Regular Service

*Reporting for
regular service*

13. A calling-up officer may, by order, call upon (1) a male person of military age found fit for service who is of any age from eighteen to twenty-nine years or, being a physician or dentist, is of any age from thirty to thirty-eight years; and

(2) female person of military age found fit for service who is of any age from eighteen to twenty-six years or, being a physician or dentist, is of any age from twenty-seven to thirty eight years to report, within the periods mentioned in section 20, for regular service at the place and time prescribed in the order by the calling-up officer or a person empowered by him in that behalf, and such person of military age shall report as

aforesaid.

*Reporting for
service upon
application*

14. (a) Where an Israel national or permanent resident who has not yet attained the age of eighteen years is found fit for service, a calling-up officer may, by order, call upon him to report for regular service if he applies therefor in writing and his parents or guardian give or gives their or his consent and he has completed his seventeenth year.

(b) Where an order under this section is made, the provisions of this Law shall apply to the person in respect of whom the order is made as if he were a person of military age who has attained the age of eighteen years and been called upon to report for regular service under section 13.

(c) Section 2(2) shall not apply in calculating whether or not a person has completed his seventeenth year.

*Time of service of
male person*

15. A male person of military age who is called upon to report for regular service under section 13 or 14 shall be liable to regular service

(1) if he is called upon to report for regular service while being of any age from eighteen to twenty-six years - for a period of thirty months;

(2) if he is called upon to report for regular service while being of any age from twenty-six to twenty-nine years or while being a physician or dentist and being of any age from twenty to thirty-four years - for a period of twenty-four months; but if he came to Israel as an *oleh* after attaining the age of twenty-seven years he shall be liable to regular service for a period of eighteen months only;

(3) if he is called upon to report for regular service while being a physician or dentist and being of any age from twenty-five to thirty-eight years - for a period of twelve months.

*Time of service of
female person*

16. A female person of military age who is called upon to report for

regular service under section 13 or 14 shall be liable for regular service

(1) if she is called upon to report for regular service while being of any age from eighteen to twenty-six years or while being a physician or dentist and being of any age from twenty-seven to thirty-four years, for a period of twenty-four months; but if she came to Israel as an olah after attaining the age of twenty-seven years she shall be liable to regular service for a period of eighteen months only;

(2) if she is called upon to report for regular service while being a physician or dentist and being of any age from thirty-five to thirty-eight years - for a period of twelve months.

*Volunteering for
defence service*

17. (a) A person not liable for regular service may volunteer for service in the regular forces of the Israel Defence Forces, and a person not liable for reserve service may volunteer for service in the reserve forces of the Israel Defence Forces, on condition that he has attained at least the age at which a person may be called up for service under section 14.

(b) A person liable for regular service under this Law may volunteer for a period of regular service additional to that for which he is liable, whether he has et begun to serve in regular service or is so serving at the time, or has been discharged from the service; and a person liable for reserve service under this Law may volunteer for a period of reserve service additional to that for which he is liable.

(c) Volunteering under this section shall be by declaration signed by the volunteer and shall require the approval of the Minister of Defence. The declaration shall specify the period of volunteering.

(d) A person serving, with the approval of the Minister of Defence, as volunteer under this section shall, for the purposes of his rights and duties under any enactment, be located as a person serving in regular

service or reserve service, as the case may be, by virtue of this Law.

(e) A person who volunteers for regular service or an additional period regular service or for reserve service or an additional period of reserve be liable to service until the expiration of the period specified in the volunteering declaration unless the Minister of Defence directs that he shall be discharged at an earlier date: Provided that a person who volunteers for reserve service or a additional period of reserve service shall be discharged before the expiration of the period specified in the declaration if at a date prescribed by regulations he give advance notice in writing of his desire to be discharged.

(f) The Minister of Defence may prescribe by regulations period of volunteering for service and rules as to the admission of volunteers to the service an their discharge therefrom.

(g) The period for which a person has served in regular service as a volunteer shall be deducted from the period of regular service to which he is liable.

(h) This section shall not apply to admission to, or discharge from, permanent service.

*Time of service of
absentee from service*

18. Where a person, during the period of his regular service, is imprisoned for an offence under a judgment of a court martial or any other court or under a judgment of a senior disciplinary officer, or is absent from the service unlawfully or by permission obtained under false pretences and is convicted thereof in accordance with law and, if he has a right of appeal, does not appeal against the conviction, or has his appeal against the conviction dismissed, then, unless the court martial, other court or senior disciplinary officer directs otherwise, the period of his imprisonment or absence shall not, for the purpose of calculating the time of service, be regarded as a period during which he fulfilled his

duty of regular service.

*Penalty imposed
after discharge
from service*

19. Where after discharge from regular service a person is convicted in accordance with law of unlawful absence from the service or of absence with permission obtained under false pretences and, if he has a right of appeal, he does not appeal against the conviction or has his appeal against the conviction dismissed, and the court martial or senior disciplinary officer does not direct that for the purpose of calculating the time for service the period of absence shall be regarded as a period in which he fulfilled his duty of regular service, the calling-up officer may call upon him to report for completion of the period of regular service to which he would have been liable had he not been discharged.

*Period of call to report
for regular service*

20. (a) A person of military age shall not be called upon to report for regular service unless the time specified for reporting is within a period specified hereunder:

(1) in the case of a person who was an Israel national or permanent resident on attaining the age of eighteen years - within twenty-four months of his attaining such age;

(2) in the case of a person who became an Israel national or permanent resident after attaining the age of eighteen years - within twenty-four months from the day on which he became a national or resident as aforesaid, but not without his consent within six months from that day.

(b) A person of military age whose regular service has been deferred, upon his application, under section 36 may be called upon to report for regular service if the time prescribed for his reporting is within twelve months from the expiration of the period of deferment or within the period prescribed by subsection (a), whichever time ends later;

(c) Where a person designated for defence service is found temporarily unfit for service, a period prescribed for this purpose by regulations in

respect of the test by which he has been found temporarily unfit for service shall not be included in computing the period under subsection (a) or (b); the period not to be so included shall begin again after each reexamination if the person is again found temporarily unfit for service.

(d) Subsection (a) shall not apply to a person called upon to report for regular service under section 6(c) or (d) or section 19.

*Duty of
agricultural training*

21. (a) The first twelve months of the regular service of a person of military age shall, after basic military training, be devoted mainly to agricultural training, as shall be prescribed by regulations: provided that in the case of a person of military age tested for service in the Air Force or the Navy the Minister of Defence may direct that his period of service assigned for agricultural training shall be devoted, wholly or partly, to service in the Air Force or the Navy, as the case may be.

(b) The period of regular service of a female person shall, after the period of agricultural training, be devoted to duties which shall be prescribed by regulations.

(c) The branches of farming the training in which shall be considered an agricultural training, and the order and regime of agricultural training, shall be prescribed by regulations.

(d) Until the 1st Tishrei, 5746 (16th September, 1985), the Minister of Defence may direct, in respect of a person of military age, that, notwithstanding the provisions of subsection (a), his period of regular service assigned for agricultural training shall, wholly or in part, be deferred or be devoted to regular service other than agricultural training.

*Preservation of
settlement nuclei*

22. (a) The Minister of Defence shall make regulations with a view to safeguarding, in carrying into effect the provisions of this chapter, the integrity of settlement nuclei.

(b) The provisions of section 21(d) shall be of no effect in respect of members of a settlement nucleus to which regulations made under subsection (a) apply, except regarding members of such a nucleus who are sent, for training or service, to defence service command duties: Provided that the members of the latter, in relation to the number of the other members of the other members of the nucleus, shall not exceed a percentage prescribed by regulations.

Assurance of elementary education

23. Where the education of a soldier serving in the defence service falls short of a level of elementary education determined by regulations, three months of his regular service shall be allotted to the provision of an education, in the manner and under conditions prescribed by regulations. The regulations shall be made with the consent of the Minister of Education and Culture after consultation with the Foreign Affairs and Security Committee of the Knesset.

Service in the Border Police

24. (a) The Minister of Defence, in consultation with the Minister of Police or a person empowered by him in that behalf, may, by order, direct that a male person of military age who has been found fit for service and who is of any age from eighteen to twenty-nine years serve in the Border Police, which forms part of the Israel Police and is hereinafter referred to as "the Border Police", during the whole or any part - as may be specified in the order - of the period of the regular service to which he is liable, whether or not he has already commenced that service, and such person shall thereupon report for service in the Border Police in accordance with the order.

(b) Unless otherwise expressly provided in this Law, service in the Border Police under this Law shall, for the purposes of this Law and of the Rehabilitation Laws, be deemed to be regular service.

Power and duties of person serving in

25. (a) So long as a person of military age is serving in accordance with an order under section 24(a), he shall not, for the purposes of the

the Border Police

Military Justice Law, 5715-1955, and the regulations thereunder, be regarded as a soldier within the meaning of section I of that Law.

(b) A person of military age serving as aforesaid shall be treated as a police officer as to everything relating to his powers and duties, including disciplinary rules:

Provided that -

(1) the provisions of section 2 of the Police Ordinance (New Version), 5731-1971[8], concerning the power to discharge or dismiss a police officer and the provisions of section II, 12, 13 and 18 to 20 and Chapter Four of that Ordinance shall not apply to him;

(2) his pay shall be the same as that of a person of military age serving in regular service.

*Continuance of
regular service
after termination
of service in Border
Police*

26. Where the service of a person of military age in the Border Police has ended in accordance with an order under section 24(a) or through the cancellation of the order, and the period of regular service to which he would have been liable but for the order has not yet elapsed, that person shall be liable to regular service until the expiration of that period.

Chapter Four: Reserve Service

Duty of reserve service

27. (a) A person of military service found fit for service and not being on regular service shall belong to the reserve forces of the Israel Defence Forces and shall be liable to annual reserve service and monthly reserve service for the periods specified in this chapter.

(b) A person of military age liable for reserve service as aforesaid may be called upon by a calling-up officer, by order, to report for reserve service at the place and time prescribed in the order and, if so called upon, shall report accordingly.

(c) A person of military age liable to reserve service as aforesaid and belonging to a unit of the reserve forces of the Israel Defence Forces may be called upon by any of his commanders of the rank of *segen mishne*[9] or over, in such manner as the commander may think fit, to report for reserve service with his unit at the place and time prescribed by the commander and, if so called upon, shall report accordingly. For the purposes of section 55(b) to (f), a call-up for reserve service under this subsection shall be regarded as an order.

Monthly reserve service 27. (a) A person of military service found fit for 28. The period of monthly reserve service is one day every month or two consecutive days every two months or three consecutive days every three months of twelve hours in installments every month, as the calling-up officer or commands may in each case prescribe in accordance with section 27: Provided that

(1) save with the consent of the person of military age, days of monthly service shall not, by having one monthly service period follow immediately upon another, be combined into a total period exceeding three days and

(2) such days or hours shall not fall on a Sabbath or Jewish religion holiday.

Annual reserve service 29. (a) The period of annual reserve service is - (1) in the case of a man of any age from eighteen to thirty-nine years or a woman of any age from eighteen to thirty-four years - up to thirty-one days of service every year;

(2) in the case of a man of any age from thirty-nine to fifty-four years up to fourteen days of service every year;

(3) in the case of a man or woman of the rank of *rav turai*[10] or over - up to seven days service every year in addition to the days of service

mentioned in paragraph (1) or (2).

(b) Annual reserve service shall be continuous, but a commander as referred to in section 27(c) may direct that the period of service of a person of military age in a particular year shall be divided

(1) into two spells if the Chief of the General Staff of the Israel Defence Forces or a commander of the rank of aluf^[11] empowered by him in that person of military age or in respect of the category of ray age persons of military age to which he belongs;

(2) into two or more spells if the person of military age has consented thereto in writing.

*Reserve service in
HAGA*

30. A male person of military age, being of any age from forty-five to fifty-four years, shall not be called upon to serve in reserve service except in HAGA, within the meaning of the Civil Defence Law, 5711-1951^[12] This restriction shall not apply to a person of military age of or over the rank of segen mishne or who is skilled in an occupation which the Minister of Defence, by regulations, has designated as a required occupation for the purpose of this section.

*Time of reserve service
of absentee*

31. Where a person of military age, while in reserve service, is imprisoned for an offence under a judgment of a court martial or any other court or under a judgment of a senior disciplinary officer, or is absent from the service unlawfully or by permission obtained under false pretences and is convicted thereof in accordance with law and, if he has a right of appeal, does not appeal against the conviction or has his appeal against the conviction dismissed, then, unless the court martial, other court or senior disciplinary officer otherwise directs, the period of his imprisonment or absence shall not, for the purpose of calculating the time of service, be regarded as a time during which he fulfilled his duty of reserve service.

*Regulation for
calculation of time*

32. The Minister of Defence may prescribe by regulations (1) the mode of calculating the year for the purposes of sections 27 to 31;

(2) the scope of the application of the provisions of sections 27 to 31, in respect of any particular year, to a person who completes his regular service in that year;

(3) the way of dealing with a period of annual reserve service which begins towards the end of one year and continues without a break into the following year.

*Imposition of
duties otherwise
than during
time of service*

33. The Minister of Defence may, with the approval of the Foreign Affairs and Security Committee of the Knesset, by regulations, impose duties on persons of military age belonging to the reserve forces of the Israel Defence Forces at a time when such person are not in service, and prescribe that non-fulfilment of such duties shall be an offence under regulations as aforesaid, if the purpose thereof is to ensure the proper functioning of the Israel Defence Forces and to safeguard the property entrusted to persons of military age as aforesaid.

*Service under order
of Minister of Defence*

34. (a) The Minister of Defence may, if he is satisfied that the security of the State so requires - (1) call upon any person of military age who belongs to the reserve forces of the Israel Defence Forces, by order to report for regular service or reserve service, as specified in the order, at the place and time prescribed therein, and to serve as long as the order is in force;

(2) empower a commander as referred to in section 27(c) or a calling-up officer, by order, to call upon a person of military age, by order, to report and serve as aforesaid, and such person of military age shall report and serve accordingly.

(b) An order of the Minister of Defence, issued under subsection (a), to report for regular service or reserve service and an order of a

commander or calling-up officer issued under subsection (a) for standby purposes shall, as soon as possible after they are issued, be brought by the Minister of Defence to the notice of the Foreign Affairs and Security Committee of the Knesset.

(c) The Committee may confirm an order as referred to in subsection (b) with or without modification, or refrain from confirming it or lay it before the Knesset. The order shall expire fourteen days from the date of its issue save if it is confirmed before then by the Committee or the Knesset.

(d) The provisions of subsections (b) and (c) shall not apply to an order of calling-up officer or commander under subsection (a)(2) issued before the 11th Kislev, 5745 (5th December, 1985).

*Application of
military law*

35. (a) A person of military age liable to report for regular service shall belong to the regular forces of the Israel Defence Forces from the time prescribed by order for his so reporting. If he fails to report without sufficient excuse, he shall be deemed to have left the service without permission at such time.

(b) A person of military age liable to report for reserve service shall be deemed to be in service from the time prescribed by order or by call-up under section 27(c) for his so reporting. If he fails to report without sufficient excuse, he shall be deemed to have left the service without permission at such time.

*Power to exempt
from or defer service*

36. The Minister of Defence may, by order, if he sees fit to do so for reasons connected with the size of the regular forces or reserve forces of the Israel Defence Forces or for reasons connected with the requirements of education, security settlement or the national economy or for family or other reasons

(1) exempt a person of military age from the duty of regular service or

reduce the period of his service;

(2) exempt a person of military age from the duty of reserve service for a specific period or absolutely;

(3) on the application of a person of military age or a person designated for defence service other than a person of military age, defer by order, for a period prescribed therein, the date of reporting prescribed for that person, under this Law or regulations thereunder, for registration, medical examination, defence service or, if he has already begun to serve in defence service, the continuance thereof.

*Conditions of
deferment of service*

37. (a) Deferment of service under section 36(3) may be conditional or unconditional. Where deferment is conditional, the person to whom the deferment order applies shall fulfill the condition, and if owing to a change in circumstances he is no longer able to fulfill it he shall, within seven days from the day on which the change occurred, report to the calling-up officer or a person empowered by him in that behalf and notify him of the circumstances because of which he is no longer able to fulfill the condition. (b) The calling-up officer or a person empowered by him in that behalf shall give the person to whom the deferment order applies, on his request, a certificate attesting to his reporting as aforesaid, and so long as the order has not been revoked the certificate shall serve as justification for the non-fulfillment of the condition.

*Revocation of order
of exemption from
or deferment of service*

38. (a) Where the Minister of Defence has made an order under section 36, he may revoke it if - (1) he has been asked in writing to do so by the person to whom the order applies or

(2) the order was made owing to an error, in a material particular, of the person who was empowered to make it or

(3) the reasons for which the order was made no longer exist or

(4) any of the conditions prescribed by a deferment order under section 37(a) has not been fulfilled.

(b) Revocation under subsection (a) shall be by order.

(c) The Minister of Defence shall not exercise his power under subsection (a)(2) to (4) before he has given the person to whom the order applies an opportunity to contest its revocation.

(d) Upon the expiration of the period of deferment granted under section 36(3), the person to whom the deferment order applies shall report for registration, medical examination, defence service or, if he had already begun to, serve, the continuance of service. If the order is revoked by virtue of subsection (a), he shall report for the fulfilment of his duty at the date prescribed in the notice of revocation or, if no time is so prescribed, within fourteen days from the day on which the revocation order comes to his knowledge.

*Statutory exemption
from service*

39. (a) The following persons shall be exempt from the duty of defence service -

(1) the mother of a child;

(2) a pregnant woman.

(b) A married woman shall be exempt from the duty of regular service.

(c) A female person of military age who has proved, in such manner and to such authority as shall be prescribed by regulations, that reasons of conscience or reasons connected with her family's religious way of life prevent her from serving in defence service shall be exempt from the duty of that service.

(d) A female person of military age who considers herself aggrieved by decision of an authority as referred to in subsection (c) may, on such

conditions and in such manner as shall be prescribed by regulations, subject thereto before an objection committee appointed by the Minister of Defence.

(e) The objection committee shall not be bound by rules of procedure or rules of evidence but shall act as it deems most expedient for the clarification of the questions to be decided by it.

Exemption for reasons of religious conviction 40. A female person designated for defence service who declares in writing under section 15 of the Evidence Ordinance (New Version), 5731-1971[13], before a judge (shofet, i.e. a judge of a civil court - Tr.) or a judge of a rabbinical court (dayan)(1) that reasons of religious conviction prevent her from serving in defence service and

(2) that she observes the dietary laws at home and away from home and

(3) that she does not ride on the Sabbath

shall be exempt from defence service after delivering the affidavit, in the manner and at the time prescribed by regulations, to a calling-up office empowered in that behalf.

Voidance of exemption under section 40

41. (a) Where a person designated for defence service is convicted by final judgment of a (civil) court of an offence under section 46 or of an offence under section 293 of the Penal Law, 5737-1977[14], in respect of an affidavit under section 40, the exemption under section 40 shall be void ab initio.

(b) The time elapsed from the date of the exemption until the date of the conviction referred to in subsection (a) shall not be included in computing the periods referred to in section 20.

Reconsideration

42. (a) Where a calling-up officer has reasonable grounds for believing that an exemption, a deferment, or any determination of unfitness, in respect of a particular person was the result of the giving of false

information or other fraudulent or misleading acts, whether by that person or by another, he may direct that the matter be reconsidered by the person competent in the case in question.

(b) The person who reconsiders the matter shall give the person concerned an opportunity to be heard, and if he is satisfied that the exemption or deferment or determination of unfitness was the result of the giving of such information, or of such acts, as aforesaid, he may cancel it on the evidence before him.

(c) For the purpose of the fulfillment of a duty under this Law, a cancellation decision upon reconsideration shall have retroactive effect as from the day on which the exemption of deferment was granted or the determination of unfitness made, and the person concerned shall comply with the provisions of this Law and of any order, direction or other regulation thereunder as if the exemption or deferment had not been granted, or the determination of unfitness not been made, as the case may be; the calculation of the periods referred to in section 20 shall not include the time elapsed from the grant of the exemption or deferment, or from the making of the determination, as the case may be, until the cancellation thereof.

(d) The provisions of this section shall, not derogate from the criminal responsibility of any person, or from any powers, under this Law or any other law.

(e) The provisions of this section shall not apply to an exemption under section 40.

Going Abroad

43. (a) A person designated for defence service and a person of military age who belongs to the regular forces of the Israel Defence Forces shall not go abroad save under a permit from the Minister of Defence.

(b) A person of military age the continuance of whose regular service

has been deferred for any reason shall not go abroad during the period of deferment save under a permit from the Minister of Defence.

(c) A permit under this section, may be unconditional or subject to conditions, including a condition relating to the holder's stay abroad. If the permit is subject to conditions, the holder shall fulfil the conditions, and if owing to a change in circumstances he is no longer able to fulfil one of them he shall, within thirty days from the day on which the change occurred give such person as the Minister of Defence has directed written notification of the circumstances because of which he is no longer able to fulfil the condition.

(d) A person to whom notification has been given under subsection (c) shall give to the holder of the permit, at his request, a certificate attesting to the giving of notification, and so long as the permit has not been cancelled, or the holder ordered to return to Israel under this section, the certificate shall serve as justification or e non-fulfillment of the condition.

(e) Where any of the conditions of the permit is not fulfilled, the Minister of Defence may revoke the permit, and if the condition is not fulfilled after the holder of the permit has gone abroad, the Minister may direct him, by order, to return to Israel within the time prescribed in the order, and the holder of a permit who has been ordered as aforesaid shall return to Israel not later than the time prescribed in the order.

(f) The Minister of Defence shall not exercise his power under subsection (e) before he has given the holder of the permit an opportunity to state his case to him.

*Demand for
information*

44. (a) The Minister of Defence may, by regulations, require persons of classes designated therein to supply a calling-up officer, upon his demand, with particulars prescribed by regulations, as far as such

particulars are known to them, concerning a person designated for defence service or a person of military age who has been found fit for service or concerning of class of persons as aforesaid.

(b) A demand under subsection (a) for medical particulars shall only be addressed to an authorized physician, shall only relate to particulars necessary for determining fitness for service and shall only require the supply of particulars to a calling-up officer who is a soldier, within the meaning of the Military Justice Law, 5715-1955[15], and an authorized physician.

(c) The supply of particulars concerning a mental illness shall only be required under this section if the illness has been designated by regulations made by the Minister of Defence in consultation with the Minister of Health.

(d) A person whom any information concerning an illness reaches under this section shall keep it secret and shall only disclose it to the extent necessary for the implementation of this Law and the regulations made thereunder or if authorized to do so by a court (beit mishpat, i.e. ordinary court - Tr.) or by virtue of the duty to answer questions put to him by a person competent to conduct examination as to the commission of offences.

(e) Section 28 of the Treatment of Mentally Sick Persons Law, 5715-1955 [16] shall not apply to a person required to supply information under subsection (a).

Chapter Six: Offences and Procedure

Penalties

46. (a) A person who - (1) fails to fulfil a duty imposed on him by or under this Law or

(2) knowingly supplies to an authority acting under this Law false

information as to a particular which he is bound to supply thereunder or

(3) by knowingly supplying to an authority acting under this Law false information as to a material particular, obtains an order of exemption from service, or of deferment of service, under section 36, or an exemption under section 40, an exit permit under section 43 or any other relaxation under this Law or

(4) commits an offence under section 43 shall be liable to imprisonment for a term of two years.

(b) A person who

(1) does one of the things specified in subsection (a) with intent to evade defence service or

(2) injures or maims, or allows another person to injure or maim, his body with intent thereby to impair his medical fitness for defence service shall be liable to imprisonment for five years.

Offence 47. The courts in Israel shall be competent to try a committed abroad person who while abroad commits an offence under section 46.

Onus of proof

48. In a criminal proceeding for non-fulfillment of a duty of reporting under this Law -

(1) the accused shall have to prove that at the time set for reporting he was not a permanent resident or was not of an age at which he was bound to fulfil the said duty: provided that the court may, if it deems it necessary so to do in the interest of justice, impose the onus of proof in the said matters upon the prosecutor;

(2) subject to the provisions of paragraph (1) - the prosecutor need prove only that the accused was under that duty, and upon his having proved this, the accused shall have to prove that he fulfilled that duty.

*Order not to expire
until compiled with*

49. Where an order has been issued under this Law requiring a person to fulfil some duty at a time prescribed in such order and such person has not fulfilled such order at such time, the order shall remain in force, in respect of such person, until he has fulfilled the duty. This provision shall not affect the criminal liability of a person for failure to fulfil a duty at a time prescribed in an order, and his conviction for failure to fulfil a duty imposed on him shall not relieve him from such duty.

Chapter Seven: Implementation Procedure

Calling-up officers

50. (a) The Minister of Defence may appoint calling-up officers for the purposes of this Law.

(b) The appointment of a calling-up officer may be general or restricted.

(c) Notice of the appointment of a calling-up officer shall be published in Reshumot

Medical Boards

51. The mode of constitution and rules of procedure of a medical board and a higher medical board shall be prescribed by regulations.

Auxiliary Powers 52. (a) A calling-up officer may, by certificate under his hand, certify that a particular person is required to fulfil a duty under this Law and that he has not fulfilled it at the time required for its fulfillment. Every police officer in possession of such a certificate may arrest that person and keep him under arrest until he is brought to another place designated for his reporting and until he fulfills the duty imposed on him: Provided that the period of arrest under this section shall not exceed forty-eight hours.

(b) For the purposes of section 28(b) of the Commissions of Inquiry Law, 5729-19691, a calling-up officer, a medical board and a higher medical board, an authority designated under section 39(c), an objection committee appointed under section 39(d) and an advisory committee

under section 53 shall, in addition to their other powers by or under this Law, have every power to collect evidence for the purpose of exercising their powers.

Advisory Committees 53. The Minister of Defence may appoint advisory committees the purpose of implementing this Law.

Delegation of Powers 54. (a) The Minister of Defence may delegate to another person all or part of the power vested in him by this Law, with the exception of:-

(1) the power to make regulations;

(2) the power to appoint calling-up officers under section 50;

(3) the power to make orders under section 34(a)(1);

(4) the power to appoint advisory committees under section 53.

(b) Notice of any delegation of powers under this section shall be published in Reshumot.

Provision as to orders 55. (a) An order under section 14, 24, 36, 39 or 43(e) may be personal or to a particular class of persons; any other order under this Law may be general or to a particular class of persons or personal; personal orders under section 38(a)(2), (3) or (4) or 43(e) and a direction under section 42 shall be reasoned; provided that it shall not be necessary to assign reasons where the security of the State requires that the reasons for the order not be disclosed.

(b) An order under this Law need not be published in Reshumot.

(c) An order shall be binding upon the person to whom it applies from the time at which it comes to his knowledge.

I Sefer Ha-Chukkim of 5729, p. 28; LSI vol. 23, p. 32

(d) An order published in Reshumot shall be deemed to have come to the

knowledge of the person to whom it applies at noon on the day following the day of its publication.

(e) An order which has not been published in Reshumot shall be deemed to have come to the knowledge of the person to whom it applies

(1) if delivered to that person or to a member of his family living with him and not under eighteen years of age - at the time of delivery;

(2) if sent by registered post to such person at the address of his permanent place of residence - upon the expiration of seventy-two hours from the time at which it was delivered to the post office for dispatch;

(3) if published by radio or television or on the notice-boards of a local authority - upon the expiration of four hours from the time publication;

(4) if published in at least two daily newspapers - upon the expiration of four hours from the time of the distribution of the papers, at the place where that person is.

(f) An order delivered or sent to the person to whom it applies, or published, in the manner specified in subsection (e) shall be deemed to have come to the knowledge of that person at the time mentioned in that subsection even though it may subsequently have been published in Reshumot.

Filing of applications 56. The Minister of Defence may, by regulations, prescribe a time for the filing of applications under this Law, the mode of filing thereof and other similar particulars.

Implementations and regulations 57. The Minister of Defence is charged with the implementation of this Law and may make regulations as to any matter relating to its implementation, including regulations as to the implementation of this Law in respect of a person designated for defence service, or a person of

military age not designated for defence service, who is staying abroad.

SCHEDULE (Section 2(3))

Definitions

1. In this Schedule

"personal document" means a birth certificate, a passport, a travel document, an identity certificate and the like, and any document in which a public servant, in the exercise of his functions, has recorded the age of a person; "public servant" has the same meaning as in the Penal Law, 5737-1977.

Order to produce evidence as to age

2. (a) The date, if any, recorded in the Population Registry shall be regarded as a person's date of birth for the purposes of this Law.

(b) Where it appears to a calling-up officer that the entry in the Population Registry is not sufficiently clear or is incomplete or that the Population Registry contains no record of the date of birth of a particular person, and he has reasonable grounds for assuming that such person has been or is likely to be called upon for registration under section 3 of this Law, -he may order him, by personal order, to furnish a calling-up officer with evidence as to his age.

Powers of calling up officer for determination of age

3. (a) A calling-up officer may determine a person's age under this Law according to evidence produced to him as provided in section 2(b). Where no evidence has been produced as aforesaid or the calling-up officer is not satisfied as to the correctness of the evidence or finds that a person's date of birth is different from the date recorded in the Population Registry, the calling-up officer may apply for a declaration of age under the Determination of Age Law, 5724-1963[19].

(b) Where the entry concerning a person in the Population Registry does not indicate the month in which he was born, or where a person, being ordered under this Law to produce evidence as to his age, does not to the

satisfaction of the calling-up officer prove the month in which he was born, the calling-up officer shall direct, in writing, that he be deemed to have been born in the first month of the year in which he was born.

(c) Where the entry concerning a person in the Population Registry does not indicate the day of the month on which he was born, or where a person, being ordered under this Law to produce evidence as to his age, does not to the satisfaction of the calling-up officer prove the day on which he was born, the calling-up officer shall direct, in writing, that he be deemed to have been born on the first day of the month in which he was born.

(d) Where a range of ages has been determined for a person under the Determination of Age Law, 5724-1963 [20], the calling up officer may direct, in writing, that he be deemed to have been born in the middle of the period of the range of ages.

(e) A calling-up officer may, whenever he has reason to assume that a person has been or is likely to be called up for registration, under section 3 of this Law, order him, by personal order, to request to a medical board, at the time prescribed by him or the medical board, for the purpose of determining his age in the light of his physical, intellectual and Psychical development, and that person shall report to the medical board at the said time and place and be questioned by it and undergo any such medical or other examination as the board may deem necessary for the purpose of determining his age.

(f) For the purposes of this section, "year" and "month" mean the year and month of the calendar used in proving the person's year of birth.

*Change of
determination of age
on application*

4. Where a person's age has been determined, or the determination changed, under the Determination of Age Law, 5724-1963, the calling-up officer may, if he had not been summoned to attend the hearing of the

application under section 7 of that Law, apply to the Magistrate's Court to change the determination; he may do so even if he is not in possession of evidence additional to that which was before the court. At the hearing of this application, the calling-up officer may examine that person and witnesses who testified at the hearing of an earlier application for a determination of his age or for a change of such a determination.

*Contradiction
between
personal documents
and statements to
public servant*

5. Where a particular person, or a person having charge of a particular person, makes to a public servant acting in the exercise of his functions, a statement as to the age of such particular person, and such statement is inconsistent with the entries in the personal documents of such person, a calling officer may, after giving the person concerned an opportunity to be heard, and being satisfied that the statement was not made for the purpose of evading defence service and that there is no other reasonable ground for rejecting the statement, direct in writing that the statement shall be regarded as correct for the purposes of this Law.

*Saving of powers of
court*

6. The provisions of this Schedule shall not derogate from the powers of the court under any other law.

Delivery of notices

7. Every direction under this Schedule shall be brought by the calling-up officer to the knowledge of the person concerned in a manner in which an order may be brought to the knowledge of a person under section 55(e) of this Law. The text of this Consolidated Version was determined by the Constitution, Legislation and Justice Committee of the Knesset on the 10th Shevat, 5746 (20th January, 1986) under section 16 of the Law and Administration Ordinance, 5708-1948. It was published in Sefer HaChukim No. 1170 of the 20th Shevat, 5746 (30th January, 1986), P.

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Source: The Ministry of Foreign Affairs, '1986 Defence Service Law,' available at: <http://www.mfa.gov.il/mfa/mfa-archive/1980-1989/pages/defence%20service%20law%20consolidated%20version--%205746-1.aspx>

Annexure 3:

The Alice Miller Case Judgement (1994)

HCJ 4541/94

Alice Miller

v.

- 1. Minister of Defence**
- 2. Chief of Staff, IDF**
- 3. Head of Manpower Department, IDF**
- 4. Chief Officer of Women's Corps, IDF**

The Supreme Court sitting as the High Court of Justice

[8 November 1995]

Before Justices E. Mazza, Y. Kedmi, T. Strasberg-Cohen, Ts. E. Tal, D. Dorner

Petition to the Supreme Court sitting as the High Court of Justice.

Facts: The petitioner asked the army to assign her to the air force for training as a pilot. The army refused, since it was established policy not to train women as pilots. The army's reasoning was based on the length of service: by law, men are obliged to serve until the age of 54, whereas women are only obliged to serve until the age of 38, and they are exempt if they are pregnant or have children. Consequently, the army argued, the huge investment involved in training a pilot could not be justified for women, and planning for the deployment of pilots in the air force units would be complicated by the integration of women pilots who could be expected to be absent for significant periods of time because of pregnancy and childbirth.

Held: The majority held that the budgetary and planning considerations did not justify a general policy of rejecting all women from aviation courses. The minority held that intervention of the High Court of Justice was not justified in view of these considerations.

Petition granted by majority decision (Justices E. Mazza, T. Strasberg-Cohen, D. Dorner),
Justices Y. Kedmi, Ts. E. Tal dissenting.

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Defence Service (Women's Jobs in Compulsory Service) Regulations, 5712-1952.

Defence Service Law (Amendment no. 2), 5747-1987.

Defence Service Law (Amendment no. 7 and Temporary Provisions) (Police Service and
Recognized Service), 5755-1995, s. 4.

Defence Service Law [Consolidated Version], 5719-1959, s. 16(b).

Defence Service Law [Consolidated Version], 5746-1986, ss. 1, 12, 15, 16, 17, 17(e), 21(b), 24,
29, 34, 39.

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Discharged Soldiers (Return to Work) Law, 5709-1949.

Equal Employment Opportunities Law, 5748-1988, s. 2(a).

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Work and Rest Hours Law, 5711-1951, s. 9(c).

Women's Employment Law, 5714-1954, ss. 6(a), 7(c)(1), 7(d)(1).

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Regulations cited:

Employment of War Invalids Regulations, 5711-1951.

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- [2] HCJ 720/82 *Elitzur Religious Sports Association, Nahariya Branch v. Nahariyah Municipality* [1983] IsrSC 37(3) 17.
- [3] HCJ 721/94 *El-Al Israel Airways Ltd v. Danielowitz* [1994] IsrSC 48(5) 749; [1992-4] IsrLR 478.
- [4] HCJ 98/69 *Bergman v. Minister of Finance* [1969] IsrSC 23(1) 693; IsrSJ 8 13.
- [5] HCJ 5394/92 *Hoppert v. 'Yad VaShem' Holocaust Martyrs and Heroes Memorial Authority* [1994] IsrSC 48(3) 353.
- [6] HCJ 453/94 *Israeli Women's Network v. Government of Israel* [1994] IsrSC 48(5) 501; [1992-4] IsrLR 425.
- [7] CrimA 5/51 *Steinberg v. Attorney-General* [1951] IsrSC 5 1061.
- [8] HCJ 3627/92 *Israel Fruit Growers Organization Ltd v. Government of Israel* [1993] IsrSC 47(3) 387.
- [9] HCJ 734/83 *Shine v. Minister of Defence* [1984] IsrSC 38(3) 393.
- [10] HCJ 329/87 *Sorko-Ram v. Minister of Defence* [1992] IsrSC 46(5) 301.
- [11] HCJ 3246/92 *Har-Oz v. Minister of Defence* [1992] IsrSC 43(4) 873.
- [12] HCJ 953/87 *Poraz v. Mayor of Tel-Aviv* [1988] IsrSC 42(2) 309.
- [13] HCJ 153/83 *Levy v. Southern District Commissioner of Police* [1984] IsrSC 38(3) 393; IsrSJ 7 109.

- [14] HCJ 987/84 *Euronet Golden Lines (1992) Ltd v. Minister of Communications* [1994] IsrSC 48(5) 441.
- [15] HCJ 1255/94 *Bezeq, the Israel Telecommunication Corporation Ltd v. Minister of Communications* [1995] IsrSC 49(3) 66.
- [16] HCJ 726/94 *Klal Insurance Co. Ltd v. Minister of Finance* [1994] IsrSC 48(5) 441.
- [17] HCJ 153/87 *Shakdiel v. Minister of Religious Affairs* [1988] IsrSC 42(2) 221; IsrSJ 8 186.
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- [21] HCJ 246/81 *Derech Eretz Association v. Broadcasting Authority* [1981] IsrSC 35(4) 1; IsrSJ 8 21.
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- [25] HCJ 337/81 *Miterani v. Minister of Transport* [1983] IsrSC 37(3) 337.
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- [27] HCJ 301/63 *Streit v. Chief Rabbi* [1964] IsrSC 18(1) 598.
- [28] CrimApp 537/95 *Ganimat v. State of Israel* [1995] IsrSC 49(3) 355.
- [29] CrimApp 4595/94 (unreported).
- [30] CAApp 4459/94 *Salomonov v. Sharabani* [1995] IsrSC 49(3) 479.
- [31] HCJFH 3229/93 *Wechselbaum v. Minister of Defence* [1995] IsrSC 49(2) 195.

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- [33] HCJ 389/90 *Golden Pages Ltd v. Broadcasting Authority* [1981] IsrSC 35(1) 421.
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- [36] HCJ 5510/92 *Torkeman v. Minister of Defence* IsrSC 48(1) 217.
- [37] HCJ 3477/95 *Ben-Atiya v. Minister of Education, Culture and Sport* [1995] IsrSC 49(5) 1.
- [38] HCJ 399/85 *Kahana v. Broadcasting Authority Management Board* [1987] IsrSC 41(3) 255.
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- [43] *Bradwell v. The State* 83 U.S. 130 (1872).
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- [45] *Frontiero v. Richardson* 411 U.S. 677 (1986).
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- [47] *Hoyt v. Florida* 368 U.S. 57 (1961).
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[58] *R. v. Oakes* [1986] 1 S.C.R. 108.

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For the petitioner — N. Ziv, R. Benziman.

For the respondents — U. Fogelman, senior assistant and director of the High Court of Justice Department at the State Attorney's Office.

JUDGMENT

Justice E. Mazza

1. At the heart of this petition lies the question whether the policy adopted by the IDF, not to recruit women soldiers to the profession of aviation, should not be disqualified because it is tainted by improper discrimination on the basis of the sex of the candidates. When the petition

was filed, an order was made, ordering the respondents to show cause why they should not summon the petitioner for aptitude tests for an aviation course, and why they should not allow her to participate in the aviation course if she is found suitable for it.

The facts

2. The petitioner (an Israeli citizen, born on 23 January 1972), was born and grew up in South Africa. Since her youth, in South Africa, she showed great interest in aviation. She trained for this and received a pilot's license, which is recognized as valid in many countries, but she has not yet completed the requirements for receiving a civil aviation licence in Israel. On 13 December 1990 the petitioner was enlisted in the IDF. Her enlistment took place within the framework of the academic reserves, and the beginning of her service was postponed. For four years the petitioner studied aeronautic engineering at the Technion in Haifa. She successfully completed her studies and on 1 January 1995 she reported for active service.

In November 1993 (more than a year before the beginning of her military service) the petitioner informed the commander of the academic reserves that she wanted to volunteer for service in the air crew professions and she asked to be summoned to aptitude tests for an aviation course. The petitioner thought that she had promising basic qualifications for succeeding in the role of pilot; but her request was denied. In her letter to the petitioner (dated 15 December 1993), the commander of the reserves wrote that according to the directives of the high command, women were not to be assigned to 'combat professions'; and since aviation was classified as a combat profession, the army does not accept women for aviation courses. The petitioner gave notice that she challenged the legality of the refusal and gave her reasons. As a result, she was invited to a meeting with the Commander of the Air Force. However, this meeting too, which took place in December 1993, did not further her cause; on 15 May 1994 the army once again informed her that in view of established policy 'not to assign women to combat professions', there was no basis for assessing her aptitude for an aviation course.

This was the background to the petitioner filing (in August 1994) the petition before us. It should be noted that prior to the date of hearing the objection to the show cause order (which took place on 21 June 1995), the petitioner successfully completed an officers' course and was

given the rank of an officer, but her desire to be accepted to an aviation course and to serve as a pilot remained as strong as ever.

The legal framework

3. The Defence Service Law [Consolidated Version], 5746-1986, regulates compulsory service in the IDF. In three main areas relating to the scope of compulsory service, the law makes a different provision for men and women. The most noticeable differences relating to the sex of young persons being enlisted — as can be seen from the law alone, without taking into account additional arrangements prescribed in subordinate legislation and in army regulations — are as follows:

(a) *Duration of regular service:* Men are liable for thirty months of service, whereas women are liable for compulsory service for a period of only twenty-four months (ss. 15 and 16 of the law);

(b) *Reserve duty:* Men who are not in compulsory service are liable for reserve duty until the age of 54, whereas women are only liable until the age of 38 (see section 29 of the law and the definition of ‘person of military age’ in section 1 of the law);

(c) *Exemption from defence service:* In addition to the grounds for exemption from security service available to men, married women are entitled to an exemption from compulsory service and pregnant women and mothers are also exempt from reserve duty (s. 39 of the law).

4. Alongside the provisions with regard to compulsory defence service, the law also makes it possible (in section 17) to volunteer for service (with the approval of the Minister of Defence). The possible volunteer tracks are for ‘compulsory’ service, by those who are not liable for such service; for additional ‘compulsory’ service (‘permanent service’), beyond the period of compulsory service; and for reserve service, by those who not liable for such service, or beyond the amount for which a person is liable. From the provisions of section 17(e) of the law it appears that volunteering for ‘compulsory’ service imposes an obligation to serve until the end of the period stipulated in the declaration of voluntary service, and the Minister of Defence has the authority to shorten the period, but someone who volunteers for reserve duty will be discharged even before the end of the period stipulated in the declaration, if he submits a written notice of

his desire to be discharged (at the times stipulated in the Defence Service (Volunteering for Defence Service) Regulations, 5734-1974).

5. With regard to the kinds of jobs that can be imposed on soldiers, the law no longer distinguishes between men and women. However, such a distinction — which serves as the guideline for the army authorities — is found in the High Command Regulations which regulate the service of women soldiers. In sections 4 and 5, which are entitled ‘Jobs’, the regulations state as follows:

‘a. Women soldiers in the IDF shall be employed in all military professions that are defined in the list of military professions as professions to which women may be assigned, with the exception of field, combat professions, taking into account their credentials, capabilities and their special service conditions as women.

b. A woman soldier may volunteer for jobs that are outside the framework of the definition in section 4 above, after she signs a suitable declaration to volunteer, and her voluntary service for the job is approved by the Chief Officer of the Women’s Corps and the Head of the Manpower Division.’

It should be noted that in the past, women’s jobs were determined by the Defence Minister, in the Defence Service (Women’s Jobs in Compulsory Service) Regulations, 5712-1952. These regulations list the jobs to which the army may assign women. The list, which specifies twenty-five different possible jobs, does not include jobs in the sphere of combat professions, and assigning a woman to a job that is not mentioned in the list was permitted under the regulations only ‘if the woman consented thereto in a written declaration’. The regulations still appear in the statute book, but the legal basis for enacting them was removed by the repeal (within the framework of the Defence Service Law (Amendment no. 2), 5747-1987) of section 21(b) of the law, which by virtue of its parallels in previous wordings of the law (s. 6(f) of the Defence Service Law, 5709-1949, and section 16(b) of the Defence Service Law [Consolidated Version], 5719-1959) gave the Minister of Defence authority to enact regulations in this respect. It appears that the only distinction between men’s jobs and women’s jobs that the law left intact was in section 24, in which the Minister of Defence was authorized, in consultation with the Minister of the Police or someone authorized by him, to direct in an order that men of military age who

have certain qualifications may serve in the Border Patrol of the Israeli Police. But recently the legislator repealed even this distinction (see section 4 of the Defence Service Law (Amendment no. 7 and Temporary Provisions) (Police Service and Recognized Service), 5755-1995).

The petitioner's arguments

6. The petitioner claims that the respondents' position, which is based on a policy of an absolute disqualification of women for the profession of aviation, violates the basic right of equality between the sexes. The admission of men to an aviation course is considered, subject to the requirements of the army, on the basis of the personal details and qualifications of the candidates. A soldier who volunteers to serve on an air crew and who complies with the minimum requirements is referred for aptitude tests. If he is found to be suitable, he is accepted into an aviation course; and if he successfully completes the aviation course he will be assigned (according to his talents and the degree of his success) to one of the air crew professions. But women are denied the opportunity and the right at the outset. They are disqualified because they are women. The question of their talents and suitability does not interest the army. For this reason the army refuses to test the level of the personal qualifications of any woman candidate.

The petitioner claims that this policy is a discriminatory one. Its implementation violates her right (and the right of all women) to equality. This violation is expressed, first and foremost, in denying a woman the equal right and opportunity to serve in the army as a pilot, if she is found to have the requisite qualifications, and thereby to make her contribution to the defence of the State, to achieve her aspirations and to make the most of her potential. But denying the possibility of serving as a pilot has additional ramifications. The disqualification *in limine* of women for positions, even when they are suitable and have the necessary qualifications, harms their social image. It also blocks their prospects of promotion to senior positions in the air force and in the army as a whole. Being in a combat unit is, usually, a precondition for promotion in the army. For this reason, most positions of senior staff officers in the IDF are, *de facto*, closed to women. But this is not all: it is usual in Israel that having a professional position in the army constitutes a springboard for obtaining employment in the civil sector. This is especially obvious for pilots, since obtaining a job as a pilot for the El-Al company is *de facto* conditional upon serving as a pilot in the air force; by denying the petitioner an equal opportunity to serve as a

pilot in the air force, she is also, *de facto*, being denied the equal opportunity to work and make the most of her talents as a civil pilot.

7. The petitioner is aware that the exclusion of women from combat professions may be based on relevant considerations. Thus, for example, she is prepared to assume that in many combat roles in the field corps, there is no practical possibility of integrating women. Therefore she does not argue that the existing restrictions on the recruitment of women for combat units should be cancelled entirely. Nonetheless, the petitioner argues that an all-embracing disqualification of the integration of women in combat positions is an unacceptable position. Experience, both generally and in the army, shows that it is possible to integrate women in some combat positions. Aviation professions are an obvious example of this. This has been done, with great success, in the armies of other countries, and even in the IDF several women pilots have served in the past. Therefore the petitioner argues that the policy of the army with regard to the integration of women in combat positions should be an all-embracing one, but it should consider, on an individual basis, the nature of the position, the combat unit and the corps in the relevant case. This approach is mandated by the principle of equality. As long as there is no objective and relevant reason for distinguishing between men and women for the purpose of carrying out a particular job, both sexes should be treated according to the same criterion. The law does indeed distinguish, in some matters, between men and women soldiers, but the distinctions of the law are not relevant for the purpose of the jobs which it is permitted and possible to assign to women. Moreover, the aforesaid regulations of the High Command, which were the basis for rejecting her application to volunteer for an air crew, allow a woman soldier to volunteer for tasks that are not included among the jobs that the army may impose on her. It follows that neither the law nor army regulations place an obstacle in the way of implementing a policy of selection and assignment that respects the right of women soldiers to equality.

The position of the respondents

8. In the affidavit in reply to the petition, which was submitted by the Air Force Commander, General Herzl Bodinger, the reasons of the respondents that justify the policy of the army with regard to the military service of women and the question of integrating them in combat positions are set out — at great length. From the affidavit it emerges that the basis for this policy lies in the distinction that the law makes between men and women with regard to the extent of their duty to

serve. On the basis of this distinction it is argued that the service conditions for women, as dictated by law, have implications for the nature of their service, both in the regular forces and the reserve forces. Because of the difference in the relevant characteristics of men and women, the principle of equality does not apply. The different treatment of the service of women is based on relevant differences in their personal details, and therefore it is not an improper discrimination but a permitted distinction.

9. A preliminary comment should be made regarding the scope of the dispute.

In his reasons for disqualifying the integration of women in combat professions in the wider sense, the deponent discussed, *inter alia*, the socio-ethical aspect. This is what he said:

‘The question of integrating women into combat professions is problematic, and ultimately it is also a social, cultural and ethical question that has been pondered in many countries. It also arises from time to time in Israel and the solution to it is not merely in the hands of the defence establishment.

Until now it was accepted, in the security situation prevailing in Israel, that men are the ones who go to the front, in view of the element of danger involved in the combat professions, the risk of combat against the enemy and the danger of falling into captivity. Obviously weight was given to public opinion on this matter, since the decision is one of life and death in view of the dangers prevailing in the daily security reality, which even with the passage of time have not yet disappeared.’

However, at the beginning of the hearing before us, counsel for the State, Mr U. Fogelman, declared that the respondents wished to rely, in their opposition to the petition, only on the considerations because of which the army decided — within the framework of section 5 of the aforesaid High Command regulations — to reject the petitioner’s request to volunteer for an air crew. It soon became clear that the respondents’ position in this respect relied mainly on what in his affidavit the Air Force Commander referred to as ‘planning considerations’. To remove all possible doubt regarding the decision we are asked to make in this petition, Mr Fogelman reiterated and emphasized the following two points: first, that the respondents limit their opposition to the specific issue raised by the petition — i.e., the integration of women as pilots in the air force — without including this as part of their approach to the general question of

principle with regard to the possibility of integrating women in other combat professions; second, that even though with regard to the integration of women pilots the respondents are not unaware of the (in his words) ‘paternalistic’ aspect — i.e., the social approach that holds that women should not be exposed to the risks of combat against the enemy and falling into captivity — it was not this criterion that led to the decision in the case of the petitioner, and the question of whether this approach is correct, and to what degree, is not what requires clarification and elucidation from us. It follows that the petitioner was rejected on the basis of the ‘planning considerations’; we only need to consider whether these are justified, and we only need to give a decision on this point.

10. I will therefore return to the affidavit-in-reply, in order to ascertain and clarify the nature and scope of the planning reasons, on which basis the respondents wish to justify an all-embracing and absolute disqualification of all women soldiers from the aviation courses of the air force. I will first say that that not everything that has been brought to our attention in this sphere can be revealed within the framework of the judgment. The information submitted to us concerns, to no small degree, the structure of the air force’s deployment for operations and training, the financial costs of training pilots, the average service periods of pilots in the regular army and in reserve duty, the standard call-up of pilots for active reserve duty and its frequency and other matters. Obviously, since all these constitute fragments of information about the planning of the air force, the less said the better. In submitting them to us — partly in an additional (privileged) affidavit from the Air Force Commander, partly in explanations given orally, *in camera*, by the Head of the Manpower Division at Air Force Headquarters — the respondents wanted to put before us the factual basis needed to appraise the validity of the considerations that led to the rejection of the petitioner’s request without considering her suitability and her qualifications. Only those considerations which the respondents stated publicly may be mentioned by us, for the planning considerations relevant to the rejection of the petitioner’s request are not part of the planning, but considerations based on the planning.

11. What, then, are the planning considerations? From the affidavit-in-reply it transpires that these concern considerations of overall viability and also organizational limitations involved in the integration of women into the air combat alignment of the air force. In fact, these reasons form the basis for the policy of disqualifying the integration of women in many other combat

professions as well. However, in the opinion of the Air Force Commander, these reasons are particularly valid for justifying the viewpoint that women should not be trained as pilots.

The training of a pilot is a lengthy process, and the financial investment in funding it is huge. The training of a pilot therefore looks towards the future. It is based on the assumption that the candidate will serve for a long period, beginning with compulsory service and thereafter in reserve duty. Because of this, army regulations provide additional age limits and preconditions for accepting a candidate for an aviation course. The length of compulsory service for women, the limited obligations for reserve duty imposed upon them and their entitlement to an exemption from defence service as a result of marriage, pregnancy and childbirth make it impossible to integrate them in an aviation course and for them to serve in an air crew. Even volunteering for additional regular service and reserve duty by those women wishing to serve as pilots provides only a partial solution to the problem, both because of the statutory distinction between a volunteer who is liable to serve and a volunteer who is not liable to serve and also because of the reduced capacity to continue to serve in situations of pregnancy and childbirth.

Indeed, in the course of argument before us, Mr Fogelman conceded that with respect to an undertaking for additional regular service, there is no real basis for distinguishing between women and men, since a woman candidate for an aviation course who commits herself (in the same way as male candidates) to additional regular service, would be obliged to complete her term of service in full, even if she marries, becomes pregnant or gives birth during the period of service. This is not the case with respect to the obligation of reserve duty for a woman pilot, who has completed her term of additional regular service to which she committed herself. She is bound by this obligation only until she becomes pregnant, gives birth or reaches the age of 38, whichever is the earliest. Even if she volunteers for reserve duty for which she is not liable (such as because of pregnancy or childbirth), she can at any time retract her volunteering for reserve duty, and the army will be bound to release her. Counsel for the respondents argues that the selection of candidates for assignment to any military function must be based solely on army needs, and the assignment of women to positions as pilots is inconsistent with those needs. Even if a woman pilot is able and willing to carry out all her obligations, her temporary absence from service, due to pregnancy for example, could disrupt the viability of her unit. As a result, planning and operational capacity will be compromised. And if the planning considerations are

insufficient to tip the scales, they are supplemented by budgetary and logistic considerations. These involve the necessity of adapting existing military facilities for the inclusion of women.

It should be noted that the Air Force Commander (as can be seen from his affidavit) does not dispute that a woman may have all the qualifications required for success as a pilot. In his affidavit, he also addresses the fact that in some other armies several combat professions (including aviation) have been opened up to women. However, in his opinion, one cannot use the experience of other armies to draw conclusions for the IDF, both because of the unique emergency conditions under which the IDF is required to act, and also because of the difference in the service conditions of women between the IDF and other armies. In conclusion, with regard to the rejection of the petitioner's request, the Air Force Commander says:

'The petitioner's request to volunteer for an aviation course was rejected despite her excellent and admirable qualifications, not because she is a woman, but mainly because her anticipated length of service (placing an emphasis on reserve duty) is inconsistent with the army's preconditions for the training of a member of an air crew.'

Relevant difference and improper discrimination

12. The petitioner's position relies on the principle of equality. Her argument is that her rejection as a candidate for an aviation course, merely because she is a woman, discriminates against her in relation to men soldiers. This discrimination violates her right to equality of the sexes, and the decision must therefore be disqualified. In replying to this argument, counsel for the respondents hoped to persuade us that in our case, the question of violation of the principle of equality does not arise at all. In his opinion, this is a necessary implication of the provisions of the law which, in so far as the extent of the obligation to serve and the conditions of service are concerned, clearly distinguish between men and women. This means that the legislator recognized that the difference between the sexes is relevant with respect to their military service. It follows that this difference is relevant also in determining the nature of the military jobs and professions that the army assigns to men and women soldiers.

13. I cannot accept this position. It is true that a relevant difference may justify a distinction. This indeed is the root of the difference between improper discrimination and a proper distinction. In the words of Justice Agranat in FH 10/69 *Boronovski v. Chief Rabbis* [1], at p. 35:

‘The principle of equality, which is merely the opposite of discrimination and which, for reasons of justice and fairness, the law of every democratic country aspires to achieve, means that people must be treated equally for a particular purpose, when no real differences that are relevant to this purpose exist between them. If they are not treated equally, we have a case of discrimination. However, if the difference or differences between different people are relevant for the purpose under discussion, it is a permitted distinction to treat them differently for that purpose, provided that those differences justify this.’

However, as a condition for achieving real equality, we must determine that the relevance of the difference, and its degree, should be examined, in every case, in view of the specific purpose that the distinction is intended to achieve. In other words, the relationship required between the special characteristics possessed by one person and not by another, and the purpose for which it is permitted to prefer one person to another, must be direct and concrete (*vid. et cf.* the remarks of Justice Netanyahu in H CJ 720/82 *Elitzur Religious Sports Association, Nahariya Branch v. Nahariya Municipality* [2], at p. 21). The mere existence of a difference between two people does not justify a distinction. Compare H CJ 721/94 *El-Al Israel Airways Ltd v. Danielowitz* [3], the remarks of Vice-President Barak, at pp. 760-764 {488-494}, and the remarks of Justice Dorner, at pp. 782-783 {519-520}. On the contrary; wherever possible, even different people should be treated equally, while taking into account their being different.

14. In establishing the duty of service and the conditions of service, the law distinguished between men and women. Does this not imply that there is a difference between the two sexes that is relevant for the absolute disqualification of all women soldiers from fulfilling various jobs? The answer must be no. The statutory distinction between men and women with regard to the duty of service and conditions of service was intended as a concession to women, presumably in view of the biological differences between the sexes. This concession regarding the service conditions of women constitutes a factor to be considered by the army when planning its manpower arrangement; but it cannot be a reason for permitting discriminatory treatment of women soldiers. Note that the law says nothing about assigning certain jobs to women, or their disqualification for other jobs; even the provision that used to be in the law, which authorized the Minister of Defence to enact regulations about what jobs the army could assign to women soldiers, was repealed and no longer exists (see paragraph 5 above). In these circumstances, and

in the absence of any contrary indication in the language or purpose of the law, the presumption is that the law should be construed in a way that is consistent with respect for the right to equality between the sexes and that it is intended to achieve it (see A. Barak, *Judicial Interpretation*, vol. 2, *Statutory Interpretation*, Nevo, 1993, at pp. 435-436). This approach is even more compelling when we acknowledge that, since the enactment of the Basic Law: Human Dignity and Liberty, the normative status of the principle of equality — which had already been described as ‘the heart and soul of our constitutional regime...’ (Justice Landau in H CJ 98/69 *Bergman v. Finance Minister* [4], at p. 698 {17}) — has become elevated and has become ‘a principle with constitutional, super-legislative status’ (in the words of Justice Or in H CJ 5394/92 *Hoppert v. ‘Yad VaShem’ Holocaust Martyrs and Heroes Memorial Authority* [5], at p. 363. See also: Barak, *supra*, at pp. 565-566; H CJ 453/94 *Israel Women’s Network v. Government of Israel* [6], at pp. 525-526 {451-454}).

15. In the affidavit-in-reply it was hinted that the fact that the petitioner does not argue that women should be submitted to the same duties of military service that the existing law imposes only on men, is tantamount to seeking a privilege for women. Counsel for the respondents did well not to repeat this argument during the hearing before us. There are some who see in the law a defect of discrimination against men (see Dr C. Shalev, ‘On Equality, Difference and Sex Discrimination’, *The Landau Book*, Boursi, vol. 2, ed. A. Barak and A. Mazoz, 1995, 893, at pp. 900-902, and what is stated in footnote 42); this is certainly the opposite of the approach that holds that the distinction in the law between men and women is justified since it is based upon a relevant difference between the sexes (see the remarks of Justice Sussman in CrimA 5/51 *Steinberg v. Attorney-General* [7], at pp. 1067-1068). However, even if we do not stick to the traditional view and assume that the law is indeed defective to some extent in discriminating against men, I do not see how this argument can be used specifically against the petitioner who is seeking for herself the right to take upon herself a burden that according to the approach of those making this argument was designated only for men.

16. Therefore the construction of the law in accordance with its language and purpose leads to the conclusion that the law does not permit the total disqualification of women, because of their sex, from holding any particular job in the army. To remove doubt, I wish to add that even under the Defence Service (Women’s Jobs in Compulsory Service) Regulations — which after the

repeal of the section in the law authorizing the regulations are no longer valid — it was not possible to reach a different conclusion. Even in the regulations there was a possibility for women soldiers to volunteer for jobs not included in the list of jobs that the army was allowed to assign to women. The same is also true under the aforesaid regulation of the Supreme Command, according to which the army continues to direct itself in assigning the jobs of women soldiers; even this, like the regulations when they were valid, leaves an opening for women to volunteer for jobs outside the scope of the jobs that the army normally assigns to women. Note that this does not mean that the difference between the sexes is never relevant with regard to the suitability of a woman soldier for a specific job. Even I think that it is indeed possible that a woman soldier will be disqualified, because of her sex, from holding various jobs, but a disqualification for this reason is permitted only where the sex of the candidate creates a difference that is relevant to her holding the specific job.

Women as Pilots

17. No-one disputes that the capabilities required for operating military aircraft may be found equally among men and women. Much material has been submitted to us with regard to the successful integration of women pilots in the air forces of other countries. Admittedly, the practical experience in the air units of the United States Air Force (from 1942 onwards) was based mainly on the use of women pilots in reconnaissance, training and indirect assistance only (see the chapter ‘Women in Aviation’ in J. Ebbert & M. Hall, *Crossed Currents: Navy Women from WWI to Tailhook*, Brassey’s, 1993, at pp. 241-327). However, there is evidence that in the Red Army, during the Second World War, woman pilots were used with great success even in combat operations against enemy planes (see J. Holm, *Women in the Military — An Unfinished Revolution*, Presidio, 1982, at p. 315). In fact, no-one any longer disputes that women are capable of operating successfully in air crews to the same degree as men. It should be noted that the question of integrating women pilots in the United States Army in combat operations was recently examined by a presidential commission that was appointed to examine all the questions arising from the participation of women in combat units, including issues relating to the pregnancy and childbirth of women in active military service. The commission, whose investigations also included the lesson learned from the participation of women in the Gulf War, recommended (by a majority of eight to seven) not to allow women to participate in combat

aviation (see the Commission's report: The Presidential Commission on the Assignment of Women in the Armed Forces, *Report to the President: Women in Combat*, Brassey's, 1992). But it appears that on this issue it was precisely the minority opinion of seven of the commission's members (see, *ibid.*, p. 80-83) that prevailed: the Secretary of Defence at that time, Les Aspin, decided to adopt the minority opinion, and in April 1993 he ordered the restriction against the participation of women in combat operations of the airborne units of all forces to be lifted. The active integration of women as pilots is today common in the air forces of other countries. It seems that the prominent examples in this field from our viewpoint are Canada and Australia, where openness on this subject increased and received an impetus as a result of the constitutional development of human rights and the prevention of discrimination against women (in this respect, see the research of A. Ayalon, *Women in Combat Positions — A Theoretical Comparative Survey*, The Israel Institute for Democracy, 1994, at pp. 21-28).

18. But why should we search so far away? The material submitted to us shows that at least in the first decade of the air force's existence several women pilots were integrated into its ranks. Before and during the Kadesh operation, women received assignments as pilots of transport aircraft. But in subsequent years the army stopped accepting women for aviation courses. The change in policy is attributed to budgetary considerations: the training of women as fighter pilots in order to be assigned merely as transport pilots, for a relatively short period, was considered to be cost-ineffective. In one exceptional case, during the seventies, several women were accepted as cadets for an aviation course. But since then the doors of the course were closed once again to women soldiers (on this issue, see N. L. Goldman & K. L. Wiegand, 'The Israeli Woman in Combat', *The Military, Militarism and the Polity*, The Free Press, N.Y., 1984, at pp. 220-221). It should be noted that not all professionals accepted this approach. In support of her petition, the petitioner submitted, *inter alia*, also an affidavit of Col. (Res.) Ze'ev Raz who served in the air force as a combat pilot, and during the years 1986-1989 served as Commander of the Aviation School. The deponent testified that, subject to the difficulty that he sees in the participation of women in combat operations (which he attributes to the difficulty that exists in the attitude of the public to the possibility of women falling into captivity), he supports the integration of women in an aviation course; moreover, even when he was in active service he tried to change the army's policy in this matter. In his opinion, women can be integrated in flying Boeing transport aircraft and in service flights in Skyhawk aircraft. Women can serve as pilots

both in compulsory service and also (on a voluntary basis) in reserve duty, as is the case with men pilots. In his estimation, the integration of women in a flight course and in the units will not only not impair the ability of the units to carry out the missions which they are assigned, but will even make a positive contribution in this direction. Moreover, he does not expect the integration of women to create difficulties in logistic and organizational deployment that are insurmountable. Support for the integration of women in aviation courses is expressed also in the affidavit of Major-General (Res.) Amira Dotan, who served as the Chief Officer of the Women's Forces during the years 1982-1987. The deponent testified to the successful integration of women soldiers in units that operated beyond the borders of the State (such as in Lebanon in Operation Peace for Galilee) and to a positive development taking place in the IDF in recent years, whereby jobs and service tracks that in the past were considered the sole prerogative of men soldiers have been opened up to women. It is not redundant to point out that confirmation of the existence of this new approach in army deployment can be found also in the affidavit of the Air Force Commander, but in his opinion what is desirable in other army professions cannot apply to the profession of aviation.

Counter-arguments: planning, logistics and budget

19. The respondents, as stated, do not dispute that from the viewpoint of the qualifications that are prerequisites for suitability for an aviation course, there is no difference between women and men. Both of these alike may be suitable or unsuitable for the profession of aviation; the sex of the candidates and the talents required for their suitability are totally unconnected. Nonetheless the respondents are adamant in their refusal to train women for aviation and to integrate them as pilots in air force units. Their argument is that there is nonetheless a difference between the two sexes which is relevant in making their decision. This difference is what leads to the distinction underlying the army's policy that only men are accepted for aviation courses and jobs as pilots.

The respondent's position remains unchanged. But we should mention once again that there has been a change in their reasoning. It will be remembered that the petitioner's request was rejected on the basis of the regulation of the High Command that women are not to be assigned to combat professions; and since aviation is classified as a combat profession, the army does not accept women for aviation courses. In the Air Force Commander's affidavit-in-reply, the socio-ethical aspects of the participation of women in combat missions was also addressed

(and cited above in full). But in oral argument counsel for the respondents limited the reasons for his opposition to practical considerations relating to the deployment of the air force for carrying out its missions. In defining the obstacle to accepting women as pilots, the emphasis has now been placed on planning considerations, but ‘logistic’ and ‘budgetary’ considerations were also mentioned. I do not think that I need to dwell on these additional reasons, which have in common the unsurprising revelation that the absorption of women will necessitate the investment of additional financial resources. This is not because no approximate valuation of the size of the additional investment required was appended to this argument; nor even because budgetary considerations, in themselves, are unimportant; but because the relative weight of such considerations, in making an executive decision, is measured and determined when balanced against other considerations (see H CJ 3627/92 *Israel Fruit Growers Organization Ltd v. Government of Israel* [8], at pp. 391-392, and the references cited there). In any event, when we are concerned with a claim to exercise a basic right — and such is the case before us — the relative weight of the budgetary considerations cannot be great, since:

‘The rhetoric of human rights must be founded on a reality that sets these rights on the top level of the scale of national priorities. The protection of human rights costs money, and a society that respects human rights must be prepared to bear the financial burden’ (Barak, in his book *supra*, vol. 3, *Constitutional Interpretation*, Nevo, 1994, at p. 528).

See also: P. W. Hogg, *Constitutional Law of Canada*, Toronto, 3rd ed., 1992, at p. 873. Indeed, even counsel for the respondents conceded that not much weight should be attached to these considerations, and he preferred to concentrate his arguments almost exclusively on the reasons that the Air Force Commander stated in his affidavit as the main reasons. These, as we have already said, are the planning considerations.

20. The planning considerations which we have already discussed (in paragraph 11, *supra*) were intended to persuade us that the integration of women in the active planning framework of air crews is impracticable. The huge investment in training pilots is based on a long-term projection. The candidates for aviation courses commit themselves to serving in the regular army for a number of years (which is determined and stipulated in advance) from the date that they qualify as pilots. They also commit themselves (voluntarily) to annual amounts of reserve duty that in most cases exceed the statutory requirement and comply with requirements

determined by the air force according to its needs and the types of activity required. The statutory arrangements with respect to the extent of women's compulsory service — and mainly their limited obligation for reserve duty, which is also subject to clear grounds for an absolute exemption as a result of pregnancy or childbirth — make it impossible to integrate them within this planning framework. Admittedly a woman candidate for an aviation course can be required to do additional 'compulsory' service, as is usual with regard to men candidates, and she can also be required to undertake voluntarily to do reserve duty for which she is not liable. But even these cannot ensure the regularity and continuity of her service. Even a temporary absence of a woman pilot during her compulsory service, as a result of pregnancy or childbirth, can disrupt the planned daily activity of the whole airborne unit. And perhaps the main difficulty lies in the inability to rely on her undertaking to continue the reserve duty for which she is not liable, since, if she becomes pregnant or gives birth, and gives notice that she retracts her commitment to volunteer, there will be no legal possibility of compelling her to serve.

21. I doubt whether these fears have a solid basis. The premise is that women who offer themselves as candidates for an aviation course will, like men candidates, be required to make commitments both for 'compulsory' service and for reserve duty. As a rule, it is correct to assume that someone who commits himself to such an undertaking will want and be able to perform it. Even if the assumption is that the average total contribution of a woman pilot — in terms of the length and continuity of service — will be less than that of men pilots, this is a difference resulting from her being a woman. This difference, which should not be held against her, can be taken into account within the framework of planning. The army can learn, in this respect, from its rich experience with regard to its personnel in permanent service. There are doubtless cases in which soldiers ask, for a variety of reasons, to be released from their commitments for continued service. With respect to the scope of this phenomenon, among men and women, figures must be available, and it stands to reason that in planning its activity the army also takes these figures into account. The air force can also rely, at least to some extent, on its experience with reserve pilots. It may be assumed that the majority of pilots indeed carry out the extra amounts of service, in excess of the statutory requirement, and continue to do so throughout the whole period of their undertaking with hardly any interruption. But even in this group there are certainly cases of prolonged absence from reserve duty, for personal reasons, long periods spent overseas and similar circumstances; even the figures relating to this

phenomenon, the extent of which is certainly well-known, can be assumed to be taken into account by the air force in planning its missions. Is there any reason to suppose that, with respect to the proper discharge of compulsory service and the voluntary reserve duty, the distribution among women pilots will be significantly different from that among women soldiers who serve in other professions and among men pilots in the reserves? In so far as we can learn from the experience of air forces in countries like the United States and Canada, the effect of specific factors, such as pregnancy and childbirth, as a disturbance to the regularity of service of women pilots is not significant. Can we not learn anything from this? The respondents' reply to this is that the successful absorption of women pilots in the air forces of other countries is no evidence of the anticipated success of a similar process in Israel. The conditions of service are different, the conditions on the ground are different and the conditions of permanent readiness are also different. All of these are likely to have an effect.

The main and striking weakness in this argument is that it is entirely based on theories and hypothetical assessments and not on lessons learned from accumulated practical experience. It is true that most women pilots in the air forces of other countries regard military aviation as their profession and choose a military 'career'. But who can say that the integration of women in the profession of aviation in the IDF will not lead also to a similar tendency in Israel, among most of the women seeking this special job? It should be noted that in the air forces of other countries the process of integrating women was carried out gradually. In the judgment of the Canadian Court of Human Rights in *Gauthier & an v. Canadian Armed Forces* [56] — a transcript of which was submitted to us by the petitioner — there was a survey of the absorption processes of women in combat positions in the various parts of the army (and it should be noted that one of the several claims considered in that judgment was of a qualified civil pilot whose candidacy for the position of pilot in the air force was rejected because of her sex). From the survey it emerges that the question of the suitability of women for integration into combat roles was examined very carefully. After the Royal Commission, which examined the issues relating to this, submitted its recommendations, five whole years were devoted to conducting practical tests. With the help of these tests — which were named, for short, 'SWINTER' (Service Women in Non Traditional Environments and Roles) — the implications of the integration of women in roles that previously were not open to them were examined. In order not to prejudice defence preparedness even to a small degree, the army allowed, at the beginning of the process, the

absorption of women in a limited and controlled fashion. The tests referred to groups of women who were absorbed, in the various professions, in this format. The tests conducted in the air force proved that women who were admitted into the roles of pilots integrated successfully in the units, performed their duties well and were respected both by their commanders and by the members of their crews. These conclusions led to the cancellation of the restrictions on the enlistment of women to combat aviation roles. When the women were admitted, rules were established for regulating various issues, including absence from flying as a result of pregnancy and childbirth.

Such an experiment, or something similar, has not yet been conducted in the IDF; in my opinion, it should be conducted. It is indeed possible — as the respondents claim — that the encouraging experience of other armies does not constitute evidence as to the success of a similar plan in our air force. But as long as the air force does not allow the experimental integration of women into a track of the aviation profession, and as long as it does not carry out a systematic and intelligent assessment of their functioning in the course and in the units, we will never be able to know whether, in the special conditions that prevail in Israel, women may be integrated in the air crews. Indeed, preserving the readiness and deployment of the air force is an important and essential asset. But what is required for readiness and deployment is likely to be given the full attention of the professional personnel at air force headquarters, even if air crews include a few women who are absorbed in an experimental and controlled manner, and an assessment is made that will lead in the end to lessons being learned and conclusions being drawn for the future. Such experience can be based on a small number of women candidates who would be taken in gradually over a sufficiently long period that will allow conclusions to be drawn with regard to the degree of success in standing units and reserve units. It can be assumed that demand — at least in the beginning — will not be great. But within the framework of the experimental integration of women into the aviation course I would not consider it a defect if quotas were set for women candidates. Setting quotas is by definition unequal. This is not the case when they are set within the framework of an experiment whose purpose it to promote equality, without prejudicing thereby an essential security interest.

Intervention in the assignment policy of the army

22. This court does not tend to intervene in professional-planning decisions of the army authorities. In the words of Vice-President Elon in H CJ 734/83 *Shine v. Minister of Defence*[9], at p. 399:

‘It is a rule of case-law that this court does not put its discretion in place of the discretion of the competent authority, and this rule applies especially when it concerns this court’s review of professional-planning decisions of the army authorities.’

See also: H CJ 329/87 *Sorko-Ram v. Minister of Defence* [10], at p. 879, and also the remarks of Justice Goldberg in H CJ 3246/92 *Har-Oz v. Minister of Defence* [11], at p. 307, regarding ‘... the power of the IDF to exercise its authority in assigning each soldier in accordance with its own considerations and the needs of the army’, since ‘the assignment naturally relates to the structure of the army and its military deployment’. But there has never been any doubt, and counsel for the respondents conceded this unhesitatingly, that army decisions and army regulations, which reflect the policy of the IDF, are subject to the judicial review of this court. Personally, I see no basis for doubting that a policy involving a violation of a basic right gives rise to proper grounds for the intervention of the court. A violation of equality, because of discrimination on the basis of sex, is a typical example of a case that justifies and requires intervention. Such is the case before us. The IDF cannot succeed with an argument that women are disqualified for a specific job because they are women. The argument that the training of women for jobs as pilots is not cost-effective, notwithstanding their having suitable qualifications for this, is an outrageous argument. Declarations supporting equality of the sexes are insufficient, for the real test of equality lies in its realization, *de facto*, as an accepted social norm (cf. *Israel Women’s Network v. Government of Israel* [6]). This normative obligation also applies to the IDF. It is well-known that the policies of the army have a very major effect on our life styles. In strengthening the recognition of the importance of basic rights, the IDF cannot be left out of the picture. It too must make its contribution.

23. I propose to my esteemed colleagues that an absolute order is made in this petition. This order will require the respondents to summon the petitioner for aviation aptitude examinations. If she is found to be suitable, and meets all the other usual preconditions for men candidates, she will be allowed to participate in an aviation course. In this way the air force will begin an experimental procedure, and it can be presumed to determine the remaining aspects and

details professionally and fairly, after taking into account the requirements of deployment and vigilance on the one hand, and the criteria required for deriving fair conclusions from the experiment on the other. As a result of the decision, the respondents will be liable to pay the petitioner the costs of the petition in a sum of NIS 10,000.

Justice Y. Kedmi

1. I regret that I am unable to add my voice to the opinion of my colleague, Justice Mazza, as it stands; the following, in brief, are my main reasons:

(a) In my opinion, we should attribute to policy decisions made by those responsible for national security, in so far as these concern security requirements and the methods of achieving the proper level of security, a high level of reasonableness, such that those challenging this bear a heavy burden of persuasion, equivalent to the burden borne by someone who wishes to rebut a presumption of law.

(b) I would hesitate before intervening in such decisions, as long as I am not convinced that they are tainted by extreme unreasonableness, arbitrariness, a lack of good faith and unclean hands. As stated, my premise is that this is not the case, and that the persons making decisions of this kind can be presumed to have carried out all the necessary investigations and considered all the relevant factors, and to have acted conscientiously throughout, consonant with their positions and the powers granted to them.

(c) In our case, the representative of the air force concentrated his argument on the needs of national security, putting the emphasis on the extended and intensive service expected of a combat pilot in the air force, against the background of the cost of his basic training, and in view of the continued effort required for ensuring the level of his operative ability. The working assumption of the security authorities charged with this function is that in the prevailing circumstances, it is almost certain that a woman pilot will be unable to comply in full with these expectations as to the length of service, and will have great difficulty in bearing the burden of maintaining operative ability over the years; between the lines I believe that I can hear the argument that it will also not be right to put her in a position of having to choose between continuing her service and ensuring operative capacity and the demands that she will surely make of herself when the time comes with respect to starting and caring for a family. It seems to

me that this outlook, *inter alia*, underlies the distinction between men and women with respect to reserve duty; and I do not think that it is outdated.

In any case, I do not think that I have the tools — and more importantly, the expertise — required to examine the ‘reasonableness’ of the said working assumption; moreover, I am not prepared to lighten the heavy burden of responsibility borne by air force headquarters in its commitment to national security and to impose upon it a pattern of behaviour which conflicts with its own outlook.

(d) I fear that the attempt to learn from the experience of other countries in this sphere will not succeed, for a simple reason: our security situation is entirely different from the security situation prevailing in those countries; the situation in which we find ourselves requires readiness for risks that are entirely different from the risks expected there, and a ‘mistake’ made by us in this respect could well have far-reaching ramifications.

(e) I do not believe, as does my esteemed colleague, Justice Mazza, that the decision not to train women combat pilots, at this stage, contains a hint of illegitimate discrimination. What emerges from my remarks above is that there is no ‘discrimination’ here, but rather a ‘distinction’ based on the continuing requirements of national security.

One cannot speak of improper ‘discrimination’ when the ‘choice’ between equals is based on essential needs of national security. A difference deriving from these needs — when speaking, of course, about genuine needs — not only does not indicate any ‘discrimination’, but also contains an expression of the ‘equality’ of the requirement made of each of us to contribute what that person is able to contribute to the security of the nation; and the ‘ability’ of the man in this context — according to the working assumption of the air force — is different from the ‘ability’ of the woman.

2. Nonetheless, I agree with the position of my esteemed colleague, Justice Mazza, that the fears on which the outlook of the security authorities in this matter is based ought to be put to a real test; and that it is proper to take the first step in this direction soon, in so far as security considerations allow. However, I would leave it to the Air Force Command to decide when and how security requirements make it possible to conduct this test; I would not ‘dictate’ to them the

date when it should be held, as long as they are not convinced that it would not harm the current needs of national security.

Justice T. Strasberg-Cohen

In the disagreement between my colleagues, I agree with the opinion of my colleague Justice Mazza, and wish to shed some more light on the subject from my own perspective.

1. The Defence Service Law [Consolidated Version] of 1986 (hereafter — the law) (which replaced the Defence Service Law [Consolidated Version] of 1959) created a distinction between men and women that makes the service conditions of women more lenient. The distinction finds expression in the length of compulsory service and reserve duty for women which is shorter than that for men, in exempting married women from compulsory service and in exempting pregnant women and mothers from reserve duty, all of which as set out by my colleague, Justice Mazza (hereafter — service conditions).

2. The law does not contain any provision directly violating the equality of men and women soldiers with respect to the nature of the jobs to which they can be assigned, but as a result of the distinction that the law created in the service conditions, there arose — as a matter of policy — an inequality which, for our purposes, is the refusal to accept women for an aviation course. In my opinion, the distinction created by the law should not be perpetuated by discrimination built on its foundations.

The sources for the distinction that the law created in service conditions derive, apparently, from an outlook on the biological difference between women and men and the legislator's opinion of the different roles of women and men in the family, society and the army. There are some who see the provisions of the law as a paternalistic attitude towards women, who are perceived as weaker, more fragile and in need of protection, and whose purpose is to create and care for a family. Others believe that the law benefited women by being lenient with regard to their service conditions. Whatever the historical, psychological and sociological reasons for the outlook underlying the distinction created by the law, the distinction created by the law should be accepted as a fact that we are not required to review, since the law itself is not challenged on the grounds of illegality. Its provisions, which create the said distinction, are a given factual premise, as a result of which a policy not to accept women for aviation was

formulated. The petitioner has sharply contested this policy by alleging discrimination and violation of the principle of equality. The respondents, in reply, concentrate on the argument that the law created a distinction between men and women with regard to service conditions, that this distinction creates a difference between them, that the difference is relevant with regard to the assignment of women to aviation and that when the difference is relevant, we are not faced with improper discrimination between equals but with a valid distinction between those who are different.

We must examine this policy with the tools that are available to us for examining the policy of any government authority. As I will clarify below, this policy does not pass the test and it should not be given legal force.

3. The respondents' position is unacceptable to my colleague, Justice Mazza, for the reasons that the difference in this case is irrelevant and therefore the discrimination is improper.

I too am of the opinion that the aviation course ought to be opened up to women, but I do not think — as does my colleague Justice Mazza — that the difference between women and men regarding the service conditions is irrelevant. In my opinion, *the difference between the service conditions* of men and the service conditions of women, as stipulated in the law, creates a real and difficult problem for the training and service of women as pilots. The continuity of a woman pilot's military service may be affected and her military service is liable to end if she marries, becomes pregnant or becomes a mother, and she can be released from reserve duty at the age of 38 (a man — at the age of 54), by giving unilateral notice, even if she volunteers for such service above that age. I think therefore that this difference, created by the law, is indeed relevant for the acceptance of women for aviation and the reasons for not admitting them are objective and not arbitrary. Therefore — *prima facie* — the distinction does not create improper discrimination; but in my view this is only the case *prima facie*, because in my view *it is not sufficient for a difference to be relevant in order to rebut a claim of discrimination, since a relevant difference that can be amended or neutralized in order to achieve equality should be amended or neutralized*, although not at any price.

4. Differences for the purpose of discrimination have been divided into two categories: a relevant difference that does not create discrimination and an irrelevant difference

that does (see HCJ 953/87 *Poraz v. Mayor of Tel-Aviv-Jaffa* [12], at p. 332; *El-Al Israel Airlines Ltd v. Danielowitz* [3]). As with any classification into groups, there are no two groups that fit the whole spectrum of cases between the two extremes. There are cases that clearly fall into one of the groups and it can be clearly established whether or not there is discrimination. However, there are cases where ascribing them to one of the two groups is not self-evident and is insufficient. Such cases require a sub-classification. It seems to me that the category of cases where the difference is relevant should be divided into two subgroups: first, a group where the relevant difference cannot be, or should not be, neutralized; second, a group in which the relevant difference can and should be neutralized in order to achieve equality.

In this classification we are not dealing with affirmative action in its classic sense, where a particular field is opened up to a group for which it was previously closed, even if the members of that group are less suited than others to function in that field. This method is used to correct an historic aberration, a social stigma, prejudice and the like. Such affirmative action is often carried out through legislation and through case-law (see, for example: the Employment of War Invalids Regulations, 5711-1951; the Discharged Soldiers (Return to Work) Law, 5709-1949; section 18A of the Government Corporations Law, 5735-1975 as applied in *Israel Women's Network v. Government of Israel* [6]. With regard to affirmative action, see also: F. Raday, 'On Equality', *The Status of Women in Society and Law*, Shoken, ed. F. Raday, C. Shalev, M. Liben-Koby, 1995, at pp. 19, 36-39).

Affirmative action requires the avoidance of a distinction between persons who are not equal in their qualifications or in their suitability and treating them equally, in order to rectify an historic aberration. My position — with respect to the facts before us — is different in that it makes a demand to neutralize the difference between persons with equal qualifications by allocating resources that will create conditions that establish an equal starting point for two persons who are equally suitable for the same job, but factors that are irrelevant to the job block the path of one of them. Our case falls into the second category, in which the relevant difference can be neutralized and it ought to be remedied.

How is this to be done?

6. If, for example, it is found that dark-skinned or blue-eyed persons are not accepted for a certain job, when the colour of the skin or the colour of the eyes has no connection with the job, it will be absolutely clear that this is an irrelevant difference that creates improper discrimination. This is the case for every arbitrary distinction based upon differences of race, religion, sex and the like, where the distinction is arbitrary and irrelevant. If, however, a certain job requires tall people or people with academic education or people in good health, it will not be improper discrimination if short people, uneducated people and people in poor health are not accepted for those tasks. If the path to a specific job was closed to women, and it is opened up to them, either by case-law or statute, even if their experience and qualifications are less than those of the men competing for the same job, this would constitute affirmative action.

What is the law when the qualifications are equal, but there is a difference and the difference is albeit relevant, but it can be and should be neutralized in order to achieve equality? If, for example, a disabled person in a wheelchair wants to be accepted for work in a public institution, and his qualifications fulfil the requirements of the job, but the access to the office is by way of stairs; the restriction in the physical conditions allowing access to the place of work creates a relevant difference, but it can be neutralized at a reasonable price, and it should be remedied in order to achieve equality of opportunities. Therefore we would require an investment of resources in order to neutralize the difference and remedy it by means of an elevator or in some other way that will allow the disabled person to reach that office.

It seems to me, therefore, that a difference that causes relevant and genuine difficulties in applying the value of equality, such as physical, economic, logistic and similar difficulties, is a relevant difference. Nonetheless, in those cases where it can be neutralized at a reasonable price, it should be remedied and neutralized in order to achieve equality.

7. Establishing a requirement for neutralizing a difference in order to achieve equality is not foreign to Israeli law. More than once the legislator has shown that he is aware of the need to prevent discrimination as a result of a difference between persons who are suitable for carrying out a job, where external factors create a distinction between them and lead to the preference of one group over another or one person over another because of differences which have economic, budgetary and organizational implications, particularly in the workplace. In such cases, the legislator has on several occasions seen fit to impose duties, mainly on employers, which were

designed to neutralize or remedy a difference, in order to achieve equality of opportunity. An example of this can be found in the Women's Employment Law, 5714-1954, and the various regulations enacted thereunder; the Equal Employment Opportunities Law, 5748-1988; in these laws, factors and characteristics that created differences between people were taken into account, and the laws were designed to achieve equality notwithstanding the differences. The legislator imposed economic burdens upon various public sectors in order to create equality, including equality of opportunity, not because there was previously no relevant difference, but because even though there was a difference, the legislator saw fit to remedy it by spreading the burden amongst different sectors of the economy. With regard to equality of the sexes, F. Raday says in her article 'Labour Law and Labour Relations — Trends and Changes in 1988', *Labour Law Annual* Vol. 1, 1990, 161, 172, on the subject of equal opportunities for women:

'The biological difference between the sexes with respect to pregnancy, childbirth or nursing *is a difference that may be a relevant difference in the workplace*. The possibility of certain absences is required in order to allow the working woman to function not only as an employee but also as a mother of a newborn. "Equality" that does not take into account the need for the integration of these roles is not real equality and is mere lip service' (emphasis added).

See also F. Raday, 'Women in the Work Force', *The Status of Women in Society and Law*, *supra*, at p. 64.

8. The respondents do not dispute the ability of women to fulfil the role of a pilot. From their affidavits and pleadings it emerges that the considerations guiding the policy-makers in not recruiting women for aviation do not derive from a belief that women are inferior or from archaic concepts that a woman's place is in the home and that she is not suited for 'men's' professions such as aviation. From what they say it appears that their considerations are sincere and relevant, and that they are motivated by the army's interests and needs. I accept the respondents' contention that the difference created by the law in service conditions and the resulting restrictions make it difficult for the air force to recruit women as pilots. The respondents claim, as can be seen in the affidavit of the Air Force Commander, General Bodinger, that the difference between men and woman in the law is based on strong statutory language, an unwavering statutory history and a particular statutory purpose, which is the realization of the needs of the army that require different rules to be created for the service of men and women.

According to him, the refusal to integrate women into aviation courses derives from planning, logistic, strategic and economic considerations, according to which the needs of the army would be prejudiced if it is compelled to assign women for aviation.

The IDF places the 'blame' for closing the aviation course to women on the legislator, who created the difference in service conditions, and so it feels itself justified in creating discrimination. I do not think that this position should be legitimized. The IDF, as one of the organs of State, is not entitled to shirk its responsibility and the obligation to close the gap between the factors determined by the law and what is needed to achieve equality. This requires a sacrifice. The IDF and the various organs of State must pay this price, provided that it is not too high and is not unreasonable, and this is really not so in the present case.

9. General Bodinger recognizes that even though the issue of integrating women in combat professions is problematic, it is ultimately also a socio-cultural and ethical question. *Indeed, we are dealing with an issue that is first and foremost socio-cultural and ethical.* It is difficult to exaggerate the importance and stature of the principle of equality in any free, democratic and enlightened society. The supreme status of the principle of equality as a supreme value in Israeli society finds expression and a place of honour in case-law and law books. A society that respects its basic values and the basic rights of its members must be prepared to pay a reasonable price so that the value of equality does not remain an empty shell, but is given expression and applied in practice.

10. Confronting the problem of discrimination in general, and with regard to differences between the sexes in particular, is not only our concern. It concerns every free society where the principle of equality is one of its foundations. Discrimination derives from a perception that was accepted in human society as part of an outlook that for generations regarded the status of women as inferior and without rights. The development of granting women rights has progressed little by little. It received impetus and strength in this century as part of the ideological and practical renaissance aimed at eradicating discrimination between people. This struggle to eradicate discrimination against women because of their sex is fought on various battlefields and with a wide range of weapons. It occupies a place of honour in literature, philosophy, articles, the media, political frameworks and various public fora. I refrain from expanding on this topic, for

which this platform is too narrow, and elaboration is not needed to decide this case. I will satisfy myself by referring to several cases considered in American and Canadian case-law.

The issue of discrimination against women — for the purpose of admission to a military academy where only men studied — was recently considered in the United States in the case of a petitioner who wanted to be admitted as a cadet into the South Carolina Military Academy where only men studied, and who was rejected because she was a woman. The Federal Court considered the matter in two stages. In the first stage, a temporary order was issued ordering the authorities to prepare a parallel study program for women cadets, and in the interim, the woman cadet could be integrated in the studies on a partial basis (within the framework of day studies) (*Faulkner v. Jones* (1993) [41]). Two years later, when the program outlined was not put into practice — *inter alia* because of considerations relating to the economic costs — the court ordered the full integration of the petitioner in the military program. The Federal Court recognized the existence of relevant differences between men and women even with respect to methods of education in military institutions, but it limited the expression that could be attached to such differences and subordinated it to the principle of equality. The court did not ignore the complexity and difficulties that applying the principle of equality sets before society at times, and it dealt with these difficulties one by one. It set against them the importance and supremacy of the principle of equality and the duty of society to uphold it in practice, even if this involves difficulties and expense. In weighing all the considerations against the principle of equality it reached a conclusion that led to the result of issuing an order that the petitioner should be fully integrated into the military program (*Faulkner v. Jones* (1995) [42]).

In Canada, a judgment was given with regard to the same issue; in it the court found that the balance that was made between the purpose of giving sports training and the means chosen to do this — the existence of men-only sports associations — was an improper balance and was disproportionate to the damage caused by shutting women out of the association. In that case, a girl was prevented from taking part in the sporting activity of an ice hockey association, because of her sex, and irrespective of the specific talents required for such participation. The court was required to interpret the sport regulations and it abolished the said discrimination (*Re Blainey and O. H. A.* (1986) [57]).

Now let us return to our case.

11. Not recruiting women for aviation violates the principle of equality between the sexes. The problem is that this is not the only principle involved. There are two conflicting principles involved: one is equality and the other is public security as a result of military needs. In a conflict between two values, the conflicting values must be given the proper weight and a balance made between them. There are cases where such a conflict occurs between values of equal status, and there are cases where this occurs between unequal values where one of them is more important than, and has preference over, the other (on the difference between the two kinds of conflicts and the status of the conflicting values, and on the method of balancing them, see: Barak, in his book *supra*, vol. 3, p. 220; vol. 2, pp. 688-693 and the references cited there).

12. With regard to a conflict between public safety and the freedom of speech, Prof. Barak says in his book, *supra*, vol. 2, at p. 693:

‘It follows that the central problem confronting us is this: in what circumstances and according to what criteria is it permissible to limit the freedom of speech in a society that respects human rights, in order to protect and maintain public safety? What is the “balancing formula” in the conflict between public safety and the freedom of speech? In this context, two main questions were before the Supreme Court: *first*, the anticipated degree of harm to public security that can justify a violation of the freedom of speech; *second*, (emphasis in the original) the likelihood that an infringement of public safety will occur if freedom of speech is not limited. The Supreme Court’s reply to these two questions is this: *freedom of speech gives way to public safety only if the harm to public safety is severe, serious and critical, and only if it almost certain that allowing the freedom of speech will result in this harm...*’ (emphasis added).

These comments are appropriate in this case.

In the conflict between the value of equality and the value of national security as the result of military requirements, national security may be regarded as the preferred value and of a higher status than the value of equality, notwithstanding the importance of equality. But national security is not a magic word; it does not have preference in every case and in all circumstances, nor is it equal for every level of security and for every harm thereto. The balancing formula between conflicting values that are not of equal status is not uniform and it varies significantly according to the status of the values and the relationship between them. There are cases where a

reasonable possibility of real harm to the preferred value is sufficient, and there are cases where a near certainty and a real danger of harm are required.

In our case, the higher value (military and security requirements) prevails over the lower value (equality), only if there is *near certainty* of real harm and real damage to national security. The policy of the air force with respect to the recruitment of women for aviation does not pass these tests. It does not even stand up to a more lenient balancing formula, which is *a reasonable possibility* of real harm. The difficulties indicated by the respondents under the title of logistic and deployment difficulties are partly economic and partly based on speculations as to the future. The IDF authorities have no prior experience that confirms their fears — neither with respect to the ability of the air force to absorb women pilots, nor with respect to the number of applications that will be received for an aviation course or with respect to the number of persons completing it successfully, nor with respect to the anticipated damage if the aviation course is opened up to women. Moreover, in examining the anticipated damage, we must examine whether, when this is offset against the chance that it will not take place, the violation of the citizen's right is still justified in order to prevent the danger. In our case, there is a reasonable chance that there will be no harm at all.

13. If this is insufficient, I would point out that even when there is a near certainty of damage and real harm, the work of examination and balancing is not finished. 'In all these cases, we must ascertain and examine the existence of alternative measures that could prevent the near certainty of the serious danger, without violating the freedom of speech' (Barak, *ibid.*). Indeed — '... When we are dealing with a lawful denial or restriction of a person's basic right, the government must choose — from among all the measures that can be adopted to protect national security — that restrictive measure that violates the basic right to the smallest degree. Of all the drastic measures, the least drastic should be chosen...' (HCJ 153/83 *Levy v. Southern District Commissioner of Police* [13], at p. 412 {127}).

I would reach the same conclusion with the principle of proportionality, which is accepted as an important principle in Western legal systems and our own system. According to this principle, when a basic right is violated, we must demand that the violation is of a proper degree and is not excessive. This requirement reflects the proper relationship between the measure and the goal

(see the remarks of Justice Zamir in H CJ 987/84 *Euronet Golden Lines (1992) Ltd v. Minister of Communications* [14]).

One can draw an analogy in our case from the ruling made with regard to the freedom of occupation, whereby one should regard with particular severity a restriction on *entry* into an occupation, as opposed to *imposing restrictions* on the methods of realizing this freedom (see H CJ 1255/94 *Bezeq, the Israel Telecommunication Corporation Ltd v. Minister of Communications* [15], at pp. 686-687; H CJ 726/94 *Klal Insurance Co. Ltd v. Minister of Finance* [16], at pp. 484-485; Barak, *supra*, vol. 3, at p. 657).

14. Does the case before us comply with the balancing standards and emerge from them unscathed? I think this is not the case. From the affidavits submitted, it would appear that the defence establishment itself does not believe in a near certainty of real harm to security and of real damage, nor even a reasonable possibility of real harm. Admittedly, the deponents indicated difficulties — including economic ones — that the air force will face if it is compelled to integrate women in aviation; but it would seem that opening up the aviation course to women in a controlled and limited manner for an appropriate number of women pilots, while examining the ramifications that this has on the requirements of the air force and the assignment of women pilots to jobs that they can fulfil over a long period of years, will significantly reduce the risk of harm and damage, if these are not entirely cancelled. Instead of blocking the path of women to aviation courses, it is possible — in the first stage — to adopt less drastic restrictive measures as stated, and to follow the path of trial and error.

15. The petitioner before us declares that she is prepared to undertake any service for any period of time required by the air force, similar to the service of any other pilot. There is no reason to assume *ab initio* that she will not honour her undertaking. There is no reason to suspect that her declarations are not genuine. If, notwithstanding all this, it happens in the future that she is unable, for personal reasons, to fulfil those undertakings, her situation will be similar to those cases in which men pilots are unable, for various reasons, to fulfil their undertakings over the years. In the words of my colleague, Justice Mazza, from a planning perspective, the IDF authorities must take into account such possibilities and prepare accordingly; and, as the Air Force Commander said, the problem is one of society as a whole, not merely of the defence

establishment. If financial resources are required for this, the State must provide them, within reason.

16. Before concluding, I would like to quote the words of the American philosopher, Ruth Bleier:

‘Though there are biologically based gender differences, they do not imply superiority or inferiority not do they justify inequities in social, economic, and political policy and practice. Rather they call for public education and reform of sexist policies, laws and practices... In the absence of clear paths to truth and social justice, the one hope for bringing about change for the better lies in the capacities of the human brain to make it possible to break out of the cultural constraints that some human beings have constructed to the detriment of others’ (Ruth Bleier, ‘Science and Gender: A Critique of Biology and its Theories On Women,’ in Sneja Gunew (ed.), *A Reader in Feminist Knowledge*, Routledge, 1991, 249).

17. In conclusion, the aviation course should be opened up to women who have the requisite talents, in order to allow women to realize their basic right to equality between themselves and men in this field also. I therefore add my voice to the voice of Justice Mazza, and I too am of the opinion that the show cause order should be made absolute.

18. After writing my opinion, I received the illuminating opinion of my colleague, Justice Dorner. Her survey of the roots of discrimination against women on the basis of their sex and of the obligation of every enlightened society to recognize the basic right of every person to dignity and equality and to implement this recognition in practice is a work of art. But to do justice to the respondents it should be noted that, according to their position as presented to us — and there is no reason to regard this as mere lip service — they espouse these very same principles, and even they — as a mouthpiece of the State of Israel — do not dispute the right of women to equality and dignity and the duty of the State to implement these principles in practice. Not only this; they also agree that there is no difference between men and women from the perspective of the talents required to be accepted into an aviation course and that among women, as among men, there are those who are suitable for this. The difficulty that confronts them is the law that provided special service conditions for women, which results in logistic and deployment difficulties which will affect the preparedness and strength of the air force. In this respect, the position of the

respondents was unacceptable to me and to my colleagues Justice Mazza and Justice Dorner, and therefore I am pleased that we have reached, by a majority, the result that the petition should be granted.

Justice Ts. E. Tal:

I agree with the opinion of my colleague, Justice Kedmi, and I would like to add to it. We still hold by the rule that discrimination because of a relevant difference is not discrimination. This rule leads me to think that the petitioner's petition should not be granted, for we are concerned with a distinction and not discrimination. There are two reasons for this: the budgetary consideration and the planning consideration.

The budgetary consideration

The difference, created by the law, between men and women soldiers is in the length of their service, and the emphasis is on reserve duty. The cost of preparing and training a pilot is huge. However short a pilot's period of service is, we pay the same cost for his training, but we receive less in return.

If the IDF had an unlimited budget at its disposal, we could rule that we should pay the price for the value of equality between men and women. My colleague, Justice Mazza, cites the remarks of Prof. Barak:

'The protection of human rights costs money, and a society that respects human rights must be prepared to bear the financial burden' (Barak, in his book *supra*, vol. 3, at p. 528).

Indeed, when the considerations are only financial, then it can be said that society must pay the price, in the words of Prof. Barak:

'Administrative convenience or financial economy are not, *in themselves*, social goals justifying a restriction or violation of a human right' (*ibid.*, at p. 528) (emphasis added).

It is also worth mentioning the example brought by Prof. Barak, *ibid.*:

'In one case, the question arose whether an oral hearing should be granted to everyone arriving in Canada, claiming to be a refugee. The Canadian Attorney-General argued that granting the

right of an oral hearing would involve heavy financial costs and therefore this (natural) right should be waived. The Supreme Court of Canada rejected this argument.’

These remarks are apposite in such cases, where the only consideration standing against equality is the financial consideration. That is not so in the case before us.

The reality is that the defence budget is finite and limited. Within the limited framework of the budget, any huge expense made for the value of equality must come at the expense of other essential security needs. The protection of life is also one of the basic values (s. 4 of the Basic Law: Human Dignity and Liberty), and as such it can prevail over the value of equality.

If one argues that the value of equality cannot be overridden by any other value, however important it is, this undermines first principles and cancels the doctrine of a relevant difference. The result would be that in any case of a relevant difference it would be possible to say that the difference has ceased to be relevant, because we have set ourselves a goal of implementing the value of equality, in view of which a difference no longer has any importance.

Take, for example, the issue of equal work opportunities. There are jobs where the difference is characteristic. An advertisement seeking only women candidates for a job in a public bath house for women will not be improper. Equal work opportunities are overridden by the value of the privacy of the women bathing there. In the same way the value of equality is overridden by the value of personal and national security.

It therefore seems to me that the budgetary consideration is also a reasonable consideration of relevant difference. This is true even if we assume that a woman will serve full reserve duty until the age of 38.

But there is a significant possibility that the reserve duty of a woman will be reduced considerably on account of pregnancy and childbirth. This means that all of the huge investment in training a woman as a pilot will only bear fruit for a very short time, and, in practice, the investment will be, for the most part, lost.

Planning

The army claims that it is very difficult to plan for units when some of its members are likely to be neutralized at different times and for different periods of time as a result of marriage, pregnancy and birth. This is an important and pivotal consideration. Even in units comprised of men, planning must take account of periods of temporary incapacity (sickness, travel overseas). But if women are to be assigned to these units, the army will need to take into account — throughout their service which is in any event a short one — incapacity for long periods as a result of pregnancy and childbirth.

Appendix Res/3 of the affidavit-in-reply is a report of the Presidential Commission on the Assignment of Women in the Armed Forces, *supra*, that was submitted to the President of the United States. On pp. 19-20 of the report, medical limitations resulting from pregnancy and childbirth are stated. According to this report, the period of time during which woman cannot be assigned for readiness and operational deployment because of various factors, including pregnancy and childbirth, is *four times* greater than the period of time during which men cannot be assigned to these tasks (section 44 of the affidavit-in-reply).

My colleague, Justice Mazza, believes that this argument cannot succeed because —

‘It is entirely based on theories and hypothetical assessments and not on lessons learned from accumulated practical experience.’

I do not agree. A statistical fact based on a reasonable and logical assessments and which is also based on the said *report of the Commission* is not a mere speculation but rather a fact that should ideally be taken into account.

With regard to the case before us: if the petitioner is trained as a pilot in the air force, she will serve — as a volunteer in regular and permanent service — for five years, and she will be discharged from the IDF at the age of 29. She will then have only nine years to be integrated into the reserves, and during these nine years we must take into account periods of incapacity as a result of pregnancies and childbirths.

Even volunteering for additional service will not overcome the natural limitations of pregnancies and childbirths.

It follows that we are not concerned with discrimination between equals but with a distinction between persons who are not equal. Therefore I would recommend that the petition is denied. Like my colleague, Justice Kedmi, I would allow the Air Force Command to decide how to conduct the experiment of integrating women as pilots at such time and in such circumstances as in their discretion will not harm the needs of national security.

Justice D. Dorner

1. ‘Man kann von einem Ding nicht aussagen, es sei 1 m lang, noch, es sei nicht 1 m lang, und das ist das Urmeter in Paris’ (L. Wittgenstein, *Tractatus Logico-philosophicus — Philosophische Untersuchungen*, 1960, 316).

(‘There is one thing of which it cannot be said that its length is one metre, or that its length is not one metre, and that is the original metre in Paris’).

Indeed, many criteria are accepted by society as absolute, but they are in fact arbitrary. But it is not decreed that all criteria must be arbitrary, like the original metre mentioned by Wittgenstein. There are matters where it is possible—and if it is possible then it is also proper—to endeavour to establish just criteria.

The petition before us concerns criteria for translating the difference between men and women into legal norms. These criteria can and should be just.

2. Women are different from men. In general their physical strength is weaker than that of men. They are restricted by the necessity of their natural roles—pregnancy, childbirth and nursing. These differences were, apparently, the basis for the division of roles between the sexes in primitive human society, which gave birth to the patriarchal family. The man, who was both stronger and also free from the restrictions involved in childbirth, took charge of providing food and defending the family.

This division of roles remained unchanged even when, as a result of economic and technological developments, it no longer had an objective basis. In the entry for ‘Woman’, the Hebrew Encyclopaedia says as follows:

‘Combat remained within the sphere of men’s activity even when exhausting and prolonged guard duty replaced the outburst of a reckless operation, and the dropping of bombs by pressing a button or dialling numbers on a control panel replaced the throwing of the spear or a face-to-face battle of swords... it should also be noted that a woman’s strength, stamina and ability to exert herself are usually assessed by the abilities of the woman who is pregnant, nursing and caring for her children; whereas the abilities of young women, on the one hand, and women after menopause, on the other hand, are also determined according to the weakness and cumbersomeness of the woman during her period of fertility. The criterion for assessing the strength of men, however, is the ability of the young, model fighter, i.e., of the young and unmarried man. It can be said that many of our professional ideals are determined for a man in accordance with his role as a man and not as a father, whereas for a woman — in accordance with her role as a mother, and not as a woman’ (*Hebrew Encyclopaedia*, the Encyclopaedia Publishing Co., vol. 7, 1954, at pp. 341-342).

In the patriarchal family, the family property belonged to the husband-father. A married woman could not own property and her status was like that of a minor. The woman had no right to vote or to be elected, and she was even forbidden from holding any position outside her home. Involvement in war and politics was considered to be contrary to the nature of women. See J. S. Mill, *The Subjection of Women*, New York, 1986, at pp. 8, 33; S. De Beauvoir, *Le Deuxième Sexe*, vol. 1, 1976, at pp. 164-165; D. L. Rhode, *Justice and Gender*, Cambridge, 1989, at pp. 9-28).

In our own sources it is said of the woman that ‘the honour of a king’s daughter is inward’ (Psalms 45, 14 [61]).

As recently as the end of the nineteenth century, the English poet Alfred Tennyson wrote a sonnet that reflects the accepted social norms of that time:

‘Man for the field and woman for the hearth;

Man for the sword, and for the needle she;

Man with the head and woman with the heart;

Man to command and woman to obey.

All else confusion.’

(A. Tennyson, *The Princess*, 2nd song, 5, 427).

These norms were also expressed in the constitutional case-law of the United States. Thus, for example, in a judgment given at the end of the nineteenth century it was held that that a woman has no constitutional right to be a lawyer. The Supreme Court held, in the opinion of Justice Bradley, as follows:

‘The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood... [and] is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband’ (*Bradwell v. The State* (1872) [43], at 141).

3. All of this has changed greatly. In the State of Israel, as in other democratic states, the rule forbidding discrimination against women because of their sex is continually winning ground as a basic legal principle, and the legal rhetoric is continually being translated into reality.

In the declaration of the establishment of the State of Israel (‘the Declaration of Independence’) it was stated that ‘the State of Israel will uphold complete equality of social and political rights for all its citizens irrespective of... sex.’ In the Women’s Equal Rights Law, 5711-1951, section 1 provides that ‘There shall be one law for men and women for every legal act; and any provision of law that discriminates against women as women, for any legal act, shall not be followed’. In the Equal Remuneration for Female and Male Employees Law, 5724-1964, section 1 provides that ‘An employer shall pay a woman employee remuneration that is equal to the remuneration of an employee who is a man at the same place of employment for the same work.’ In the Equal Employment Opportunities Law, section 2(a) provides, *inter alia*, that ‘An employer shall not discriminate between his employees, or between candidates for employment on the basis of their sex...’. Case-law has played its part in establishing a substantive-interpretative principle, according to which, in the absence of any contrary statutory provision, the authorities (and in certain cases, even private individuals and bodies) are prohibited from discriminating against women because of their sex, and that statutes will be construed — in so

far as possible — as consistent with this prohibition. See, for example, HCJ 153/87 *Shakdiel v. Minister of Religious Affairs* [17]; *Poraz v. Mayor of Tel-Aviv-Jaffa* [12]; HCJ 104/87 *Nevo v. National Labour Court* [18].

4. The Basic Law: Human Dignity and Liberty (hereinafter – the Basic Law) gave a constitutional, super-legislative status to the prohibition of discrimination against women. This status derives from both of the following:

First, section 1 of the Basic Law (which also appears as section 1 of the Basic Law: Freedom of Occupation) provides:

‘Basic human rights in Israel are founded on the recognition of the worth of man, the sanctity of his life and his being free, and they shall be respected in the spirit of the principles in the Declaration of the Establishment of the State of Israel.’

This section provides, at least, that *basic rights* are to be upheld in the spirit of the principles of the Declaration of Independence, including the equality of citizens irrespective of sex. Therefore, for example, there can be no discrimination of women with respect to their right to property (a right enshrined in section 3 of the Basic Law) or in respect of their freedom of occupation (a right enshrined in section 3 of the Basic Law: Freedom of Occupation).

Second, the prohibition of discrimination against women is included in the right to dignity enshrined in sections 2 and 4 of the Basic Law.

The question whether the principle of equality in its entirety is encompassed in the right to dignity, within the meaning thereof in the Basic Law, has been discussed in several *obiter dicta* in the rulings of this Court. See, on the one hand, the remarks of Justice Or in HCJ 5394/95 [5], at pp. 360-363; the remarks of Vice-President Barak in *El-Al Israel Airlines v. Danielowitz* [3], at p. 760 {488}; and the remarks of Justice Mazza in *Israel Women’s Network v. Government of Israel* [6], at pp. 521-523 {447-449}. On the other hand, see the remarks of Justice Zamir in *Israel Women’s Network v. Government of Israel* [6], *ibid.*. See also: F. Raday, ‘On Equality’, 24 *Mishpatim*, 1994, 241, 254; Y. Karp, ‘Basic Law: Human Dignity and Freedom — A Biography of Power Struggles’, 1 *Law and Government*, 1992, 323, 345-361.

The legislative history of the Basic Law indicates that the omission of the general principle of equality was intentional. In the Knesset debate on the draft Basic Law, MK Shulamit Aloni and MK Moshe Shahal argued against the omission in the Basic Law of a section about the right of equality (see *Knesset Proceedings* vol. 123, 1992, at pp. 1241, 1244). In reply to these arguments, (*ibid.*, at p. 1532) MK Amnon Rubinstein, who proposed the Basic Law, said the following:

‘There is no section about general equality, that is correct, because that section of general equality was a stumbling block, an obstacle that prevented the passing of the comprehensive draft proposal.’

See also Karp, in her article, *supra*, at pp. 345-346.

In view of this background, I doubt whether it is possible — or at least, whether it is proper — to hold by means of construction that the purpose of the Basic Law is to provide constitutional protection to the principle of general equality. The clear intention of the legislator, as can be seen from the drafts versions, was precisely not to enshrine this general principle in the Basic Law. The draft versions of a law are a factor in determining its purpose. See the remarks of Justice Barak in FH 36/84 *Teichner v. Air France Airways* [19], at p. 619; Barak, in his book, *supra*, vol. 2, at pp. 191, 215. Admittedly, the significance of the draft versions — which reveal the intentions of the members of the Knesset who enacted the Law — decreases with the passage of time since the legislation was passed, and the occurrence of political, social or legal changes that may justify a deviation from these intentions. But only a few years have passed since the enactment of the Basic Law, and *prima facie* the Basic Law should not be construed in a way that conflicts with its purpose as can be seen from the draft versions.

Notwithstanding, there can be no doubt that the purpose of the Basic Law was to protect people from degradation. The degradation of a human being violates his dignity. There is no reasonable way of construing the right to dignity, as stated in the Basic Law, such that the degradation of a human being will not be considered a violation of that right.

Indeed, not every violation of equality amounts to degradation, and therefore not every violation of equality violates the right to dignity. Thus, for example, it was held that discrimination against small political parties as opposed to large parties, or against new parties as

opposed to old parties, violates the principle of equality. See, for example: H CJ 637/89 '*Constitution for the State of Israel*' v. *Minister of Finance* [20]; H CJ 98/69 [4], at p. 698; H CJ 246/81 *Derech Eretz Association v. Broadcasting Authority* [21], at pp. 13, 15, 21 {32, 34, 41}; H CJ 141/82 *Rubinstein v. Chairman of the Knesset* [22]; H CJ 142/89 *Laor Movement v. Knesset Speaker* [23]. Notwithstanding, such infringements of the principle of equality, which have even led to the disqualification of Knesset laws, did not constitute a degradation, and so they also did not involve a violation of human dignity.

This is not the case with certain types of discrimination against groups, including sex discrimination, and also racial discrimination. Such discrimination is based on attributing an inferior status to the victim of discrimination, a status that is a consequence of his supposedly inferior nature. Thus, for example, in the famous judgment of the United States Supreme Court in the case of *Brown v. Board of Education* (1954) [44], at p. 494, the approach that had been accepted until that time with regard to separate and equal education was rejected. With regard to the influence of separate education, Chief Justice Warren wrote as follows:

'To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.'

And in the judgment in *Frontiero v. Richardson* (1973) [45], at pp. 686-687, when discussing the influence of different treatment of women in legislation, Justice Brennan wrote:

'... Sex, like race and national origin, is an immutable characteristic determined solely by the accident of birth... the sex characteristic frequently bears no relation to ability to perform or contribute to society. As a result, statutory distinctions between the sexes often have the effect of invidiously relegating the entire class of females to inferior legal status without regard to the actual capabilities of its individual members.'

Closing a profession or a position to a person because of his sex, race or the like sends a message that the group to which he belongs is inferior, and this creates a perception of the inferiority of the men and women in the group. This creates a vicious cycle that perpetuates the discrimination. The perception of inferiority, which is based on the biological or racial difference, causes discrimination, and the discrimination strengthens the deprecating stereotypes of the inferiority

of the victim of discrimination. Therefore the main element in discrimination because of sex, race or the like is the degradation of the victim.

My opinion is therefore that the Basic Law protects against a violation of the principle of equality when the violation causes degradation, i.e., an insult to the dignity of a human being as a human being. The same is true when a woman is a victim of discrimination because of her sex.

5. Enshrining the prohibition against discrimination of women in the Basic Law has two consequences, which are mutually connected: first, inclusion in a Basic Law has significance for the definition of the right, and especially for the distinction between the definition of the right and the definition of the conditions in which it is permitted — if at all — to violate it; second, in exercising executive discretion — including discretion enshrined in a law that existed before the Basic Law came into effect — extra weight should be given to a right enshrined in the Basic Law.

6. The classic definition of equality was coined by Aristotle. According to this definition, equality means equal treatment of equals and different treatment of those who are different according to the extent of their difference (Aristotle, *The Nicomachean Ethics*, book 5, par. 1131). In my opinion, this definition, which has been incorporated in our case-law (see, for example, *Boronovski v. Chief Rabbis* [1], at p. 35), borders on tautology.

The definition permits, and even necessitates, different treatment when the ‘difference’ is relevant, but it does not contain criteria for determining that relevance. In the absence of such criteria, there is a danger — which has frequently been realized — that the criteria applied in each case will reflect the degrading stereotypes which the prohibition of discrimination was originally intended to prevent. In our case, the prohibition against the discrimination of women is likely to be rendered meaningless by a determination — based on accepted degrading stereotypes — that the difference between women and men justifies, and even necessitates, different treatment of women. Thus, for example, in the judgments in *Muller v. Oregon* (1908) [46] at 427; *Hoyt v. Florida* (1961) [47], at 62, laws that provided for different treatment of women were upheld, for the reason that the difference was relevant in view of the woman’s roles as a mother and housekeeper. For the same reason a law was approved that made only men liable for military service, notwithstanding the fact that the chiefs of staff of the American army were

interested in applying the law to women also. See *Rostker v. Goldberg* (1981)[48], at p. 74. Even in Israel it was held in *Steinberg v. Attorney-General* [7], at pp. 1067-1068, that different treatment of women, based on the duties of the married woman, falls into the category of permitted distinctions, since it is based on a relevant difference between women and men.

Moreover, the definition also obscures the distinction between the actual relevance of the difference and its proportionality, in the sense of restricting the violation of human rights to cases where it is required, or to the required degree.

The Aristotelian definition has also been criticized in legal literature. Prof. Rhode wrote the following:

‘American equal-protection analysis has developed largely within an Aristotelian tradition that defines equality as similar treatment for those similarly situated. Under this approach, discrimination presents no legal difficulties if the groups differ in ways relevant to a valid regulatory objective... challenges to gender classifications underscored the theoretical and practical limitations of this approach... Contemporary gender-discrimination analysis has presented difficulties along several dimensions. At the most basic level, traditional approaches have failed to generate coherent or convincing definitions of difference. All too often, modern equal-protection law has treated as inherent and essential differences that are cultural and contingent. Sex-related characteristics have been both over- and undervalued. In some cases, such as those involving occupational restrictions, courts have allowed biology to dictate destiny. In other contexts, such as pregnancy discrimination, they have ignored women’s special reproductive needs. The focus on whether challenged classifications track some existing differences between the sexes has obscured the disadvantages that follow from such differences.

Although discourses of difference must sometimes have a place, they should begin, not end, analysis. As deconstructionists remind us, women are always already the same and different: the same in their humanity, different in their anatomy. Whichever category we privilege in our legal discourse, the other will always be waiting to disrupt it. By constantly presenting gender issues in difference-oriented frameworks, conventional legal discourse implicitly biases analysis. To pronounce women either the same or different allows men to remain the standard of analysis.

Significant progress toward gender equality will require moving beyond the sameness-difference dilemma. We must insist not just on equal treatment but on woman's treatment as an equal' (Rhode, *supra*, at pp. 81-82)

See also Raday, in her article, *supra*, 24 *Mishpatim*, at p. 255.

In my opinion, in our case (i.e., in circumstances where a decision is based on considerations of sex or similar considerations based on belonging to a group, such as race), it is possible to overcome the difficulties raised by the Aristotelian definition — or at least some of them — by replacing this definition with a twofold test: first, is the consideration of sex relevant? Second, assuming that the consideration is relevant, is it justified to take account of it in the circumstances of the case?

In my opinion, as stated, discrimination against a person because he belongs to a group, and in our case discrimination against women, violates the right to dignity. However, like every right, the right to dignity (including the prohibition of group discrimination derived from it) is also not an absolute right but a relative one, and a balance must be struck between it and other legitimate values and interests. Therefore, in special cases a violation of women's right of equality may be justified, if it complies with criteria that reflect the proper balance between this right and other legitimate values and interests.

A good example of the application of this approach can be found in *Poraz v. Mayor of Tel-Aviv-Jaffa* [12]. This case considered a decision of the Tel-Aviv-Jaffa Municipality not to appoint women to the body that appointed the city's chief rabbi. The decision was based upon considerations recognized by the court as relevant considerations (which were called by the court 'particular considerations'), which were the fear that the participation of women on the body making the appointment would prevent suitable rabbis from presenting themselves as candidates and would make the functioning of the rabbi that would be elected more difficult. *Prima facie*, according to the Aristotelian definition — which the Court both cited and relied upon — this should have been sufficient to deny the petition and to uphold the decision of the Municipality. But the court held that the discrimination against women itself constituted a violation of the right to equality. In such a case, the court held, in the opinion of Justice Barak, that:

‘... we must balance the general principle of equality on the one hand against the particular consideration of the appointment of an electoral assembly that can properly carry out its office on the other’ (*supra*, at p. 336).

From this we can infer that even when ‘discrimination against women is a relevant consideration’ (*ibid.*), the discriminatory decision violates the right of equality, and we must examine whether this violation is justified. On the other hand, according to the accepted Aristotelian definition, a statement that ‘discrimination against women is a relevant consideration’ is inherently contradictory, for, according to that definition, if the consideration is relevant, there is no discrimination at all.

8. The distinction between discriminatory treatment and its justification also requires a distinction regarding the burden of proof, between the woman claiming discrimination and the executive authority. A woman claiming discrimination must prove that the authority treated her differently because of her sex (or her belonging to another group). On the other hand, the burden of proof that discriminatory treatment is justified lies with the authority. Thus for example, in the United States, in lawsuits of observant Jews against their employers on the grounds that they were the victims of discrimination because they observed the Sabbath, it was held that when the plaintiffs proved the actual discriminatory treatment, the employers had to prove that they took all the reasonable measures for integrating the persons who observed the Sabbath in the work. See *Getz v. Com. of Pa., Dept. of Public Welfare* (1986) [49]; *Shapiro-Gordon v. MCI Telecommunications Corp.* (1993) [50].

The proper degree of proof is the usual one in civil law, namely, the balance of probability in favour of the contention that must be proved. Cf. *R. v. Oakes* (1986) [58], at p. 107; P. A. Joseph, *Constitutional and Administrative Law in New Zealand*, Sydney, 1993, at pp. 861-862; Hogg, *supra*, at pp. 857-858.

9. Section 11 of the Basic Law requires all Government authorities to uphold the rights enshrined therein. Notwithstanding, the section does not stipulate the criteria for upholding the rights. How then are these criteria to be determined?

In the United States, in the absence of a provision of the Constitution in this respect, the criteria for examining the constitutionality of the violation of human rights have been formulated in

case-law. These criteria do not make a clear distinction between the purpose of the norm that violates a basic right and the proportionality of the violation. American case-law developed a doctrine of levels of scrutiny, which is based on an examination of the importance of the social values at the heart of the right. The most lenient level of scrutiny in terms of the restrictions it imposes on the authorities, applies to acts (including laws) that violate economic rights. The level of scrutiny of these activities is minimal scrutiny. According to this, a violation of a right will be found to be justified if the violation is rationally related to a legitimate State interest. See: *Railway Express Agency v. New York* (1949) [51]; *Massachusetts Board of Retirement v. Murgia* (1976) [52].

The strictest level of scrutiny applies to acts that violate fundamental rights, such as freedom of speech, freedom of movement and the right to vote. This criterion also applies to the examination of the constitutionality of actions based on a suspect classification. In examining the constitutionality of such actions there is a need for strict scrutiny, which imposes a heavy burden of persuasion — substantive and probative — to justify the violation of the right. Only an essential public interest, which cannot be achieved by less discriminatory measures, may justify such a violation. See *Korematsu v. United States* (1944) [53]; *Brown v. Board of Education* [44].

Notwithstanding, the level of scrutiny of classifications based on sex was a subject of dispute. In the judgment in *Frontiero v. Richardson* [45], at pp. 682, 685, Justice Brennan, supported by Justices Douglas, White and Marshall, was of the opinion that classifications based on sex — like classifications based on race — were suspect classifications, and they should be subject to the highest level of scrutiny. He wrote:

‘At the outset, appellants contend that classifications based upon sex, like classifications based upon race, alienage and national origin, are inherently suspect and must therefore be subjected to close judicial scrutiny. We agree...

... Neither slaves nor women could hold office, serve on juries, or bring suit in their own names, and married women traditionally were denied the legal capacity to hold or convey property or to serve as legal guardians of their own children... And although blacks were guaranteed the right to vote in 1870, women were denied even that right...’

But in a later judgment it was held that the constitutionality of classifications based on sex, which were defined as ‘quasi-suspect’, will be examined on the basis of an intermediate level of scrutiny (intermediate scrutiny). According to this level of scrutiny, a classification based on sex will be considered to be justified if it has a substantial relationship to an important Government objective. See *Craig v. Boren* (1976) [54]; *Mississippi Univ. v. Hogan* (1982) [55].

In Canada, in the Charter of Rights and Freedoms, there is a limitation clause that distinguishes between the purpose of the action that violates the right and the proportionality of the violation (s. 1 of the Charter). Canadian case-law developed a standard level of scrutiny for all basic rights. It was held that legislation has a proper purpose if it is intended to realize social needs of fundamental importance, and that the violation should not be excessive for achieving the purpose. In the latter case, secondary tests were established. The following was stated in the leading judgment *R. v. Oakes* [58], at 139:

‘There are, in my view, three important components of a proportionality test. First, the measures adopted must be carefully designed to achieve the objective in question. They must not be arbitrary, unfair or based on irrational considerations. In short, they must be rationally connected to the objective. Second, the means, even if rationally connected to the objective in this first sense, should impair “as little as possible” the right or freedom in question... Third, there must be a proportionality between the *effects* of the measures which are responsible for limiting the *Charter* right or freedom, and the objective which has been identified as of “sufficient importance”.’

In Germany, the Constitutional Court ruled that a strict level of scrutiny is required for legislation that discriminates on the basis of sex, that only an essential purpose justifies such a discrimination, and even this on condition that the extent of the violation is not excessive. See D. P. Currie, *The Constitution of the Federal Republic of Germany*, Chicago, 1994, at p. 328.

The principle of proportionality, which was developed in German administrative law as early as the eighteenth century, is comprised of three elements that are in principle similar to the secondary tests in the Canadian ruling in *R. v. Oakes* [58]. First, the violating measure must be appropriate (*geeignet*) for achieving the purpose. Second, the measure must be required (*erforderlich*) for achieving the purpose, in the sense that of the suitable measures, the measure

chosen is the most moderate one that can achieve the purpose (the element of necessity). Third, the measure must not be excessive (*unzumutbar*) in its violation, in comparison with the benefit deriving from it. In other words, the relationship between the measure and the purpose must be proportional (Currie, in his book, *supra*, at pp. 309-310). See also Y. Zamir, 'Israeli Administrative Law in comparison with German Administrative Law', 2 *Law and Government*, 1994, at pp. 109, 131.

10. In Israel, the criteria for upholding rights, *mutatis mutandis*, should be derived from section 8 of the Basic Law (hereafter — the limitation clause). This section provides:

'The rights under this basic law may only be violated by a law that befits the values of the State of Israel, is intended for a proper purpose, and to an extent that is not excessive, or under a law as stated by virtue of an express authorization therein.'

Indeed, the limitation clause applies only to powers deriving from laws passed after the enactment of the Basic Law. However, it is appropriate, by way of analogy, to apply its principles to the duty of executive authorities by virtue of section 11 of the Basic Law, which also applies to powers based upon laws that preceded the Basic Law. There are two reasons for this: first, the protection of basic rights in Israel should be carried out on the basis of similar criteria, whether the legal norm whose validity is being examined is a statute or whether it is another legal norm. Second, the arrangement provided in the limitation clause — which distinguishes, *inter alia*, between the purpose of the violation of the right and the extent of the violation — is in principle appropriate for all legal norms, and not merely statutes. The suitability of the criteria in the limitation clause for the scrutiny of the validity of legal norms that are not statutes was discussed by Vice-President Barak in *El-Al Israel Airlines v. Danielowitz* [3] (in which a discriminatory collective agreement was considered), at p. 760 {488}:

'Equality may be lawfully restricted if this is consistent with the values of the State of Israel, is for a proper purpose and if equality is not restricted more than necessary.'

The elements of the limitation clause are very similar to the criteria developed in case-law for a violation by an administrative authority of a basic human right.

11. The first element, which reflects the principle of legality, provides that the violation must be in a law or under a law by virtue of an express authorization therein. In this respect, in case-law laid down before the Basic Law was passed, it was held, *inter alia*:

(1) A basic human right may not be restricted without the clear authorization of the primary legislator. See, for example: the remarks of Justice Berinson in H CJ 200/57 *Bernstein v. Bet-Shemesh Local Council* [24], at p. 268; Justice Shamgar in H CJ 337/81 *Miterani v. Minister of Transport* [25], at p. 359.

(2) Legislation that violates a basic human right must be construed narrowly, ‘with the aim of giving the said right maximum application and not limiting it in any way beyond what is clearly and expressly implied by the legislation’ (the remarks of Justice Shamgar in CA 732/74 *HaAretz Newspaper Publishing Ltd v. Israel Electricity Co. Ltd* [26], p. 295 {243}).

(3) Laws should be construed on the assumption that it is not their aim to violate the principle of equality. The following was written by Justice Haim Cohn in H CJ 301/63 *Streit v. Chief Rabbi* [27], at p. 612:

‘... this court will always presume that the Israeli legislator does not intend to violate, by an act of legislation, the basic principles of equality, freedom and justice...’

In another context, Justice Barak wrote in *Poraz v. Mayor of Tel-Aviv-Jaffa* [12], at p. 612:

‘... we must presume [that] the primary legislator and the secondary legislator [wished] to uphold the principle of equality... we must construe this authority in a way that the power to enact subordinate legislation is not exercised in a manner that violates the principle of equality’ (square parentheses added).

The power to discriminate against women must therefore be expressly stated in a law, and a general provision giving an authority discretion is insufficient. This is because the assumption is, as stated, that the authority should exercise its powers while upholding basic human rights — including the prohibition of discriminating against women — unless it is expressly authorized not to do so.

These rules of interpretation were reinforced with the enactment of the Basic Law. It was held that even legislation that is protected by section 10 of the Basic Law against being held invalid should be interpreted in the spirit of the provisions of the Basic Law, and the same applies also to discretion exercised under legislation whose validity was protected. It was also held that there should be a re-examination of existing case-law to assess whether it was consistent with the provisions of the Basic Law. See CrimApp 537/95 *Ganimat v. State of Israel* [28], and the remarks of Vice-President Barak, at p. 419:

‘... There are rulings that were made in the past, and which are inconsistent with the new balance. These rulings can no longer be used for the construction of a new law. Moreover, these rulings should no longer be used for the construction of the old law. This law should be construed in the spirit of the new basic laws. The purpose of the old legislation and executive discretion enshrined in old legislation must be construed according to the new balance between human rights and the needs of society, provided that this new interpretation is possible.’

See also: the remarks of Vice-President Barak, *ibid.*, at pp. 423-424; and my own remarks, *ibid.*, at p. 375; and also CrimApp 4595/94 [29]; CApp 4459/94 *Salomonov v. Sharabani* [30]; HCJFH 3299/93 *Wechselbaum v. Minister of Defence* [31].

12. The second element requires that the violation befits the values of the state of Israel. It may be assumed that the intention is to its values as a Jewish and democratic State, as stated in section 1 of the Basic Law. See Barak, in his book, *supra*, vol. 3, at p. 157; H. H. Cohn, ‘The Values of the State of Israel as a Jewish and Democratic State — Studies in the Basic Law: Human Dignity and Liberty’, 9 *HaPraklit — Jubilee Volume*, Israel Bar Association Publications, 1994, at p. 9. Even this element should be applied (subject to section 10 of the Basic Law) to all executive decisions. See the remarks of Vice-President Elon in CrimApp 2169/92 *Suissa v. State of Israel* [32], at p. 341.

13. The third requirement in the limitation clause requires that the violation of the right is for a proper purpose. The meaning of ‘a proper purpose’, with regard to a decision of an administrative authority, is different from its meaning with respect to a statute. While with respect to a statute we should examine whether its purpose serves a public purpose whose realization might justify a violation of a basic right, with respect to an administrative decision we

should examine, first and foremost, whether its purpose is one of the general or particular purposes of the law authorizing the decision. I discussed this in *El-Al Israel Airlines v. Danielowitz* [3], at p. 782-783 {519-520}, with regard to discrimination based on sexual orientation:

‘According to this test, no distinction should be made between homosexual couples and heterosexual couples, if the spousal relationship between the spouses of the same sex meets the criteria that realize the purpose for which the right or benefit is conferred. By contrast, when the sexual orientation is relevant to realizing the purpose of the benefit, for instance if the purpose is to encourage having children, withholding the benefit from a same-sex spouse will not constitute discrimination’ (square parentheses added).

See also H CJ 389/90 *Golden Pages Ltd v. Broadcasting Authority* [33], at p. 435; H CJ 4422/92 *Efran v. Israel Lands Administration* [34], at p. 858.

In our case, legislation whose purpose is to protect women cannot be used as a basis for discriminating against women, if she has waived the protection (provided, of course, that the protection is not forced on her by a law whose validity is preserved under section 10 of the Basic Law). See H CJ 231/63 *Ratef Food Supply Ltd v. Ministry of Trade and Industry* [35], at p. 2733.

14. The fourth element — which, in my opinion, is the most important — is the requirement that the extent of the violation of the right is not excessive. This principle is expressed by adapting the means to the purpose, in adopting a measure that violates a basic right only as a last resort and in the absence of another reasonable measure, and in adopting a measure of violating a basic right only where the importance of the purpose of the violation (‘the purpose’), and the severity of the damage that will be caused if the purpose is not realized, justify it. See: H CJ 5510/92 *Torkeman v. Minister of Defence* [36]; H CJ 987/94 [14]; H CJ *Ben-Atiya v. Minister of Education, Culture and Sport* [37]. See also Z. Segal, ‘The Grounds of Disproportionality in Administrative Law’, 39 *HaPraklit*, 1990, at p. 507. In the latter case, balancing formulae were established, based on the special weight of the violated human right on the one hand and the conflicting interest (in the terminology of the limitation clause — ‘the purpose’) on the other. These formulae are expressed in the tests that concern the extent of the violation of the basic human right and its probability. See the remarks of Justice Barak

in 399/85 *Kahana v. Broadcasting Authority Management Board* [38], at p. 284. The probability formula is determined, on the one hand, in accordance with the importance of the basic right and its underlying reasons, and, on the other hand, in accordance with the importance of the conflicting interest, the realization of which is the purpose of the violation. For this latter issue, see HCJ 1452/93 *Igloo Plumbing Works, Building and Development Contracting Co. Ltd v. Minister of Industry and Trade* [39], at p. 617.

The right to dignity — which enshrines the prohibition of discrimination against women — is one of the most important basic human rights. In general, the degradation of a woman by discriminating against her merely because she is a woman is very hurtful to her. Moreover, important social interests are also a basis for the right. In the words of Justice Bach in *Nevo v. National Labour Court* [18], at p. 760 {150}:

‘A society that practises discrimination is not a healthy one, and a State that practises discrimination cannot be called a civilized State.’

The individual and social reasons that are the basis for the prohibition of discrimination against women require that we apply in this respect the strict test of a near certainty of serious danger.

15. In cases where the difference of women is a relevant consideration for realizing the purpose of the power, there is a spectrum of possible measures for achieving that purpose. At one extreme of the spectrum, there is the asymmetric model of the ‘special protection rule’. This model holds that women have special characteristics and roles, which justify their being discriminated against in comparison with men, and *inter alia* they are prevented from being employed in various jobs. The proper purpose — which is the proper exercise of the said roles — is therefore realized by closing the door to women who wish to serve in those jobs.

At the other end of the spectrum, there is a symmetric model known as ‘gender neutrality’. This model advocates equal treatment of men and women, and it assumes that both sexes have identical functional capacity. According to this approach, pregnancy is considered as a constraint equivalent to a man being sick. Adopting this model usually involves building the system according to the ability of men. In its planning, naturally account is taken of various needs that are common to all human beings, whether women or men, but no account is taken of the special needs of women. According to this model, society may close to women the door of an

organization whose optimal operation is in the interests of society, if it transpires that because of the needs and characteristics of women their period of activity is expected to be shorter than the activity of men (and this also as a result of women exercising privileges that the law grants them, with regard to pregnancy, childbirth and the other roles of women). The symmetrical model is therefore likely to prevent or to reduce to a large degree the employment of women in essential organizations.

This problem raised by the ‘gender neutrality’ model was succinctly described by Prof. MacKinnon:

‘Under the sameness rubric, women are measured according to correspondence with man, their equality judged by proximity to his measure; under the difference rubric, women are measured according to their lack of correspondence from man, their womanhood judged by the distance from his measure. Gender neutrality is the male standard. The special protection rule is the female standard. Masculinity or maleness is the referent for both’ (C. A. MacKinnon, *Toward a Feminist Theory of the State*, Harvard University Press, 1989, at p. 221).

16. In my opinion, the solution to the difficulties raised by both of the extreme models lies in an intermediary model. According to this model, achieving equality between the sexes requires organizational planning that takes the unique needs of women into account. The interest in ensuring the dignity and status of women, on the one hand, and in the continued existence of society and the raising of children, on the other hand, makes it necessary — in so far as possible — not to deny women the possibility of realizing their abilities and ambitions merely because of their special natural functions, and thereby discriminating against them in comparison with men. Social institutions — including legal arrangements — should be adapted to the needs of women.

This intermediary model, whereby every employer must take into account that the years of a woman’s activity are likely to be disrupted by pregnancy, childbirth, nursing and childcare, has been enshrined in Israel in labour law. Thus, for example, the Women’s Employment Law provides that a woman has a right of maternity leave (s. 6(a)), a right of absence from work during the pregnancy if there is a medical need (s. 7(c)(1)), and a right to return to work after childbirth following an absence that does not exceed twelve months (s. 7(d)(1)).

Naturally, the implementation of the intermediary model costs money and complicates planning. These costs must be borne — sometimes with the participation of National Insurance — also by private employers. This obligation is imposed, all the more so, also on the State.

The demand to consider the special needs of women is similar to the demand to consider a person's religious belief. Such a demand is accepted in the United States. See *Getz v. Con. of Pa., Dept of Public Welfare* [49]; *Shapiro-Gordon v. MCI Telecommunications Corp.*[50]. In H CJ 80/70 *Elitzur v. Broadcasting Authority* [50], at p. 666, Justice Kister wrote that the approach of American case-law should be adopted:

‘... we may learn some things from the American approach in law and case-law:

a. An approach that has maximum consideration for the religious persuasion of the employee; even if he has undertaken to work overtime, he should not be required to do this on his day of rest, and he even cannot be required to find a replacement if this is contrary to his religious belief, and the employer must adapt himself, in so far as possible, to his religious belief; I emphasize that we are speaking here of a private factory...’

It will be noted that in 1981 the Work and Rest Hours Law, 5711-1951, was amended, and in section 9(c) an employer was forbidden to refuse to accept someone for employment merely because he is not prepared to work on the weekly rest days prohibited by a precept of his religion.

17. From the general to the specific:

My colleague, Justice Mazza, set out the facts underlying the petition. As stated, the respondents rejected the petitioner's request to invite her for aptitude tests for an aviation course because of planning reasons, which were mainly considerations of organizational feasibility. The basis for these considerations is the large cost of training pilots, which makes — so the respondents argue — the training of someone whose service for many years is not guaranteed by law not worthwhile, and it also makes it necessary to train a larger number of pilots. An additional reason given by the respondents was the cost required for adapting the facilities at the camp where the flight course takes place to absorb women.

The respondents' considerations are based on the assumption that the petitioner, being a woman, can be expected to serve fewer years than a man. In this respect, they relied on the provisions of the Defence Service Law [Consolidated Version] (hereafter — the law), which obliges men to do reserve duty until the age of 54, whereas women are liable for reserve duty only until the age of 38 (s. 29), and pregnant women and mothers are exempt altogether from reserve duty (s. 34). The law does not prevent a woman volunteering for reserve duty (s. 12), nor does it even distinguish between men's jobs and women's jobs. But in the respondents' opinion, in view of the pregnancies and childbirths that can naturally be expected in the life of a woman, one cannot rely upon voluntary service from which the woman can exempt herself at any time.

As my colleague Justice Mazza mentioned, the respondents did not rely on the existence, under High Command regulations, of restrictions in assigning women to combat roles, and I will therefore assume that these regulations have no implications with regard to the rights of the petitioner.

18. I have arrived at the conclusion that the respondents' decision to reject the petitioner's request because she is a woman, discriminates against her, and this discrimination — which constitutes a violation of the petitioner's constitutional right of dignity — does not satisfy the requirements of the limitation clause in the Basic Law, and it is therefore illegal and improper.

I will consider the elements of the limitation clause in order.

19. *The first requirement — express statutory authorization:* the law distinguishes between men and women in so far as the length of compulsory service is concerned, and in this way it discriminates between the sexes. In view of the provisions of section 10 of the Basic Law regarding the preservation of laws, we are not required to consider the validity of the law in this respect. In the absence of any other argument, I too am prepared to assume — *without ruling*— that the decision was made within the framework of the power that the law gave to the respondents.

20. *The second element — befitting the values of the State:* here too, in the absence of arguments to the contrary, I will assume — *without ruling* — that the respondents' decision does not conflict with the values of the State of Israel as a Jewish and democratic state.

21. *The third element — a proper purpose*: the air force's planning considerations, which, as stated, led it to make the decision that is the subject of the petition, serve important State interests, and in this sense they constitute 'a proper purpose'. The problem is that these considerations were based on statutory provisions that were intended to protect women and grant them 'privileges'. As stated, the law is not compulsory in this respect, and the petitioner gave notice that she is prepared to waive the privileges given to her. Therefore, in rejecting the petitioner's request by relying on the protective provisions, the respondents applied considerations that were irrelevant for realizing the purpose of these provisions of law. In this sense, their considerations can therefore not be regarded as 'a proper purpose'. Notwithstanding, there still remains the consideration that a woman, because of her biological functions, is expected to do less years of reserve duty than men, something that will make her training less worthwhile, and will, so they claim, adversely affect the possibility of planning. These considerations — of economy and facilitating planning — are relevant and legitimate, and constitute 'a proper purpose'.

22. *The fourth element — to an extent that is not excessive*: in my opinion, the measure that the respondents chose in order to realize their purposes — closing the profession of aviation to women — does not comply with this element of the limitation clause. Closing the profession of aviation to women does not comply with the requirement of proportionality. As my colleague Justice Mazza has shown, it is possible to make plans — since in any event planning takes account of interruptions and stoppages for various reasons — in a way that takes into account the differences between men and women. As stated, the obligation to take account of women's needs in planning is incumbent on all employers in the country by virtue of laws that prohibit refusing to accept a woman for employment because of her sex, and at the same time give her privileges that shorten her activities in a way liable to harm the employer. In these circumstances, where an extra financial burden is imposed on all private employers for the sake of achieving equality, considerations of budgeting and planning efficiency cannot justify a decision of the State that violates a basic right. See: *Singh v. M. E. I.* (1985) [59], at p. 218; *R. v. Lee* (1989) [60], at p. 1390; Barak, *supra*, vol. 2, at pp. 526-527.

Moreover, even if we assume that the planning consideration could justify discrimination against women, the State which seeks to justify the discrimination bears the burden of proof. But the

respondents did not substantiate their arguments about the harm to planning on solid facts, but merely on a hypothesis whose correctness is not self-evident. The fact that in 1975 women soldiers were integrated into an aviation course on the respondent's initiative, indicates precisely that the planning difficulties, in so far as they exist, are not insoluble.

In addition to all the above, the damage caused by closing the aviation course to women exceeds the benefit of the planning considerations. First, closing the aviation course to women violates their dignity and degrades them. It also, albeit unintentionally, provides support for the degrading slogan: 'the best men for the air force, and the best women for its pilots'.

Second, the potential of half the population is not utilized, and this damages society. 'The best women for the air force' is also in the interests of society, and this was harmed by the respondents' decision. This was discussed by the English philosopher, John Stuart Mill, in his book, *supra*, which was written over one hundred years ago. He wrote, on p. 57:

'Nor is the injustice confined to [women]: it is shared by those who are in a position to benefit by their services. To ordain that any kind of persons shall not be physicians, or shall not be advocates, or shall not be members of parliament, is to injure not them only, but all who employ physicians or advocates, or elect members of parliament, and who are deprived of the stimulating effect of greater competition on the exertions of the competitors, as well as restricted to a narrower range of individual choice.'

Very recently this was explained in the United States by Justice Hall in his judgment in *Faulkner v. Jones* [42], at p. 451:

'Though our nation has, throughout its history, discounted the contributions and wasted the abilities of the female half of its population, it cannot continue to do so. As we prepare, together, to face the twenty-first century, we simply cannot afford to preserve a relic of the nineteenth.'

Indeed, the experience of history in other countries and also in Israel shows that in times of emergency, when the enemy stood at the gates, accepted norms gave way and women took part in combat, on land and even in the air.

The policy of closing the doors also does not meet the accepted criteria in our law for violation of a basic right. In this respect the respondents needed to prove the existence of a near certainty

that the integration of women in aviation will seriously harm national security. The respondents did not do this, nor do common sense and experience in themselves lead to a conclusion about the existence of such a near certainty.

For these reasons, I think that the petition should be granted and the show cause order be made absolute.

Petition granted by majority decision (Justices E. Mazza, D. Dorner, T. Strasberg-Cohen), Justices Y. Kedmi, Ts. E. Tal dissenting.

15 Heshvan 5756.

8 November 1995.

*Source:*Supreme Court of Israel (1995), *Judgement on Alice Miller vs. Minister of Defence Case*, [Online: Web], URL:

http://elyon1.court.gov.il/files_eng/94/410/045/Z01/94045410.z01.htm Accessed on 17 July 2017.

Annexure 4: General Staff Order (GSO) 33.0145, Prohibition on Inflicting Harm of a Sexual Nature, 1979

- **Filing and Investigation of Sexual Offenses**

provides that victims of sexual offenses may seek assistance, treatment, and guidance by contacting their commanders (except where the commander is the alleged offender themselves, soldiers appointed by the commander to handle sexual harassment complaints, or the unit's medical or mental health officers, as well as EEO personnel. Victims may be reassigned to a different unit after having being heard and following consultation with their commander.

Commanders who have been informed of allegations of sexual offenses must report such complaints to adjutant officers and in their absence to the EEO, to their own unit commanders, and to the Military Attorney General (MAG). A report alleging perpetration of sexual offenses will not be forwarded to a commander if the soldier requested confidentiality or when the commander is the subject of the complaint.

Upon receipt of a complaint an adjutant officer (AO) must interview the complainant, fill out a complaint form, and open a file for a sexual offense complaint. The complainant may then choose to have the complaint investigated either by an investigative officer or by the Military Investigative Police (MIP).

When there is suspicion of violence, as in allegations of rape, forced sodomy, etc., the complaint file must be transferred to the MIP (or the Israeli police when the alleged perpetrator is a civilian), even in the absence of the complainant's consent.

In addition to having their complaints investigated and adjudicated by the IDF, complainants are entitled to file a civil complaint against their alleged perpetrators.

B. Determination of Adjudication and AOs Required Qualifications

All findings of investigations, either by the MIP or investigative officers, must be forwarded to the MAG. The determination of whether to adjudicate sexual offenses in disciplinary proceedings will be made by the MAG. Disciplinary proceedings in cases involving sexual offenses must always be presided over by AOs who have a rank of at least Lieutenant Colonel and legal education or specific training in handling sexual harassment cases from the IDF School of Military Justice. AOs who preside over the adjudication of sexual harassment cases must usually not belong to the same unit as the alleged offender. With the MAG attorney's authorization, however, the defendant may be adjudicated by a Senior AO of a rank of Lieutenant Colonel or higher, who belongs to the same unit as that of the defendant, as long as the AO has had the training necessary to adjudicate such offenses.

Source: Library of Congress, Military Justice: Adjudication of Sexual Offenses, [Online: Web],
URL: <https://www.loc.gov/law/help/militaryjustice/2013-009638-final-report.pdf>

Annexure 5:

Prevention of Sexual Harassment Law, 5758-1998

Purpose of the law

1. The purpose of this law is to prohibit sexual harassment in order to defend human dignity, freedom and privacy and in order to promote equality between the sexes.

Definitions

2. In this Law - "Service" means service in the defense forces, where no employer/employee relationship exists between them and the person serving therein;

"demonstrated" means by word or conduct, and provided that there is no reasonable doubt as to the meaning of such conduct;

"reference" means written, spoken, by means of visual or sound presentation, including by means of computer or of computer material, or by conduct,

"Equal Opportunities Law" means the Equal Employment Opportunities Law 5748-1988. "Penal Law" means the Penal Law 5737-1977,

"helpless person" as defined in Section 368A of the Penal Law;

"defense forces" means the Israel Defense Forces, the Israel Police, the Prisons Service, and the other defense organizations of the State;

"computer" and "computer material" as defined in the Computers Law 5755-1995

"realm of Labor relations" means the workplace, any other place in which activity on behalf of the employer takes place, in the course of employment, or by the exploitation of authority in labor relations at any place whatsoever;

"manpower contractor" as defined in section 1 of the Employment of Employees by manpower contractors law 5756-1996'

“minor” means a person who has not yet reached the age of 18.

Sexual harassment and persecution

3. (a) Sexual harassment is any one of the following acts:

(1) extortion by threat, within the meaning thereof in Section 428 of the Penal Law 5737-1977 (hereinafter referred to as – the Penal Law), when the act that the person is required to perform is of a sexual nature;

(2) indecent acts, within their meaning in Sections 348 and 349 of the Penal Law;

(3) repeated propositions of a sexual nature, addressed to a person who has demonstrated to the harasser that he is not interested in the said propositions;

(4) repeated references addressed to a person and focused on his sexuality, when that person has demonstrated to the harasser that he is not interested in the said references;

(5) an insulting or debasing reference to a person in connection with his gender or sexuality, including his sexual preference;

(6) propositions or references as referred to in paragraphs (3) or (4), addressed to one of the persons enumerated in subparagraphs (a) to (c) under circumstances specified in those subparagraphs, even if the harassed person has not demonstrated to the harasser that he is not interested in the said propositions or references;

(a) toward a minor or helpless person, by exploiting a disciplinary, educational or treatment relationship;

(b) toward a patient within the framework of psychological or medical treatment, by exploiting the patient’s dependence on the person treating him;

(c) toward an employee within the framework of an employment relationship, and toward a person in service within the framework of such service, by exploitation of authority and discipline in labor relations or in the service.

(b) Persecution is any harm stemming from sexual harassment or from a complaint or an action brought because of sexual harassment.

Prohibition of sexual harassment and persecution

4. A person shall not harass another sexually nor persecute such person.

Sexual harassment and persecution as offences

5. (a) Where a person harasses another sexually, as provided in Section 3(a)(3) to (6), he shall be liable to 2 years imprisonment.

(b) Where a person persecutes another, as provided in Section 3(b) he shall be liable to 3 years imprisonment.

(c) Where a person has harassed another sexually as provided in subsection (a) and has persecuted such person as provided in subsection (b) he shall be liable to 4 years imprisonment.

(d) The provisions of Sections 2A and 2B of the Law Procedure Amendment (Interrogation of Witnesses) Law 5718-1957 shall apply to the interrogation of a person who has been harmed by an offence under this section and to the testimony of such person in respect of such an offence.

(e) The provisions of Section 352 of the Penal Law shall apply to publication of the name of a person harmed by an offence under this section.

Sexual harassment and persecution are civil wrongs

6. (a) Sexual harassment and persecution are civil wrongs and the provisions of the Civil Wrongs ordinance (New Version) shall apply to them, subject to the provisions of this Law.

(b) The Court may award compensation of up to NIS 50,000 for sexual harassment and persecution, without proof of damage; this amount shall be updated on the 16th of each month at the rate of increase of the new index over the basic index; for the purposes of this section - "index" means the Consumer Price Index published by the Central Bureau of Statistics; "new index" means the index for the month preceding the month of updating; "basic index" means the index for March 1998.

(c) A Court or a Labor Court as the case may be, shall not entertain a claim for a civil wrong under this section or under Section 7, if it is submitted after 3 years have elapsed from the date on which the grounds for it arose.

Action to be taken by the employer

7. (a) An employer must take steps that are reasonable under the circumstances, in order to prevent sexual harassment and persecution within the realm of labor relations by his employee or by a person who has been put in charge on his behalf, even if he is not his employee, and to that end he shall –

(1) provide an effective method for the submission of complaints of sexual harassment or persecution and for the investigation of such complaints.

(2) take effective action in cases of sexual harassment or persecution of which he is aware and do all that he can to prevent a repetition of the aforesaid acts and to make good any harm caused to the complainant as a result of such sexual harassment or persecution;

(b) where an employer employs more than 25 employees, he must – in addition to what is provided in subsection (a) prescribe a set of rules that encompasses the main provisions of this Law on sexual harassment and persecution in the realm of labor relations, and which specify therein the methods of the submission and handling of complaints concerning sexual harassment or persecution, as prescribed by the employer (hereinafter – the set of rules); the employer shall bring the set of rules to the attention of his employees.

(c) Where an employer has not complied with his obligations under subsections (a)(1) and (2) and (b), he shall be liable for a civil wrong under Section 6 or for a civil wrong for harm caused as provided Section 7 of the Equal Opportunities Law, committed by his employee or a person in charge on his behalf, even if he is not his employee, within the realm of labor relations.

(d) The Minister of Justice – with the agreement of the Minister of Labor and Social Affairs and with the approval of the Knesset Committee for the Advancement of the Status of Women, shall prescribe –

(1) Rules for compliance with an employer's obligations under this Section; the aforesaid rules may be couched in general terms or for categories of workplaces, for branches of employment or for professions;

(2) A sample set of rules as an example for employers (hereinafter referred to as – sample rules).

(e) For the purpose of compliance with the employer's obligations under subsection (b), the employer shall make the necessary modifications to the sample rules.

(f) For the purposes of this section, "persecution" – includes harm caused as provided in Section 7 of the Equal Opportunities Law.

(g) The provisions of this Section shall also apply, mutatis mutandis, to institutions that provide academic or vocational training, for adults and for this purpose such institutions shall be treated as an employer, the teacher or lecturer shall be treated like an employee or person in charge on behalf of the employer, and a trainee or student shall be treated like an employee.

Failure to publicize a set of rules is an offence

8. Where an employer fails to make public a set of rules as provided in Section 7(b), he shall be liable to a fine and to an additional fine for each week in which the offence continues, of the amount prescribed in Section 61(c) of the Penal Law.

Expansion of applicability

9. The provisions of this Law in relation to employers and employees shall also apply, mutatis mutandis, and as the case may be, to a person who actually employs a person through a manpower contractor and to such a person employed as aforesaid.

Powers of the Labor Court

10. (a) The Labor Court shall have sole jurisdiction to hear civil proceedings under Sections 6, 7 and 9, on any of the following subjects:

(1) sexual harassment committed by an employer or by a person in charge on his behalf against an employee, or committed by one employee against another, within the realm of Labor relations;

(2) persecution by an employer or by a person in charge on behalf of an employer of an employee, by one employee of another, within the realm of labor relations.

(3) the employer's responsibility as provided on Section 7 for sexual harassment or persecution, which a person in charge on the employer's behalf has committed against another, within the realm of labor relations.

(b) The provisions of this section shall not apply to a civil proceeding for sexual harassment or persecution committed in a service.

(c) The provisions of Sections 10, 10A, 12 and 13 of the Equal Opportunities Law shall apply to proceedings under this section.

Applicability to the State

11. This Law applies to the State, for the purposes of Sections 7 and 8, the defense forces shall, where no employer/employee relationship exists between them and those serving in them, be treated like an employer and the person serving in them shall be treated like an employee.

Saving of laws

12. The provisions of this Law shall not derogate from the provisions of any enactment.

Implementation and regulations

13. The Minister of Justice is charged with the implementation of this Law and he may, with the approval of the Knesset Committee for the Advancement of the Status of Women, make regulations on any matter relating to its implementation.

Obligation to make regulations

14. Regulations for the purposes of Section 7 shall first be submitted to the Knesset Committee for the Advancement of the Status of Women for approval, within five months from the date on which this Law is published.

-Amendment of Equal Opportunities Law 5748-1988

15. In the Equal Opportunities Law 5748-1988 –

(1) Section 7 shall be replaced by the following:

"Harm caused against a background of sexual harassment.

7. (a) An employer or a person in charge on his behalf shall not, within the realm of labor relations, cause harm to an employee or applicant for employment in the respect of any of the matters specified in Section 2 or in any other manner, when the basis for the harm that is caused is one of the following:

(1) Sexual harassment of the employee or for the applicant for employment, committed by the employer, by a person in charge on his behalf or by another employee; In this Law, "sexual harassment" shall have the meaning assigned to it in the Prevention of Sexual Harassment Law 5758 - 1998 (hereinafter referred to as - Prevention of Sexual Harassment Law); provided that for the purposes of harm caused by sexual harassment under Section 3(a)(3) and (4) of the said Law a single proposition or reference shall be sufficient;

(2) An employee's complaint or claim in respect of harm as provided in this Section;

(3) An employee's assistance to another employee in connection with a complaint or claim in respect of harm as provided in this Section.

(b) The provisions of Section 6(b) shall apply to harm stemming from a complaint or claim as provided in subsection (a)(2) and (3).

(c) The provisions of this Section in respect of employers and employees shall also apply, mutatis mutandis, and as the case may be, to a person who actually employs a person through a manpower contractor and to a person so employed as aforesaid.

(2) In Section 9, subsection (b) shall be replaced by the following: (b) In an action by an employee or by an applicant for employment for an offence committed in contravention of the provisions of Section 7(a), the burden of proving that he has not committed an offence under the said Section as aforesaid shall be upon the employer, where the employee or applicant for employment has proved that the events specified in paragraphs (1) to (3) of Section 7(a) did occur".

(3) In Section 10 – (a) The contents thereof shall be marked (a) and the following shall be added at the end of paragraph (1): "however, in a civil proceeding in respect of harm caused as provided in Section 7, the Labor Court may award compensation of not more than NIS 50,000 without proof of damage"; (b) Insert after subsection(a); (b) - The amount specified in subsection (a)(1) shall be updated on the 16th of each month at the rate of increase of the new index over the basic index; for the purposes of this subsection - "index" means the Consumer Price Index published by the Central bureau of Statistics; "new index" means the index for the month preceding the month of updating; "basic index" means the index for March 1998.

(4) In Section 10A subsection (a) shall be replaced by the following: "10A (a) in any proceeding under this Law for harm arising out of one of the matters enumerated in Section 7(a), or out of discrimination because of sexual preference as provided in Section 2(a), the Labor Court may conduct hearings in camera; if a Plaintiff or Complainant requests that the hearing be in camera, the Court shall grant such request unless it decides otherwise for special reasons which shall be recorded".

(5) At the end of Section 14 add: "provided that for the purposes of a civil action for harm as provided in section 7, the prescription period shall be 3 years from the date on which the grounds for such action arose".

(6) In Section 15 –

(a) In subsection (a), replace "6, 7, or 8" with "6 or 8";

(b) Insert the following after subsection (a):

"(a1)(1) Where a person has committed an offence under the provisions of Section 7, he shall be liable for imprisonment as provided in Section 5(b) of the Prevention of Sexual Harassment Law;

(2) Where an employer or a person on his behalf has sexually harassed his employee as provided in Section 3(a) of the Prevention of Sexual Harassment Law and if he has caused him harm as provided in Section 7, he shall be liable to a term of imprisonment as provided in Section 5(c) of the said Law.

(a2) The provisions of Section 5(d) and (e) of the Prevention of Sexual Harassment Law shall apply in regard to an offence under subsection (a1).

(7) In Section 18, the following shall be inserted after subsection (d): "(e) An Inspector appointed pursuant to subsection (a) shall also supervise the implementation of the provisions of Section 7(b) of the Prevention of Sexual Harassment Law, and for such purpose he shall have the powers vested in him by this Section".

Amendment of Labor Courts Law - No. 29

16. At the end of Second Schedule of the Labor Courts Law 5729-1969, add: "Section 8 of the Prevention of Sexual Harassment Law 5758- 1998".

Amendment of Courts of Justice Law - No. 24

17. At the end of Section 68(b)(5) of the Courts of Justice Law (Consolidated Version) 5744-1984, add: "or of an offence under the Prevention of Sexual Harassment Law 5758-1998".

Commencement

18. (a) This Law shall come into force 6 months after its publication.

(b) Notwithstanding the provision of subsection (a), Section 7 shall only come into force 1 month after the regulations made thereunder have been published.

Benjamin Netanyahu (Prime Minister)

Tzachi Hanegbi (Minister of Justice)

Ezer Weizman (President)

Dan Tichon(Knesset Speaker)

Source: Knesset Documents, 'Prevention of Sexual Harassment Law, 5758-1998,' [Online: Web], URL: https://www.knesset.gov.il/review/data/eng/law/kns14_harassment_eng.pdf