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978-1-107-04140-0 - Human Rights Under State-Enforced Religious Family Laws in Israel, Egypt and India

Yüksel Sezgin

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HUMAN RIGHTS UNDER STATE-ENFORCED RELIGIOUS FAMILY LAWS IN ISRAEL, EGYPT AND INDIA

About one-third of the world's population currently lives under pluri-legal systems where governments hold individuals subject to the purview of ethno-religious rather than national norms in respect of family law. How does the state enforcement of these religious family laws impact fundamental rights and liberties? What resistance strategies do people employ in order to overcome the disabilities and limitations these religious laws impose upon their rights? Using archival research, court observations and interviews with individuals from three countries, Yüksel Sezgin shows that governments have often intervened in order to impress a particular image of subjectivity upon a society, while people have constantly challenged the interpretive monopoly of courts and state-sanctioned religious institutions, renegotiated their rights and duties under the law and changed the system from within. He also identifies key lessons and best practices for the integration of universal human rights principles into religious legal systems.

YÜKSEL SEZGIN is an assistant professor of Political Science at Maxwell School of Citizenship and Public Affairs, Syracuse University, where his research and teaching interests include legal pluralism, informal justice systems, comparative religious law and human and women's rights in the context of the Middle East, South Asia and Sub-Saharan Africa.

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CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Published in the United States of America by Cambridge University Press, New York

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education,
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www.cambridge.org
Information on this title: www.cambridge.org/9781107041400

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First published 2013

Printed in the United Kingdom by CPI Group Ltd. Croydon CR0 4YY

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Sezgin, Yüksel.

Human rights under state-enforced religious family laws in Israel, Egypt and India / Yüksel Sezgin.
pages cm. – (Cambridge studies in law and society)

ISBN 978-1-107-04140-0

1. Human rights – Israel. 2. Human rights – Egypt. 3. Human rights – India. 4. Domestic
relations – India. 5. Domestic relations – Israel. 6. Domestic relations – Egypt. 7. Religion
and law – India. 8. Religion and law – Israel. 9. Religion and law – Egypt. I. Title.

K3240.S49 2013

342.08'5–dc23

2013002792

ISBN 978-1-107-04140-0 Hardback

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Bu kitap, gözlerimi dünyaya açtığım ilk andan itibaren beni sürekli bir bilim ve düşün adamı olma yolunda teşvik eden ve bu amaç uğrunda hiçbir fedakarlıktan kaçınmayan, anne ve babam

Sevinç ve İbrahim Sezgin,

uzun yıllar önce zeytin ağaçları ve mavi dalgalar ülkesinde aşık olduğum, gülüşüyle dünyamı aydınlatan biricik hayat arkadaşım, her daim ilham kaynağım

Gökçe Doğanay Sezgin

ve

hayatının ilk iki senesinde, belki de bana en fazla ihtiyaç duyduğu anda, kendisinden çaldığım günler ve haftalar ile bu kitabı yazdığım canım oğlum

Derin Ege Sezgin'e

sevgi ve minnetle atfolunmuştur.

§

This book is dedicated with love and gratitude to

my parents Sevinç and İbrahim Sezgin,

who, starting the day I opened my eyes to this world, have sacrificed everything to nurture and encourage me to be a man of thought and intellect,

my one and only partner in life whom I fell in love with in the land of olive trees and blue tides long ago, my eternal source of inspiration with a beautiful smile that brightens my world

Gökçe Doğanay Sezgin

and my son, Derin Ege Sezgin

to whom I still owe the days and weeks I stole from him to write this book during his first two years in life when he probably needed me the most.

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ACKNOWLEDGMENTS

This book was made possible with the assistance, generous support and encouragement of many colleagues, friends, family members and institutions. The list of people that I need to thank – if that is possible at all – is so long that I cannot possibly fit their names in a few pages. I am grateful and indebted to all of these selfless and generous people whose names will be eternally carved in gold in my heart.

Among these people a fascinating group of advisors whom I worked with at the University of Washington was more intimately involved with this project. Perhaps the person who deserves most credit for his role in this endeavor is Joel S. Migdal. Joel has been a terrific teacher, supervisor, mentor, a true friend and an “intellectual father” who has been there for me whenever I needed help. Joel spent countless hours reading, editing and criticizing earlier drafts of this project. Thus, for all of this, I will always be grateful and indebted to him. Additionally, Michael McCann, who opened my eyes to the world of “law and society,” has been very influential in shaping the theoretical thinking and socio-legalistic approach that I adopted in this study. Michael has been a great source of intellectual inspiration and encouragement at every stage of this project. Another person to whom I owe thanks for his role in the project is Ellis Goldberg. Ellis has always inspired me with his creative thinking and extensive knowledge, and greatly influenced my training at the University of Washington. Last but not least I am also thankful to Gad Barzilai, who served on my committee, read earlier drafts of this book and always provided me with constructive feedback and recommendations.

Evolution of the dissertation, which received both the American Political Science Association’s Aaron Wildavsky and the Middle East Studies Association’s Malcolm H. Kerr best dissertation awards, into this book took place in several stages, especially during 2010–2012 when I spent time first as a visiting assistant professor at the Women’s Studies in Religion Program (WSRP) at Harvard Divinity School, and later as a

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ACKNOWLEDGMENTS

Luce Fellow at Princeton University's Institute for International and Regional Studies (PIIRS). I completed the first draft at Harvard and the final draft at Princeton. In this respect I am particularly thankful to William A. Graham and Ann Braude of Harvard Divinity School, and Mark R. Beissinger of Princeton Institute for International and Regional Studies for the intellectual, financial and administrative support they made available to me during the writing stages of this book. I am also grateful to my colleagues Ann Braude, Pamela Voekel, Hauwa Ibrahim, Bethany Moreton and Zhange Ni, and the graduate students who were enrolled in my seminar at the Harvard Divinity School, who generously read and insightfully commented on various parts of the book and greatly contributed to its intellectual evolution. I was able to take on the fellowships at Harvard and Princeton thanks to the generous support and understanding of Jane Bowers and Harold J. Sullivan, then provost and chair respectively, at my former institution, John Jay College, City University of New York. I am truly grateful to Jane and Harold for giving me these opportunities to grow both professionally and intellectually.

The field research and writing stages of this work have also been financially sponsored by the following institutions and programs, in no particular order: the National Science Foundation (#0318497), the Henry Luce Foundation, Harvard Divinity School WSRP Fellowship, the Institute for Humane Studies, the University of Washington Graduate School Dissertation Grant, the University of Washington Chester Fritz Grant, the American Institute of Indian Studies, the Horowitz Foundation for Social Policy, the American University in Cairo Research Grant, the Acton Institute for the Study of Religion and Liberty, the City University of New York Research Foundation, the Association for Israel Studies and the Law and Society Association.

I would also like to acknowledge the support and assistance of the following people who generously helped me at both research and writing stages of the project. Some aided me with arranging my interviews, some helped me obtain access to courts or archives, and some generously read various versions of the manuscript and lent me their wisdom. These people include, in no particular order: Menachem Hofnung, Moussa Abou Ramadan, Ido Shahar, Issa Jabber, Enid Hill, the late Ibrahim Abaza, Reem Leila, Nivedita Menon, Ludo and Rosanne Rocher, Werner Menski, Gordon Woodman, Anne Griffiths, Keebet and Franz von Benda-Beckmann, Arzoo Osanloo, Abdullahi An-Naim, Gopika Solanki, Marc Galanter, Hanna Lerner, Nathan Brown, Tamir Moustafa

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ACKNOWLEDGMENTS

and Martin Chanock. Ahmet Kuru and Turan Kayaoğlu are two friends and colleagues whom I knew that I could always count upon for their generosity, encouragement, positive energy and wisdom. Another person who has played a pivotal role in shaping my thinking, especially during the revision process, is Mirjam Künkler. Mirjam was not only a source of inspiration and role model for me but also a generous friend and colleague who meticulously commented on various aspects of the book. Two people who came to play an indirect but important role in shaping the final version of the manuscript are Laura Turquet of UN Women and Vijay Nagaraj of the International Council on Human Rights Policy, who challenged and encouraged me to think about policy-relevant implications and lessons of my case studies.

I also thank the editors at Cambridge University Press – Finola O’Sullivan, John Haslam and Richard Woodham – and Sally Engle Merry, the series editor, for believing in this project and seeing it through. Five anonymous reviewers also provided critical comments and feedback, and their suggestions greatly improved the manuscript. The bibliography contains a list of people with whom I exchanged conversations (both electronic and personal) on various aspects of the Israeli, Egyptian and Indian personal status systems as well as a long list of interviewees – those who consented to be identified in the study – who gave me their time and generously shared with me their experiences, stories and opinions without which this project would never have come to fruition. I cannot thank them enough with mere words. This book is for them. This book is a humble attempt to tell their stories, and rectify widespread inequalities I observed during the undertaking of this project. Hence I am donating all royalties from the book (hardback, paperback and electronic versions) to the UN Women’s Fund for Gender Equality. The Fund for Gender Equality is a grantmaking fund exclusively dedicated to the advancement of women’s economic and political empowerment across the globe. Further information about the Fund can be obtained at www.unwomen.org.

Some portions of the book previously appeared in the following essays, and I am grateful to the publishers for granting me permission to use them here: “The Promise and Pitfalls of Women Challenging Muslim Family Laws in India and Israel” in *Sexuality in Muslim Contexts: Restrictions and Resistance*, Anissa Helie and Homa Hoodfar (eds.) (London: Zed Books, 2012), 98–123; “Triangulating Reform in Family Law: State, Religion and Women’s Rights in Comparative Perspective” in *Self-Determination and Women’s Rights in Muslim Societies*, Chitra Raghavan and James

Cambridge University Press

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ACKNOWLEDGMENTS

Levine (eds.) (Waltham, MA: Brandeis University Press, 2012), 243–272; “The Role of Alternative Legalities in Bringing About Socio-Legal Change in Religious Systems,” *Journal of Comparative Law*, 5(2) (2010), 245–259; “The Israeli Millet System: Examining Legal Pluralism Through Lenses of Nation-Building and Human Rights,” *Israel Law Review*, 43(3) (2010), 631–654; “How to Integrate International Human Rights Principles into Religious and Customary Legal Systems?,” *Journal of Legal Pluralism*, 60 (2010), 5–40; “Theorizing Formal Pluralism: Quantification of Legal Pluralism for Spatio-Temporal Analysis,” *Journal of Legal Pluralism*, 50 (2004), 101–118; “A Political Account for Legal Confrontation Between State and Society: The Case of Israeli Legal Pluralism,” *Studies in Law, Politics, and Society*, 32 (2004), 199–235; “Women’s Rights in the Triangle of State, Law, and Religion: A Comparison of Egypt and India,” *Emory International Law Review*, 25 (2011), 1007–1028.

Last but not least, I would like to thank family members and friends who have always supported and encouraged me in this long and painful process by blessing me with their sincere and unconditional love. I am thankful to Aslıhan Bıyıkoglu who helped me with the tables and figures included in the book. Pride of place in the acknowledgment must go to my beautiful wife and son who put up with my long absences while I was working on this project. It is to them and my parents that I dedicate this book.

ABBREVIATIONS

Israel	
CEIL	Citizenship and Entry into Israel Law, 2003
DRCL	Druze Religious Courts Law, 1962
FCL	Family Courts Law, 1995
FLAML	Family Law Amendment (Maintenance) Law, 1959
ILL	Israel Land Law, 1969
ISL	Israel Succession Law, 1965
LAO	Law and Administration Ordinance, 1948
LFCA	Law of Family Courts (Amendment No. 5), 2001
LMDM	Law of Matters of Dissolution of Marriage (Jurisdiction in Special Cases), 1969
LPSDCI	Law of Personal Status of the Druze Community of Israel, 1961
LPSDCL	Law of Personal Status of the Druze Community of Lebanon, 1948
MAL	Marriage Age Law, 1950
MDRO	Marriage and Divorce (Registration) Ordinance, 1919
MK	Member of Knesset (Israeli Parliament)
OLFR	Ottoman Law of Family Rights, 1917
OLPSC	Ottoman Law of Procedure for Shari'a Courts, 1917
OLS	Ottoman Law of Succession, 1913
NwA	Nissa wa Afaq (Women and Horizons)
PLABL	Penal Law Amendment (Bigamy) Law, 1959
POC	Palestine Order in Council, 1922
QL	Qadis Law, 1961
QLA	Qadis Law (Amendment No. 10), 2002
RCEDDL	Rabbinical Courts (Enforcement of Divorce Decrees) Law, 1995
RCJL	Rabbinical Courts Jurisdiction (Marriage and Divorce) Law, 1953
SCVAL	Shari'a Courts (Validation of Appointments) Law, 1953
SO	Succession Ordinance, 1923

LIST OF ABBREVIATIONS

WERL	Women’s Equal Rights Law, 1951
WGEPSI	Working Group for Equality in Personal Status Issues
Egypt	
CCCP	Code of Civil and Commercial Procedure, 1968
ORSC	Ordinance on Regulation of Shari’a Courts, 1931
PSOCOC	Personal Status Ordinance of the Coptic Orthodox Community, 1938
India	
AIMPLB	All India Muslim Personal Law Board
AIMPLB-J	All India Muslim Personal Law Board- <i>Jadeed</i>
AIMWPLB	All India Muslim Women Personal Law Board
AISPLB	All India Shi’a Personal Law Board
AMA	The Anand Marriage Act, 1909
BMMA	Bharatiya Muslim Mahila Andolan
CMRA	The Child Marriage Restraint Act, 1929
Cr. PC	The Criminal Procedure Code, 1973
DMMA	The Dissolution of Muslim Marriages Act, 1939
DPA	The Dowry Prohibition Act, 1961
HAMA	The Hindu Adoptions and Maintenance Act, 1956
HCB	Hindu Code Bill
HMA	The Hindu Marriage Act, 1955
HMDRA	The Hindu Marriage Disabilities Removal Act, 1946
HMWRSRMA	The Hindu Married Women’s Right to Separate Residence and Maintenance Act, 1946
HSA	The Hindu Succession Act, 1956
HWRA	The Hindu Widows’ Remarriage Act, 1856
HWRPA	The Hindu Women’s Rights to Property Act, 1937
ICMA	The Indian Christian Marriage Act, 1872
IDA	The Indian Divorce Act, 1869
IPC	The Indian Penal Code, 1860
ISA	Indian Succession Act, 1925
MLAA	Marriage Laws (Amendment) Act, 1976
MPLSAA	The Muslim Personal Law (Shariat) Application Act, 1937
MWPRDA	The Muslim Women (Protection of Rights on Divorce) Act, 1986
MWRN	Muslim Women’s Rights Network
PCMA	The Prohibition of the Child Marriage Act, 2006

LIST OF ABBREVIATIONS

PISA	The Parsee Intestate Succession Act, 1865
PLA-IV	The Punjab Laws Act IV, 1872
PMDA	The Parsee Marriage and Divorce Act, 1936
UCC	Uniform Civil Code
Others	
ASK	Ain o Shalish Kendra
BRAC	Bangladesh Rural Advancement Committee
CEDAW	The Convention on the Elimination of All Forms of Discrimination Against Women, 1979
ECtHR	The European Court of Human Rights
ICCPR	The International Covenant on Civil and Political Rights, 1966
ICESCR	The International Covenant on Economic, Social and Cultural Rights, 1966
ICHRP	The International Council on Human Rights Policy
UDHR	Universal Declaration of Human Rights, 1948
UN Women	United Nations Entity for Gender Equality and the Empowerment of Women
USAID	The United States Agency for International Development