


Divorced from Citizenship: Palestinian-Christian Women between the Church and the Jewish State

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The vast multidisciplinary literature on marital dissolution tends to conceptualize divorce as a personal, individualist act that naturally resides in the domestic sphere. The article challenges this prevailing scholarly perspective by dissecting a substantially underexplored dimension of divorce as a citizenship-certifying act located squarely in the public sphere. Drawing on a pioneering qualitative study among Palestinian Christians in Israel as a case study, we argue that Israel's divorce law, which locks Catholics into indissoluble marriages, should be recognized as a key state instrument for delineating the contours of citizenship—a boundary-demarcating apparatus between insiders and outsiders who are excluded from full and equal membership. The article provides novel insights into the complex interrelations between divorce, gender, and citizenship, showing how Palestinian-Christian women pay the price of a purportedly sex-neutral, no-exit regime. The article also illuminates a seldom-studied phenomenon we call “divorce conversion”: the act of changing one's denomination for the sake of marital freedom, which is a hallmark of Palestinian-Christians' third-rate status in the Jewish state. We conclude that divorce should be reconceptualized as a right to egalitarian female citizenship, serving as a basic precursor to women's full participation in all spheres of life.

INTRODUCTION

The business of broken hearts has long fascinated scholars hailing from various disciplines ranging from law, history, sociology, and anthropology to psychology, social work, economics, gender studies, and theology. A burgeoning theme in divorce literature has sought to dismantle the mechanisms, dynamics, and root causes of the marital

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disintegration process, as well as its outcomes. Sociologists have studied the complex connections between the perceived causes of divorce and structural, sociodemographic, and life course variables including age, race, class, immigrant status, parental functioning, religious affiliation, and marital duration (White 1990; Bumpass et al. 1991; Gigy and Kelly 1993; Goode 1993; Moore and Schwebel 1994; Bogolub 2001; Amato and Previti 2003; Chang 2004; Clarke-Stewart and Brentano 2006; Amato 2010). Meanwhile, psychologists have concentrated on dimensions of marital interaction, including personality characteristics and conflict resolution skills (Gottman 1994; Leonard and Roberts 1998), as well as on the relationship between self-reported reasons for divorce and premarital intervention (Scott et al. 2013), prospects of marital reconciliation (Hawkins, Willoughby, and Doherty 2012), and postdivorce adjustment and psychological well-being (Chang 2004; Cohen and Finzi-Dottan 2012). Feminist-oriented research has primarily explored gender differences in the causes and consequences of divorce (Goode 1956; Levinger 1976; Wallerstein and Kelly 1980; Zeiss, Zeiss, and Johnson 1981; Cleek and Pearson 1985; Weitzman 1985; Diedrick 1991; Kitson 1992). Sociolegal scholars, in turn, have examined changing dissolution grounds throughout history (Kitson and Sussman 1982; Thurnher et al. 1983; Glendon 1989; Gigy and Kelly 1993; De Graaf and Kalmijn 2006), the relationship between divorce law and divorce rates (Seppler 1981; Jacob 1988; White 1990; Ellman 2000; Kneip and Bauer 2009), and the correspondence between the law on the books and the law in action (see, for example, Rheinstein 1972; Friedman and Percival 1976).

Despite its diverse, rich, and multitextured nature, this vast corpus of multidisciplinary research generally shares an understanding of divorce as an individualist act—albeit one that is rife with social ramifications—which naturally resides in the domestic sphere. Most studies have thus uncritically presupposed the “privatized” nature of divorce, especially in an era of no-fault legislation, individualization, and the “deinstitutionalization” of marriage (Cherlin 2004). While such research has yielded important insights into the phenomena of divorce, it also resulted in a relative neglect of its political meaning and its underlying ideological and structural underpinnings.

This article problematizes the prevailing scholarly perspective on divorce by illuminating an underexplored dimension of divorce as a *citizenship-certifying* act located squarely in the public sphere. Thus, while the nexus between marriage and citizenship—especially marital law’s function as a state mechanism for sculpting the body politic—has been explored in some depth in feminist literature (for example, Bredbenner 1998; Cott 1998, 2000; Volpp 2005; Hacker 2009), and recently in sexual citizenship literature analyzing rights claims for same-sex marriage too (see Richardson 2017 for a review), we still know very little about the interrelations between divorce, gender, and conceptions of citizenship. By “citizenship” we refer not to a formal status, but to “citizenship as standing,” that is, a person’s sense of place in a hierarchical society (Shklar 1991, 2), as well as to “citizenship as rights,” which signifies the rights essential to a full and equal membership in the polity (Bosniak 2000, 456–88; Marshall 1964). We thus argue that divorce law should be recognized as a key state instrument that is simultaneously domestic and public, personal and political; a deeply private ritual, but also one that reflects and affects the boundaries of citizenship—that is, one’s communal

identity and sense of belonging. In so doing, the article corresponds with and joins a long and venerated line of feminist inquiry that has deconstructed the public/private divide and the role it has played in naturalizing a gendered social order. This feminist literature has powerfully exposed the sphere euphemized as domestic to be a crucible of gender hierarchy in which patriarchal values, sexual abuse, labor stratification, and the feminization of poverty may reign (Pateman 1980, 1990; Yuval-Davis and Anthias 1983; Moller Okin 1989; Yuval-Davis 1991; MacKinnon 2012).

Linking areas of research that are rarely analyzed in tandem, this article draws on a pioneering qualitative investigation of the divorce accounts of Palestinian-Christian women in Israel living under a regime of indissoluble marriage.¹ While this religion-based personal status regime is prevalent in Middle Eastern, North African, and Asian Islamic jurisdictions (Hofri-Winogradow 2010), the Israeli case study is particularly valuable for analyzing the unacknowledged role of divorce law in delineating the contours of citizenship. For one thing, while the institution of divorce is one of the most crucial dimensions of gender inequalities and ethno-religious hierarchies, it remains acutely understudied with respect to Israel's religious minorities. Strikingly, there has not been a single line of sociolegal inquiry that has deconstructed divorce law as a primary locus of the struggles associated with the shaping of Israeli citizenship and Palestinian-Christian identity.

For another, the Israeli case study implicates a seldom-studied sociolegal phenomenon we call "divorce conversion." By this term we refer to a legal state in which most Palestinian-Christian citizens may only exit marriage at the cost of exiting their denominational faith, thereby sacrificing what may be a constitutive identity-axis in their lives and in their own sense of self. Given that the major route to marital freedom is through religious conversion, the article thus illuminates the intriguing ways in which gender, citizenship, and religion are implicated in the vexed practice of divorce conversion, a built-in concomitant to confessional-based family law systems (Jansen 2004; Mahmood 2012, 2015; Mikdashi 2014; Panchetti 2016).

More pointedly, the Israeli case study contributes to a deconstruction of key political dimensions of divorce as a foundational site for negotiating and reclaiming citizenship. First, Palestinian-Christian women's marital-breakup accounts did not simply make sense of their divorces by invoking instrumental factors or relationship-centered causes, but by conceptualizing marital emancipation as an act of female protest that challenges and converts gender hierarchy into gender equality. In so doing, they highlighted the political function of marital exit as an antisubordination right that challenges private patriarchy and that should be properly viewed as a precursor to women's full participation in all spheres of life. In line with this insight, the article argues that when the state inhibits divorce it also defines and confines the terms of women's citizenship and tempers their equal status in society. Through this lens, gender-blind impediments to exit may be facially neutral in form but gender discriminatory in effect, and as such signify a constitutive site of gendered citizenship.

Second, the divorce accounts of Israel's Palestinian Christians speak volumes about their perception of their place in society and their expectations from both

1. We use the term "divorce" in an inclusive sense that encompasses the experience of marital breakdowns such as annulment and separation.

Church and State. As the only ethno-religious class denied a formal dissolution right, our informants construed divorce as a boundary-demarcating apparatus between insiders and outsiders, one that signals who is included and who is excluded from full and equal membership in the national community. In other words, by denying Palestinian Christians the right to divorce, the state engages in gender discrimination and divests women of equal citizenship. By denying *only* Christians the right to divorce, the state engages in ethno-religious discrimination and divests Christians—mostly Palestinians—of full citizenship.

The article is structured as follows: The first section problematizes the status of Palestinian Christians within the general discourse on citizenship and provides an overview of the Israeli personal-status regime and the precarious position of Palestinian Christians within it. The second section presents the study's methodology and research design, while the third and fourth sections present the findings of this research. The third section draws on women's divorce accounts to establish the conceptualization of divorce as a political act that seeks to alter the gendered boundaries of citizenship. The fourth section delineates the creative sociolegal practices and resistance strategies developed in the shadow of the law by Palestinian-Christian spouses who cannot live up to the ideal of lifelong marriage. In the course of this pioneering analysis, we strive to unearth the catalog of gendered prices and penalties that Palestinian-Christian citizens uniquely pay for marital freedom in the Jewish state. As this section shows, women's strategies of legal bargaining secured only fragile moments of agency fraught with gendered harms that allowed them little more than trading one form of patriarchy for another.

The article concludes that a regime of no-exit is a mainstay of the third-rate citizenship of Palestinian-Christian women at the intersection of gender, ethno-religion, and class in Israel's stratified society.

PALESTINIAN-CHRISTIAN CITIZENSHIP IN THE JEWISH STATE

The Invisibility of Palestinian-Christian Women

Political scientists, sociologists, and legal scholars have pointed out that Israeli democracy is laden with ethnic hierarchy, assigning precedence in citizenship to Jews over non-Jews and to certain "types" of Jews over others. The most elaborate analysis of the Israeli citizenship discourse was presented by Yoav Peled (1992, 2008). Together with Gershon Shafir, Peled has argued that the Israeli citizenship discourse is harnessed for the purpose of justifying, rationalizing, and preserving the Israeli hierarchical citizenship structure (Shafir and Peled 1998, 2002). They identified three types of citizenship ideologies which represent different modes of incorporation into Israel's stratified political structure: the first draws on an individualist-liberal discourse of civil, political, and social rights and strives to separate the full citizens of Israel—Jewish and non-Jewish alike—from the Palestinians in the Occupied Territories who are not Israeli citizens. The second is an ethno-nationalist ideology which embraces a bifurcated inclusionary and exclusionary discourse that distinguishes between the state's Jewish and non-Jewish citizens and precludes the latter from

partaking in the shaping of the common good. The third ideology draws on the republican discourse of attending to collective goals and civic virtue, one which legitimizes the differentiated positioning of various *intra*-Jewish groups within the ethno-class hierarchy in accordance with their respective national contributions to Zionist redemption.

The sociolegal and political science literatures have criticized this discourse for failing to identify the predicaments of *intra*-Jewish “Others” that are ascribed secondary civic status in Israel, such as Jewish women’s unequal path to republican citizenship through motherhood (Fogiel-Bijaoui 1997; Yuval-Davis 1997; Berkovitch 1999a, 1999b; Lahav 2001; Stopler 2011).² This article seeks to further complicate the analysis of citizenship in the Israeli polity by unearthing the citizenship hierarchies that also exist within Israel’s *non*-Jewish population. The citizenship discourse is by and large myopic of the diversity within the Arab-Palestinian community—Israel’s largest *non*-Jewish minority³—while treating this minority as an undifferentiated homogenous whole.⁴ We argue that the scholarly predilection for single-axis categories fails to treat vectors of identity as mutually constitutive in the analysis of the Arab-Palestinian community. This, in turn, has resulted in a reductionist concept of citizenship that tends to gravitate toward the experiences and interests of Muslim men and to exclude ethno-religious and gendered minority members.⁵ Correspondingly, Palestinian Christians, and especially Palestinian-Christian women, encounter a deafening silence in a literature that almost invariably fails to recognize them as an independent identity group with particularist concerns and distinct experiences.⁶

2. A different type of critique challenges the definition of Israel as a democracy rather than ethnocracy (for example, Yiftachel 2006).

3. The Arab-Palestinian community, forming 21 percent of the country’s total population, comprises Muslims (85 percent), Druze (8 percent), and Christians (7.5 percent) (CBS 2020 table). While a numerical minority within the Palestinian-Arab minority, Israeli Christians proportionately constitute one of the largest minorities within Arab populations in the Middle East (Tsimhoni 2002, 125).

4. Most studies relate to Arab-Palestinians as an undifferentiated national unit (Peled 1992; Haidar 1995; Rouhana 1997; Herzog 1998; Ghanem 2001; Louer 2007; Peleg and Waxman 2011). One partial explanation for this phenomenon is the desire to accentuate the Arab-Palestinian community’s nonsectarian national identity while conceptualizing confessional distinctions as the State’s co-optation of the minority as a religious population and as a divide-and-rule control mechanism to disband cross-sectional cooperation (Lustick 1980, 133; Barzilai 2000, 427; Amir 2016).

5. For example, the sociolegal scholarship has often been insufficiently attuned to gender differences and to women’s distinctive positioning within the Arab-Palestinian community. Placing Arab-Palestinian women behind a symbolic veil has rendered their experiences transparent—even conceptually—by invoking exclusionary terminology that couches communal discrimination in sex-specific terms such as “the invisible man” (Smooha and Peretz 1982, 451) and the “odd man out” (Migdal and Kimmerling 2001, 173). Similarly, the generic nomenclature “Arabs” or “Palestinians” frequently uncritically imagines *Muslim* Arab-Palestinians as interchangeable and representative of the entire ethno-national minority while flattening the complex positioning of Palestinian-Christians (for example, Savaya and Cohen 1998; Shachar 1999, 263; Hirschl and Shachar 2005, 225; Meler 2013; Abu-Baker 2016).

6. While there is a paucity of sociolegal research on both the Palestinian-Arab Christian community (for rare exceptions see Sa’ar 1998; Tsimhoni 2002; Karayanni 2006, 2007a, 2018; McGahern 2011; Mack 2012; Mansour 2012) and on Palestinian Muslim women (for example, Hasan 2002; Abu-Rabia 2011; Kozma 2011, 2012), the research on Palestinian-Christian women is almost absolutely wanting. We know of only two works that treat Palestinian-Christian women as a relevant analytical category that is distinct from the larger Palestinian-Arab community. One is a nonacademic report published by a women’s rights organization (Batshon 2012) and the other is an Arabic-language position paper (Shalhoub-Kevorkian and Khsheiboun 2015). Both deal with the experiences of Christian women as litigants in the ecclesiastical courts.

The pervasive failure to account for the hyphenated identity of Palestinian-Christian women has contributed to an essentialized and monolithic conception of Arab-Palestinian citizenship that falsely places the entire community on equally unequal footing in the Jewish state. If anything, Palestinian Christians are generally considered a privileged intellectual, occupational, socioeconomic, and largely urbanized elite within a marginalized Arab-Palestinian community (Sa'ar 1998; Tsimhoni 2002; McGahern 2011; Kaufman, Abu-Baker, and Sa'ar 2012; Mansour 2012; Karkabi-Sabbah 2017; Shahar 2017; Sharabi 2018). As such, they are arguably perceived as enjoying the highest societal status among Israel's non-Jewish minorities.

Yet, factoring personal-status law into the analytic calculus turns this conventional understanding on its head and reveals the unattended legal disabilities that Palestinian Christians are uniquely subject to by virtue of their intragroup religious membership.⁷ As the subaltern within the subminority, Palestinian-Christian women epitomize precarious and liminal citizenship, as they are caught at a vicious intersection of multiple overlapping marginalities: as Palestinian citizens in a Jewish state, as women in a patriarchal Israeli-Arab society, and as Christians in their own Muslim-dominated Palestinian community.

The Israeli Personal-Status Regime: A Blueprint of Differentiated Citizenship

Matters pertaining to the family affairs of Christians in Israel—as to other ethno-religious communities—are governed by a personal-status regime: a legal-institutional arrangement that imbues communal-religious courts with jurisdiction in the family matters of their respective community members (Halperin-Kaddari 2004; Sezgin 2004, 2010; Abou-Ramadan 2006a, 2006b, 2008; Yefet 2009, 2016; Zafran 2013; Blecher-Prigat and Zafran 2017). Drawing on the Ottoman *millet* system, as adopted and transformed by the British Mandate authorities (Agmon 2017), the institutionalization of this confessional architecture in the Israeli postcolonial context has culminated in the official recognition of fourteen religious communities: Jewish, Muslim, Druze, Baha'i, and ten different Christian denominations. Each recognized religious community has its own state-sanctioned tribunals and religious doctrines, and each is legally empowered to exercise its jurisdictional authority over all Israeli residents who belong to the faith by birth or baptism—irrespective of their subjective religious beliefs or lack thereof (Edelman 1994; Halperin-Kaddari 2004; Sezgin 2004, 2010; Lerner 2014; Abou-Ramadan 2015; Shahar 2015; Amir 2016; Yefet 2016). In other words, in the Jewish state, it is not the individual who chooses religion, but religion that chooses the individual. There is no right to secular citizenship in Israeli family law and no right of exit for individuals who seek to exchange their religious *nomos* for egalitarian civil norms.

The religious tribunals coexist alongside a parallel system of civil family courts which have been vested with concurrent jurisdiction over the ancillary matrimonial

7. This is not to deny other distinctive aspects of Palestinian-Christian identity beyond the religious differences that are essential to a “more nuanced understanding of Palestinian and Israeli society and politics.” See the illuminating work of McGahern (2011, 5).

matters of property distribution, spousal maintenance, and child support and custody (Raday 1992; Halperin-Kaddari 2004; Sezgin 2010; Hacker 2012). The religious tribunals, however, entertain an unfettered institutional monopoly over the regulation of marriage and its dissolution, rendering Israel the only liberal democracy where interfaith unions are a legal taboo, civil marriage and divorce are nonexistent, and there is no exit to a secular-territorial sphere of shared citizenship (Fogiel-Bijau 2003, 30; Halperin-Kaddari and Yadgar 2010).

In this so-called multicultural structure of group-differentiated rights (Saban 2004; Karayanni 2007a, 2007b, 2012, 2018), divorce rights are particularly compromised across the religious board.⁸ Notably, the gendered injustices of both the Muslim and Jewish divorce regimes have been a pivotal theme in both the sociolegal and glocal feminist scholarship (Porter 1995; Capell 1998; Clinton 1999; Lifshitz 2003; Rouhana 2003; Halperin-Kaddari 2004; Yefet 2009, 2016; Kozma 2011; Abou-Ramdan 2015; Shahar 2015; Batshon 2017). The literature is silent, however, with regard to Israel's Catholic communities—the Roman, Melkite, Syrian, Chaldean, Armenian, and Maronite Churches—which stand out in possessing neither a religious nor a civil release from marriage (except in rare cases where the marriage was faulty from the start and may be annulled).⁹ The primary Christian denomination that allows divorce, Greek-Orthodox Christianity, subjects marital exit to a gender-asymmetrical fault-based regime dating back to the reign of the Byzantine Empire in the fourteenth century. The arcane Greek-Orthodox menu of grounds imagines a woman not as her husband's equal but rather as his ward,¹⁰ and goes so far as to explicitly conceptualize domestic violence as a reconcilable form of marital discord (Goadby 1926; Espanioli 1997; Batshon 2012; Karayanni 2018).

8. A lengthy discussion of non-Christian religious divorce laws (Jewish, Muslim, Druze, etc.) is of course beyond the scope of this article. Suffice it to mention that women belonging to all religious groups in Israel are subject to pronouncedly patriarchal, and sometimes archaic, family laws. Muslim women, for example, are subjected to the Ottoman Law of Family Rights of 1917—an antique piece of legislation that has stagnated since its codification more than a century ago and that does not provide a no-fault dissolution process (see Abou-Ramadan 2015; Batshon 2017). In a similar vein, Jewish women suffer from an even stricter fault-based regime that systematically disadvantages them and ultimately conditions the divorce decree—termed a *get*—on the husband's consent. Consequently, recalcitrant men may infamously leverage their veto power over the divorce in the gendered bargaining that takes place in the shadow of the law (Broyde 2001; Halperin-Kaddari 2004; Yefet 2009).

9. A declaration of nullity may be granted whenever the marriage is established as invalidly contracted, on account of diriment impediments to marriage, or on account of contractual defects, which may be classified into four categories: defect of form, defect of contract, defect of willingness, and defect of capacity. See, e.g., Canons 1095 §1 (lack of due reason), 1095 §2 (lack of due discretion), 1095 §3 (inability to assume the essential obligations of marriage), 1096 (ignorance), 1101 (partial and total simulation), 1098 (fraud), 1103 (force and fear), and 1099 (error). It is noteworthy that the Papal Reform of 2015, which amended the 1983 Code of Canon Law and the Code of Canons of the Eastern Churches, introduced new procedural, yet significant, reforms in order to facilitate the process of marital annulment without altering its substantive grounds.

10. For example, section 248 authorizes a husband to divorce his wife if she was not a virgin, or if the wife participates in a party with other men at which alcohol is served or bathes with other men, if the wife sleeps away from the marital home without his permission, or if the wife participates in racing, acting, or hunting without the husband's knowledge and approval. Female-initiated divorce is only sanctioned in limited cases where the husband is unable to have sexual intercourse, forces his wife to work as a prostitute, falsely accuses her of adultery, commits adultery himself, or deserts his wife for more than three years (section 249). Either spouse is allowed to untie the knot if the other spouse is an accomplice in a conspiracy against the kingdom (section 250).

Israel's Catholics have thus been pushed to develop an ingenious yet highly unsettling strategy of marital freedom—which honors neither their community membership nor their rights of citizenship—that of “divorce conversion”: they convert to Greek-Orthodox Christianity, turning the Catholic sacramental doctrine on its head such that “What God hath joined together, let the Greek-Orthodox Church put asunder.” Indeed, converting clientele account for 40 percent of the Greek-Orthodox court's divorce business, with the conversion-cum-divorce package deal constituting the most expensive of all judicial services across all family courts in Israel (Batshon 2012). Divorce conversion is not only contingent on economic status, however, but also on bilateral consent; if one of the spouses refuses to convert his way out of marriage, petitioning the Greek-Orthodox court becomes impossible and marital freedom is intractably impeded.

Importantly, divorce conversion is by no means peculiar to Catholics or to the Holy Land. There is evidence dating the practice back to the seventeenth-century Ottoman Empire and explaining its roots in the Ottoman *millet* system (Baer 2004).¹¹ Indeed, divorce conversions are conceived as a feature of *millet*-based systems and they have been reported in various postcolonial states such as Lebanon (Mikdashi 2014; Panchetti 2016), Jordan (Jansen 2004), Egypt (Mahmood 2012, 2015), and Pakistan (Akbar Warraich and Balchin 1998; Yefet 2011), among others. Curiously, however, we know very little about divorce conversions as opposed to other types of relational conversions;¹² this marital strategy has been afforded only cursory, and mostly uncritical, academic attention and has been largely framed as an inevitable symptom of the embedded tensions between religious communities, or between secularizing trends and religious traditions (Amir 2014; Mikdashi 2014; Barkey and Gavrilis 2015; Mahmood 2015). The gendered dimensions of divorce conversions in particular, as well as the ways in which transformative practice partakes in the legal production of gendered citizenship, have largely been left out of scholarly sight. Moreover, despite the apparent prevalence of this practice, qualitative studies that could offer a phenomenologically grounded sociolegal analysis are still wanting.

In addition to a “personal” divorce law that gives rise to divorce conversions, the legal status of Israel's Christians is further complicated by the Jewish state's reticent and “most circumspect” policy toward their all-male and avowedly patriarchal communal tribunals (Colbi 1988, 164). Unlike the Jewish, Muslim, and Druze religious court systems, where the state acts as an overarching sovereign that funds, regulates, and intervenes in jurisdictional structures, judicial appointments, and internal affairs to ensure acceptable standards of fairness, due process, and good governance (Shifman 1995, 364–65; Maoz 1996, 357; Goodman 2009), the state bowed to Vatican pressure

11. This practice was also common in colonial India, which witnessed a different type of divorce conversion: Muslim wives, who had no legal right to divorce, converted to Christianity in alarming numbers in order to automatically dissolve their marriages on the basis of apostasy (Jahangir 1998; Sardar Ali and Naz 1998; De 2010; Yefet 2011). Present-day India features a very different family law regime, one that enables civil marriages and divorce and thus negates the need for divorce conversions (Galanter and Krishman 2001).

12. When the literature does discuss relational conversions, they are typically documented and analyzed in the context of marital conversion (see, for example, Hacker 2009; Kisch 2018). Marriage, for example, has been “the single most principal factor in conversion in contemporary Indonesia” (Seo 2012, 1055).

and ceded complete authority to the ecclesiastical courts in exchange for international legitimacy from the Christian West (Bialer 2005; McGahern 2011, 84–88; Batshon 2012, 5). Israel's ecclesiastical courts thus possess both the power of the purse as well as the power of the legal sword without accountability, oversight, uniformity, publicity, or transparency (Shahar and Yefet forthcoming).

The respective Churches thus enjoy *carte blanche* authority to appoint the ecclesiastical judges, establish the court hierarchy and judicial review process, determine court fees and juridical rules and procedures, and eschew the publication of their state-enforced court decisions or the legal codes and regulations that govern their rulings (Bialer 2005; Amir 2014; Karayanni 2018).¹³ Moreover, unlike the rabbinical courts (and to a lesser extent the Shari'a and Druze courts), which are subject to exacting scrutiny by an eminently activist Israeli Supreme Court (Shifman 1995; Maoz 1996; Edelman 2000; Liviatan 2009; McGahern 2011), the ecclesiastical courts are subject to a form of judicial review that is lenient in theory yet virtually nonexistent in fact (Kayan 2018).

This far-reaching jurisdictional and organizational autonomy has crystalized into a regime whose hallmark is the free exercise of discrimination that disproportionately weighs on women. They face all-male tribunals, staggeringly high court fees and understaffed courts, constricted avenues to contest and challenge intragroup norms and policies, and extremely limited access to the appellate courts which are located outside Israeli borders (two are in Lebanon, an enemy state to which entry is prohibited, and one is in the Roman Rota in Italy).¹⁴

These grave rights violations, however, have been lost on a Jewish-centered literature that is almost entirely engulfed in the synagogue-state conflict. As Michael Karayanni argues, this literature depicts the structural differentiation of the personal-status regime as an “acme of democracy” in which minority groups supposedly celebrate their religious identity and cultural autonomy (Karayanni 2006, 2007a, 2007b, 2012). In Karayanni's view (2018), the multiculturalist discourse is therefore nothing more than a hollow covering employed for legitimizing and rationalizing ethno-religious discrimination.

Karayanni's critique converges with the critical literature that exposes the dual appropriation of the *millet*-like system as a nation-building instrument for gatekeeping the ethnic homogeneity and endogamy of the Jewish people on the one hand (Triger 2005; Stopler 2011) and as a “divide-and-rule” control mechanism designed to compartmentalize non-Jewish subjects into ethno-religious groupings on the other hand (Rosenfeld 1978; Lustick 1980; Sezgin 2010). When the sociolegal literature does tackle Israel's non-Jewish minorities, it usually takes their acquiescence with the self-governing powers accorded to their religious authorities as both its starting and ending point (Lapidoth and Corinaldi 1994; Rubinstein 1994; Raday 1995; Mazie 2006; Karayanni 2007a; Jabareen 2008; Westreich and Shifman 2013).

13. The only administrative review of ecclesiastical judges—that to this day remains unenforced—is the principled authority of the ombudsman's office to investigate complaints against them. See Ombudsman for Complaints against Judges Law, 5762-2002, SH 1864 (Isr.).

14. See, e.g., HCJ 3250/05 Saliman v. Archbishop Bolos Siach, sections 7, 12 (published in Nevo Legal Database, February 23, 2009) (Isr.).

The intersectional analysis that informs this study takes issue with the scholarly focus on ill-defined groups rather than the individual; on the experience of men rather than women; and on the prototypical perspective of Muslims rather than Christians that renders the latter invisible. The discussion that follows thus seeks to remove the seductive veil of multiculturalism, problematize Church-State relations in Israel, dismantle the gendered lines etched into the legal regulation of Christian matrimonial dissolutions, and untangle the nexus between divorce, gender, and Catholicism.¹⁵

Indeed, while the indissolubility of marriage is concededly formally equal and gender-neutral, legal access to divorce is a thoroughly gendered experience that shackles women to disproportionate costs and distinct injuries. First, whereas the no-exit rule is symmetrical, the Christian marital vow of female obedience is asymmetrical (Gage 1980; Raday 1995; Stopler 2004). Hence, the underlying power inequalities that configure marital life in Palestinian-Christian society weigh ever more heavily on women and render divorce a crucial pathway for challenging, contesting, and renegotiating female subordination. Second, men have readily available access to opportunities, alternatives, and equivalents to divorce that are largely inaccessible to women such as extramarital partnering and parenting (Karayanni 2006; Batshon 2012). The gendered qualities of marital emancipation have prompted what we call the “feminization of divorce”—Palestinian-Christian women are the overwhelming initiators of divorce petitions.¹⁶ This phenomenon, in turn, exacerbates the extortive powers of husbands in ways that strip women of state-guaranteed protections and aggravate the feminization of poverty. Third, the Jewish state places unchecked powers in the hands of ecclesiastical judges, who function in a manifestly patriarchal environment that injects gender bias into the legal adjudication of marital disintegration (Batshon 2012; Shalhoub-Kevorkian and Khashiboun 2015; Shahar and Yefet forthcoming).

It is the deceptively thin veneer of facially equal, formally symmetrical divorce law that conceals the thick layer of gendered harms and vulnerabilities that render Palestinian-Christian women’s predicament unnamed and unacknowledged.

METHOD

This study is based on interdisciplinary research methods combining semistructured interviews, participant observations in court procedures, and textual analyses of legal documents pertaining to cases of divorce/annulment among Christian spouses. Analyzing these data sources in triangulation allows us to examine multiple perspectives

15. Interestingly, whereas the literature explores the relationship between the Catholic creed and state legislation, and criticizes the gendered impact of Catholicism on the regulation of various practices such as reproductive freedom, abortion policy, sexuality, and women’s rights more broadly (Beaumont 1997; Castles 1998; Minkenberg 2002; Barrancos 2006; Htun and Laurel 2018, 136), there is a paucity of research on Catholic marital dissolution and gender. This is presumably the case because the gender-neutral human rights violation embedded within a no-divorce regime is so grave that it eclipses and overwhelms its gendered ramifications. The literature does acknowledge, however, that Catholicism is correlated with marital gender hierarchy (Cahill 1996; Rakoczy 2016), may trap women in abusive marriages (Simister and Kowalewska 2016), and increases the stigma of divorce (Konstam et al. 2016).

16. Our qualitative study reveals the overwhelming prevalence of female-initiated divorce; almost all the respondents indicated that divorce was initiated by the wife (see below).

and to not only check the internal validity of the qualitative data (Anney 2014), but also to understand and identify the dynamics and social meanings of a complex phenomenon about which there is virtually no published data.

A concise description of the researched population is due before we present our research design and methodology. The Christian population in present-day Israel comprises some 180,000 people, about 2 percent of the entire country's population, and is further divided into two subgroups: 77 percent are Arab-Palestinian Christians while the remaining 23 percent are non-Arab Christians.¹⁷ The present research focuses on the first group of Arabic-speaking Christians, who by and large identify themselves as Palestinians (McGahern 2011). Notably, Christians constitute a small minority among the Arab-Palestinians who reside within Israeli territory and possess Israeli citizenship, a mere 7.5 percent of this population. Despite its elite position (Shdema 2012), this small community suffers from double marginality as a religious minority within a marginalized ethno-national minority in the Jewish state (Dumper 2002; Israeli 2002, 39). As noted above, the already small Palestinian-Christian community in Israel is further divided into more than a dozen religious communities, some of which include little more than several hundred members (Mansour 2012).

This small minority community constitutes the locus of the present research. Between the years 2019 and 2020, we conducted interviews with ninety-seven research participants, sixty-four of whom were divorced/separated Palestinian-Christians (forty-two women and twenty-two men). The rest may be broadly described as "professional informants" who were engaged on a daily basis with the handling of divorce/separation cases in ecclesiastical courts: twelve were ecclesiastical judges and court officials from the Roman Catholic, Melkite-Catholic, Maronite, Anglican-Episcopal, and Greek-Orthodox churches; nineteen were prominent attorneys who regularly represent clients in the ecclesiastical courts; and two were experts specializing in the Christian community in Israel/Palestine.¹⁸ The high number of respondents accords with our desire to capture the repertoire of different excluded voices within a minority hardly evinced in the literature. This large sample also accords with the methodological guideline that suggests that researchers engage in data collection to the point of theoretical saturation (Boeije 2010).

To ensure a heterogeneous population of interviewees, we created a sample with maximal variation in essential variables: social and economic strata and age cohorts. We recruited participants through Facebook and Twitter advertisements as well as through personal contacts and extended social networks including a research team of ten Arab-Palestinian assistants, community leaders and activists, women's rights organizations, family law attorneys catering to the Christian community, and snowball referrals (see Biernacki and Waldorf 1981 for the methodological value of this method).

The target population consisted of a countrywide sample of Palestinian-Christian citizens living in contrasting locales in Israel (urban versus rural locations, mixed Arab-Jewish cities versus predominantly Arab towns and all-Arab or all-Christian villages).

17. Central Bureau of Statistics of Israel. "Christmas 2020: Christians in Israel." December 23, 2020. <https://www.cbs.gov.il/en/mediarelease/Pages/2020/Christmas-2020-Christians-in-Israel.aspx>.

18. Ethical approval for the research was provided by the University of Haifa Institutional Review Board (No. 095/19).

Respondents had divorced or separated between the mid-1980s and 2019 ($M = 2009$) and differ in a number of sociodemographic dimensions, thus providing a diverse group that significantly decreases any selection bias problem or possible sampling errors. Their ages ranged from twenty-five to sixty-five for women ($M = 44.07$) and thirty-three to seventy-three for men ($M = 49.31$). Marital duration ranged from a few months to thirty-seven years ($M = 10.83$). Apart from three respondents (two women and one man), all of the interviewees had completed high school or vocational training and a small majority (thirty-nine interviewees) had graduated from college or obtained advanced degrees. Almost all of the respondents had full- or part-time jobs or were retired at the time of the interview. Of these, half of the women (and roughly a third of the men) were employed as unskilled laborers in low-status jobs and half of the women (and roughly two-thirds of the men) were employed in professional occupations. Almost one-third of the interviewees had no children ($M = 1.43$), a variable that comports with the generally low level of fertility among Israel's Christians.¹⁹ Apart from two respondents (one man and one woman) who reported that their marriages had been arranged for them, all other subjects reported choosing their own spouse. Almost all of the female respondents initiated the divorce proceedings or the separation,²⁰ about two-thirds of the male respondents indicated that their wives initiated the divorce, and a third indicated that it was either their own initiative or a mutual decision.

We adopted an inductive method of data collection that would permit a holistic and in-depth analysis (Strauss and Corbin 1998). We conducted a semistructured interview protocol utilizing open-ended questions and self-administered questionnaires in order to extend our inductive and phenomenological understanding of the divorce experience among Israel's Palestinian Christians (Moustakas 1994). This approach is particularly valuable for listening to the voices and concerns of target populations who have been silenced and marginalized in the sociological literature (Karkabi-Sabbah 2017) and allows us to capture the full texture and dynamics of the divorce-conversion phenomenon in both its individualist and political aspects.

As to our own positionality in the research field as Jewish-Israeli researchers studying Palestinian Christians, we heed Narayan's (2005, 20) call "to acknowledge the global structures of knowledge production, which operate to position [Western scholars] as Those Who Study Their Others rather than as Those Studied." Indeed, it is important to acknowledge that the construction of their stories and the meaning making of their lived experience were inevitably impacted by "the pragmatics" of our cross-national, cross-religious, and cross-ethnic interviewer-interviewee encounters (Sa'ar 2007, 518). The following interview excerpts and vignettes should therefore be read as stylized and narrativized divorce/separation accounts produced during the encounters between us as interviewers and our interviewees. We acknowledge, of course, the complex dynamics of narrative production embedded in the interviews that we conducted, dynamics that we also address in our analysis. Yet, we maintain that

19. The average number of children up to the age of seventeen is 1.87 in Christian families and 1.97 in Palestinian-Christian families—smaller than their equivalents in both Jewish families (2.41) and in Muslim families (2.69). See Central Bureau of Statistics of Israel. "Christmas 2020: Christians in Israel." December 23, 2020. <https://www.cbs.gov.il/en/mediarelease/Pages/2020/Christmas-2020-Christians-in-Israel.aspx>.

20. Three female respondents initiated the breakup but not the formal divorce proceedings, one indicated that the divorce was a mutual decision, and two indicated that it was their husband's initiative.

these dynamics do not render the divorce/separation accounts untrustworthy or inaccurate in and of themselves.

The interviews were conducted by both researchers in the language of the respondents' choice (usually in Hebrew but occasionally in Arabic and English too),²¹ and typically lasted for ninety minutes but occasionally well over three hours. The overwhelming majority of the interviews were conducted face-to-face in venues selected by the participants, but some were conducted via telephone or Zoom in order to ensure the participants' privacy or due to the COVID-19 pandemic. The participants were also assured of strict confidentiality and guaranteed anonymity both before the interview began and after its conclusion.

The interviews covered a broad range of themes. After ascertaining their sociodemographic profile, the respondents were asked to relate their separation/divorce stories using the life stories model recommended by O'Hanlon (1994). The participants were also asked to describe how they perceived and experienced marital breakdown, including who instigated the divorce; how the decision-making process unfolded; their encounter with the legal system and religious officials; their decision to convert and its costs and consequences; the nature of their postdivorce adjustment; and their religious identity and practice before and after the divorce. The group of ecclesiastical jurists and legal professionals were asked detailed questions about their respective professional experience in handling divorce cases. We sought a conversational tone in the interviews, thereby providing us leeway to take the interview down unexpected paths (Patton 1990, 293).

Almost all interviews were recorded and transcribed and a process of content analysis was conducted according to the fundamentals and methodological steps of grounded theory (Strauss and Corbin 1998; Glaser and Strauss 2017). Field notes were taken verbatim during the interviews, and especially where permission was not given for recording. Each interview was de-identified in the interests of security, anonymity, and privacy prior to analysis. Personal names and data that could reveal the participants' identity were anonymized and replaced with pseudonyms. To further enhance the anonymity of the participants, we refrained from identifying them by such descriptors as age, location, occupation, and other background information. After reading each transcript in full several times, excerpts pertaining to the key themes were extracted (e.g., experiences of marital subordination and thoughts and feelings of belonging or injustice and exclusion). These excerpts were then analyzed using a three-step inductive method, which allows central themes and key concepts to emerge from participants' responses rather than from preexisting categories, concepts, and theories (Charmaz 2006).

While no incentives were offered for participation, many of the respondents made a point of explaining their willingness to cooperate with us in order to transform their personal troubles into a sociopolitical concern and to impart visibility to the injustice that characterizes the Christian divorce experience. While women specifically referred

21. There are notable merits to conducting an interview in a language that is not the respondent's native language because it enables her to distance herself from private and sensitive issues, to set boundaries with which she feels at ease, and to employ different thinking categories in constructing her narrative and reflecting on her own life (see Lomsky-Feder et al. (2006) and Meler (2013, 24–25), who provide these insights with respect to Israel's Palestinian-Arabs).

to “helping fellow women,” some mentioned their desire to “contribute to science” and to shatter the invisibility of Palestinian Christians in Israeli society and literature.

DIVORCE AS A RIGHT TO EGALITARIAN FEMALE CITIZENSHIP

Palestinian-Christian women are of course not a static, homogeneous, or monolithic category, and their divorce narratives are rich and multivocal. Notwithstanding their diverse backgrounds, different positionalities, and multilayered marital trajectories, however, the majority of our female interviewees had effectively advanced a gender-based political claim for marital dissolution as a necessary countermeasure against marital subordination and as a basic precursor to equal citizenship. Women’s marital dissolution accounts thus become a unique prism through which we can observe how women’s lives are shaped in the shadow of a law that symbolically converts Catholic marriage into modern coverture, a Christian-inspired common law doctrine under which a married man and his wife were conceptualized as a single male-dominated legal entity. Under Christian doctrine, covenantal vows construct women’s God-ordained duty to be their husband’s submissive subordinates and lock them into patriarchal conjugal arrangements from which there is virtually no exit (Ephesians 5:23–24 (KJV)).

In seeking marital freedom, our informants often mobilized a new political vocabulary of antisubordination and gender justice, a language and grammar that derives from an understanding of divorce as more than a mere individual private matter between two parties. Instead, many of our interviewees conceived of divorce as a right pertaining to the public sphere and as a constitutive part of the social contract between the state and its female citizens. From this perspective, the individuals we spoke with discursively constructed marriage dissolution as a sort of “domestic democracy” that allows women to rise against male despotism and gender hierarchy in the family and stake their own claims to marital power and full membership in society. Understood in these terms, a State that denies Palestinian-Christian citizens a right of exit from private patriarchy does not merely engage in ethno-religious discrimination but in gender discrimination too.

Our informants’ divorce accounts reconceptualized personal-status law as civic-status law that connects private and public life and imbues personal interactions with political implications. Some respondents married divorce to citizenship while challenging their own status as Israeli citizens and their place within their minority communities. Riffat, for example, was scathingly critical of the state-backed canon law that locks women into abusive marriages and poignantly illustrates the civic impotence of Christian-Catholics who find themselves at an impasse as loyal yet partially disenfranchised citizens:

I’m more loyal to this country than half the Jews here, and many [Israeli] Jews don’t do half the things I’ve done for this country . . . and if the state wants me to do something, I will stand by the state of Israel no matter what . . . but as a Christian I am stuck . . . and that hurts. How do you think I felt when I was in the dark [without a legal outlet from marriage]? I am living in the

state of Israel, and I can't divorce or remarry. What did I do [to deserve this], why can't they resolve this problem? ... [If] you married a drug addict who is unfaithful, an idler who beats his wife and children, a no-hoper, then why force you to live in these conditions? ... Why must I be punished for the rest of my life?

Joseph was similarly riled at a state that demands loyalty and political conformism but has not reciprocated by offering Christian citizens paths to marital emancipation and to equal regard and respect:

Israel's Christian population is its most intellectual ... we are the Ashkenazi Jews of this country ... [but] we are a minority within a minority among Israeli Arabs ... so we are screwed however we look at it ... the Christians are the state's weakest link. We are the most loyal [of its citizens], its staunchest supporters, but also the recipients of its rawest deal ... you speak of an enlightened democracy, the best in the Middle East ... but we can't divorce. Now, if we are talking about a Catholic couple here in Israel, you should know that this gives you ... a 98 percent chance of unbearable suffering ... since if a wife wants to divorce her husband and he refuses, [he can] torture her as he likes ... and there are so many couples who want to exit marriage but can't ... And that's just a patent disgrace.

While women varied in the scope and kind of private patriarchy they experienced within marriage and in its public consequences, a theme that loomed large throughout their narratives portrayed the meaning-making quality of divorce as a challenge to a marital hierarchy that privileged husbands and accorded them free rein in exercising symbolic practices of male authority. These everyday forms of marital sexism cut across age, class, and educational status lines and range from abusive behavior and corporate control over female sexuality to demands to modify their jobs in deference to husbands, terminate higher studies or driving classes, abide by rigidly assigned gender roles, maintain a sex-segregated social life, and otherwise conform to a set of norms and behaviors expected of those in positions of dependency and social inferiority.

Maggie, a well-educated career woman, sought to exit an outwardly functional marriage and divorce her "shallow" and underachieving husband because marriage stifled her development and compromised basic elements of her personhood. Maggie silenced her voice, concealed her strong personality, suppressed her ambitions (including relinquishing a managerial position), disassociated from her "educated" friends, and even gained weight and uglified herself in order to shield her husband's vulnerable masculinity. This lasted until she "felt like killing someone ... I began mulling over whether I was better off being a widow or a divorcee ... it was that bad." Maggie's account captures how rights of exit from marital inequality make access to rights of citizenship meaningful:

After I divorced, I remember we engaged in an election discourse in our family gathering. We meet like this to decide who we are going to vote for ... we all had our opinions, and I expressed mine, and then my dad said

“my daughter is finally back!” I am very opinionated, I have my say, and I don’t shy away from making it known to people, but back then [when I was married] I shut up, because I knew that if I talked it would seem like I was belittling my husband, or showing everyone how unequal we are. Everyone would see how I was more educated than him, so I simply remained silent. That’s why my dad said that his daughter was back when I talked openly [after the divorce].

For Rita—whose domineering husband attempted to usurp her place in the public sphere by restricting her social life and tampering with her job performance—a right of exit became a necessary mechanism for converting values of liberty and equality from a masculine privilege to a female right. Marital freedom, in turn, allowed her to resist private patriarchy, evince agency and subjectivity, and once again become the sovereign author of her life:

Today I can sleep. I can eat properly. I can dress as I please. I can represent myself as I please. Nobody is forcing me to laugh, cry, speak, or stay silent. [When I was married], everything required [husbandly] approval . . . When I came to collect my divorce certificate, I asked the priest there [at the Greek-Orthodox court] to do me a favor when my ex-husband came to pick up his copy. I asked the priest to tell my ex that I *was* his wife, but I will not die his wife! . . . [n]obody has bought me! . . . In hindsight, I [realize] that this [overcoming marital subordination] built up my personality and I am proud of it.

Recognizing the importance of marital exit as an antisubordination right to self-possession, Rita further lamented the subversive role that legally imposed Christianity played in their lives. Rather than serving as a countervailing force balancing their cultural identity as Arab-Palestinians and setting them apart from their Muslim conationalists as a signifier of progressiveness, their religion paradoxically served as a core element in female subjugation: “We’re worse than the Muslims in this respect, because we do women an injustice and impose a death sentence on them from the very outset . . . [since] there is simply no such thing as divorce in our community. No concept of divorce whatsoever with all the attending consequences.”

Like Rita, Muna was also frequently beaten by her husband, yet the abuse was not the major factor cited for divorce but only one piece in a larger mosaic of marital subordination. In Muna’s perspective, the indissolubility of the marital union cements hierarchical gender relations as the organizing principle of family life, ensures that women live out their “destiny” as dutiful wives and mothers, and markedly reduces their bargaining power in the absence of a “divorce threat point” as leverage. Put differently, divorce serves, as bargaining theory predicts, as a “tool that women use to secure change and greater equality in marital relationships” (Yodanis 2005, 646). As Albert Hirschman (1970) argued in a different context, an exit threat point empowers a person to exercise a greater voice in influencing the course of events so as to spare the need for exit. Indeed, research examining the cross-national relationship between a divorce culture on the national level and gender equality in intact marriages in twenty-two legal

systems found that exit can exert a progressive transformative force on patriarchal relationships: countries in which divorce is an accepted sociolegal act were clearly associated with greater marital equality, improved gender dynamics, and a more egalitarian sex-role division in the family (Yodanis 2005; see also Hackstaff 1999; Frisco and Williams 2003). In this vein, Muna pointed out the crucial role of the no-exit rule as the fulcrum that cultivates the patriarchal nature of Catholic marriages. This, in turn, encumbers women with bonds of dependence and marital subordination that inexorably temper their capacity for full and equal citizenship:

[The current religion-based regime] is undemocratic . . . and this is one hell of a punishment for us [Christian women]. If you are Catholic, then you're lost. You will never get a divorce, and there are women I know who live in conditions of violence, neglect, and terrible socioeconomic circumstances. [Their husbands] don't even let them leave the house! They need to call him for permission even if all they want is to buy some groceries. They live like this since they don't have a choice—they are married to a Catholic and they know they are destined to remain like this their entire lives without divorce. The husbands take advantage of these [no-exit] circumstances . . . they know their wives can't divorce them, so they [assume] they can do whatever they please because they are men and men rule. If a wife is not allowed to be independent, educated, and employed . . . if she has nothing, then she will always be second-class . . . he [her husband] can rule her absolutely since she can never leave him without his consent . . . she is stuck with him . . . my ex-husband also wanted to control me, but I am not that kind of woman. I didn't even let my own father control me. Nobody controls me!

In this way, a facially symmetrical no-divorce law becomes a powerful mechanism for institutionalizing male dominance, maintaining status inequalities between husband and wife, and impeding women's progress toward full citizenship stature. Indeed, the feminization of divorce—almost all the divorces in our study were initiated by women—indicates that the burden of subordinating marriage weighed far more heavily on women than on men. Moreover, under Muna's interpretive framework, divorce becomes an act of defiance that flouts the "natural" gender order, disestablishes the deep-seated asymmetries of power that underpin the Christian marriage contract, and serves as a keystone for the vindication of women's rights as free and equal citizens.

The predicaments of the no-exit rule are resoundingly manifested in the case of Nadia, which was by no means peculiar among our informants. Nadia's husband, an alcoholic criminal, used to beat her—on one occasion so violently that she miscarried the pregnancy she conceived after years of fertility treatments; he forced her to quit her higher education in order to help him in his own job and around the house; and when she pursued another job and became very successful, he forced her to quit, locked her in the house for days, and restricted her communication with the outside world. Nadia explained that she remained in this highly abusive relationship for eight years because she was chained to a Catholic marriage that she knew was indissoluble:

We don't have civil marriage . . . if we married in a civil ceremony²² or at a lawyer's office, I would have divorced him six months later when the troubles started, as things would have been much easier . . . Because why wait? It's easy to leave; you don't need to pass through a priest and you don't need to convert . . . I wouldn't have even thought twice; I certainly wouldn't have stayed with him for eight long years!

This testimony thus provides an empirical grounding for the literature that discusses divorce, Catholicism, and gender and highlights the greater physical risk for a woman trapped in an indissoluble form of marriage to a violent spouse (Simister and Kowalewska 2016), a regime that remains blind to the basic gender inequalities in society (Moller Okin 2002). Indeed, restrictive divorce laws are considered a major "predictive factor" for the proliferation of domestic violence (Levinson 1989; Adelman 2000, 1231).

Eva's case similarly provides a searing portrayal of the extent to which a legal regime in which wedlock becomes deadlock not only informs the range of women's rational choices but also reinforces a discredited legal tradition of imposing traditional gender roles on women that limit their public and private identities to their prescribed roles as wives and mothers. Eva's husband was a partisan of traditional notions of patriarchal authority within marriage that detained Eva to a domestic-centered existence and to an abstemious, self-abnegating lifestyle. Having been forced to make marriage-specific investments at the expense of labor market investments, she became limited in her professional capacities and deprived of opportunities to participate in the marketplace and become financially self-supporting. Eva specifically identified Christian marriage as a special site of status harm for women given that its very covenantal vow naturalizes gender complementarity and its attending power differentials and equates the sovereignty of man over woman to the sovereignty of God over man. Eva was forced to come to terms with assuming the position of a perennial victim once the communal priest urged her to become a persevering wife who patiently endures her suffering given the impossibility of envisaging a life outside the clutches of an indissoluble marriage: "When the priest told me that we [Maronite Catholics] may not divorce, I felt dejected and aghast. I realized that I was stuck and that there was no way out. I felt suffocated. It was then that I knew that I was doomed and had to accept my fate."

By outlawing marital exit, then, the legal system and its clerical agents not only idealize feminine self-sacrifice and divinely ordained inferiority but effectively ensure it.

22. This begs the question of why most secular Palestinian-Catholics do not avail themselves of out-of-state civil marriage as secular Jewish couples increasingly do. The answers may include, among other things, the widely shared perception among our interviewees of a church wedding as a primarily social, cultural, and communal ritual rather than a religious one. On this account, the Christian ceremony does not invoke the same negative sentiments that the Jewish ceremony often does. Indeed, many of our interviewees made a point of celebrating the festivity and unique environment concomitant to a church wedding on the one hand and the potential familial opprobrium and social stigma that is likely to accrue toward "civil" deviants who stray from the traditional communal norm. More importantly, civil marriage would not be a panacea, even if it became socially acceptable, because of the "schizophrenic" Israeli regime that subjects civilly married couples to religious jurisdiction in the case of divorce (Renan-Barzilay and Yefet 2018). In other words, even a civil ceremony cannot release secular couples from the clutches of Church authorities and the application of ecclesiastical law when their marriages dissolve.

A regime of indissoluble marriage is, on this account, a sophisticated “unite-and-rule” mechanism that thwarts Palestinian-Christian women’s participation as full citizens in society as a whole. Eva’s marital deadlock as a Maronite Christian made her lose any sense of mastery over her environment or the capacity for a self-directed life. When she discovered the “divorce conversion” escape hatch from the tyranny of lifelong marriage, the prospects for freedom transformed her into a “different person, a new Eva.” In this sense, divorce conversion represented not only a threat to Catholic Christianity but also to patriarchy and came to bear an important agentive capacity that liberated women from systemic gender-based oppression.

In sum, our interviewees show how divorce functioned as an antisubordination right of egalitarian citizenship. In seeking marital freedom, women sought to contest the terms of subordination that channeled them into circumscribed lives and to carve out a respectable existence in the very cultural universe that sought to delegitimize them. By denying Palestinian Christians marital exit and relegating divorce law to the “private” communal sphere, the state effectively strips minority women from the very essence of equal membership in the political community.

CONVERSATIONS ABOUT CONVERSION: A TALE OF THIRD-TIERED CITIZENSHIP

A noninterventionist multicultural accommodation policy, as feminist theory has taught us so well, is neither liberal nor neutral; rather, it empowers the powerful to rule the vulnerable and inevitably reinforces power hierarchies within the minority community. Israel washes its hands of the legal regulation of Christian divorce, treating it as a matter of “private” law that has no bearing on the public sphere, the State, or the social standing of its Palestinian-Christian citizens. What follows provides a first-of-its-kind window into the undertows of Palestinian-Christian matrimonial dissolutions in Israel and the prices and penalties imposed on women in a zero-sum regime that forces them to daunting trade-offs between their rights as citizens and their ethno-religious identities. In so doing, this section unpacks how this most intimate and familial private space affects the most public of State entitlements—citizenship.

Gender-Neutral Barriers to Equal Citizenship

In a legal regime of indissoluble marriage, the major route to marital exit for Israel’s various Catholic denominations is to exit their communities and forfeit their confessional identity. A recurring theme woven into the interviews was a poignant critique of a *millet*-like regime in which conversion is not initiated as a spiritual journey in search of God, but as a sociopolitical journey in search of substantive citizenship. While many informants treated conversion as an instrumental legal transaction, little more than a bureaucratic nuisance bereft of transcendental concerns, others perceived it as more onerous than the divorce itself. Some of our informants resolved to forgo divorce altogether, other “conscientious objectors” spent years chasing illusory annulments or

settled for a decree of separation,²³ yet still others bitterly bartered their faith for their freedom. We argue that the relatively high divorce conversion rates represent a “political moment” (Ranciere 1999, 28–30) of Palestinian-Christian protest against the Catholic Church and the Jewish State and a refusal to observe the space they were allocated by the Israeli personal-status regime. Their experiences demonstrate that Israel’s so-called legal multiculturalism has functioned to relegate Christians to the bottom rungs of the civic hierarchy by paradoxically violating the very rights it sought to vindicate—religious liberty and cultural identity.

Michael, for example, was scathingly critical of the State that indiscriminately imposes religion on its citizens regardless of the disparate and momentous consequences for its Christian population. He keenly identified divorce as a foundational site that expatriates Christians from full-fledged citizenship and chastised the conversion façade that transmuted Catholics from religious choice-makers into religious fakers:

First of all, this [the divorce conversion] is a humiliating process that also costs a fortune . . . It’s an ignominy that a country that prides itself on being Western and enlightened does not permit civil marriage and divorce, and forsakes us [Christians]. I know that everybody has to obey religious laws—Muslims, Jews, Druze, everybody. But we are the only community without a legal outlet for our marital problems . . . only Catholics don’t have a right to divorce and have to go through this farce of a conversion and manipulation. It’s a disgrace. It’s unabashed discrimination, pure and simple. I am so riled about this. I’m not even furious at my ex-wife. Only at the state. Why can’t I just get a straight and honest divorce without the state forcing me to be a trickster who games the system in order to enjoy a basic right?! . . . Christians are at the bottom [civic] echelons despite being an elite, intellectually speaking, and in terms of our low birth rate and other measures.

On this account, conversion becomes simultaneously a private and political act of cultural protest against a Church and a State that work in tandem to deny Catholics an inalienable citizenship right in the form of equitable matrimonial relief.

Julian, an ecclesiastical court marital mediator, similarly criticized the subordination of Christians’ rights as citizens to their religious precepts:

I myself am in favor of civil marriages, especially by virtue of being a very devout Christian . . . Would you like to be a devout female Christian and follow Christian precepts? You’re welcome! I will teach you how to do so. No problem! But if you don’t want to do so, your choice should be respected. You are a citizen, you are not Jewish or Christian, you were born a citizen! I was born a citizen! . . . I was born a citizen and completed a pro forma covenant forty days later—that’s a baptism, OK? But it is my right to decide what

23. A decree of separation is equivalent to the common law remedy of divorce from bed and board. It is a legal process by which a married couple may formalize a de facto separation while remaining legally married. This judicial decree may be temporary or permanent and awarded when the Catholic courts find continued living together insupportable. According to Judge Andrew, one of our interviewees, the typical grounds for such a decree are a husband’s alcoholism, violence, or failure to support, yet he almost invariably issues temporary as opposed to permanent decrees of separation.

I want ... And especially insofar as family law is concerned, I need a state that decides independently ... and then religion becomes far more liberalized ... Guys, let me be a citizen!

Celine likewise decried the Jewish State's neglect of its Catholic citizens, who are uniquely forced to be "cut off from our roots for the sake of divorce" or otherwise remain entirely invisible to the law. She also associated the state-mandated religious law that binds modern Christian people to the persisting vestiges of a medieval legal system with the recent constitutionalization of the so-called Basic Law: Nationality that revisits their membership in the polity.²⁴ Together, Celine insinuated, the "personal" divorce law and the "public" Basic Law coalesced to effectively divorce Israeli Christians from full and equal citizenship in their homeland:

I truly want to belong and advance and be loyal to the state, work an honest job, study, and find my place in all its systems. But then you realize that you are suddenly halted by legislation that is effectively telling you that you are second-rate, and this makes you feel different. It makes you feel that you have been harmed. Even if you are as loyal as you can be and as attached as you can be to the state, you can't help but feel that this is not good for either your identity or for Israel's image in the eyes of its Western allies ... We [Palestinian Christians] are already experiencing a problem with defining our identity as it is, so this law leads you to start saying: "so, the state doesn't want me, it doesn't want me to be a loyal citizen, and doesn't want me to be part of it" ... If a democratic state doesn't let me have a civil divorce process, then this is undemocratic. This goes against the principles of democratic liberty ... these two are a combined measure that marks us as second-rate citizens ... and this general treatment is why there are a lot of us [Palestinian Christians] who give up and emigrate elsewhere.

Indeed, the interviews were saturated with the variety of dignitary, conscientious, communal, emotional, and monetary prices and penalties that Palestinian Christians uniquely pay in a way that epitomizes their third-class citizenship in the Jewish State. For some, conversion to Greek Orthodoxy struck at the core of their conscience: for observant Catholics, because it quashed what they regard as the fundamental defining characteristics of who they are; and for secular Catholics, because the Greek-Orthodox court occasionally conditioned conversion on a "probation period" of regular church attendance and ritualized participation in liturgical worship as proof of the convert's genuine allegiance with the Greek-Orthodox Church. In this respect, compare the two diametrically opposed accounts of Louise and Richard. Louise recounts that:

This divorce experience [caused me] to greatly distance myself from religion ... it was a kind of humiliation to have to go to church once a week without wanting to be there. Do you get it? And you only go there so the priest can see

24. Basic Law: Israel as the Nation-State of the Jewish People, SH 2743 (2018) 898 (Isr.). This law specifies the nature of the state of Israel as the nation-state of the Jewish people (Jamal and Kensicki 2020).

you came, OK? You're forced to go to a place you don't want to be in. And I am also a musician . . . and some Orthodox congregants can't hold a tune at all; they shouldn't be allowed to speak, let alone sing . . . that was extremely irritating to me, and I used to come back home from there with a headache. I didn't want to be there, I was there for someone else . . . like, what the hell are you doing? All you're doing is letting me hate you more and grow more distant from you . . . This totally distanced me from religion, it's now all over for me.

In contrast, for Richard, who endorsed the "true Church" teachings of the Catholic Church, the very thought of converting to Greek Orthodoxy was initially unbearable:

I wouldn't convert for all the money in the world . . . I have my differences with the Orthodox Church, theologically speaking. There's a huge theological gap between us . . . the Roman Catholics rely solely on the New Testament while the Orthodox Church also relies on Greek philosophy, and there are differences between them . . . Roman Catholicism is the right kind of Christianity!

Moreover, the veneer of marital freedom soon diminished for some interviewees in the face of their excommunication from their communal church and disqualification from attending such worship services as receiving Holy Communion or participating in the Eucharist as a form of public shaming, especially upon remarriage. Doreen related that nothing about her marriage left emotional residues—not marital discord, not her broken heart, not familial pressures, not even the divorce and its associated stigmas. The only ordeal, as far as she was concerned, was the fact that she had to renounce her Catholic faith:

I was not hurt by the divorce, but by turning Orthodox . . . that was a heavy price to pay, the worst part of the whole affair . . . I was troubled by what my priest said [that he would not let her back into the Catholic Church]. I was shocked when he said that, too shocked to believe him because I told him I was married for merely a year and we were practically separated for half of that year anyway, not too long had passed . . . and he told me that there was no such thing . . . as [returning] to the Catholic Church . . . we even contacted the bishop, and it still didn't help . . . [the bishop said:] "I don't want people like you as congregants!"

A few of our interviewees did not take issue with the conversion per se, but with the ritualistic features of the process that they found deeply offensive to their faith or lack thereof. In this sense, compare the experience of secular Catholics, who resisted yet acquiesced with their anointment with chrism as part of the conversion ceremony in the absence of a secular site of refuge, with that of observant Catholics, such as Marie. Marie was initially untroubled about crossing denominational lines to Greek Orthodoxy ("we're all Christians after all"), but was tormented by the conversion ceremony. The Greek-Orthodox pastor made Marie's family stand in line with her husband first,

her daughters second, and her at the end, and required them to desecrate the Pope—to renounce their faith in him and spit on his picture:

Ever since we were young, we were raised to worship and honor the Pope. I believe the Pope is a saint, and I had to spit on him and say that I did not recognize his authority . . . I was emotionally rattled. It was extremely offensive and I couldn't help but cry . . . It is inscribed in my daughters' minds as well, and they remember the whole thing to this day as traumatic.

For other informants, conversion was not a religious but a cultural concern that robbed them of their communal identity and denominational pride. Aseel's account is typical of the rage many interviewees experienced toward a divorce regime that alienates them from the centerpiece of their cultural identity:

I am a proud Catholic, why should I become Orthodox? . . . [M]y friends and family didn't accept it gracefully . . . We are all Catholic in my village, it doesn't make sense [to convert] in the village . . . I was never observant; my Catholicism is a communal matter, it's about belonging to a community. It's not a religious thing, it's a community thing . . . so why should I leave my "gang"? It's like a Jew would not agree to convert to Islam even if he were secular . . . he wouldn't accept it, not because he is versed in religion, but because he belongs to the Jewish community and can't really find his place elsewhere.

Similarly, Walaa's Maronite-Catholic affiliation formed such an important part of his identity that he sought to exhaust all proceedings before the Maronite court and even settle for a separation decree rather than a divorce in order to remain Maronite. "It was only after realizing I stood no chance of ending my [marital] story as a Maronite that I decided to become Orthodox," he explained. "Ask any Maronite or any non-Maronite about us Maronites and they'll tell you we're really insistent on preserving our community and really zealous about our identity, so it was crucial for me to remain a Maronite." Walaa went so far as to rule out the possibility of remarriage because this act would irreversibly sever all of his ties with the Maronite Church and "Orthodoxify" his future children.

The issue of children and how their rights are implicated by the divorce conversion proved a common concern invoked by informants who resented the fact that their children were forced to leave their communities so their parents could leave their marriages. The mandatory child-conversion requirement turns the Jewish State into an active accomplice that amplifies infringements of the inalienable citizenship protections accorded to minors within minorities. The Greek-Orthodox courts, for example, regularly convert children of all ages automatically, ignoring the civil requirement that they obtain the written consent of a child above the age of ten.²⁵ Not a single interviewee indicated that his or her adolescent children were consulted or even notified about the conversion.

25. Section 13A(b) of the Capacity and Guardianship Law, 5722-1962, SH 380 (Isr.).

For both Lina and Richard, the child-conversion requirement constituted a deal-breaker. Both of them remain formally married to this day because they refuse to engage in an act they saw as serving the best interests of the Greek-Orthodox Church rather than the best interests of their children. When a Greek-Orthodox priest informed Lina that her children would have to convert, she told him: “Stop right there! Don’t involve my children in this, they’ve already been hellishly tormented as it is.” Richard also abandoned the divorce conversion process once he realized that his daughter would also have to alter her membership status and lose her cultural particularity, a denominational shift that would disqualify her from participating in First Communion:

The whole process is stalled because of me since . . . there is no precedent for allowing the parents to convert without also converting their children. I insist that my daughter remains Catholic. I have insisted on this for over two years now. This is despite me getting a bad deal since I am not considered a divorcee and can’t enjoy income tax credit and recognition as a single father. They tried to pressure me—they told me that the senior Orthodox priest, who hates Catholics, might regret the whole thing and won’t let me get the divorce. But that’s [the daughter’s conversion is] a very high price to pay for a divorce, one that I’m not willing to pay.

Catherine also spoke of the toll her newly acquired freedom would exact from her daughter. Her story provides a glance into the transgressive quality of female conversion and the cultural anxieties evoked by the strategic maneuvering of women who breach patriarchal authority and community boundaries. When Catherine’s daughter reached the age of First Communion—a major event in their village (“it’s like a Jewish Bar Mitzvah”)—the village pastor excluded her from participating in the ceremony together with her fellow classmates and barred her from attending the traditional weekly rehearsals that last for several months. As Catherine put it, the pastor sought to “punish” her through her daughter for being a “traitor” to the faith. “But I put up a fight and told him that he could let my daughter feel different from her friends over my dead body.” She escorted her daughter to each weekly rehearsal session and patrolled the church to ensure the pastor did not make her daughter pay for her mother’s “sins.”

It seems that the most harmful aspect of divorce conversion, however, was exclusion from the communal cemetery: convertees were denied burial next to their kin. Take the story of Maryam, a woman in her sixties, who divorced her Maronite community for the sake of marital emancipation. She is presently in the process of applying for an annulment in the Maronite court, notwithstanding that she has been divorced and cohabiting with another man for well over three decades:

When my mother passed away we all gathered and talked about burial arrangements and about buying adjacent grave plots for the entire family. And then my sister said—“poor Maryam, [she is the only one who] can’t be buried with the family.” This was very painful . . . The most important thing is for me to be buried next to my parents.

Eva recounts how her recalcitrant husband chained her to an abusive marriage since he was adamant that he would not be deprived of burial in the Maronite cemetery:

It was excruciatingly difficult to get him to divorce ... I found out that he had nothing. No house, no job, no money. Nothing. He would collect the welfare benefits in full and would spend the money on his friends rather than provide food for his children. My nephew had to bring me samples from the mother-and-child clinic, and this was all the children ate ... Nothing mattered to him, not even when his friends would come to me and tell me that I must sleep with them ... My baby boy needed to be nebulized four times a day but our electricity supply was cut off because he wasted all our money. An Israel Electric Company serviceman came one day [to cut off our power], saw my three-month-old baby in my arms and started crying because he realized what this meant ... [tearful] See, a stranger cared about my children, but nothing mattered to their own father! ... He kept on refusing the divorce [conversion] because the priest told him: "if you divorce, we will not allow you into our cemetery." [Eva burst into laughter] Can you believe it? He didn't care about anything. Not about me, not even about the children, only about this. All that mattered to him was where he would be buried!

Eva's agonizing story displays the Herculean obstacles that must be surmounted before divorce conversion may become a viable marital option. It also provides certain intimations, however, of the gendered costs of this practice, one that converts divorce into a constitutive sphere in which Palestinian-Christian women's citizenship is compromised. To this we now turn.

Gendered Barriers to Equal Citizenship

Women's divorce trajectories provide a rare window into the gendered dimensions of the negotiations that take place in the shadow of a law that is deceptively sex-neutral. Women not only pay an intangible dignitary and conscientious price for converting their way out of marriage, but also a very tangible price to both their husband and their Church. For one thing, the majority of our informants were forced to buy their freedom from their husbands, who habitually leveraged their veto power over the divorce conversion into a bargaining chip to extort major property concessions, evade financial obligations, and gain child custody rights. Since divorce conversion requires mutual consent, men are also potential victims of extortionist behavior by recalcitrant or opportunistic women. In the patriarchal setting of Palestinian-Christian society, however, it is usually women who desire marital emancipation and have higher stakes in a formal divorce decree (Batshon 2012, 14), a fact that is borne out in the feminization of divorce. Lina, who is caught in a state of marital limbo, elucidates one dimension of the gendered implications of Israel's facially gender-neutral divorce law:

As a Christian woman, I can't date a man because I am still married . . . but a married [Christian] man is allowed to date women, and I find that outrageous . . . I would be [regarded] an adulterous woman, but my husband was welcomed with open arms when his girlfriend became pregnant. This makes me even sadder about being an Arab-Christian woman in a relatively closed society, who would sometimes wish she could break boundaries. So when I want to date now, I try to do it honorably and modestly since I am a daughter who honors her parents, and a mother who honors her children . . . So I have to do it in such a way that prevents everyone else from seeing me. But why do I need to be in such a predicament?

The bulk of the interviews featured unjust gendered bargains occurring in a climate that is unduly weighted in favor of men and that provokes a male appetite for extortion (Batshon 2012; Dakwar 2016). Nadia's husband, for example, demanded that she cover the gambling debts he incurred, a total of half a million NIS, in exchange for his cooperation, which she did ("I would have paid everything to cut loose . . . [so that] he won't be able to call me his wife . . . I would even convert to Islam, you name it, anything to get rid of him."). Several affluent yet vengeful husbands made inordinate financial demands to ensure that their "rebellious" wives would lose the minimum economic wherewithal to survive after divorce. Cathy's wealthy husband insisted that she only exit marriage "empty-handed," giving up not just her property but also her custody rights over their two children, which she did. Rita had already contemplated divorce when she was four months pregnant with her first child, and was willing to give up anything for her freedom:

I told him, "listen, I can't keep on living with you like this, let's separate . . ." He told me, "don't ever dream about it, you are my wife and you will die my wife." I asked him, "do you want our [unborn] child? I will give you [custody]. If you don't want him, I'll take him. I am also willing to get an abortion; whatever you like. Just release me."

Some male respondents also spoke of how they used their veto power in ways that exacerbated female vulnerability. Edward conceded that he conditioned his consent to the divorce conversion on his wife's dropping of all charges against him for his violence, and Joseph admitted that he made his wife forgo child support in exchange for her freedom. When the civil family court found the divorce agreement against public policy, the couple turned to the Greek-Orthodox court, which had no qualms about validating the agreement. Indeed, rubber-stamping avowedly unconscionable agreements, including one-sided terms in favor of husbands that violate core guarantees of civil law, was a concern repeatedly voiced by the female attorneys we interviewed. Women legal professionals highlighted the high distributive stakes of divorce conversion and dismissed the ecclesiastical imagining of women as equally powerful bargaining subjects rather than encumbered subjects who must negotiate their multicultural vulnerability (Shachar 1999, 2000).

Religious divorce law, then, produces troubling spillover effects in the civil realm that dispossess women of the rights and protections otherwise offered them as Israeli

citizens. In this way, the state-backed no-exit situation effectively exacerbates the feminization of poverty in Palestinian-Christian society and aggravates the predicament of women who are already subject to socioeconomic privation as a gendered ethno-religious minority within a minority in the Jewish state.

Palestinian-Christian women must not only buy their freedom from their husbands, but also from their Church, as they operate in a zone that is poorly regulated and lacking in state institutional and symbolic resources. While different informants highlighted different aspects of the discriminatory divorce regime, virtually everyone—divorcees, attorneys, and judges—agreed on one point: that court fees were staggeringly high, higher than those of any other religious tribunal as well as the civil family court (Batshon 2012). This situation was typically attributed to the State's failure to fund the ecclesiastical court system. Women in particular resented the exorbitant court fees that must be paid in cash, a requirement that aggravated the triple—gendered, ethno-religious, and class-based—discrimination against them. Even worse, the feminization of divorce viciously intersected with the feminization of poverty to effectuate a reality in which women were often forced to singlehandedly cover the court fees. The need to cover all legal costs rendered the fundamental rights of both divorce and access to the courts beyond the reach of many women.

Sylvia's dire economic situation, for example, suspended her divorce petition for quite some time; the bank refused to lend her the money and she eventually had to ask her daughter to take out a loan on her behalf. As Sylvia noted, "I bought my freedom with money I did not have. I managed to get a loan that I am still paying off a decade later." At the time of her interview Sylvia was in the midst of a class action for over two million NIS she filed against the ecclesiastical courts on account of the high fees charged for handling marital dissolution cases.

She decided to engage in this risk-filled endeavor, in Robert Cover's terms (1983, 67), of challenging the sources of order in her own community after realizing the intra-gender discrimination in access to justice from which all other female citizens are spared: whereas Jewish, Muslim, and Druze women pay a fee ranging from 67 to 80 USD, Christian women, who are equally law-abiding, tax-paying, Israeli citizens, are forced to pay up to 4,285 USD for a divorce:

It pains me that many Christian women cannot get a divorce since they cannot afford it ... This is [all the more hurtful] after I learned that Muslims and Jews pay next to nothing in order to file for divorce ... Do you have any idea how difficult it is for a Christian-Arab woman to file for divorce in such a conservative environment? Do you have any inkling of how much mental fortitude I had to muster in order to face the associated social pressures? And they add insult to injury by charging such high fees. It is just unfair ... This is just unvarnished discrimination, pure and simple ... I was educated to believe that the Christian faith was supposed to protect me and help me in times of need, but they [the ecclesiastical courts] take advantage of my troubles for their own benefit.

It is not only the lack of State funding that places a unique monetary burden on Christian women, but also the lack of protective civil apparatuses designed to

accommodate their dual membership as both faith bearers and rights bearers. Many of the female attorneys we interviewed were acutely cognizant of the State's hands-off approach that reduces the *millet*-like system to a separate-and-unequal regime that privatizes Christian citizenship. In the case of Muslims and Druze, the State not only fully funds the communal tribunals but also curtails the application of patriarchal religious norms by criminalizing polygamous marriage and the practice of unilateral *talaq* (repudiation), while making divorce without the wife's consent actionable in tort (Abou-Ramadan 2015; Shahar 2015). In the case of Jews, the State has devised ingenious mechanisms to address the plight of "chained" Jewish *agunot* who are unable to secure their husband's consent to give them a *get*, that is, a Jewish divorce decree. These include an extensive list of statutory tools that force men who play hard to *get* to release their wives, ranging from the suspension of a passport, bank account, driver's license, or professional license, to liability in both tort and criminal law, incarceration for up to ten years, and the exercise of various "shaming" strategies—all in the name of the Jewish woman's right to marital freedom (Halperin-Kaddari 2004; Bitton 2005; Blecher-Prigat and Shmueli 2009).²⁶

In contradistinction to the painstaking efforts to jailbreak Jewish *agunot* from marital chains, the State fails to ameliorate or even contemplate the predicament of Christian *agunot*. While Israel's civil law construes marriage as a partnership of equals and mandates joint legal ownership of marital property, it also used to precondition the division of property on a divorce decree well into the first decade of the twenty-first century. Since assets are customarily registered under a husband's name (Lifshitz 2003), this policy, in effect, divested Catholic wives of their legal right to an equal share of marital assets. In this way the State reproduced and amplified the feminization of poverty.

The failure to account for the plight of Christian *agunot* results in additional forms of intra-gender discrimination. Take Christine, a mother of three, whose husband refused to divorce her for over thirteen years. Because she is still formally married, Christine is unable to get the full arsenal of state benefits to which other single parents are entitled:

The entire burden is placed on my shoulders and the state is careless. When I ask for discounts and benefits, they tell me that I am not divorced . . . When I applied for rent benefits, the Ministry of Housing told me that I would have received double the discount and financial aid if I were divorced. But I am not entitled to these since I am not officially divorced, which is why I have to work longer hours, and weekends too, in order to provide for my daughters. Do you realize what the state is doing to us?! And the National Insurance

26. Another important mechanism to ameliorate the *agunah* problem involves the use of a special unit in the rabbinical courts whose role is to locate and "hunt" men who refuse to grant a *get*. To be sure, this is not to understatement the continued predicament of the Jewish *agunah* or to overstate the success of the legal apparatuses developed to unchain her from the bonds of marriage (not least because the rabbinical courts often render the legislation both useless and toothless). Indeed, the Greek-Orthodox courts, for one, view Catholic *agunot* as more fortunate than Jewish ones. In their response to Sylvia's aforementioned class action, they called her a "bad-faith and ingrate" woman who was "unappreciative" of their judicial chivalry and compared her to "Jewish *agunot* [who] would have been willing to pay many times the [court] fee if they had a religious way of breaking their marital chains."

Institute too ... I would go to the city hall to ask for a municipal tax discount ... I would have received up to 80 percent if I were divorced. Same thing with the Israel Electric Company and with the rent. I would have received double the benefits as a divorcee compared to what I get at the moment ... I want a divorce so I can enjoy the rights the state grants ... I am discriminated against since I am Catholic and can't divorce while a Muslim woman and a Jewish woman can enjoy these benefits.

By ignoring the underlying religious ground rules that govern their intimate life, the Jewish State thus effectively disenfranchises Christian *agunot* of what little protection is offered by the civil law system.

In a 2013 case, the civil family court even went so far as to apply civil law to produce the perverse and rights-infringing outcome of coercing a woman to convert. A Maronite husband sued to force his wife to convert to Greek Orthodoxy in order to commence divorce proceedings in the Greek-Orthodox court. The State family court held the woman liable in tort for refusing to convert out of her marriage, finding it material to state that she was adulterous “on the marital bed,” a “disreputable behavior” that, as her husband averred, made her cherry-pick her religious obligations and rendered her “claim that conversion went against her conscience” appear “extremely perplexing ... since it is unclear why a woman who defied the rules of religion and morality should refuse to convert.” The court ordered the woman to pay the full extent of damages claimed by the husband as well as damages for each additional year in which she refused to release him.²⁷ At this point, the Catholic Church asked to be a party to the case on appeal and, as Adv. Peter, the ecclesiastical legal counsel, told us, challenged the ruling for sacrificing religious freedom at the altar of marital freedom. The decision was summarily overruled by mutual consent.²⁸

Finally, the social and expressive harms of divorce also function in a sex-salient way that causes the no-exit rule to disproportionately injure women. Lending the State's imprimatur to a regime of indissoluble marriage, several respondents lamented, cultivated a deeply conservative atmosphere in Palestinian-Christian society and paradoxically rendered divorce nowhere more illegitimate than in Israel's most modernized Arab-Palestinian minority.²⁹

Consequently, while divorce has long become a normalized everyday practice in Israel's Jewish and Muslim communities, Palestinian-Christian women need to be

27. FC (Haifa) 14177-03-09 H v. H. (unpublished, 2013), section 28 (Isr.).

28. FA (Haifa) 45532-02-13 Plonit v. Almoni (unpublished, 2013) (Isr.).

29. These findings reveal that Palestinian-Christian society embodies a paradox: the religious-based no-divorce regime gives rise to social conservatism despite the generally Westernized, educated, and modernized nature of Palestinian-Christian society (Sa'ar 1998, 221; Karkabi-Sabbah 2017, 194). This may be explained by the Catholic Church's belief system, which is a unifying cultural factor that seems to be woven into Palestinian-Christian society. Indeed, religion plays a powerful role in the identity of many Palestinian-Christians, at least partly because Christianity is what sets them apart from their Muslim conationals, a difference more than a few of them celebrated in the interviews. A regime of indissoluble marriage thus becomes part of Christian cultural distinctiveness and facilitates traditionalism, conservative gender roles, and gender-based abuse within marriage. This conclusion, in turn, accords with research that found, based on household surveys from numerous countries, that Catholic women have a higher risk of gender-based violence than Protestant women and that this may be due to the Catholic ban on divorce, which “keeps many women trapped in marriage to a violent husband” (Simister and Kowalewska 2016).

“superwomen” to even contemplate marital emancipation. Abeer captured this point poignantly:

If you are a [female] Catholic . . . then you need to be a hero. It’s difficult to say a thing like this about myself, but this is how it really is without any exaggeration—you need to go against the tide . . . it [divorce] is an option [that] only [exists] in your dreams . . . you must be a strong woman, a woman who stands on her own two feet in the fullest sense of the word . . . you must be super brave in all respects.

Susan’s story, though extreme, bears witness to the lingering stigmatization of female divorcees in an otherwise largely Western-oriented community. Susan’s family of origin insisted that she remain with her abusive, alcoholic, and impotent husband even after he was convicted of attempted murder for stabbing her four times in her chest and her neck. Her family preferred that she endure life-threatening abuse rather than transgress social boundaries of gender normativity by initiating divorce.

Our professional respondents also attested to the lingering stigma of divorce and its associated sexual double standard. As one of the Greek-Orthodox judges put it:

I remember a case involving one of my relatives. The father was disabled and owned a gun. He told his daughter’s husband: “we have widows in our family, but we don’t have divorcees. I’d rather kill you and go to jail than see my daughter divorced.” They eventually gave up on the divorce . . . because [divorce] is a very offensive thing; that is, the implications of being a divorced woman are not easy . . . it is not like with the Jews. Among Christian-Arabs, a divorced woman is always scrutinized. A man, unfortunately, can do as he pleases, and nobody will say that he is a philanderer. This is despite the fact that religious doctrine does not distinguish between men and women . . . but all eyes are [only] upon the woman, and people will be probing her and anything she does.

While the degree of social control over Christian female divorcees has incrementally eroded in recent years, women provided vivid descriptions of how they negotiated their decision to cross sociocultural and gender borders with their nuclear families. Some waited for the prominent male figure in their lives—usually their fathers—to die before initiating divorce proceedings. Divorce left many of our informants isolated and vulnerable: Rita’s younger daughter faced social exclusion at school and her older daughter’s boyfriend left her; Marleen, Alice, and Sylvia experienced public shaming and social ostracism; Cathy, Abeer, and Rania lost employment opportunities; Maryam was branded as a “slut” who “puts out.” Some women reported that they managed by downplaying their femininity and immersing themselves in childcare. Others resisted the sexual objectification of female divorcees as fair game for sexual advances. Rania, for example, found herself closing her Facebook account because men preyed on her. Cathy powerfully captured how a woman’s divorced status reproduces and reinforces cultural anxiety and societal constructions of gender distrust:

Any [Christian] divorced woman witnesses the sudden disappearance of friends, and suddenly, you know, you are excluded from places . . . people are also very afraid of a woman that nobody owns, as if she was a dangerous woman . . . and that's worse than being single, since she is a woman who was formerly married and had carnal knowledge of a man so she is even more dangerous, socially speaking . . . But that's the kind of story society constructs around this, which makes [female] divorcees appear very intimidating and very threatening.

The unremitting stigmatization and shame of divorce thus serves as a punitive mechanism for penalizing women who disrupt the “natural” gender order. A few respondents went so far as to subject themselves to the arduous, intrusive, and highly expensive process of marriage annulment (1,837 USD) that would allow them to revert back to the status of a “single” woman and regain social respectability.

In sum, divorce conversions entail crippling conscientious, associational, monetary, and distinctively gendered costs that render Palestinian-Christian women third-class citizens. By drawing attention to this overlooked predicament, we seek to dispel the conventional academic understanding that largely disregards sectarian divisions and views all Arab-Palestinians as similarly situated victims of discrimination by the Jewish State. Instead, we show how Israeli divorce law functions to single out Palestinian-Christian women, denying them core rights of liberal citizenship enjoyed by both men and women in the rest of the Arab-Palestinian community.

CONCLUSION

This study seeks to introduce a set of theoretical and empirical innovations, focusing on the regulation of marital dissolution as a constitutive chapter in the relationship between the Jewish State and its Christian citizens in general, and Christian women in particular. We show that the purportedly individualistic act of divorce has far-reaching consequences for the political sphere of citizenship. Divorce conversion, in particular, reconstitutes and redefines Christians' relations with their faith community and with the Jewish State. We may conclude, therefore, that in Israel as well as in the numerous Middle Eastern, North African, and Islamic jurisdictions featuring a *millet*-like regime, the regulation of divorce is located at the intersection of the private and public spheres, constituting one of the crucial apparatuses through which the State shapes gendered citizenship and distinguishes between formally equal members of the same polity. Israeli divorce law, despite its gender neutrality, imposes third-class status on Palestinian-Christian women and thus produces and reinforces structural hierarchies among Israeli citizens.

Moreover, this case-specific analysis also illustrates how superficially symmetrical, gender-blind legal orders nonetheless reinforce gender hierarchy. Limits on divorce—whatever their source or however neutral they may appear—expose the limits of formal equality principles as a vehicle for the advancement of women's substantive equality. The article thus contributes to the ongoing feminist project that seeks to challenge and

debunk the “importance of sex neutrality in formulating solutions to women’s subordination” (Bartlett 1999, 476).

As the first study to provide insights into the phenomenology of the divorce process among Israel’s Palestinian-Christian citizens, we establish the divorce arena as a unique lens for deconstructing the attitudes of Palestinian-Christian citizens toward the Jewish State. The accounts of Palestinian-Christian women reveal a fresh and unexpected perspective on divorce as a gender equality right and as a prism on who belongs and who is cast aside, who is a true member of society and who only enjoys a diluted, fragmented, and impoverished conception of citizenship.

In so doing our analysis contributes to the underdeveloped theory of intersectional feminism in Israeli sociolegal studies: this article calls for the recognition of minority Palestinian-Christian women as independent subjects with distinct voices and interests and begins the project of piercing the symbolic veil that has rendered these experiences transparent. By giving voice to the experiences of Palestinian-Christian women, we transform this subaltern minority within a minority from a silent to a salient analytic category in the sociolegal literature. Furthermore, this analysis also reminds us of the unfitness of single-axis categories for capturing the divorce stories of Palestinian-Christian women. While there are no longer gender or ethnicity-based bars to formal political membership, the divorce regime shows that one’s identity continues to dictate access to citizenship in its fullest meaning. Hence, the hegemonic scholarly parlance of “individual inclusion and collective exclusion” employed with respect to Israel’s Arab-Palestinian minority does not adequately account for the complexity of Palestinian-Christian women’s hyphenated identity in the Jewish State—an identity that circumscribes their capacity to realize constitutional guarantees that the state purportedly offers them as individual citizens.

Moreover, this article furnishes a rare window into the understudied phenomena of “divorce conversion.” The unholy collaboration between Church and State pushes Catholics in Israel to convert to Greek-Orthodox Christianity. While this study focuses on divorce conversion in the Israeli context, it contributes to a larger discourse—of legal pluralism and liberal multiculturalism, of state regulation of religion and the family, of the embedded tension between the individual versus the community—that extends beyond Israel. We thus hope to not only lay the foundation for a new and long overdue area of sociolegal inquiry in Israel, but also to bring the “often unrecognized costs of multicultural accommodation” (Shachar 2000, 65) to the empirical forefront of group-rights theory.

This article told the story of the Christian *agunot* and exposed the full force of their predicament. However, proving it is only a beginning; improving it is a task that must engage legal scholarship in the years to come.³⁰

30. While a normative contribution in the form of a proposed reform is beyond the scope of this article, a few words on (the complexity of) a possible solution are in order. The politically unfeasible introduction of civil marriage and divorce would of course go a long way toward alleviating the plight of Israel’s Christians, and indeed many informants espoused a pluralist regime based on a jurisdictional choice between Church and State. A nonreligious alternative, however, would do little to help both the plight of devout Catholics as well as that of many secular Catholics. Many of our informants opposed the option of civil marriage on *political* rather than religious grounds. Jessie, for example, explained the internal conflict of secular Palestinian-Christians living in the Jewish State in emphatic terms: “In Israel, we don’t favor the

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state over the church as the regulator of our family life so civil marriage would also constitute a problem . . . because it isn't my state. It's a colonial state that was established at the expense of our sovereignty and our land . . . and [we aspire to] give it as little power as possible over us . . . It's like the feminist debate about whether Islam and Shari'a law should be interpreted equitably or whether we should strive towards secularism." In acknowledging this complexity, we believe that the ecclesiastical courts must remain a viable option for handling spousal disputes, at the very least by making them financially accessible to all Christian litigants. This accessibility must be accompanied by a protected right of exit allowing anyone who wishes to do so to revert the case to civil family courts. An additional necessary act would be to regard a permanent decree of separation as a divorce for the purposes of civil law. In other words, an officially separated Catholic couple would be considered divorced in the eyes of the state with the same rights and responsibilities accorded to religiously divorced couples. The Israeli Supreme Court, for one, proved receptive to this solution with regard to the issue of property distribution. See CA 5794/03 Plonit v. Ploni (published in Nevo Legal Database, December 12, 2005) (Isr.).

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