

Gender Segregation as Sexual Harassment

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This Article argues that gender segregation on Israeli buses is in fact a form of sexual harassment under Israeli law. Section 3(a)(5) of the Israeli Prevention of Sexual Harassment Law of 1998 defines sexual harassment as, among other things, “[a]n intimidating or humiliating reference directed towards a person concerning his sex/gender or his sexuality, including his sexual orientation.” Analyzing the case of gender segregation in public transportation in certain cities in Israel, I argue that forcing women to sit at the back of the buses does indeed constitute “an intimidating or humiliating reference directed towards” their sex/gender or their sexuality, and is therefore a form of sexual harassment. I also argue that the current rising tide of Jewish religious fundamentalism, with its relatively new demands for gender segregation (bus segregation began in 1997), is paradoxical in the sense that its motivation is to erase female sexuality, but its intense preoccupation with women’s “modesty” in fact places their sexuality at the center of attention. Therefore, gender segregation is not only a form of sexual harassment, but also a self-defeating concept from the religious point of view as well.