

Same-sex family unions in Israeli law

Talia Einhorn, Professor of Law, Sha'arei Mishpat College of Law / Tel-Aviv University Faculty of Management (Israel)

Abstract

The legal problems encountered by same-sex spouses in Israeli law are more complicated than those encountered in other democratic, developed countries. This stems from the fact that under Israeli law many areas of family law, first and foremost marriage and divorce, are governed by religious law, which is opposed to the legal recognition of such relationships. It is also not possible for such couples to establish a registered partnership in Israel, since partnerships can only be established for commercial purposes.

A spectrum of family unions has nonetheless developed, gaining state recognition in various respects, mostly owing to the liberal approach of the Israel Supreme Court. Yet, it would appear that only legislation will be able to resolve the outstanding problems. In its absence, a legal status is not conferred upon same-sex family unions and as such they are regarded as purely contractual arrangements. Other subject-matters in this article include: the extent of recognition granted to such family unions established abroad, by marriage or registered partnership; spouses' rights and obligations regarding maintenance obligations and property relations; child adoption in Israel, especially if the child is unrelated to the spouses; parenthood if one spouse is the biological mother and the other a surrogate; the extent of recognition of foreign adoption orders; the dissolution of such family unions and succession.

Keywords

same-sex family unions; establishment of dissolution; religious law; maintenance obligations; property relations; child adoption; surrogacy; succession; Israeli law

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