

Heroine Mothers: Women's Bodies, Neo-Natal Policy, and 'Demographic Warfare' in Israel

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1. INTRODUCTION

In 2013, on the sixty-fifth anniversary of the founding of the State, Israel announced an achievement: the population of Jews in Israel had finally surpassed the United States to be the largest Jewish population in the world, topping six million Jewish people.¹ This is significant in many ways: first, it took nearly sixty-five years for this to be the case, and second, it shows a move toward Jewish population growth post-Holocaust, with the population of Jews worldwide finally surpassing where they had been before the Holocaust². This loss of life in the 1930s and 1940s informs many of the demographic goals Israel has put into place today. The creation and preservation of life is an integral part of Israeli identity, from birth and fertility to end of life decisions and euthanasia. For instance, within Israel, the preservation of life is seen as being of a higher legal precedent than end-of-life directives. According to Schick Tanz et al:

a general presumption that autonomy, as "a" democratic value, has to be balanced with Jewish religious values—of which 'sanctity of life' is the most important. This can be seen in the (non-liberal, socially prescriptive) recommendation of the Israeli committee that caregivers have a duty to persuade patients to accept oxygen, food, drink and regular medicine, and that they may not withdraw ongoing medical treatment. Similarly, the Israeli

¹ Israel Central Bureau of Statistics, "Press Release: 65th Independence Day - More Than 8 Million Residents in the State of Israel," ed. Israel Central Bureau of Statistics (www1.cbs.gov.il 14 APR 2013).

² Sergio DellaPergola, "Demography in Israel/Palestine: Trends, Prospects, Policy Implications," in *IUSSP XXIV General Population Conference* (Salvador de Bahia, Brazil 2001), 5.

law adopted the committee's recommendation that doctors must administer artificial feeding and fluids even if the patient made advance directives to the contrary.³

While end of life decisions, passive euthanasia, and final directives are outside of the purview of this project, I believe being aware of how life ends in Israel shines light on how it begins. The focus on the preservation of life at all costs was inherited by post-Holocaust generations in multiple ways, including the importance of creating as much new life as possible, primarily through the encouragement of large, natural-born families. Many of the personal status laws and social programs of Israel were formed with this concern in mind, giving women access to financial and medical support to have as many children as they could.

In Israel, women are equal to men in so many ways, including serving as Prime Minister and serving alongside men in the Israeli army. However, even today, they are not equal in the home and in religion. As Lahav explains, a study of married women in Israel in the 1970s showed that even more than twenty years after Israel's founding, the social and gender equality of men and women was largely a myth:

The study of married women further indicated that women saw themselves as inferior to men in general and their husbands in particular. Conflicts within the family tended to end with wife deferring to her husband's wishes. The husband was usually the principal decision maker in major policy issues concerning the home. For the majority of the participants having a job outside the home meant work in addition to, but not displacing, any part of the woman's responsibilities in the home.⁴

³ Silke Schicktanz, Aviad Raz, and Carmel Shalev, "The Cultural Context of Patient's Autonomy and Doctor's Duty: Passive Euthanasia and Advance Directives in Germany and Israel," *Medicine, Health Care and Philosophy* 13, no. 4 (2010): 366.

⁴ Pnina Lahav, "The Status of Women in Israel-Myth and Reality," *American Journal of Comparative Law* 22 (1974): 110-11.

The connections Israeli women feel toward motherhood and national identity have remained largely unchallenged since the 1970s. Motherhood becomes the crowning achievement of a Jewish woman, and women who are unable to naturally have children, according to Haelyon, inherit a narrative that “associates infertility with inability to take part in the collective mission,” namely the perpetuation of the demographically strong Jewish State.⁵

Today, the State of Israel preserves life and ensures the legacy of Zionism is through its women, namely its *Jewish* women. Overwhelmingly, Jewish women are encouraged to have families, large when possible, and to use government resources to ensure the healthy birth and lives of the future generation. Israeli Christians and Muslims are not given the same encouragement and are often not aware that such resources even exist.⁶ From public education to marriage laws to government programs encouraging the use of in-vitro fertilization techniques and discouraging birth control, Israeli women’s lives are shaped by Israeli laws and government sponsored programs. These “Heroine Mothers” as they will come to be called play an important role in ensuring the growth of the Jewish State. This paper explores how Israel has carefully crafted gender relations in Israel to ensure the future of its Zionist project, through the education of women and the financial and government support for marriage, large families, and assistive reproductive technologies.

⁵ Hilla Haelyon, "'Longing for a Child': Perceptions of Motherhood among Israeli-Jewish Women Undergoing in Vitro Fertilization Treatments," *Nashim: A Journal of Jewish Women's Studies & Gender Issues*, no. 12 (2006): 181.

⁶ Daphna Birenbaum-Carmeli, "The Politics of 'the Natural Family' in Israel: State Policy and Kinship Ideologies," *Social Science and Medicine* 69, no. 7 (2009): 1022. Arab-Israeli Muslims who are aware of the availability of these technologies are often discouraged by their religious leadership from using them due to religious prohibitions against using donor eggs. See "Reproductive Policy in Context: Implications on Women's Rights in Israel, 1945-2000," *Policy Studies* 24, no. 2-3 (2003): 108; "'Cheaper Than a Newcomer': On the Social Production of Ivf Policy in Israel," *Sociology of Health & Illness* 26, no. 7 (2004): 907.

2. EDUCATING THE MOTHERS OF TOMORROW

Even before the founding of the State of Israel, Palestinian Jewish women living under the Ottoman Empire were encouraged to be educated; the goal of this education was to become Mothers of the Nation. Popular in the 1920s, inspirational (often fictional) stories of Jewish women taking on the roles of Mothers of the Nation began appearing in newspapers such as *Doar ha-Yom*. According to Melman, these stories would describe the ideal Jewish woman in Palestine, with the pioneer women of the British Mandatory period “described as a link in the chain of mothers of the nation, which includes the biblical Sarah, Deborah, and Yael.”⁷ In Judaism, Sarah is known for being the mother of all of Israel, and Jews are her religious descendants through her son, Isaac.⁸ Even today, converts to Judaism are known as the sons or daughters of Abraham and Sarah, who take the place of Jewish parents in their Hebrew name lineage.⁹ Deborah and Yael, the heroines of Judges 4-5, while not directly shown as being mothers in the text are referred to as “mother in Israel” and the “most blessed of women,” respectively. Deborah served as Judge of the people, the only woman to do so, leading her people into battle against the Canaanites. She does this, notably, because the actual military commander, Barak, refused to go without her. Because

⁷ Billie Melman, “The Legend of Sarah: Gender, Memory, and National Identities (*Eretz Yisrael/Israel, 1917-1990*),” in *Jewish Women in Pre-State Israel: Life History, Politics, and Culture*, ed. Ruth Kark, Margalit Shilo, and Galit Hasan-Rokem (Lebanon, New Hampshire: Brandeis University Press, 2008), 302.

⁸ See Genesis 17-21.

⁹ All converts to Judaism take on a Hebrew name just as all children are given Hebrew names. Children of Jewish parents are known as the sons or daughters of their parents’ Hebrew names. Given converts do not have Jewish parents, in lieu of Hebraizing their non-Jewish parents names, they are given the adopted parents of Abraham and Sarah, the founding parents of the Jewish people.

of his lack of faith, Deborah, who was also a prophet, predicted that a woman, and not he, would be remembered for this victory. Yael is this prophesied woman, a non-Israelite to boot, who ends up killing the commander of the Canaanite army and bringing peace to the land for forty years. These appeals to the history of mothers in the Holy Land serve to bring all Israeli women into the cultural memory of the land and the people, and their maternal qualities are lauded as being the future of the nation.

In the late Ottoman period moving into the British Mandatory period, education, specifically the education of women, became an important part of crafting a national identity for both Palestinians and early Zionists. Ela Greenberg connects this push toward education and the creation of a national identity, especially in Arab Palestine, with Anderson's positions on print capitalism and literacy via education.¹⁰ As Anderson argues, print languages chosen by monarchies and newspapers aided nationalist projects in three ways: first, they "created unified fields of exchange and communication below Latin and above the spoken vernaculars"; second, "print-capitalism gave a new fixity to language, which in the long run helped to build that image of antiquity so central to the subjective idea of the nation"; and finally, "print-capitalism created languages-of-power of a kind different from the older administrative vernaculars."¹¹ Palestine was no different. Both Arab Palestinians and local Jews began building their own national projects from within Ottoman and British educational system.

According to Greenberg, "educated [Palestinian] women used their literacy to take small steps within the public sphere, particularly by writing in the local and non-local

¹⁰ Ela Greenberg, *Preparing the Mothers of Tomorrow: Education and Islam in Mandate Palestine* (Austin: University of Texas Press, 2010), 9.

¹¹ Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, Revised ed. (London: Verso, 2006), 44-45.

Arabic press and delivering talks on the radio. Both served as a vehicle for transmitting ideas, and in the case of women, for making their voices heard.”¹² The Islamic Girls School and the Anglican-run Jerusalem Girls’ College both subscribed to newspapers and journals including the writings of women, and in the 1920s, it was a common practice for men to give subscriptions print text as presents to young women in Palestine, implying the importance of educating women during this period.¹³

During the Mandatory period, Anglican schools in Palestine catered primarily to Christian students, but a sizeable minority of Jewish and Muslim students attended these schools, including the Jerusalem Girl’s College and the English High School at Haifa. An important mission of these schools was teaching religious tolerance, even if the curriculum was heavily influenced by Christian teachings. While these schools would have some success bringing multiconfessional students together, ultimately, separate nationalist movements would give rise to private schools for Jews and Muslims, respectively.¹⁴ Arab Palestinians clung to learning and expanding Arabic literature as a part of national identity, forming schools to teach both men and women Arabic instead of colonial languages.¹⁵ Schools were created for Arab women in areas with enough resources to have schools (coeducational schools existed in more rural areas), and the stated goal of women’s education was to train them to educate their future sons to be nationalists.¹⁶

A 1911 article by Khalil al-Sakakini, a well-known Arabic teacher of the period, describes the importance of educating women: “The woman raises her children and is

¹² Greenberg, *Preparing the Mothers of Tomorrow*, 168.

¹³ *Ibid.*, 169.

¹⁴ *Ibid.*, 76-78; 88.

¹⁵ *Ibid.*, 15.

¹⁶ *Ibid.*, 16-17.

their teacher and her home creates the men of the future and his women. How can she prepare men who are enlightened about the nation when she does not learn this art in school?”¹⁷ The private schools started in Palestine were seen both as a challenge to the West and to modernity; furthermore, Jews were seen as having “secular influences” on Arab Palestinians (Jewish students were educated alongside Arab Muslim and Christian students in the public schools), so private schools became a way of strengthening Palestinian nationalism.¹⁸ Female education changed in tone from not only educating the sons of the future but also to create Palestinian women as “preservers of culture against Western colonialism” (this sentiment included both the British and the Zionists).¹⁹ Many of the Palestinian women educated during the Mandate period were the first of their families to be educated. The breakout of the 1948 War, however, would put women’s education on pause. After 1948, Palestinian women were at the forefront of pushing for the reestablishment of schools, as they saw their roles as mothers and educators as being vital for keeping their national identity intact.²⁰

Similar trends occurred within Jewish communities in Palestine during the late Ottoman period and into the Mandatory period. The education of girls was described as a positive sign of “social progress” in Jewish communities, who were taught Hebrew and how to care for their families—both skill sets lauded as being for the “good of the nation.”²¹ Motherhood was described as “a supreme religious mission” for Jewish women, and the ideal Jewish woman in Jerusalem at the turn of the century was a mother who produced

¹⁷ Ibid., 16.

¹⁸ Ibid., 94, 106-7.

¹⁹ Ibid., 95, 111.

²⁰ Ibid., 193, 95.

²¹ Margalit Shilo, *Princess or Prisoner?: Jewish Women in Jerusalem, 1840-1914*, trans. David Louvish (Waltham, Mass.: Brandeis University Press, 2005), 163, 76.

children (in fact, there were laws in place requiring divorce if a Jewish couple had not produced offspring within 10 years).²² Israeli Jews, especially in Jerusalem, were a polyglot community; the Jewish leadership saw Hebrew as a way of unifying the community into a nation regardless of ethnic group. As such, Hebrew began being connected with nationalism and love of nation. Mothers became the teachers of Hebrew to their children and the caregivers of the future nation.²³ In fact, mothers were seen as more influential than anyone else, including fathers, schoolteachers, and religious leadership, in influencing a new generation to adopt Hebrew.²⁴ But how did these Jewish women become mothers? How did education affect marriage itself? And how did families in Israel come to be structured as they are?

3. MARRIAGE AND THE FAMILY

After the founding of the State of Israel, several key laws were passed, including the 1950 Age of Marriage Law and the 1951 Women's Equal Rights Law (WERD). Both of these laws were championed as protecting women's rights and moving Israel into modernity by both lawmakers and citizens. Yet, at the same time, other programs were being sponsored by the government that reified traditional family roles. While the WERD gave women equality in the workplace and to pursue careers, for instance, the law itself came with the caveat that the rights given under the WERD did not supersede other laws prohibiting women from particular professions, namely serving as rabbis (which is illegal in Israel to

²² Ibid., 99, 103.

²³ Ibid., 160, 69, 76, .

²⁴ Ben-Artzi, "Have Gender Studies Changed Our Attitude toward the Historiography of the *Aliyah* and Settlement Process," in *Jewish Women in Pre-State Israel: Life, History, Politics, and Culture*, ed. Ruth Kark, Margalit Shilo, and Galit Hasan-Rokem, Hbi Series on Jewish Women (Lebanon, New Hampshire: University Press of New England, 2008), 20.

this day). These laws did far more than change the trajectory of women's lives in Israel—they, in fact, served to further shape women into the types of bodies Israeli nationalism needed: bodies willing to marry and have children, often at the expense of their own health.

Today, Jewish women's bodies in Israel are crafted and encouraged to be mothers.

With regard to bodies as simply a part of the machinery of power, Foucault explains:

the rudiments of anatomo- and bio-politics, created in the eighteenth century as *techniques* of power present at every level of the social body and utilized by very diverse institutions [...], operated in the sphere of economic processes, their development, and the forces working to sustain them. They also acted as factors of segregation and social hierarchization, exerting their influence on the respective forces of both these movements, guaranteeing relations of domination and effects of hegemony.²⁵

If Foucault's observations are correct, the changes coming to Palestinian Jewish marriage and family structure would be through careful insertions on the part of the Israeli government into the daily sexual lives of its women. Women's bodies are governed in three major ways in Israel: by marriage itself, by the encouragement and financial backing of the government to have large families, and through harsh fertility treatments such as in-vitro fertilization (IVF) if they are unable to conceive naturally. The goal of this framework of policies is simple: perpetuation of a Jewish Israel in the demographic war against the Arabs. The following sections will investigate key interventions by the Israeli government into the reproductive lives of women, who are taught that motherhood is the prime goal of their lives.

3a. Marriage and the Family, Nationalized

²⁵ Michel Foucault, *The History of Sexuality, Vol. 1: An Introduction*, trans. Robert Hurley, Vintage Book ed. (New York: Vintage, 1990), 141.

According to the 16th century *Shulchan Aruch* (Code of Jewish Law), widespread marriage was a sign of a healthy community; as such, during this period, women could be married as young as twelve and men as young as thirteen according to interpretations of Jewish law.²⁶ Marrying children young was seen as morally positive, and “marrying off one’s children at an early age was also intended as a measure against succumbing to sexual desire before it could arise.”²⁷ Prior to the 20th century in Jerusalem, a regulation was in place that required any man of marrying age entering Jerusalem to be married within six months, otherwise, they would be forced to leave. This was because

[m]arried life was recognized as the best way to preserve society’s purity. The lack of any reference to women in the regulations speaks for itself; it essentially expresses the view that women are no more than instruments, expected to come and get married at any time and under conditions. There was no similar regulation concerning women – that would have been considered superfluous or impractical.²⁸

Thus, Jerusalem could only be healthy if it was full of families, properly married under Jewish law. Foucault explains this belief in the sexual health of a community as indicative of public’s moral health evolved out of modern medical practices. He explains that public health, “claimed to ensure the physical vigor and the moral cleanliness of the social body.”²⁹ The health of the Jewish community was directly related to the healthy, sustained marriages of its people. And though these beliefs have evolved over time, there is a latent preference for heteromonogamous marriages in Israel even now.

Furthermore, there was a gendered goal to these young marriages as well.

According to Shilo, it was a common belief in the early 1800s that “[t]he bride’s youth

²⁶ Shilo, *Princess or Prisoner?*, 37-8.

²⁷ *Ibid.*, 39.

²⁸ *Ibid.*, 37.

²⁹ Foucault, *The History of Sexuality, Vol. 1*, 54.

guaranteed that she would be completely under the sway of her parents and husband, in a state of utter submission and resignation.”³⁰ By the 19th and 20th centuries, these practices of children brides and grooms began to be questioned by Jews both within and outside of Palestine, and child marriage began to be seen as a means of negatively subjugating children, who were neither old enough nor sexually mature enough to enter into such relationships.³¹ When the first girl’s school in Jerusalem, the Evalina de Rothschild School, opened at the beginning of the 20th century, one of its chief goals was to keep young girls from being married until a later age, closer to 17-18.³² This had a disproportionately higher effect on Sephardi/Mizrahi women, who tended to marry younger than their Ashkenazi peers. These women were to be educated as mothers of the next generation and would serve as the keepers of religious knowledge for their sons, who were infinitely preferred to daughters, especially in the Sephardic communities.³³

The education in these early schools involved lessons in “maternalism,” the application of new scientific techniques to childrearing and housekeeping. Organizations such as Hadassah (the Women’s Zionist Organization of America)

targeted Jewish and Arab women alike, presenting them with a ‘new version of motherhood based on science rather than superstition, and modeled on American values rather than traditional folk customs.’ [...] Hadassah’s projects saw both Jews of Middle Eastern origin and Arabs in Palestine as being the antithesis of the ‘new man,’ which the ‘Easterner being code for all that is not hygienic,” who was characterized by a ‘primitiveness,’ with no interest in adopting the rational rules of health that doctors and nurses of Hadassah promoted.³⁴

³⁰ Shilo, *Princess or Prisoner?*, 39.

³¹ *Ibid.*

³² *Ibid.*, 41.

³³ *Ibid.*, 93-98.

³⁴ Greenberg, *Preparing the Mothers of Tomorrow*, 135-6.

Even from its earliest days, the education of Jewish women involved putting Western values over Eastern and focused on the role of mother over all other roles for women. Women who were uneducated on modern parenting techniques were accused both of being the cause of infant morality and of damaging the nation itself.³⁵

Israel's personal status laws today work in conjunction with these trends introduced in early Israeli education to create the Jewish Mothers of Tomorrow. Israel's legal system governing personal status is unique, especially for the West. According to Shiloh, "Israel alone, among all Western systems of law, retains the law relating to the creation, incidences and termination of the matrimonial status in its almost unadulterated form of religious precepts, and maintains a ramified system of religious tribunals for the administration thereof."³⁶ Thus, while religious courts are given general jurisdiction over marriages and divorces, the Israeli government passes laws that supersede these religious courts, especially in ways that define citizenship and Jewishness. The 1950 Age of Marriage Law, which raised the age of marriage to 17 years of age, supported the goals of schools for marry later. Many argue that this law, in addition to other personal status laws, disproportionately affect women. As Yuval-Davis states:

We have seen that the most fundamental religious legislation which tends to be incorporated into the secular legal system, even if no other areas of the religious law apply, is the personal law. This latter tends to exercise rigid control over women—the reproducers—so as to enable the collective to continue its reproduction its traditionally defined boundaries. [...] [W]omen are used and controlled by the collective, and as such are excluded from full membership in it, to a lesser or greater extent.³⁷

³⁵ Ibid.

³⁶ Isaac S. Shiloh, "Marriage and Divorce in Israel," *Israel Law Review* 5 (1970): 479.

³⁷ Nira Yuval-Davis, "The Bearers of the Collective: Women and Religious Legislation in Israel," *Feminist Review*, no. 4 (1980): 25.

To this day, Jewish identity and Israeli citizenship are passed down according to the Israeli Nationality Law of 1952 through the line of the mother, meaning that Israeli identity is quite literally the purview of women.³⁸

Several laws were enacted in the 1950s, each with, according to the government, the goal of increasing women's rights. In addition to the 1950 Age of Marriage Law, the Equality of Women's Rights Law of 1951 and the Penal Law Amendment (Bigamy) law of 1959 also were introduced as laws promoting the rights of women. Shifman explains that polygyny, as it was practiced by non-Ashkenazi communities, was equated to the abuse of women, regardless of their cultural background.³⁹ And while we know polygyny was rarely practiced in even Sephardic communities by the mid 1800s,⁴⁰ by framing it in the language of abuse, Ashkenazi lawmakers in the 1950s helped to solidify the perception that the Sephardim were backwards and uncultured compared to their Ashkenazi neighbors. Regarding these perceptions, while intermarriage was allowed between Ashkenazi and Sephardi communities, there was a gender bias even there—with it being acceptable for Ashkenazi men to marry Sephardic women but not vice versa. Furthermore, Sephardic women were expected to learn Ashkenazi religious and cultural traditions, including food, dress, and language.⁴¹ A pervasive orientalism came to represent the relations between Jewish communities, with Ashkenazi, often Orthodox, interpretations of Jewishness being

³⁸ *Ibid.*, 20.

³⁹ Pinhas Shifman, "The English Law of Bigamy in a Multi-Confessional Society: The Israel Experience," *The American Journal of Comparative Law* 26, no. 1 (1978): 85.

⁴⁰ Shilo, *Princess or Prisoner?*, 81.

⁴¹ *Ibid.*, 47.

connected with national identity, and Sephardim/Mizrahim being associated with a past best left to history.⁴²

Keeping this family unit intact is also of incredible importance to the Jewish state. As Shiloh explains, from the moment of marriage under Jewish *halakha*, “the woman is forbidden to all except her husband and cannot sever the tie until he dies or divorces her. Although she may ask for it, she can only be the passive recipient of the divorce (the term in Hebrew is banishment).”⁴³ This is different for women in Muslim communities in Palestine, who under *shari’a* are allowed to petition a divorce from their husbands. During the Ottoman period, there are examples of Jewish women would temporarily convert to Islam to use Muslim courts to petition for divorce, because their own courts did not give them these rights.⁴⁴ Divorce, along with marriage, remains firmly in the defining hands of the religious courts. Furthermore, “[w]henver anyone has proposed [...] establishing civil marriage and divorce in Israel, the religious, and many of the secular Zionist parties, vehemently objected, fearing what they called ‘a national split.’”⁴⁵ The right to protections of personal status under civil law, seen as so integral to other Western systems of law, is seen and promulgated as so negative that to question its lack of presence in Israel is to be against the state and the people.

What exists in Israel today is a personal status system that, on the one hand, puts forth women’s rights as a key component of national identity. On the other hand, it reifies

⁴² Ibid., 88.

⁴³ Yuval-Davis, "The Bearers of the Collective: Women and Religious Legislation in Israel," 17.

⁴⁴ Bruce Masters, *Christians and Jews in the Ottoman Arab World: The Roots of Sectarianism*, Cambridge Studies in Islamic Civilization (Cambridge: Cambridge University Press, 2001), 34.

⁴⁵ Yuval-Davis, "The Bearers of the Collective: Women and Religious Legislation in Israel," 21.

social, gender, and cultural boundaries between men and women and between Jews of different ethnicities. In this way, as Fogiel-Bijau explains, personal law is “conscripted” into the continued project of political Zionism.⁴⁶ This paper continues, looking at the several social programs and positions in place that encourage women’s identities to be completely paired with motherhood and national identity. These include government stipend programs for mothers of large families and access to alternative reproductive technologies for those who cannot conceive naturally.

3b. Heroine Mothers, Mothers of the Nation, and Natural-Born Children

In the years leading up to Israel’s founding, large families were often discouraged in Palestine, looked at as “backward” and associated with non-European Jews and a lack of education. Having three or four children was encouraged, but more than that was looked down upon as not being modern. After the Holocaust, however, there came a push for “Jewish regeneration,” focused on the natural-born family.⁴⁷ To encourage large families in the newly founded State, Israeli lawmakers created multiple programs to encourage Israeli Jews to have large families.

Amongst the first social programs instituted in Israel were for mothers: “Maternity benefits to working mothers were the first benefits to be paid by the State of Israel. Together with free maternity care, protection from redundancy to pregnant employees and to women as well as various tax reductions, these measures have all been taken as evidence

⁴⁶ Silvie Fogiel-Bijau, “Why Won’t There Be Civil Marriage Any Time Soon in Israel? Or: Personal Law—the Silenced Issue of the Israeli-Palestinian Conflict,” *A Journal of Jewish Women’s Studies & Gender Issues* 6, no. 1 (2004): 28.

⁴⁷ Birenbaum-Carmeli, “The Politics of ‘the Natural Family’ in Israel: State Policy and Kinship Ideologies,” 1019.

of Israel's pronatalism."⁴⁸ This pronatalism is supported further by the greater system of personal status laws. Yuval-Davis adds:

We have seen that the most fundamental religious legislation which tends to be incorporated into the secular legal system, even if no other areas of the religious law apply, is the personal law. This latter tends to exercise rigid control over women—the reproducers—so as to enable the collective to continue its reproduction its traditionally defined boundaries. [...] [W]omen are used and controlled by the collective, and as such are excluded from full membership in it, to a lesser or greater extent.⁴⁹

The promulgation of these benefits show that for Israeli lawmakers, a Jewish state can only be ensured for generations to come if women make childbirth and childrearing part of their national identity.

Amongst these early pronatal policies included stipends and press coverage given to women who had ten or more children.⁵⁰ These women were called "Heroine Mothers" and were given awards by Prime Minister David Ben-Gurion himself starting in 1949.⁵¹ These awards included a symbolic 100-lira grant to the mother for her service to the country.⁵² The phrase "heroine mothers" to describe mothers of ten or more children was originally used in the Soviet Union to commend women who actively were increasing the population of the Soviet Union after World War II. However, as Yuval-Davis notes:

This title of 'heroine mother' to mothers of ten children has been a practice also in Israel, established by David Ben-Gurion in the first days of the Jewish State. However, unlike in the Soviet Union, this title can be borne in Israel virtually only by Jewish mothers—the financial rewards given by the Institute for National Insurance to mothers of many children are limited by the Legislator only to those women who have, or used to have 'a family

⁴⁸ Ibid.

⁴⁹ Yuval-Davis, "The Bearers of the Collective: Women and Religious Legislation in Israel," 25.

⁵⁰ Lahav, "The Status of Women in Israel-Myth and Reality," 113.

⁵¹ Birenbaum-Carmeli, "'Cheaper Than a Newcomer': On the Social Production of Ivf Policy in Israel," 9023.

⁵² Haelyon, "'Longing for a Child'," 178.

relative who served in the Israeli army—in which Arabs do not usually serve!”⁵³

This “heroine mothers” award was joined in 1968 by the founding of the Demographic Center, which had the goal of “carry[ing] out a natality policy intended to create a psychologically favourable climate, such that natality will be encouraged and stimulated, an increase in natality being crucial for the whole future of the Jewish people.” In addition in 1968, birth grants were given as a “one-time fixed payment to everyone woman who delivers a baby in a recognized hospital” as part of a “Fund of Encouraging Birth.”⁵⁴

These pronatal programs are not simply a relic from the post-Independence days when the loss of life in the Holocaust was still a very painful memory for many Israeli citizens; stipends under the Institute for National Insurance still exist. In the 1980s, according to Sharoni:

[t]he newly formed Efrat Committee for the Encouragement of Higher Birthrates linked the public debate on abortion at the time to the widely disseminated worry among Israelis that Israel's survival depended on its victory over Palestinians in what they saw as a demographic war. Utilizing the rhetoric of religious antiabortion groups and the memory of the Holocaust, the Efrat Committee called upon Jewish women to fulfill their national duty by bearing more children to replace the Jewish children killed by the Nazis during the Holocaust. [...] [A]bortion was an act of national treason, while bearing more children was an act of supreme loyalty to the collectivity, which turned Israeli-Jewish mothers into national heroines.⁵⁵

In the ensuing decades, these programs for mothers of multiple children would be greatly expanded. As recently as 2000, the Knesset voted in favor of the Halpert Bill, under the initiative of an ultra-Orthodox Member of the Knesset, which increased the monetary

⁵³ Yuval-Davis, "The Bearers of the Collective: Women and Religious Legislation in Israel," 23.

⁵⁴ Birenbaum-Carmeli, "Reproductive Policy in Context," 107; Haelyon, "'Longing for a Child'," 178.

⁵⁵ Simona Sharoni, "Gendered Identities in Conflict: The Israeli-Palestinian Case and Beyond," *Women's Studies Quarterly* 23, no. 3/4 (1995): 120.

stipends given to mothers beginning with the fifth child.⁵⁶ These social programs are, on some level, necessary, as the likelihood of a woman in Israel maintaining her own career with that many children is generally impossible. This adds to the lack of equality between men and women in employment in Israel. This inequality is not often questioned by Israeli women. Lahav explains, "Interestingly enough, when questioned about Prime Minister Golda Meir, (the most frequently mentioned indicator of equality) most women expressed admiration for her achievement but did not wish to resemble her,"⁵⁷ preferring domestic lives. With Israel's use of women's bodies to increase the Jewish population of Israel as part of national identity, these programs that allow women to stay home with their children became the backbone Israeli pronatalist policies.

Along with financial programs that reward fertile women, there is conversely a lack of family planning resources in Israel. Abortion is only legal with a medical committee's approval. According to Amir and Benjamin, unlike other countries, "the Israeli position toward abortion differs considerably from most other societies, where the rationale of abortion laws is linked to a broader socio-ethical principle, and where the state's position regarding the legitimacy of pregnancy termination and entitlement to privacy is clearly expressed. [...] Israeli abortion law presents abortion primarily as an exigency."⁵⁸ And yet, at times where demographic concerns have arisen, anti-abortion legislation appears before the Knesset. In 1986, a report came before cabinet showing that there were more Arab births than Jewish birth. As Strum explains:

⁵⁶ Ofira Seliktar, "Israel's Economy," in *Contemporary Israel: Domestic Politics, Foreign Policy, and Security Challenges*, ed. Robert O. Freedman (Boulder, CO: Westview Press, 2008), 164.

⁵⁷ Lahav, "The Status of Women in Israel-Myth and Reality," 111.

⁵⁸ Delila Amir and Orly Benjamin, "Defining Encounters: Who Are the Women Entitled to Join the Israeli Collective?," *Women's Studies International Forum* 20, no. 5-6 (1997): 642.

Various cabinet ministers immediately suggested eliminating the few abortions that were still legal, so there would be more Jewish than Arab births; using Jewish Agency funds to encourage a higher Jewish birthrate; increasing the number of creches and day-care centers; bettering maternity benefits; and offering free kindergarten and university education to Israeli families 'in which there is a soldier' (i.e., Jewish families) that had third and fourth children within the next two years.⁵⁹

While abortion has not in fact been outlawed, in Israel today, abortion is seen as negative and often associated with Soviet immigrants, who have used abortion as a means of family planning in their previous countries. This negative association is often coupled with derogatory language accusing the women pursuing abortions as sexually promiscuous.⁶⁰ Additionally, public clinics do not provide family planning advice or contraceptives of any kind. Thus, only those with the financial resources to pursue private health care have the options of modern family planning.⁶¹

This push for large families was justified by Israel psychologists, who stated that only children would not be as strong as children with siblings—which in turn would not create a strong nation.⁶² Furthermore, demographics became a part of the conversation—in order for the Jewish people to grow, women are encouraged by publically funded parents' manuals to have at least three children – two to replace herself and her husband when she died, and a third to expand the generation.⁶³ And even though women serve equally with men in the Israel Defense Forces, women were also encouraged to have

⁵⁹ Philippa Strum, "Women and the Politics of Religion in Israel," *Human Rights Quarterly* 11, no. 4 (1989): 499.

⁶⁰ Amir and Benjamin, "Defining Encounters: Who Are the Women Entitled to Join the Israeli Collective?," 646.

⁶¹ Lahav, "The Status of Women in Israel-Myth and Reality," 113-14.

⁶² Sachlav Stoler-Liss, "'Mothers Birth the Nation': The Social Construction of Zionist Motherhood in Wartime in Israeli Parents' Manuals," *Nashim*, no. 6 (2003): 113-14.

⁶³ *Ibid.*

children as part of the war effort (initially during the 1948 War but later in subsequent Arab-Israeli Wars).

In Israel, women were seen as having the unique ability to procreate and thus give birth to future defenders of the nation.⁶⁴ As Foucault explains in the *History of Sexuality, Volume One*, governments shifted toward looking at bodies as part of a system of power (of course coinciding with the expansion of capitalism, which “would not have been possible without the controlled insertion of bodies into the machinery of production and the adjustment of the phenomena of population to economic processes.”⁶⁵ Women’s unique abilities to create life will make it easy for the Israeli government to use that ability to fashion the next generation of Jewish Israelis. Stoler-Liss asserts that it is not shocking for women’s bodies to be brought into the discussion of the nation. However, she states:

The Zionist case is remarkable, not because it stressed the woman’s role in bearing and raising children, but because it expanded the national boundaries of motherhood to include the period before birth and the entire span of time between birth and the child’s enlistment in the army. The volume of production—the quantity of children—deemed essential in previous national-maternal regimes was coupled in this context with a deliberate stress on the quality of the children produced.⁶⁶

Thus, Israel women are not supposed to just give birth to new citizens, but ideal citizens and, ironically through this narrative, citizens who very well might go die in the army. Ann Laura Stoler will add to Foucault’s analysis that this gendering of nationalism is not surprising: coming out of colonial and liberal contexts, women were seen as mothers

⁶⁴ Ibid., 114.

⁶⁵ Foucault, *The History of Sexuality, Vol. 1*, 141.

⁶⁶ Stoler-Liss, “‘Mothers Birth the Nation’: The Social Construction of Zionist Motherhood in Wartime in Israeli Parents’ Manuals,” 115.

enlisted into the “national service.”⁶⁷ Parenting and motherhood specifically became a “class obligation and duty of empire.”⁶⁸ In the case of Israel, marrying and having children became the mission inherited by the legacy of political Zionism. As Haelyon explains, “Not only is voluntary childlessness extremely rare in modern Israeli society, but even involuntary childlessness may be regarded as a form of social deviance.”⁶⁹ This criticism of involuntary childlessness as “deviant” is in part affected by the easily accessible reproductive technologies funded for Jewish women by the Israel government.

3c. Adoption and In Vitro Fertilization in Israel

But what of women who cannot conceive children naturally? While adoption is legal within Jewish communities, and while laws governing adoption are present in Israel’s personal status law system, adoption rarely occurs. This is in spite of a series of laws over the last sixty years put into place specifically to protect the rights of adopted persons. Under Israeli personal status law, adopted children are not to be seen legally within families as any different than natural-born children.⁷⁰ In fact, the rights of adopted persons are seen as so important that Knesset passed the 1960 Adoption of Children’s Law, which took most of adoption law out of the personal status courts, and then amended the law in 1981 to strengthen the role of the state in the adoption of children.⁷¹ When adoption occurs, it is

⁶⁷ Ann Laura Stoler, *Race and the Education of Desire: Foucault’s History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995), 131.

⁶⁸ *Ibid.*

⁶⁹ Haelyon, “‘Longing for a Child,’” 178.

⁷⁰ Pinhas Shifman, “Kinship by Adoption: Where Adoption Differs from Natural Affinity,” *Israel law review* 23, no. 1 (1989): 35.

⁷¹ *Ibid.*, 36.

usually within families due to emergency situations (the death of the child's parents for instance).

Inter-Israeli adoption and the adoption of children from outside Israel generally does not occur. Scholars such as Birenbaum-Carmeli believe this is, in part, because Israel constitutes its identity by blood. She states: "My suggestion is that adoption is perceived as a challenge to the 'natural family' paradigm that underlies the notion of Israel's Jewish collectivity as a network of biologically related kin."⁷² In an implicit support of the notion of the superiority of natural birth over adoption, Birenbaum-Carmeli notes: "[a]doptive parents are entitled to all maternity-related provisions but have no rights during the adoption process. Unlike women undergoing fertility treatment, they are not entitled to paid leave for adoption-related reasons and are not protected from redundancy."⁷³ Instead of adoption, women are encouraged to undergo painful, taxing IVF procedures to produce natural-born offspring. And, as Haelyon explains, [a]doption procedures in Israel are complicated and tedious, turning this into an unrealistic choice for most couples. As very few healthy Jewish babies are available for adoption, the waiting period can be up to a decade, and families are screened stringently for 'suitability' as adoptive parents."⁷⁴ Conversely, very little is done to screen the "suitability" of women who wish to proceed with reproductive technologies to conceive.

Today, Israeli women undergo more IVF cycles than women in any other country. Introduced to Israel in 1981, IVF births account for roughly 2.1 percent of live births, with the Israeli government apportioning 40 million dollars to IVF pregnancies as of 1995,

⁷² Birenbaum-Carmeli, "The Politics of 'the Natural Family' in Israel: State Policy and Kinship Ideologies," 1023.

⁷³ Ibid.

⁷⁴ Haelyon, "'Longing for a Child'," 181.

proportionally higher than any other state.⁷⁵ The importance of having children is so high now, that even single women and same-sex couples can receive the government subsidies for IVF treatments—even though neither family structure is legal under Israel’s personal status laws.⁷⁶ In other words, while same-sex couples are not allowed to marry under Israeli personal status law and having children outside of a marriage is against *halakha*, the importance of having children in Israel not only supersedes these traditions but enjoys government support.

While so prevalent in Israel, Israel is unlike most states that employ IVF technologies in that doctors are not legally required to screen candidates for physical or psychological health concerns prior to beginning treatment. Furthermore, there are also no legal limits in place for how many IVF treatments a woman can go through, in spite of the many medical side effects of multiple IVF treatments. The ensuring of generations of Jewish children supersedes the quality of life and health, both physical and mental, of the mother and is legally supported by the State of Israel.⁷⁷ The primacy of these demographic concerns goes to the highest medical and governmental levels in Israel, according to Birenbaum-Carmeli: “Probably the most explicit link between IVF and demography politics was drawn by former Chief of Staff and former Minister of Health, Mordechai Gur, who applied his dual authority to contend that ‘IVF is anyway cheaper than a new immigrant.’”⁷⁸ Thus, even unborn Israelis are still given more privilege than international Jews hoping to immigrate. Birenbaum-Carmeli adds:

⁷⁵ Birenbaum-Carmeli, “‘Cheaper Than a Newcomer’: On the Social Production of Ivf Policy in Israel,” 904.

⁷⁶ *Ibid.*, 900-01.

⁷⁷ “The Politics of ‘the Natural Family’ in Israel: State Policy and Kinship Ideologies,” 1020.

⁷⁸ *Ibid.*

The preference of an intrusive treatment, even when ineffective and potentially harmful, over safer and 'guaranteed', though less 'biogenetic' alternatives to parenthood suggests a hierarchy. It suggests that beyond subscribing to the Jewish-Zionist discourse of motherhood as a basis for a woman's normalcy and place in society, Israeli IVF patients accept the primacy of biogenetic motherhood.⁷⁹

IVF is so prevalent amongst women in Israel that women who do not have children are looked at as "social deviants."⁸⁰ And with motherhood and national identity being so intertwined, these views are unsurprising.

IVF is even encouraged when other, safer options, including donor insemination (DI), exist. Donor insemination is a method used frequently in the case of male infertility, but given the importance of natural-born families, is highly discouraged (if it is even mentioned) in Israeli fertility clinics.⁸¹ When DI is considered, it is done so religiously and racially; doctors admit to not allowing Jewish women to be inseminated with Arab sperm and vice-versa; furthermore, Arab-Israeli citizens are purposely not advised on the range of fertility options available to them—part of the demographic war against Arabs in Israel.⁸² Israel stands far ahead of most nations in fertility treatments and technology, yet these resources are only encouraged to the "right" kind of citizens. Connecting IVF back to adoption, Birenbaum-Carmeli adds:

To complete the picture, Israel's adoption law is outlined, showing tight restrictions on domestic adoption and complete lack of state support or subsidy for inter-country adoption. I suggest that both the marginalization of non-genetic forms of kinning and the emphasis on IVF indicate a state interest in upgrading the 'natural family' so as to nature a geneticised notion of the local Jewish collectivity.⁸³

⁷⁹ Ibid., 1022.

⁸⁰ Haelyon, "'Longing for a Child,'" 178.

⁸¹ Birenbaum-Carmeli, "The Politics of 'the Natural Family' in Israel: State Policy and Kinship Ideologies," 1021.

⁸² Ibid., 1022.

⁸³ Ibid., 1018.

Israel's personal status laws defining Jewishness and Israel nationality through the line of the mother only serve to reify this importance of the naturally born citizen, which in turn diminishes options for safe family planning, including adoption and donor insemination, and exemplifies blood-related options above all others.

4. ISRAEL AND WOMEN TODAY

From the preceding chapters, it is becoming clear that the system of personal status laws currently in place in Israel is flawed, perhaps irrevocably. And, because of its connections to such deeply personal religious law, to criticize the law is to criticize Israeli and Jewish identity itself. Fogiel-Bijau is concerned that personal laws are used both by Jews and Arabs to undergird their national identities: She states:

Personal law is 'nationalized'; that is, it is conscripted in the service of the national cause. [...] [T]he nationalization of the institution of the family serves establishment interests for the principle ethnic-national groups constituting Israel's population [...] by maintaining the legal and cultural divisions between 'them' and 'us' that stand in the way of the formation of a true civil society.⁸⁴

While this paper paid special attention to the ways non-Jewish populations suffer under these policies on women in the family, it is not just non-Jews who face discrimination in areas of marriage and children. Particular Jewish communities will find themselves left out of very programs and laws put in place by the Knesset to support Jewish families. Other groups of Jews in Israel find that their marriage and family practices do not align with the "collective memories" of ruling majority, including the Ethiopian Beta Israel, secular Jews,

⁸⁴ Fogiel-Bijau, "Why Won't There Be Civil Marriage Any Time Soon in Israel? Or: Personal Law—the Silenced Issue of the Israeli-Palestinian Conflict," 28-29.

and Jews marrying non-Jews, each of whose religious identity is being stifled in the name of a unified Jewish, Israeli identity.

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