

# *Tel Aviv University Law School*

Tel Aviv University Law Faculty Papers

---

*Year* 2001

*Paper* 150

---

## SINGLE AND MARRIEDWOMEN IN THE LAW OF ISRAEL - A FEMINIST PERSPECTIVE

Daphna Hacker\*

\*Tel Aviv University, [dafna@post.tau.ac.il](mailto:dafna@post.tau.ac.il)

This working paper is hosted by The Berkeley Electronic Press (bepress) and may not be commercially reproduced without the permission of the copyright holder.

<http://law.bepress.com/taulwps/art150>

Copyright ©2001 by the author.

# SINGLE AND MARRIEDWOMEN IN THE LAW OF ISRAEL - A FEMINIST PERSPECTIVE

Daphna Hacker

## **Abstract**

This paper examines the ways Israeli law differentiates between single and married women. The first section explores the little we know of single women and single mothers' realities. The second section analyses Israeli laws related to military service, housing assistance, homemakers' status in the social security system, ways of becoming a mother, and public support for mothers. The legal analysis reveals complex distinctions between single and married women ranging from ignoring single women when they have no children and encouraging them to marry, to ambivalence towards single women who want to conceive, and onto substantial public support for single women who are already mothers. The article points to directions of change needed so the law will adequately

address single women's choices and needs.

DAPHNA HACKER

SINGLE AND MARRIED WOMEN IN THE LAW OF ISRAEL –  
A FEMINIST PERSPECTIVE

**ABSTRACT.** This paper examines the ways Israeli law differentiates between single and married women. The first section explores the little we know of single women and single mothers' realities. The second section analyses Israeli laws related to military service, housing assistance, homemakers' status in the social security system, ways of becoming a mother, and public support for mothers. The legal analysis reveals complex distinctions between single and married women ranging from ignoring single women when they have no children and encouraging them to marry, to ambivalence towards single women who want to conceive, and onto substantial public support for single women who are already mothers. The article points to directions of change needed so the law will adequately address single women's choices and needs.

**KEY WORDS:** feminist, Israeli law, married women, single mothers, single women

INTRODUCTION

Much of feminist criticism of law is based on comparing the ways law treats women differently from men. This article joins other voices in calling for attention to be paid to the differences in women's lives, needs and desires, and so, to the ways law treats different 'categories' of women. The article focuses on the ways Israeli law differentiates between single and married women. The term 'single women' is used here to describe women who have never married nor lived or live in a marriage-like cohabitation with a spouse.<sup>1</sup> This is a narrow definition that does not include divorcees, widows, and heterosexual or lesbians cohabiting couples. I also do not discuss the lives of and the legal attitudes towards single men.

An underlying assumption in this article is that the current institution of marriage has serious oppressive implications for individual women and for women as a group.<sup>2</sup> This is why it is important to turn the spotlight on to

<sup>1</sup> I use the term 'single woman' and 'single mother' as the best option by default. The term 'single' is problematic since it suggests isolation. Still, the word also has a positive connotation of strength (O'Brien, 1993).

<sup>2</sup> The scope of this article is too narrow to elaborate on the oppressive implications of marriage as documented by, *inter alia*, feminist theorists. See, for example, on: love (Cancian, 1987; Baber and Allen, 1992; Firestone, 1970); labour division (Izraeli, 1999;



*Feminist Legal Studies* 9: 29–56, 2001.

© 2001 Kluwer Academic Publishers. Printed in the Netherlands.



bePress Legal Repository

singlehood for women as a way of life that offers an escape from many of the oppressive characteristics of marriage, and to examine the ways single women are treated by law.

The category of single women, as determined in this article, is relatively neglected, both empirically and theoretically. The first section of the paper will discuss the little we know of the lives of single women in different western societies. This discussion is important when we turn to question whether the law deals properly with single women's difficulties and joys. The second section of the paper examines the main Israeli laws, regulations and directives treating single women differently from married women. This body of law relates to military service, housing assistance, home-makers' status in the social security system, ways of becoming a mother, and public financial support for single mothers. The purpose of this examination is to learn more about the ways Israeli law treats single women and to suggest, in broad lines, directions for change. This is a detailed test case demonstrating the implications for legal analysis of adopting a feminist standpoint aimed at facilitating and legitimising singlehood as a choice for women.

## SINGLE WOMEN

### *Living single*

Single women, as determined in this paper, are a very small minority in the Western world. In the U.S, for example, only 14.3 per cent of women between the ages of 35–39 have never married (S.A.U.S., 1999), and, in Israel, the percentage of never married in this age group is 8.1 per cent (I.S.Y.B., 1999). The percentages of single women are much smaller since the above figures include women who cohabit in the present or have done so in the past. The statistics are not the only information regarding single women that is limited. This group has been narrowly studied, often with no distinction drawn between single women and single men or between single women and other non-married women. This is very problematic since the realities and experiences of women who have never married nor cohabited are unique, as the research detailed below demonstrates.

One element threatening single women's happiness is social denunciation (Pearlin and Johnson, 1981). Unlike 'racism' and 'sexism', the prejudice and discrimination to which single women are often subjected has no

---

Shelton and John, 1996; I.S.S.P., 1994; Okin, 1987), violence (Schelong, 1994; Birns et al., 1994; Babcock et al., 1993); and motherhood (Polikoff, 1996; Fineman, 1995; Al-Hibri, 1983).

name (Cejka, 1993; Payne, 1983). Historically, women without husbands were placed along the continuum of nun/prostitute. Although today this continuum is more blurred, single women are still exposed to contradictory and degrading stereotypes punishing them for not living with a man (Gordon, 1994; Cejka, 1993). One kind of stereotype considers single women over thirty as half a person, incomplete, odd, boring, unattractive, not feminine, and sexually or otherwise defective (Gordon, 1994; Austrom, 1984; Shostak, 1987). Another group of stereotypes, dominating a few new Western television series, view single women as footloose and fancy-free. A single woman is a modern city woman who does not want a man although she has many male admirers, or has made impossible demands on her spouse and so does not succeed in maintaining a stable relationship. She is selfish and unwilling to share with and care for others (Gordon, 1994; Payne, 1983). Labeling single women as women who have not succeeded in finding a husband or have made a conscious decision never to marry fails to reflect the true variety of circumstances surrounding the single status. Some women choose to remain single while others make small decisions that eventually lead to singlehood (Gordon, 1994; Yagan, 1997). Some women want to marry but do not because of social circumstances such as male unemployment, war, or high crime rates (Doudna and McBride, 1981).

Due to the negative influence of marital expectations and roles on women's educational and professional opportunities (Baber and Allen, 1992; Okin, 1987; Izraeli, 1982) single women tend to be more educated and are more likely to work in full-time jobs or in high status, male-dominated occupations than married women (Gordon, 1994). Women who are educated and can support themselves are less motivated to marry because they are less likely to settle for a patriarchal relationship and do not need a husband for economic relief. This is one reason why middle-class, educated, professional women find the option of living single easier to consider compared with working-class women (Gordon, 1994; Doudna and McBride, 1981). Moreover, a mature, successful woman's chance of finding a spouse is diminished by the social notion that men should marry younger and less successful women than themselves. So, for women, singlehood contributes to higher education and greater success in the labour market while higher education and success in the labour market increase the likelihood that a woman will remain single.

Of course, not all single women are successful, professional, well-off workers. For some single women, the job they hold is not satisfying and rewarding (Schwartzberg, 1995; Gordon, 1994). Some experience discrimination because they do not conform to the model of super-worker



with a helping spouse at home (Schwartzberg et al., 1995; Cejka, 1993), or because they are conceived as a sexual threat, so men avoid mentoring them (Gordon, 1994; Nesher, 1996).

Single women may suffer relative poverty even if they do work since women earn on average less than men and living alone is more expensive (Barkas, 1980). Economic hardship is a major factor affecting the mental well-being and happiness of single women (Pearlin and Johnson, 1981; Simenauer and Carroll, 1982; Schwartzberg et al., 1995). Still, it is easier for single women to establish and maintain economic independence than divorced or widowed women because they do not have to handle a sudden change but rather experience a gradual process (Gordon, 1994). The few studies on single women and poverty do not distinguish between women who have never married and women who were married in the past (for example, Thomsen, 1994; Burt and Cohen, 1989). More research is needed on single women in general, but the need for information on single women who do not belong to the middle and upper classes is particularly more acute.

Studies reveal that freedom, independence and privacy are significant pleasures experienced by single women (Simenauer and Carroll, 1982; Gordon, 1994; Payne, 1983). One example concerns housework. While the home is a high-priority item for single women, they can do as little housework as possible if they dislike it. Indeed single women do less housework than married women (Simenauer and Carroll, 1982; Gordon, 1994). However, some single women feel that the price of independence is loneliness, difficulties in obtaining help and support when it is needed, and difficulties in asking for help when it is available (Gordon, 1994). Many single women cope with these difficulties by establishing close relations with family members, friends, and community organisations (Simenauer and Carroll, 1982; Gordon, 1994).

Another important factor influencing single women's well-being is their sexual life. It is less acceptable for single women than single men to initiate sex or, indeed, be sexually active. Some single women do not have a satisfactory sex life because they do not enjoy casual sex or they fear A.I.D.S. (Gordon, 1994). Notwithstanding, many single women enjoy the control they have over their sex lives, their ability to avoid sex they do not want, and to look for forms of sexual satisfaction that suit their needs (Gordon, 1994; Simenauer and Carroll, 1982).

Douglas Austrom (1984) argues that single people's difficulties in resolving the issue of procreation and rearing of offspring detrimentally affect their happiness. Until recently, the social and legal consequences of bearing a child out of wedlock were so severe, both to mother and

child, that voluntarily choosing to face them was highly unlikely (Kay, 1988; Wallach and Tenoso, 1974). However, during the last few decades, social stigma and legal discrimination in relation to single women and their children has diminished, although more significantly concerning the latter rather than the former (Fineman, 1995; Teichman, 1982; Kay, 1988). Still, the percentage of single mothers, as determined in this paper, is small, especially in countries like Israel with relatively traditional notions regarding 'the family' (Fogiel-Bijaoui, 1999).<sup>3</sup> Even though single motherhood is a rare phenomenon in Israel, it is important to learn from single mothers' experiences in other countries, especially since many of the Israeli laws that distinguish between single and married women concern motherhood.

### *Single mothers*

Single women face constraints in varying degrees in four different dimensions related to the event of becoming a single mother: the underlying sexual activity leading to pregnancy, the resolution of the pregnancy, the relationship with the father, and their role as mothers (McClain, 1996). Debates on single mothers usually focus on two groups who experience these four dimensions very differently: 'single mothers by choice' and teenage single mothers. The first group typically consists of white women who have become mothers in their mid-thirties, and are well-educated and financially secure. These single women make a conscious decision to bear and raise a child without the father, although most of them would rather raise a child with a partner if they had one (Mattes, 1994). Their desire for a child is complex. It can consist of a need for an intimate relationship with a child, to love and be loved unconditionally, a need to feel 'normal', to have a blood tie that will exist after death and to satisfy a biological urge to procreate (Renvoize, 1985). Many of these mothers plan their pregnancy or choose not to have an abortion (Miller, 1992). These women's decisions to become a mother are usually thoroughly informed and often takes place following more thought than married women give to the question of motherhood (Kamerman and Kahn, 1988; Renvoize, 1985). Most of them are aware of the needs of children and believe they can fulfil them (Mattes, 1994). In countries with developed child-care and social security systems, single women choose to become mothers at a younger age whereas in less supportive countries single women wait until they are

<sup>3</sup> In the U.S., out of wedlock births increased from 5% in 1960 to 35% in 1993 (Dowd, 1995). In Israel, out of wedlock births rose from 1% in 1979 to 2.3% in 1998 (I.S.Y.B., 1999). These percentages include women who cohabit, women who give their child up for adoption, and women who marry or cohabit after the birth.



financially secured (Renvoize, 1985). The social support of family and friends is extremely important to single mothers by choice. Yagan's Israeli study reveals that while single women without children seek legitimacy by caring for their parents and siblings' children, having a child is a basis for legitimising single women and enabling them to receive help from their families. This study correlates with findings from other countries which show that many single mothers by choice establish a network of family and friends, in many cases tighter than that of married mothers or single women without children (Mattes, 1994; Tietjen, 1985). In a growing number of countries special support groups are being established by and for this group of mothers (Renvoize, 1985).

The decision to become a single mother is a hard one even for middle and upper class single women. In fact, after considering all the difficulties, only a small percentage of these women will decide to become mothers. Costs involved in raising a child, fear of stigma and social reaction, guilt about the child growing up without a father, lack of child-care, and technical problems of adoption and conceiving a child are some of the obstacles that prevent single women from becoming mothers (Peterson, 1981). This is problematic since feelings of regret are more often experienced by those who decided not to have a child than by those who choose to become single mothers (Schwarzberg et al., 1995). Stories of single mothers by choice reveal that although motherhood is not an easy experience and task, it is a major source of happiness, joy, and satisfaction (Renvoize, 1985; Gordon, 1994; Peterson, 1981).

The second group of single mothers typically consists of young, uneducated and poor women who in many cases belong to a racial minority (Skolnik, 1996; Breakwell, 1993; Rhode, 1993). This group is especially large in the U.S. but can be found in other industrialised countries (Macintyre and Cunningham-Burley, 1993). Studies show that much of the sexual activity among these young women is a result of male sexual abuse, exploitation, coercion, and aggression (McClain, 1996). Many of the young women are not adequately educated about contraception and do not have free access to abortion (Rhode, 1993). Under such circumstances, it is hard to imagine a fully voluntary rational choice to become a mother. Indeed, in the U.S., four-fifths of teenage pregnancies are unintentional (Rhode, 1993). Many of the young and poor women who decide to become mothers do so while suppressing the reality in which they are going to do it. These women often believe that having a child will help them achieve womanhood, secure a male partner's commitment, or please a male partner, parent or other family member. Some young women want to punish their parents by becoming pregnant and mothers. Some oppose



abortion. Many of these mothers want a baby to love and to be loved by (McClain, 1996). Young women are more likely to want to be mothers when their ethnic and cultural group supports it (Adler and Tschann, 1993). Another factor that shapes these women's decision to become a mother is their economic reality, but in a very different way than it influences privileged women. A lack of economic opportunity holds very little hope for a better future. So, for poor underprivileged young women, there is no real reason to delay motherhood (Adler and Tschann, 1993). Moreover, in social groups in which men cannot provide for a child because of racial discrimination in the labour market, the motivation to delay motherhood in order to find the 'right man' decreases. In addition, for poor women, having a child at a younger age is more comfortable because the kin family is more available to help and the health risks are fewer since medical problems associated with poverty increase with age (Rhode, 1993).

An examination of single mothers' lives suggests that they are neither free agents nor powerless victims. Single mothers are not just rich, successful professionals or poor exploited teenagers. They come from all parts of society (Mattes, 1994). All of them make choices of different degrees regarding single motherhood. Linda McClain (1996) offers a continuum model that represents the spectrum across which these women make choices. Age, race, ethnicity, class, sexual orientation, religious beliefs, and cultural attitudes are some of the factors along this spectrum that shape single women's decision to become a single mother.

Following Martha Minow's (1991) argument for the right to free exercise of families, I think that single women's right to become single mothers and maintain this form of family should be a protected civil liberty. This right should include providing the conditions to make an informed and conscious decision about motherhood and the right to have other realistic options. Of course, Minow does not grant the right to free exercise of families an absolute protection. Like every right, this right must be balanced with other social interests and individual rights. One dominant claim against single women's right to bear and raise children is that single motherhood causes poverty. The focus is on the destructive effects poverty has on children and the economic burden on society caused by the need to support single mothers and their offspring. When a single woman has a large stable income, the birth of a child will not lead to poverty. Even single mothers who do not belong to the upper or middle class may very well manage to support their children without relying on welfare (Rhode, 1993). Still, it is true that many children who are born to single women are at risk of poverty (Lino, 1994). However, fighting to abolish the singlehood state of single mothers is not the solution to child poverty. The family



structure is not the main factor that increases or decreases poverty. In many cases, a single poor mother was poor before her child's birth and does not become poor because of it (Rhode, 1993). For these women, a stable economic pre-condition to motherhood would mean never having a child (McClain, 1996). For many poor women, singlehood is not the cause of poverty, for even if they had married the father, their child's poverty would have remained (McClain, 1993; Dowd, 1995). Indeed, marriage is not a guarantee against child poverty. More child poverty occurs within two-parent than one-parent families (Dowd, 1995). Still, the accepted notion is that society has no right to interfere in the right of married couples to become parents (McClain, 1996).

One mechanism that helps prevent single mother's poverty is accessible child-care enabling single women to participate in the labour force (Perry, 1996; Renvoize, 1985). Another is a welfare system that addresses the needs of single women and their children (Renvoize, 1985; McClain, 1996). However, one assumption that follows many policy-makers regarding public assistance is that it should not be given to single mothers since it increases the percentage of out-of-wedlock births. Studies show that this assumption has no empirical basis (McClain, 1996). Some argue that single poor mothers do not deserve public assistance because their behaviour has led them to their economic hardship. This argument ignores the public assistance other members of society receive like tax benefits, mortgage interest deductions, and subsidised education. Without such assistance many parents would find it very hard to avoid poverty 'caused' by their decision to have children. From a feminist perspective, public assistance to single mothers is not only a way to compensate them for past and present gender and racial discrimination but also an expression of community responsibility to children and a measure to help women carry their choices regarding their family with dignity and respect (McClain, 1996; Perry, 1996).

Another common argument against single motherhood is that the family form of mother-child is pathological, with serious, inherent, negative consequences to a child's development. This argument assumes that a father is an essential figure in a child's healthy development. Many of the studies supporting this argument are biased or inapplicable to single women as determined in this paper (Gonga and Thompson, 1987; Miller, 1992; Fineman, 1995). The little research that exists on the children of single mothers reveals that many of their problems are triggered by economic hardship. Indeed, poverty was found to be the most important factor influencing children's development (Skolnik, 1996). Studies that eliminated the economic factor did not find differences between children



who live with two parents and those who live with one (Gonga and Thompson, 1987). Another important factor in children's development is stability which characterises single mothers' families more than divorced or widowed mothers families (Mattes, 1994). Moreover, two heterosexual parents are not a guarantee of the healthy cognitive, emotional, or sex role development of children. While high quality mothering can compensate for a father's absence, low quality fathering can negatively influence a child's development (Dowd, 1995). From a feminist perspective, there is another important factor to consider regarding children's development. Unlike children of married couples who are exposed to traditional gender role socialisation from their parents, children of single mothers have the potential to be raised with diverse and high aspirations regardless of their sex (Dowd, 1995; Renvoize, 1985).

Raising children is not an easy task. As the Israeli author David Grossman once said, parenthood is a state of failure. There is no perfect parent. Children of single mothers may face special difficulties that must be addressed. Confronting the "daddy issue" (Mattes, 1994), exposure to prejudice, hostility from teachers and other members of society (Renvoize, 1985), a need for other significant adults beside the mother (Mattes, 1994), and a risk of being too independent too early in life (Dornbusch and Gray, 1988) are some of the unique problems that emerge from growing up in a single mother's family. As single motherhood will become more acceptable, as more will be known about the needs of the children of single mothers, and as more information is available to single mothers concerning their role as mothers, the needs of children of single mothers will be better addressed. While more research is needed on the children of single mothers, it is already clear that in a supportive environment which helps single mothers become mothers out of choice and raise their children above the poverty level, the basic needs of children – to be wanted, loved and secured – are met (Mattes, 1994).

As demonstrated above, single women's choices, realities and well-being are highly influenced by society's attitudes towards singlehood as an option for women. One important expression of societal attitudes towards singlehood is Law. Law is not a wonder-maker and cannot, by itself, create dramatic social change regarding singlehood. Still, Law is a symbol, as well as a mean to channel people's behaviour and distribute social resources and so can affect the options available for women (Bartlett and Kennedy, 1991).

Before examining the ways Israeli law distinguishes between single and married women, it is important to note that singlehood is valuable for all women. Women who will live with a spouse eventually can benefit

from a significant period of singlehood prior to their marriage or cohabitation. Singlehood enables women to establish independence, receive higher education, and develop careers. Entering marriage or cohabitation after a period of singlehood is accompanied by greater power which increases the chances of an egalitarian relationship (Doudna and McBride, 1981). Moreover, after a period of singlehood, a woman has better emotional and financial resources enabling her to leave an unsatisfactory relationship. Women as a group benefit from singlehood because single women establish role models that differ from the traditional feminine role of wife and married mother. This increases women's ability to make nontraditional choices regarding their lives (Adams, 1975). In addition, singlehood is a driving force for feminist activity. Single women can devote time and energy to the women's movement and enrich it with their independent experiences (Doudna and McBride, 1981). All that makes the examination of laws differentiating between single and married women relevant to all individual women and to women as a group, and not just to the small minority of single women.

#### SINGLE AND MARRIED WOMEN IN ISRAELI LAW

Israeli law is as complex and full of contradictions as the society it serves (Shachar, 1995).<sup>4</sup> The laws that govern women's status are no exception. While some laws recognise women's right to equality<sup>5</sup> (Raday, 1995a), personal status is governed by religious law which treats women according to patriarchal notions (Fogiel-Bijaoui, 1999; Aloni, 1976). While the law recognises women's important role in the public sphere, it emphasises their role as mothers or potential mothers (Raday, 1995b). Israeli law recognises the advanced concept of affirmative action for women. At the same time, the elementary issue of violence against women is not adequately addressed (Raday, 1995a). Most Israeli feminist legal

<sup>4</sup> An illustration of the complexity of Israeli society is the composition of its parliament: after the 1998 election, its 120 seats are divided between 17 different parties. Out of the 120 members, 25 are from Jewish religious parties (17 of eastern and 8 of western origin), 10 are from Arab parties, and 10 from parties of immigrants from the former U.S.S.R. Only 16 parliament members are women.

<sup>5</sup> Israel does not have a complete constitution. In 1950 parliament decided that the constitution would be built up, chapter by chapter. Each chapter is called 'Basic Law'. No Basic Law specifies the right to equality. Recent controversial Supreme Court decisions interpreted the Basic Law – Human Dignity and Freedom, enacted in 1992, – as guaranteeing equality. The Israeli legal discourse on human rights has never seriously addressed single women's right to dignity and equality.



scholastic and activist efforts are aimed at equalising women's legal status while addressing women's special needs. There is very little discussion on the ways the law treats different groups and categories of women, single women included.

In this section I will describe the main laws, regulations, and directives that distinguish between single and married women.<sup>6</sup> The description will include references to Israeli parliamentary rhetoric while enacting these laws, and to changes over time that might highlight the dynamics in attitudes towards single women.

### *Military service*

Israel is the only country in the world that calls women to military service (Flisler, 1995). The Security Service Act authorises the Israeli Defense Force (I.D.F.) to call women between the ages of 18–26 to military service for twenty-four months. In practice, women are drafted after finishing high school for twenty-one months of service while men are drafted for three years. Unlike men, who must serve whether they are single or married, Article 39(b) of the Act dismisses married women from duty service. Married women can volunteer for military duty service if they want to, subject to approval of the Minister of Defence.

In the discussions over the Security Service Act held in 1949, one of the most controversial issues was women's role in the new Israeli army. The major argument regarding women was not whether to draft married women or not, but whether to draft women at all (Berkowitz, 1994). In a rare coalition, both religious Jewish parliament members and Arab parliament members agreed that women should not be enlisted since their role is to stay at home and bear children.<sup>7</sup> David Ben-Gurion, the then Prime Minister and Minister of Defence, gave two reasons for the majority opinion that women should be drafted, but not if married.

One reason is, humanitarian: If an 18-year-old maid gets married, she should be given a year to be happy with her husband. Only once in her life does a maid have a first year of her marriage, and only once in her life is

---

<sup>6</sup> The scope of this paper is too narrow to discuss all Israeli laws distinguishing between single and married women. The law regarding abortion, income tax, and family names are among the relevant provisions not discussed here. Since their analysis points to a similar conclusion to the one drawn from those studied in this article, their absence is not a substantial limitation.

<sup>7</sup> Cahana, D.K. Aug. 29, 1949, p. 1445; ElZoabi, D.K. Sep. 1, 1949, p. 1525; Shaag, at 523; Jarjora, p. 1528; Verftig, D.K. 5 Sep. 1949, p. 1559. (Divrey HaKnesset – "D.K." – are the official parliamentary protocols.)



she eighteen. The second reason is public: a married woman should not be disturbed from becoming a mother.<sup>8</sup>

Parliament Member, Garbovski, from the workers' party, emphasised women's role as the procreators of the Jewish nation. Married women should not be drafted because: "usually marriage comes before pregnancy. He, who is concerned about the Jewish demography must take care of the family and the family unit".<sup>9</sup>

The majority of the present Israeli Jewish society still cherish the two goals that were portrayed by the first parliament members as justifying the dismissal of married women from military service (Berkowitz, 1994, 1999). Indeed, being married is viewed as a positive experience worth promoting, and having many children is viewed as a national mission (Safir, 1993). Another goal arguably promoted by the dismissal of married women from military service is the promotion of the marriage institution and the nuclear family. By granting married women a privilege whether to serve or not, the Act encourages women to marry young and sends the message that marriage is a desirable status for women. Indeed, although there is no accurate data on how many of the women marrying young do so to avoid military service, it is known that this is a motive for some of them.

I cannot elaborate on the debate as to whether feminists should encourage women to participate in one of Israel's most important social institution or should fight to eliminate military service for women all together (Izraeli, 1997). For the purpose of this paper it is enough to point out that serving in an open base or in the same base as the spouse are options that allow the enjoyment of marriage without sending discriminatory messages regarding singlehood for women.

### *Government mortgages*

Although the Israeli government has always provided various assistance programmes for housing, a comprehensive Act regarding government mortgages was enacted only in 1991–1992. The Act is aimed at providing government loans for buying a dwelling on better interest and return terms than those granted by private banks. The amount of government mortgage

<sup>8</sup> D.K. Sep. 5, 1949, p. 1571 (my translation, as is the case in all the following citations, laws, parliament protocols and court decisions).

<sup>9</sup> D.K. Sep. 8, 1949, p. 1627. The context of this argument can be better understood when it is recognised that although the law allows for the drafting of all Israeli citizens, Arab women and men, subject to few exceptions, are not called to military service. The Jewish-Arab conflict has a dominant demographic aspect and so the concern is that military service will delay Jewish procreation while Arab women are free to give birth.

is between 48,000–237,000 N.I.S. (\$12,000–59,250).<sup>10</sup> The return period is between 25–30 years.<sup>11</sup> The Act does not state who is eligible for these loans and leaves this decision to the Minister of Housing and the Minister of Treasury.

The criteria for eligibility for married couples are very complicated. The amount of the loan depends on the number of years of marriage, the number of children, and the number of siblings living in Israel of each spouse. These parameters are supposed to reflect the economic standing of the couple (Atlan, 1996). The amount also changes according to military service, disability, and immigration status of the spouses, and the geographic location of the apartment bought by the couple.<sup>12</sup> A major criterion for single people's eligibility for governmental mortgages is age. Singles between the ages 21–30 are eligible for assistance only in areas considered nationally important, which means peripheral areas, usually near the Israeli borders. After 30, singles are then entitled to assistance in the centre of the country. This assistance is enlarged after they reach 35 and, again, when they are older than 45.<sup>13</sup> The number of siblings and military service status are additional criteria. As for married couples, military service is measured by months, which harms single women since they serve less time. Singles receive generous loans when they become parents, as will be discussed later. In general, the amount singles with no children receive are significantly smaller than those received by married couples.

The parliament protocols regarding the Loans for Housing Act reveal one dominant concern: to help young married couples facing economic difficulties to buy an apartment.<sup>14</sup> The issue of singles' entitlement to housing was not discussed. Still, the regulations do not ignore singles and do provide them with assistance. However, the age limitation and the amounts of loans, together with the shortage of small apartments in the Israeli real-estate market, make it very difficult for singles to buy an apartment. This is significant because of characteristics of Israeli society. Israeli culture perceives stability in housing location as important for one's family and friends relations and living in one's own apartment is the most common housing arrangement (Safir, 1993; I.S.Y.B., 1999: 11–14). Those

---

<sup>10</sup> The average apartment in Israel cost \$161,250 in 1997 (I.S.Y.B., 1999: 11–14).

<sup>11</sup> Loans for Housing Act, 1992.

<sup>12</sup> [www.moch.gov.il/sioa](http://www.moch.gov.il/sioa)

<sup>13</sup> [www.moch.gov.il/sioa](http://www.moch.gov.il/sioa)

<sup>14</sup> D.K. October 31, 1990, pp. 335–337; June 20, 1990, pp. 4101–4103; May 7, 1991, pp. 3413–3425. For an argument that the Act actually helps the middle and upper classes and fails to help those who most need housing assistance, see Atlan, 1996.



who do not own an apartment are labeled as failures (Derfner, 1995). This is of concern especially for single women who are already perceived as failures and are exposed to greater social stigma than single men. In addition, apartments for rent are available only in small numbers and the rent is high (Lipkin Beck, 1996). This, again, can have more severe consequences for single women as the pattern of sex-based discrimination in the workforce and the expectation of marriage affects their salaries.

The regulations present an economic encouragement for people to marry. Indeed, some couples marry younger than they would otherwise in order to receive a government housing loan. One might argue for society's legitimate interest in encouraging marriage in order to save public and private funds. From a feminist perspective, when the price of saving public funds is encouraging marriage and not granting singles adequate assistance in housing, the former should withdraw.

#### *Homemakers in social security law*

The National Insurance Act determines a homemaker as "a married woman, except an aguna,<sup>15</sup> whose spouse is insured under this chapter, who is neither an employee nor a self-employed person."<sup>16</sup> Neither a man nor a single woman can be considered homemakers. If they do not work outside their homes they are determined to be unemployed. So, being a woman and being married are cumulative conditions for being recognised as a homemaker under the National Insurance Act. No wonder the Act does not use the neutral term 'homemaker', but uses the term 'housewife'.

Under the National Insurance Act, a housewife is entitled to accident insurance, reserve military service insurance, medical insurance and long-term care insurance, as are other women over the age of 18. A housewife is not entitled to employment injuries insurance and unemployment insurance. In addition, there are certain insurances a housewife is entitled to, but under different conditions than other adults.

#### *Old age allowance*

In 1996, an amendment to the National Insurance Act granted housewives a monthly old age allowance to which they were not previously entitled. However, this entitlement is relatively limited. A housewife does not receive enlarged allowances granted to other adults who were insured

---

<sup>15</sup> Unlike the religious definition of 'aguna', an aguna in the National Insurance Act is a woman whose husband's location is unknown for two years or whose husband is abroad without her consent and does not pay her alimony, see National Insurance Act [Consolidated], 1995, Article 1.

<sup>16</sup> National Insurance Act [Consolidated], 1995, article 238.

more than 10 years and/or have dependent relatives. In addition, a housewife who is entitled to an allowance due to a spouse's death will lose her entitlement while receiving old age allowance while other adults will receive their old age allowance and half the dependant allowance.

#### *Dependant allowance*

The recent amendment mentioned above includes housewives in the category of persons whose relatives are entitled to an allowance after their death. However, the years a housewife worked in her home are not included in the time period calculated for eligibility. So, if a woman never worked for pay, her remainders are not entitled to the allowance. In addition, the time period in which a housewife must work for pay is longer than the time period in which all other adults should participate in the labour force in order for their dependant to be eligible for this allowance.

#### *Disability insurance*

A housewife must be more disabled than other adults in order to be eligible for disability allowance.<sup>17</sup> In addition, a housewife is entitled to a retroactive allowance of only one year while all others are entitled to a retroactive allowance of three years. In cases of spouse unemployment and severe dependency on others, a housewife will receive less than other adults in the same condition.<sup>18</sup>

#### *Maternity insurance*

All women who give birth are entitled to free hospitalisation and maternity grants, and, in the case of the birth of more than two babies, a maternity allowance.<sup>19</sup> Unlike employed women, housewives are not entitled to an allowance in cases of pregnancy-related compulsory bed-rest nor for a three month birth allowance.<sup>20</sup>

One major difference in the treatment of housewives compared to other insured persons is that a housewife does not have to pay social security fees, including the fees for medical insurance.<sup>21</sup> All other insured persons must pay the fees whether they are employed or not. If an adult who is not

<sup>17</sup> National Insurance Regulations (Disability Insurance) (Special Provision Regarding Housewife), 1984, article 3(a).

<sup>18</sup> National Insurance Regulations (Disability Insurance) (Special Services), 1978.

<sup>19</sup> A maternity grant is 20% of the average wage for one child, 100% for twins and an additional 50% for every additional child. A maternity allowance is 50% of the average wage for three children, 75% for four, and 100% for five children and more.

<sup>20</sup> A pregnancy compulsory bed-rest allowance is 70% of a woman's salary and a birth allowance is 100% of a woman's salary, both limited by a maximum sum.

<sup>21</sup> Public Health Insurance Act, 1994.

a housewife does not pay her fees to the National Insurance Institute, her debts are offset from the allowances and grants to which she is entitled.

The Israeli social security system, with its laws and regulations, is aimed at both compensation for loss of income and establishing a safety net against poverty (Shamir, 1995). The differences the Act and its regulations create between housewives and other adults suggest that the law values housework done by women, but not to the same degree as work performed in the paid labour market. I agree with those who value the work of housewives (Law, 1983; Oakley, 1974; Siegel, 1994) when there are family members who cannot perform the housework they consume themselves, such as children and elderly family members. However, and importantly to this paper, this is true whether the family member who performs the housework is married or not. The work done by single mothers at their homes is even more difficult and crucial for their families than married women's because, usually, they are the only adult in the family. The current legal definition of housewife suggests that it is not economic reasoning guiding the law but rather traditional notions of the role of married women. The category of homemakers should be based on caring for dependent family members and not on marital status.<sup>22</sup>

#### *The right to become a mother*

As discussed above, for many single women being a mother is extremely important and rewarding. The nature of Israeli society adds to the urge to become a mother. For national, religious and cultural reasons, being a mother is viewed as a condition for a full life (Solomon, 1993). For single women, for whom pregnancy from heterosexual intercourse may be impossible or unwanted, artificial insemination, *in vitro* fertilisation, surrogacy, and adoption are crucial routes to motherhood.

The Israeli Supreme Court has recognised that:

Conception, pregnancy and birth are intimate events, that are all in the sphere of the individual privacy; the State does not intervene in this sphere except for significant reasons, that are inherent in the need to protect the right of an individual or an earnest public interest.<sup>23</sup>

However, the State does interfere with women's ability to conceive, be pregnant, and become mothers, and, in some cases, does so while discriminating against single women.

---

<sup>22</sup> The exclusion of men from the definition of a homemaker is also very problematic, but beyond the scope of this article.

<sup>23</sup> C.A. 413/80 *Roe v. Doe*, P.D. 35(3), 53, at 81.

*Artificial insemination and in vitro fertilization*

Until not long ago, single women's accessibility to artificial insemination (A.I.) and *in vitro* fertilisation (I.V.F.) was severely restricted. The first directives regarding A.I., issued in 1979, allowed A.I. only for married women (Shalev, 1995). The Supreme Court rejected a single woman's claim against these directives and ruled that they were reasonable.<sup>24</sup> In 1992, new directives were issued. This time they allowed single women to be artificially inseminated. These directives made Israel the only country in the world in which artificial insemination of single women is financed by the national health insurance (Aggasi, 1995). However, this breakthrough was not without discrimination against single women. The directives determined three preconditions for A.I. for single women, not applied to married women. A.I. for a single woman could be performed only in "special circumstances and after receiving the opinion of a psychiatrist and a report of a senior social worker." One precondition that was and still is applied only to married women is the need for the consent of another party, her husband. On February 1997, following a petition submitted to the Supreme Court by single women and lesbian couples,<sup>25</sup> the General Director of the Ministry of Health instructed all hospital managers to refrain from any kind of discrimination against non-married women in all aspects related to fertility treatments. The doctor should ask for a social worker's evaluation according to the circumstances of each case regardless of the woman's marital status. This revolutionary directive also influences single women's eligibility to I.V.F.

Unlike the common practice in other western countries, the regulations regarding I.V.F. issued in Israel in 1987 allowed I.V.F. for single women (Shalev, 1995). Still, single women's right was not equal to that of married women. I.V.F. of a married woman could be done with her ovum, or the ovum of a donor. A single woman could only be fertilised by her own ovum. In addition, unlike a married woman, a single woman was entitled to I.V.F. only after receiving a favourable report from a social worker of the department performing the I.V.F.<sup>26</sup> The history of the regulations suggests that the "enlightened" article that allowed I.V.F. for single women was not promulgated for single women's sake, but, as a way to increase the ova store for married couples (Shalev, 1995). All these discriminatory practices were abolished by the directive mentioned above. As in A.I., married women still need their partner's consent. One must remember that both for A.I. and for I.V.F., single women may be scrutinised by a social worker.

<sup>24</sup> H.C.J. 248/86 *Nans v. Minister of Health* (not published).

<sup>25</sup> H.C.J. 2078/96 *Vitz and others v. Minister of Health* (not published).

<sup>26</sup> Public Health (*In Vitro* Fertilisation) Regulations, 1987.

This might be a barrier due to the social worker's bias and prejudice against single women and their ability to be caring mothers. However, it is likely that the court will invalidate a biased social worker's evaluation. A threat to the current situation is a committee nominated by the Ministry of Health in order to propose a law regarding fertility treatments, which has not yet finished its work. Fears of bastardy according to Jewish law<sup>27</sup> and traditional concepts regarding 'the family' might produce an attempt to limit single women's accessibility to fertility treatments.

Unlike A.I. which is a simple procedure that can be performed at home (Richardson, 1993), I.V.F. is very complicated and causes women a lot of suffering and frustration (Solomon, 1993). Israeli women are pressured into having a baby at almost any cost. We have more fertility treatment clinics *per capita* than any other country (Aloni Committee, 1994). This pressure is misused by the medical profession to experiment on women, to make a profit, and to have access to human genetic materials (Solomon, 1993). One might in these circumstances argue, that from a feminist perspective, a change in the law allowing single women's accessibility to I.V.F. is against their own interests. I think that the dangers embodied in I.V.F. for women should be addressed, but not by limiting single women's accessibility to this procedure. The social pressure to become a mother should be lessened, women should be given all the information needed for full consent to an I.V.F. process, and the institutions and doctors who perform these procedures should be strictly supervised (Aloni Committee, 1994). Paternalistic protection should not be the means used to prevent the harms done to women who undergo I.V.F.

### *Surrogacy*

In March 1996, following a petition to the Supreme Court<sup>28</sup> and a special committee report, a new law was enacted that legalises surrogacy.<sup>29</sup> Despite the Committee's recommendations that women be treated equally regardless of their marital status (Aloni Committee, 1994), and despite warnings from human rights organisations, the new law discriminates

---

<sup>27</sup> Unlike Christianity, according to Jewish law, a bastard is a child born to a married woman from a man other than her husband. A bastard suffers from several humiliating and damaging restrictions, the harshest one of which is that he/she can only marry another bastard. A child of a single woman does not suffer from the social stigma and legal restrictions forced on bastards (Teichman, 1982). Although most religious Jewish leaders agree that bastardy cannot occur without intercourse, the issue of bastardy is still raised when fertility treatments are discussed (Aloni Committee, 1994).

<sup>28</sup> H.C.J. 5087/94 *Zabaro and others v. Minister of Health* (not published).

<sup>29</sup> Contracts for Carrying Fetuses Act (Approval of a Contract and the Status of the Newborn), 1996.



against single women in a clear and harsh way. The “intended parents” must be a heterosexual couple. The surrogate mother must be a single woman, except when a special committee is convinced that the intended parents could not find, after a reasonable effort, a single surrogate mother. The sperm must be of the intended father and the ovum cannot be of the surrogate mother. A special committee must approve the contract between the surrogate mother and the intended parents. After the committee’s approval, the fertilisation must be performed in an authorised hospital department. The punishment for performing I.V.F. based on a surrogacy contract that does not follow the law’s requirement is one year in prison.

The scope of this paper is too limited to elaborate on the feminist discussions regarding surrogacy (Shalev, 1995, 1989; Richardson, 1993). Whether one considers surrogacy as the commercialisation of women’s bodies or as a potential breaking of traditional concepts connecting sex, pregnancy and motherhood, it is obvious that the Israeli Act discriminates and humiliates single women. The purpose of the Act is to enable only heterosexual couples to become parents through surrogacy. In the discussion over the Act in Parliament, only one Parliament Member, Yael Dayan, argued in favour of allowing the intended parent to be a single woman.<sup>30</sup> The Parliament protocols also reveal that the legislators ignored professional opinions claiming that it is preferable to allow women who have experienced pregnancy in the past and have supportive families to become surrogate mothers and not childless single women, preferring instead to respond to the religious fear of bastardy.<sup>31</sup> The article that allows married women to be surrogate mothers only if there is no single woman available is a derogating practice that treats single women as a “womb to rent” for married people. This practice reinforces society’s negative attitudes towards single women.

### *Adoption*

An adoption in Israel can occur only after a court approves the adoption request fulfilling the Children’s Adoption Act’s requirements. Article 3 of this Act states:

There is no adoption but by a man and his wife together; but the court may grant an adoption order to a single adopter –

- (1) If his spouse is the parent of the adoptive or has adopted him before;
- (2) If the parents of the adoptive died and the adopter is a relative of the adoptive and is not married.

---

<sup>30</sup> D.K. March 7, 1996, p. 4979.

<sup>31</sup> D.K. March 7, 1996.

The Act permits the court to disregard Article 3 and grant adoption to a single person in special circumstances. In practice, a single person can adopt only if the adoptive child has problems that make married couples uninterested (Shifman, 1989).

Each year only 250 children are candidates for adoption in Israel.<sup>32</sup> The waiting period for people who are found suitable as adopters is seven years (Shalev, 1995). This reality and the prohibition of adoption by non-married people drive many Israelis to adopt children abroad.<sup>33</sup> Until recently, Israeli law did not supervise the adoption of a non-Israeli child by Israelis. In May 1993, Israel joined the Hague Convention on the Protection of Children and Co-Operation in Respect of Intercountry Adoption. As a result, in May 1996, the Israeli legislature amended the Children's Adoption Act to make intercountry adoption legal. According to this amendment, there are no specified limitations on singles' ability to adopt a child from another country.

An intercountry adoption is possible through authorised private companies established specially and exclusively for that purpose. The authorised company has to check the family background of the person asking to adopt.<sup>34</sup> The implications of the family background investigation for single women are unclear. In 1998, the Minister of Welfare issued regulations according to which the company must receive a psychological evaluation of the person seeking to adopt.<sup>35</sup> In addition, an Israeli government official, an Israeli court, and the foreign country's responsible authority should approve the adoption. The process includes a social worker's opinion of all nominees as adopters. All these authorities can create obstacles for adoption by single women. However, the fact that the amendment allows a single person to apply for intercountry adoption, and the known cases in which single women have adopted through this new procedure, indicate that intercountry adoption is an available way for single women to become mothers.

The limitations on single people adoption of Israeli children implies that no matter what the potential parent has to offer, married parents are always better for a child than a single one.<sup>36</sup> This is a humiliating attitude towards single women's ability to parent and it perpetuates society's

<sup>32</sup> D.K. March 11, 1996, p. 5150.

<sup>33</sup> The estimation is that before the law regulating intercountry adoption was enacted, 5,000 children were already adopted from other countries by Israelis, see D.K. March 11, 1996, p. 5147.

<sup>34</sup> Children's Adoption Act, 1981; Children's Adoption Act (Amendment No. 2), 1996.

<sup>35</sup> Children's Adoption Regulations (Examination of Applicant Qualification), 1998.

<sup>36</sup> Minister of Justice Rozen, D.K. January 26, 1960, p. 472; Tova Sanhedray, D.K. February 1, 1960, pp. 505–506; Rachel Chabari, D.K. February 1, 1960, p. 506.

negative and biased concepts of them. In addition, the current structure of the Act allowing the adoption of children with special needs and children from abroad by single people, while allowing adoption of healthy Israeli children only by married people, harms children of single parents. It labels them as the 'other', as children with problems that nobody wants or as foreigners.

*One-parent families act*

Allowing single women to become mothers, whether through fertility treatments, surrogacy or adoption, is not enough to grant them the true possibility of realising their right to motherhood. Securing the right to an adequate standard of living for single mothers' families is a vital condition. The last law discussed in this article relates to this aspect.

In 1992, the Israeli parliament enacted, unanimously, an Act dedicated to one-parent families.<sup>37</sup> The definition of 'one-parent family' includes families of single mothers as defined in this paper.<sup>38</sup> According to the Act and several regulations and directives issued in compliance with it, single mothers receive priority over married women in professional training,<sup>39</sup> their children have priority in acceptance to governmental subsidised daycare centers (Bar-on et al., 1995; Sheffer, 1999), and day-care fees are reduced.<sup>40</sup> In addition, single mothers receive a special grant at the beginning of the school year for every child between the ages of 6–14.<sup>41</sup> The Act amends the Income Security Act so that single mothers of children younger than seven with no income or very low income receive enlarged allowances with more flexible pre-conditions, compared to married mothers.<sup>42</sup> Article 4 of the Act states that a single parent is entitled to an enlarged loan from the State for housing. The grants and allowances single parents receive for housing are more generous than those granted to married couples and significantly more generous than those granted to childless singles.<sup>43</sup>

According to the parliament protocols, the main purpose of the One-Parent Families Act is to assist parents who raise their children alone and suffer from economic hardship. The chairwoman of the Knesset

<sup>37</sup> D.K. March 17, 1992, p. 3775.

<sup>38</sup> Also covered by the Act are the families of divorcees, widowers, 'agunot', and new immigrants who have come to Israel without their spouse.

<sup>39</sup> A conversation with the Sarry Cohen, Head of the Division for Women's Training at the Ministry of Labor and Welfare, 21 May 2000.

<sup>40</sup> One-Parent Families Regulations (Consideration in Single Parent Income In Calculating Child Fees in Daycare Center), 1998.

<sup>41</sup> National Insurance Act [Consolidated], 1995.

<sup>42</sup> Income Insurance Act, 1980.

<sup>43</sup> [www.moch.gov.il/sioa](http://www.moch.gov.il/sioa).



Committee of Labour and Welfare at that time, Ora Namir, presented data showing that 45 per cent of one-parent families earned less than half the average wage.<sup>44</sup> Not one Parliament Member doubted the worthiness of the purpose of assisting one-parent families to meet their economic needs. Some focused on the children. The need to secure children's economic well-being was viewed as humane and as a condition for a future healthy society.<sup>45</sup> Others focused on the mothers. Many described the difficulties faced by women who try to raise a child without a spouse and emphasised society's responsibility to address their needs.<sup>46</sup> Other goals were discussed regarding single mothers by choice. Ora Namir presented statistics according to which 23 per cent of single parent families are headed by people who have never married. She said she was aware that some Israelis think that the marriage institution should be preserved at all costs but that in her opinion, there was another important value that should be promoted – freedom of choice. Parliament Member, Avraham Poraz, gave an unusual speech regarding single mothers. He said:

Sometimes there is a phenomenon that in my eyes, at least, stimulates a lot of admiration, I must say: a true admiration, and that is the willingness of women at a certain age to give birth outside marriage . . . Our society has to encourage these women to cope with this situation, which in my eyes is a positive phenomenon, in the fiscal-finance sphere, in priority in entrance to day childcare centers, and also in all the other good issues that are mentioned in the law proposal – the matter deserves a worthy solution. The duty of society is to encourage this tendency, since, as I said, we have more children, and we allow a certain family wholeness also to a woman that did not find a spouse.<sup>47</sup>

The One-Parent Families Act gives single women special preferential treatment. However, it should be asked whether the measures taken by the Act adequately address single mothers' needs. First, contrary to the Act demands, only one regulation was issued and most aspects of the Act are still regulated by unpublished directives. This makes it hard for single women to learn about their rights and for a public debate to be conducted. Second, despite the measures taken by the law, non-married mothers are still at a higher risk of poverty compared to two-parent families and non-married families headed by men (Stier and Lewin, 2000). We do not know what the economic situation of single mothers is compared to divorcees or widows. Only by studying single mothers' realities can we evaluate the extent to which the One-Parent Families Act addresses their

<sup>44</sup> D.K. December 10, 1991, p. 1205.

<sup>45</sup> Ora Namir, D.K. December 10, 1991, at 1205; Micha Goldman, at 1206; Eliyahu Ben-Menahem, p. 1211, Shoshana Arbeli-Almozlino, p. 1214.

<sup>46</sup> Geola Cohen, D.K. December 10, 1991, p. 1211; Nava Arad, p. 1212; Ran Cohen, D.K. March 17, 1992, p. 3771.

<sup>47</sup> D.K. December 10, 1991, pp. 1209–1210.

economic needs. The evaluation should not limit itself to economic needs but should include the social and emotional needs of single mothers and their children.<sup>48</sup> Regardless of such evaluation, I think that a special Act for one-parent families that focuses on social benefits is undesirable. Such an Act labels all one-parent families as in need of welfare and masks the welfare benefits two-parents families receive from the State. The One-Parent Families Act should be abolished and its content integrated into existing and new laws that deal with the relevant issues for all kinds of families.

#### CONCLUDING DISCUSSION

At first glance, it looks as if Israeli law does not treat single women in a comprehensive way, but is rather composed of eclectic laws, regulations, and directives, carrying contradicting messages and implications. Still, I would like to argue that a pattern can be recognised if we distinguish between the legal attitude towards single women without children and those who want to and do become mothers. As long as single women do not have children, their lifestyle as singles is not valued. It is married women who are treated as realising the ultimate feminine and national aspirations. Women, when married, are released from compulsory military service, granted government mortgages larger than those given to singles, and recognised as housewives if they do not work for pay. This is not simple discrimination that favours married women over single women, but also official endorsement of the traditional image of the 'married woman' role into which women are channeled. It is far from clear that married women are better off not being drafted, marrying young for government mortgages, and being defined as housewives in the social security. Women's rights and interests are not what the law concerns itself with, but rather the promotion of the traditional marriage institution.

The picture changes when single women want to become mothers. The One-Parent Families Act was enacted before the dramatic changes in the rules governing fertility treatments and adoption, which make it much easier for single women to become mothers. This order of things suggests that the main concern of this Act is children. The Israeli society values

<sup>48</sup> The chairwoman of the Parliament Committee of Labour and Welfare, Ora Namir, referred to the Committee of Woman's Status from 1978, recommending the provision of professional counsel to assist one-parent families, develop programmes that will educate teachers regarding the children of single parents, publish information regarding single parents' rights through the media, and develop professional and legal assistance for divorced mothers. See, D.K. December 10, 1991, pp. 1205.



children so much, it is willing to disregard the family form they are part of and support those in need. The denunciation children of single mothers suffer from in other countries, especially the U.S., is absent from Israeli discourse. This might be due to the differences in religion definition of bastardy, the small number of children of single mothers which does not portray them as a social problem and threat, or to national and cultural differences in the importance attributed to the bearing many children. However, the changes concerning fertility treatments and adoption prove that, today, it is not only children we value. The Israeli legislature and Supreme Court have recognized the legitimacy of other family forms beside the 'nuclear family'. Notwithstanding the importance of these recent changes, even when single women want to become mothers they are not valued in the same way as married women. Single women are still barred from adopting Israeli children and are 'wombs for rent' for heterosexual couples under the laws governing surrogacy. Religious concerns and traditional notions of who should become a parent prevent the development of equal and dignifying attitudes toward single women.

The lack of legal distinction between single mothers and other one-parent families in the One-Parent Families Act is symptomatic of the general and scholastic discourses on single women. The dominant aspect, if not the only one, in which single women are visible in public discourse separately from other non-married women, is their sex lives. Following U.S. television shows such as *Ally McBeal* and *Sex and the City*, Israeli single women were interviewed and their own columns about their sexual activities were written. Talking about single women's sexuality might be empowering for single women as for all women, but it strengthens stereotypes about single women and conceals other important aspect of their lives. Academics have a major contribution to make in increasing the little we know of single women, with or without children. There are hardly any studies of single women and single mothers. When non-married women are the focus of a study, they are usually divorcees or widows. Our ignorance of single women makes it hard to suggest amendments to the existing laws. I have offered what looks to me like some elementary conditions for respecting single women's rights and interests. Still, we must learn more about single women's realities, aspirations and difficulties in order to know how the law should be changed to address them.

The law alone cannot change social concepts so that singlehood will be viewed as valuable for women, not less if not more than marriage. But, the law can send messages, enable behaviours and reallocate resources so that it will be easier for women to realise themselves through singlehood despite the social pressures to conform and marry. As more options



become possible through law, more women will be able to shape their lives according to their wills and choices and not according to traditional patriarchal concepts of how and with whom women should live.

#### ACKNOWLEDGEMENTS

I would like to thank Professor Ann Shalleck from the American University College of Law who supervised the MA thesis on which this article is based, and the New Israel Fund who made it possible for me to attain a feminist legal education.

#### REFERENCES

- Adams, B.N., *The Family: A Sociological Interpretation* (Chicago: Rand McNally College Publishing Co., 1975).
- Adler, N.E. & Tschann, J.M., "Conscious and Preconscious Motivation for Pregnancy among Female Adolescence", in *The Politics of Pregnancy, Adolescent Sexuality and Public Policy*, ed. A. Lawson & D.L. Rhode (New Haven: Yale University Press, 1993), 144–158.
- Aggasi, T., " 'Ms. Conception' of Doing It Alone", *The Jerusalem Post*, July 27, 1995, p. 7.
- Al-Hibri, A., "Reproduction, Mothering, and the Origin of Patriarchy", in *Mothering, Essays in Feminist Theory*, ed. J. Trebilcock (Maryland: Rowman and Littlefield Publishers, 1983), 81–93.
- Aloni Committee, *Public-Professional Committee Report to Examine the Issue of In Vitro Fertilization* (Jerusalem: Ministry of Justice, 1994) (Hebrew).
- Aloni, S., *Women as Human Beings* (Jerusalem: Keter, 1976) (Hebrew).
- Atlan, M., in "The Right to A Minimal Standard of Living" in the Israeli Law (Jerusalem: Hebrew University Human Rights Center, 1996) (Hebrew).
- Austrom, D.R., *The Consequences of Being Single* (N.Y.: Peter Lang, 1984).
- Babcock, J.C., Waltz, J., Jacobson, N.S. & Gottman, J.M., "Power and Violence: The Relation Between Communication Patterns, Power Discrepancies, and Domestic Violence", *J. of Consulting and Clinical Psychology* **61** (1993), 40–50.
- Baber, K.M. & Allen, K.R., *Women and Families Feminist Reconstructions* (N.Y.: The Guildford Press, 1992).
- Barkas, J.L., *Single in America* (N.Y.: Atheneum, 1980).
- Bar-On, Y., Agmon, R., Freidman, O. & Berkuwitz, Z., *Information for One-Parent Families* (Jerusalem: The Ministry of Labor and Welfare and Naamat, 1995) (Hebrew).
- Bartlett, K.T. & Kennedy, R., "Introduction", in *Feminist Legal Theory, Readings in Law and Gender*, ed. K.T. Bartlett & R. Kennedy (Colorado: Westview Press, 1991), 1–11.
- Berkowitz, N., " 'A Woman of Valor Who Can Find'? Women and Citizenship in Israel", *Israeli Sociology* **2/1** (1999), 277–317 (Hebrew).
- Berkowitz, N., "Motherhood as a Mission", *Noga* **27** (1994), 24–26 (Hebrew).
- Birns, B., Cascardi, N. & Meyer, S., "Sex Role Socialization: Developmental Influences on Wife Abuse", *Amer. J. Orthopsychiatry* **64** (1994), 50–59.

- Breakwell, G.M., "Psychological and Social Characteristics of Teenagers Who Have Children", in *The Politics of Pregnancy, Adolescent Sexuality and Public Policy*, ed. A. Lawson & D.L. Rhode (New Haven: Yale University Press, 1993), 159–173.
- Burt, M.R. & Cohen, B.E., "Differences among Homeless Single Women, Women with Children, and Single Men", *Social Problems* **36** (1989), 508–524.
- Cancian, F.M., *Love in America Gender and Self-Development* (Cambridge: Cambridge University Press, 1987).
- Cejka, M.A., "A Demon with No Name: Prejudice against Single Women", in *Single Women*, ed. M. O'Brien & C. Christie (Westport: Bergin and Garveu, 1993), 3–11.
- Derfner, L., "Orphans in the Storm", *The Jerusalem Post*, November 2, 1995, p. 6.
- Dornbusch, S.M. & Gray, K.D., "Single-Parent Families", in *Feminism, Children, and the New Families*, ed. S.M. Dornbusch & M.H. Strober (N.Y.: The Guildford Press, 1988), 274–296.
- Doudna, C. & McBride, F., "Where Are the Men for the Women at the Top?" in *Single Life, Unmarried Adults in Social Context*, ed. P. Stein (N.Y.: St. Martin's Press, 1981), 22–34.
- Dowd, N.E., "Stigmatizing Single Parents", *Harv. Women's L. J.* **18** (1995), 19–82.
- Fineman, M.A., *The Neutered Mother The Sexual Family and Other Twentieth Century Tragedies* (N.Y.: Routledge, 1995).
- Firestone, S., *The Dialectic of Sex* (N.Y.: William Morrow and Co, Inc, 1970).
- Flisler, Y. ed., *Women in Israel – Information, Data and Interpretation* (Jerusalem: The Israeli Women's Network, 1995) (Hebrew).
- Fogiel-Bijaoui, S., "Families in Israel: Between Familiarity and Postmodernism", in *Sex Gender Politic Women in Israel* (Tel Aviv: Hakibbutz Hameuchad, 1999) 107–166 (Hebrew).
- Gonga, P.A. & Thompson, Jr., E.H., "Single-Parent Families", in *Handbook of Marriage and Family*, ed. M.B. Sussman & S.K. Stienmetz (N.Y.: Plenum Press, 1987), 397–418.
- Gordon, T., *Single Women. On the Margins?* (N.Y.: N.Y. University Press, 1994).
- ISSP, *Family and Changing Gender Roles II*, database diskette, 1994.
- ISYB, *Israel Statistics YearBook* No. 50 (Jerusalem: Central Statistics Office, 1999) (Hebrew).
- Izraeli, D.N., "Gendering in the Labor World", in *Sex Gender Politics* (Tel Aviv: Hakibbutz Hameuchad, 1999) 167–215 (Hebrew).
- Izraeli, D.N., "Gendering Military Service in the Israel Defense Force", *Israel Social Science Research* **12/1** (1997), 129–166.
- Izraeli, D.N., "Women in the World of Work", in *The Double Bind, Women in Israel* (Tel Aviv: Hakibbutz Hameuchad, 1982), 133–171 (Hebrew).
- Kamerman, S.B. & Kahn, A.J., *Mothers Alone, Strategies for a Time of Change* (Dover: Auburn House Publishing Co., 1988).
- Kay, H.H., *Text, Cases and Materials on Sex Based Discrimination*, 3rd edn. (Minnesota: West Publishing Co., 1988).
- Law, S.L., "Women, Work, Welfare, and the Preservation of Patriarchy", *Uni. of Pennsylvania L. Rev.* **131** (1983) 1249–1339.
- Lino, M., "Income and Spending Patterns of Single-Mother Families", *Monthly Labor Rev.* **117/5** (1994), 29–37.
- Lipkin Beck, G., "Too Good to Be True", *The Jerusalem Post*, June 12, 1996, p. 8.
- Macintyre, S. & Cunningham-Burley, S., "Teenage Pregnancy as a Social Problem: A Perspective from the United Kingdom", in *The Politics of Pregnancy, Adolescent Sexu-*

- ality and Public Policy*, ed. A. Lawson & D. Rhode (New Haven: Yale University Press, 1993), 59–73.
- Mattes, J., *Single Mothers By Choice, A Guidebook for Single Women Who Are Considering or Have Chosen Motherhood* (N.Y: Times Books, 1994).
- McClain, L.C., “‘Irresponsible’ Reproduction”, *Hastings L. Rev.* **47** (1996), 339–453.
- Miller, N., *Single Parents By Choice, A Growing Trend in Family Life* (N.Y.: Insight Books, 1992).
- Minow, M., “The Free Exercise of Families”, *Uni. of Ill. L. Rev.* (1991), 925–948.
- Nesher, M., “If They Will Drink Coffee Together, Slander Will Occur”, *Haarech*, May 5, 1996 (Hebrew).
- Oakley, A., *Housewife* (Harmondsworth: Penguin Books, 1974).
- O’Brien, E.E., “The Single Journey as Vocation”, in *Single Women*, ed. M. O’Brien & C. Christie (Westport: Bergin and Garveu, 1993), 93–97.
- Okin, S.M., *Justice, Gender, and the Family* (N.Y.: Basic Books Inc. Publishers, 1987).
- Payne, D., *Singleness* (Philadelphia: The Westminster Press, 1983).
- Pearlin, L.I. & Joyce, S.J., “Marital Status, Life-Strains, and Depression” in *Single Life, Unmarried Adults in Social Context*, ed. P.J. Stein (N.Y.: St. Martin’s Press, 1981), 165–175.
- Perry, T.L., “Family Values, Race, Feminism and Public Policy”, *Santa Clara L. Rev.* **36** (1996), 345–374.
- Peterson, N.L., *Our Lives for Ourselves, Women Who Have Never Married* (N.Y.: G.P. Putnam’s Sons, 1981).
- Polikoff, N.D., “The Deliberate Construction of Families Without Fathers: Is It An Option for Lesbian and Heterosexual Mothers?” *Santa Clara L. Rev.* **36** (1996), 375–394.
- Raday, F., “On Equality”, in *Woman’s Status in Israeli Law and Society*, ed. F. Raday, C. Shalev & M. Liban-Kooby (Jerusalem: Schocken, 1995a) (Hebrew), 19–63.
- Raday, F., “Women in the Labor Market”, in *Woman’s Status in Israeli Law and Society*, ed. F. Raday, C. Shalev & M. Liban-Kooby (Jerusalem: Schocken, 1995b) (Hebrew), 64–116.
- Renvoize J., *Going Solo, Single Mothers by Choice* (London: Routledge and Kegan Paul, 1985).
- Rhode, D.L., “Adolescent Pregnancy and Public Policy”, in *The Politics of Pregnancy, Adolescent Sexuality and Public Policy*, ed. A. Lawson & D. Rhode (New Haven: Yale University Press, 1993), 301–335.
- Richardson, D., *Women, Motherhood and Childrearing* (Basingtoke: St. Martin’s Press, 1993).
- Safir, M.P., “Religion, Tradition and Public Policy Give Family First Priority”, in *Calling the Equality Bluff, Women in Israel*, ed. B. Swirski & M.P. Safir (N.Y.: Teachers College Press, 1993), 57–65.
- SAUS, *Statistical Abstract the United States* (Washington D.C.: U.S. Census Bureau, 1999).
- Schelong, K.M., “Domestic Violence and the State: Responses to and Rationales for Spousal Battering, Marital Rape and Stalking”, *Marquette L. Rev.* **78** (1994), 79–120.
- Schwartzberg, N., Berliner, K. & Jacob, D., *Single in a Married World, A Life Cycle Framework for Working with the Unmarried Adult* (N.Y.: W.W. Norton and Co., 1995).
- Shachar, Y., “History and Sources of Israeli Law”, in *Introduction to the Law of Israel*, ed. A. Shapira & K.C. DeWitt-Arar (Deventer: Kluwer Law International, 1995), 1–10.

- Shamir, A., "The Status of the Housewife in the Social Security", in *Woman's Status in Israeli Law and Society*, ed. F. Raday, C. Shalev & M. Liban-Kooby (Jerusalem: Schocken, 1995) (Hebrew), 148–167.
- Shalev, C., "Fertility Law and the Individual Right to be a Parent", in *Woman's Status in Israeli Law and Society*, ed. F. Raday, C. Shalev & M. Liban-Kooby (Jerusalem: Schocken, 1995) (Hebrew), 503–533.
- Shalev, C., *Birth Power: The Case of Surrogacy* (New Haven: Yale University Press, 1989).
- Sheffer, N., *The Israel Government's Policy in Subsidizing Daycare: Its Implication for the Work of Women Outside the Home* (Jerusalem: Israel Women's Network, 1999) (Hebrew).
- Shelton, B.A. & John, D., "The Division of Household Labor", *Annu. Rev. Sociol.* **22** (1996), 299–322.
- Shifman, P., *Family Law in Israel*, vol. II (Jerusalem: Hebrew University, 1989) (Hebrew).
- Shostak, A.B., "Singlehood", in *Handbook of Marriage and the Family*, ed. M.B. Sussman & S.K. Stienmetz (N.Y.: Plenum Press, 1987), 355–367.
- Siegel, R.B., "Home As Work: The First Woman's Rights Claims Concerning Wive's Household Labor, 1850–1880", *Yale L. J.* **103/5** (1994), 1073–1217.
- Simenauer, J. & Carroll, D., *Singles: The New Americans* (N.Y.: Simon and Schuster, 1982).
- Skolnik, A., "The Politics of Family Structure", *Santa Clara L. Rev.* **36** (1996), 417–429.
- Solomon, A., "Anything for a Baby: Reproductive Technology in Israel", in *Calling the Equality Bluff, Women in Israel*, ed. B. Swirski & M.P. Safir (N.Y.: Teachers College Press, 1993), 102–107.
- Stier, H. & Lewin, A., *Poor Women in Israel* (Jerusalem: Israel Women's Network, 2000).
- Teichman, J., *Illegitimacy, An Examination of Bastardy* (Ithaca: Cornell University Press, 1982).
- Tietjen, A.M., "The Social Networks and Social Support of Married and Single Mothers in Sweden", *J. of Marriage and the Family* **47/2** (1985), 489–496.
- Thomsen, K., "Gender Differences in Poverty among Single People in Denmark", *Social Indicators Research* **35/1** (1994), 53–69.
- Wallach, A. & Tenoso, P., "A Vindication of the Rights of Unmarried Mothers and their Children: An Analysis of the Institution of Illegitimacy, Equal Protection, and the Uniform Parentage Act", *Kan. L. Rev.* **23** (1974), 23–90.
- Yagan, I., *Single Women in Mid Life Gaining Legitimacy in Israeli Society*. MA Thesis, Social Science Faculty, Tel Aviv University, 1997 (Hebrew).

*Department of Sociology and Anthropology*  
*Tel Aviv University*  
*Ramat Aviv P.O.B 39040*  
*Tel Aviv 69978*  
*Israel*  
*E-mail: dafna@danenergy.com*