

the 'domestic' and the 'public'. A different term instead of 'domestic' would have served the author much better.

Sacred Speakers is a welcome contribution to a now thriving field. Multifaceted in its approach and particularly rich in documentation, it offers a compelling study of language use in Haredi society. It should become a must-read for students of Israeli Haredim and socio-linguistics in general.

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D. Kelly Weisberg, *The Birth of Surrogacy in Israel* (Gainesville: University Press of Florida, 2005), pp. viii+288, US \$59.95 (cloth).

Surrogacy is the commissioning of a woman to carry a baby whom she has agreed to give up at the end of the pregnancy. Israel is the only country in the world with a surrogacy law that not only permits this highly controversial practice but also offers governmental sponsoring and supervision for those who decide to undertake it. *The Birth of Surrogacy in Israel* poses the question of why Israel, of all countries, was the one to adopt such a revolutionary approach to surrogacy. In order to answer that question, as well as other questions regarding the enactment and implementation of the Israeli surrogacy law, D. Kelly Weisberg examines the social and political forces that contributed to its formation process. This ethnographic study leads Weisberg to the conclusion that Israel's permissive approach and comprehensive regulation of surrogacy is desirable, and that the Israeli surrogacy law, despite its shortcomings, can serve as a successful model for similar legislation in the United States and other countries.

"Surrogate motherhood is a cure for infertility" (1). With these words, Weisberg sets the stage for her fascinating examination of the birth of surrogacy in Israeli law. This description, although correct, is somewhat mitigated three pages later when the author introduces the reader to the ongoing controversy within feminist circles over surrogacy. Here we encounter a very different role for the practice, one that "supports diversity in family

forms by allowing a broad range of families (such as same-sex couples) to raise children” (3). In this review I would like to examine more closely the tension between these two characterizations of surrogacy, which I call the ‘conservative narrative’ and the ‘subversive narrative’. The conservative narrative depicts the practice as one oriented toward reproducing the traditional family when there are medical reasons preventing it, while the subversive narrative depicts surrogacy as a practice capable of creating new family forms and destabilizing the priority given to the traditional one. I argue that although the conservative narrative served well in the Israeli context to enhance important legal precedents by the courts and to facilitate the path-breaking legislation of the Knesset, it also limited the scope of the legal reform and undermined much of its revolutionary potential.

Weisberg is very well aware of the tension between the two narratives. Indeed, chapter 5 is dedicated to exploring the collision between the two narratives that was unraveled during the process of legislation. Still, her choice to open the book with the conservative story and only later to introduce the subversive one is indicative of an implicit prioritization. Another factor that contributes to the dominance of the conservative narrative is her methodological choice to introduce the complicated subject through an ethnographic study of the participants in the law-formation process. The strength of the book comes from the author’s decision to give a human face and voice to abstract legal nuances by telling the stories of the people behind the legal and political drama. However, weaving the threads of the account through interviews with the various participants tends to play down some of the broader implications for Israeli feminism of the competition between the two narratives, which I would like to illuminate in this review.

One of the heroines of Weisberg’s story is Ruti Nachmani, whose legal struggle, described in chapter 3, encapsulates the two narratives in a powerful way. The first phase of the Nachmani case falls well under the conservative story: an Israeli couple (Danny and Ruti Nachmani) challenged the government ban on surrogacy in court, asking to be allowed to undergo in vitro fertilization (IVF) treatment in Israel and to implant the resulting embryos in a surrogate mother. The petition led to the establishment of an interdisciplinary committee of experts to investigate surrogacy generally, whose report served as the basis for the unique Israeli legislation of surrogacy. However, the second round of the legal battle in the Nachmani affair falls under the subversive narrative. At this stage, Ruti is divorced from Danny, who opposes any further use of the fertilized eggs. Ruti now stands as an individual, asking the court to recognize her basic right to become a mother. In effect, she asks the court to allow the surrogacy process to establish a single-parent family unit. The author follows the legal drama that unfolds over four years in which the Supreme Court first accepts Danny’s appeal but later reverses

it. In a landmark decision, the court recognizes Ruti's right to use the frozen embryos. The Nachmani case thus became a cause célèbre for Israeli feminism, much like *Roe vs. Wade* for American feminism.

But herein lies the puzzle. Weisberg asks, "Why did surrogacy flower in Israel, of all countries, with its conservative religious and political influences?" This question drives Weisberg's narrative and illuminates the paradoxical nature of the subject. As is documented in chapter 6 of the book, Israeli feminism has failed miserably in its struggle to establish the constitutional right of a woman to abortion. Up to the present time, Israeli law does not recognize such a right and prohibits it under criminal sanction. Rather, Israel has established administrative bodies that can grant permission to a woman to abort under strict conditions that coincide formally with Jewish law (*Halacha*). In practice, most of the petitions are granted, but as a matter of principle, this does not stem from the right of a woman to autonomy or equality. And yet on the more controversial issue of surrogacy, Israeli courts and legislators stand at the forefront, well ahead of other Western liberal countries. How can this seeming contradiction be explained? The answer is masterfully presented by the author, who follows the travails of the surrogacy case.

As Weisberg explains, the law originated in a feminist-oriented committee (the Aloni Committee) and culminated in conservative-oriented legislation—the Surrogate Motherhood Agreement Law of 1996. The author explains this transformation at various points as related to the division within Israeli society between secular and religious circles. However, as was demonstrated by several studies, this explanation often serves as a camouflage for the very broad consensus between religious and secular decision-makers in Israel over the traditional structure of the family. The real controversy, as became clear early on in Knesset deliberations over the Equal Rights for Women Law (1951) and the Defense Service Law (1949), is between a very small minority of feminists and a majority of secular and religious parties. Unique to the surrogacy legal reform was that the first stage was dominated by a committee that included three acclaimed feminists: jurist Carmel Shalev, sociologist Dlila Amir, and psychologist Ariela Friedman. Weisberg writes: "[R]eligious influences would dominate the second stage of the law reform when the Knesset deliberated on the enactment of this path-breaking legislation" (116). I suggest that Jewish law supplied the justifications for various requirements, such as that the surrogate mother has to be a single, unmarried woman and a non-relative of the ordering couple (in Israel, unlike in other countries, surrogate mothers are often single unmarried mothers). However, the political consensus over these terms was achieved due to a wide agreement among all political parties over the role of the law in conserving the patriarchal family (thus

granting surrogacy only to heterosexual couples, and only when the sperm comes from the intended father).

Surrogacy, like the Roman god Janus (god of gates and beginnings), has two faces. It can be viewed as a vehicle for empowering women and undermining patriarchy, or it can be seen as a tool in the hands of patriarchy that reinforces gender roles. It all depends on the details of the legal arrangement adopted. It is here that the crucial question should be raised: which story prevailed in the Israeli context? The book seems to show that conservatives had the upper hand, but as I shall argue, the subversive narrative left strong traces in the dialectic between court and legislator.

Weisberg gradually introduces the readers to a unique characterization of Israeli feminism, one that is tied not to the rights of a woman as an individual but of a woman as a mother. Going back almost 60 years, one can find Israeli Prime Minister David Ben-Gurion's memorable speech in the Knesset, justifying the need to grant equal rights to women in Israel because "we owe our entire existence to mother. All that is good and beautiful and pure in us—we got from her ... and it is unacceptable, that my mother, that my sister, who is also a mother, that my daughter, who will become a mother, would be worse off and undervalued in comparison to someone else. This is the basic human reason for this bill" (Knesset debates 9, July 1951, 2131). A direct line can be drawn from these words to the Knesset deliberations surrounding the Surrogate Motherhood Agreement Law that are presented by Weisberg. It is therefore no coincidence that Israeli feminism succeeded in turning the Nachmani litigation into a landmark case, in which the right of a woman to become a mother was recognized as a basic right. The emphasis of Israeli society on reproduction is not surprising, given the security situation, the memory of the Jewish Holocaust, the demographic problem between Arabs and Jews, and the ongoing debate over the character of Israel as a democratic *and* Jewish state. However, as Weisberg's book well demonstrates, this emphasis on motherhood is not necessarily constraining to women's liberties, since it can be used to empower women in their various legal and political struggles. The question becomes one of how such a potentially constraining role for women can be made into a vehicle for equality and empowerment.

One of the surprising answers given by Weisberg is the part that individuals can play in this process. In chapter 4, Weisberg depicts the important role played by a "brilliant feminist lawyer," Carmel Shalev, in facilitating the surrogacy reform. Together with the struggle of women such as Ruti Nachmani and Michal Zbaro, we come to realize the power of grass-roots feminism in Israel. This is a missing story in most socio-legal studies in Israel, dedicated to what could be called 'top-bottom feminism'. An interesting fact in this regard, which is not given enough elaboration, is the sociological

characterization of two of the main actors in the struggle over surrogacy—the fact that it was initiated and carried on by Mizrahi women. This stands in sharp contrast to other feminist legal struggles in Israel that have been carried on mostly by Anglo-Saxon women.

I would like to end this review by offering an alternative narrative of the struggle over surrogacy as part of a larger struggle to open up space for alternative families in Israel. Weisberg points to several of these cases, but she does not tie them together and therefore misses some of the subversive potential of the surrogacy reform. During the 1990s, Israeli courts witnessed several legal struggles, initiated by lesbian women and single women, to recognize their right to become mothers. In this struggle there were several impressive victories and some setbacks. Thus, the Supreme Court ruled in 1996 that the regulation limiting the right of an unmarried woman to be granted IVF treatment conflicts with the latter's right to equality and is therefore void. About 10 years later, the Supreme Court acknowledged the legal competence of a lesbian couple to adopt each other's children. Ruti Nachmani's case, in its second phase, can be seen as part of this process. In a later case, the court rejected the discrimination claim of an infertile single woman seeking to be granted surrogacy. The court recognized her claim in principle but left its implementation to the legislature. These various struggles show how Israeli women have tried to disentangle the bind between motherhood and patriarchy by arguing that the decision concerning what constitutes a family cannot be left to nature or religion. It is a contested political and ethical issue and should be regarded as such. New reproductive technologies afford the state increasing powers of control over motherhood. Whether these powers will be used to enhance the 'law of the father' or to transform women's natural ability to give birth into a new source of empowerment is yet to be seen. *The Birth of Surrogacy in Israel* is a very useful tool for developing this important political debate in Israel.

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Raphael Cohen-Almagor, ed., *Israeli Democracy at the Crossroads* (Abingdon, UK, and New York: Routledge, 2005), pp. 288, US \$104.95.

As stated in the introduction, the 14 chapters gathered in this volume aim to shed light on Israeli democracy and its schisms. On the whole, the challenge is met: the articles tackle many different facets of the democracy issue that are of importance within contemporary Israel. This is done by leading Israeli scholars, who examine crucial questions from both an informed