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Nashim: A Journal of Jewish Women's Studies & Gender Issues, Number 6, Fall 5764/2003, pp. 148-164 (Article)

Published by Indiana University Press
DOI: https://doi.org/10.1353/nsh.2004.0018

WHEN A FEMINIST STRUGGLE BECOMES A SYMBOL OF THE AGENDA AS A WHOLE: THE EXAMPLE OF WOMEN IN THE MILITARY*

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1. Introduction

In March 1972, the Equal Rights Amendment to the United States Constitution—the ERA—passed the U.S. Senate by a vote of 84 to 8. Two thirds of the states were then expected to ratify the ERA in order to complete the process required for amending the Constitution. Yet on June 30, 1982, the allotted time expired with only thirty-five of the required thirty-eight states having ratified the amendment, putting an unsuccessful end to a long feminist struggle. The operative section of the ERA stated: "Equality of Rights under the law shall not be denied or abridged by the United States or by any State on account of Sex." This direct reference to gender equality differed from the existing constitutional principle of equality as embedded in the Fourteenth Amendment, which generally provides that no state "shall deny to any person within its jurisdiction the equal protection of the laws." Thus, after the failure of the Equal Rights Amendment, the American Bill of Rights remained devoid of any specific guarantee of gender equality.

How did this happen?

American feminist discourse has an obvious interest in dealing with this question, since women's organizations were the leading sponsors of the ERA. Immediately after its establishment in 1967, the National Organization for Women (NOW) placed the ERA at the top of its Bill of Rights for Women and thereafter was actively involved in many efforts to secure public and legislative support for it. However, I shall argue that the failure of the ERA deserves closer attention not only from an American perspective, but also from an Israeli perspective. In recent years, feminist circles in Israel have

been the leading sponsors of legal reforms aimed at promoting the principle of gender equality. One of the most prominent examples is their championing of the case of Alice Miller, which resulted in a Supreme Court decision ordering the Israeli Defense Forces (the IDF) to open its military pilots' training courses to women on an equal basis with men. The Alice Miller case was based on an assimilationist concept of gender equality. Under this view, women's integration into traditional masculine spheres such as the military is the ultimate and only possible outcome associated with gender equality, since women's needs and preferences are measured and evaluated in similar terms to those of men. Thus, the underlying assumption is of gender "sameness."

The adoption of the "sameness" approach as a leading stance in the feminist battle for gender equality is not unique to Israeli feminist discourse. As I will discuss in Part 2 of this article, the American feminist battle over the ERA was motivated, to its cost, by an identical concept of gender equality, which ultimately contributed to the failure of the proposed amendment. Part 3 will discuss the implications of the Alice Miller case in greater detail, while Part 4 will broaden that discussion to show how the feminist struggle to integrate women into the military is a representative and symbolic example of the current formal feminist agenda in Israel. Women's equality is envisioned and defined in assimilationist terms, while questions of gender difference and their implications for the definition of gender equality are hardly raised and have no real impact on shaping the agenda for legal reform as a whole. Part 5 will examine an alternative type of legal reform that might enable us to broaden our definition of gender equality and recognize gender differences within the framework of the equality principle. One example that will be discussed at greater length is the principle of "comparable worth," which allows for the acknowledgement of substantial differences in the patterns and characteristics of women's and men's participation in the labor force. In conclusion, I will argue that the time has come to divert the feminist focus toward new legal directions and to discuss more critically whether the equalization of women's status in the military should be the primary symbol of the present feminist effort to promote gender equality in Israel.

2. Gender Equality as Gender Sameness–An American Perspective

In search of an explanation of the failure of the ERA, we may begin with a letter written by Mrs. Alonzo Mayfield to Senator Sam Irvin after the ERA was passed in the Senate. At the time it still seemed very probable that the ERA would become part of the Constitution, and Mrs. Mayfield was terrified by this thought. "Today," she wrote,

> I am ashamed and terrified at what the future holds for my three little girls. Will my shy sweet Tommy be drafted in six years? So modest, I can't even see her undress. Oh God! I can't stand it. I just can't bear it.[1]

From Mrs. Mayfield's perspective, the general principle of gender equality, embedded in the language of the ERA, was closely associated with the draft, and the most significant change that the amendment was expected to impose upon her family's life was mandatory military service for her daughters. This perspective wasn't incidental; it was based on how women's organizations had interpreted the ERA in the course of their efforts at promotion. Having consistently insisted on bearing the responsibilities as well as the rights of citizenship on an equal basis with men, those organizations had decided at a very early stage of the constitutional struggle that women must be drafted once the ERA was passed. This decision was supported by two main arguments.

The first argument was grounded in the substantive concept of gender equality that was at the core of the feminist discourse advocating the ERA. This concept, which is usually associated with liberal feminism,[2] explained women's inferior position in society in terms of unequal rights or formal legal barriers to women's participation in the public sphere, beyond the realm of family and household. Once those barriers were lifted and women were guaranteed the same rights as men, it was assumed, gender equality would be achieved, since women are much the same as men. Thus, due to assumptions of gender "sameness," the notion of similar rights and duties in the public sphere was central to this vision of gender equality, and the language of the ERA was interpreted as embodying it. The enforcement and implementation of the ERA was therefore expected to involve full assimilation of women into traditional masculine domains. One of the most visible examples of such a domain at the time, with the Vietnam War in full swing, was the military, to which men only were subject to compulsory

conscription.[3] Thus, from the perspective of the dominant feminist approach, it was only reasonable to emphasize the military as a primary example of women's exclusion from the public sphere, one that should be transformed by the enactment of the ERA.

Secondly, in 1970, when the ERA first reached the floor of Congress, a significant number of laws and official practices still denied women equality of rights under the law. Furthermore, while the Supreme Court had used the Fourteenth Amendment to strike down statutes that denied individuals equal rights because of their race, national origin, or citizenship, it had refused to extend this logic to laws that discriminated on the basis of sex.[4] But the political changes that led Congress to pass the ERA inevitably affected the Supreme Court as well. In 1971, the Court for the first time used the Fourteenth Amendment to strike down a law that treated men and women differently.[5] This decision was followed by others that gradually eliminated most of the discriminatory practices that were originally expected to be abolished only with the passage of the ERA.[6] In this sense the Court pretty much adopted the same feminist concept of gender equality that stood behind the ERA. Men and women were declared similarly situated and thus were granted similar treatment.

The most important statute to survive this judicial reform was the all-male draft. In 1981, the Court upheld Congress's right to require only men to register for the draft.[7] As a result, by the late 1970s the claim regarding the ERA's effect on the military became the only one made by the amendment's proponents during the 1972 Senate debate that the Supreme Court had not already implemented. When opponents of the ERA challenged its supporters to point to specific changes that would result if it passed, the military remained the most meaningful example.[8] Feminist discourse thus had substantive as well as practical reasons to associate the ERA with the draft. However, this link also served the amendment's opponents, who argued that the possible risk of sending women into combat justified the measure's defeat. Consequently, the issue of women in combat soon became central to the public debate over the ERA and a symbol of the feminist struggle in that context.

For women like Mrs. Alonzo Mayfield, the ERA thus was perceived as a threat. Many homemakers and blue-collar workers could not identify with the idea of gender "sameness" and resented the feminist goal of women's complete assimilation in traditional male domains such as the military. For

them, to deny the relevance of sex in law was to deny their own life reality. They didn't feel like men and wanted the law to protect their distinct feminine identity as women and mothers. Furthermore, as Mathews and De Hart justly explain, for them "appeal to being a woman was not an insipid reliance on the pedestal."[9] Many working anti-ERA women were clearly self-reliant, but they were suspicious that changes in their legal status might make it more difficult for them to fend for themselves. They understood, realistically, that their place in the workforce differed from that of men. It was more difficult, less well rewarded, and restricted to a special status, but nonetheless shielded by some protective legislation that limited their working hours and provided them with longer breaks and separate resting areas. Only assumptions about differences between men and women made those legal allowances possible and prevented bosses from forcing women to do the same work as men. When urged to fight for equality by middle-class women like the proponents of the ERA, these working women doubted that such people could really understand the implications of what they were saying, because they did not know what happened in the "real" workplace.[10]

Similarly, homemakers felt that they were being asked "to relinquish tangible benefits in exchange for a vague promise of dubious value."[11] From their perspective, feminists were pushing all women to accept the draft, and jobs and careers; to assume the support of their children; to keep their own names; and still to do everything men refused to do. But if forced to do everything—if forced to be men—they could not very well be women, too. Like men, they would become so locked into their work that they would place their own self-fulfillment ahead of the welfare of their families—as feminists were already doing.[12] Unable to see how this new principle of "equality of rights under the law on account of sex" could benefit women like themselves, they joined the ERA's opponents and fought fiercely against its ratification.

Although these women opposed the ERA partly on the basis of a misperception of the kind of rights and benefits women actually enjoyed at the time, they were correct in at least one respect. Proponents of the ERA intended it to abolish, in the name of gender "sameness," every separate legal sphere designated for women. Thus, it was indeed designed to accommodate the needs and aspirations of women who sought complete assimilation into traditional male domains. Other feminine needs and motivations that were just as common at the time were disregarded under this principle of "equal treatment of those who are similarly situated." It treated all women as a

homogenous group and left no room for claims of difference. As a result, women who wanted to protect their status as homemakers or resented the idea of assimilation into the military felt that they were being excluded from this feminist agenda. The ongoing public controversy over the ERA deepened this sense of exclusion and reinforced the conclusion of many women that the feminist concept of gender equality behind the ERA was adapted to the needs and aspirations of only some women. For example, in a television debate, a proponent of the ERA argued against Phyllis Schlafly, a leading anti-ERA spokeswoman, that "the idea that a woman can sit at home and be supported by her husband has long died out." Schlafly's snappy reply was: "Forty million women are being supported by their husbands today."[13] Many of those millions joined the anti-ERA campaign and contributed significantly to the failure of the ratification process.[14]

3. Women in the Military and the Principle of Gender Equality– An Israeli Perspective

In Israel, the issue of equal integration of women into the military arose in a quite different context. It was brought before the Supreme Court in the mid-1990s as part of a feminist lawsuit that challenged the Air Force's policy of excluding women from the training courses for military pilots.[15] This kind of policy was not unique to the Air Force. Although Israel was the first and still is one of the few states in which military service is compulsory for Jewish women as well as for men, the Israeli military has always been a gendered institution. Military occupations became segregated along gender lines almost immediately after the establishment of the state, and women were increasingly restricted in both the jobs and the locales in which they served.[16] The legal action taken against the Air Force was aimed at undermining this gendered structure and opening the way for women's full assimilation into the institution. The petitioners, a young woman named Alice Miller who wanted the opportunity to qualify as a pilot, together with the Association for Civil Rights in Israel and the Israel Women's Network, claimed that the exclusion of women from all flying positions in the military violated women's right to equality. The Supreme Court accepted the suit and ordered the military authorities to open the training courses for pilots to women on an equal basis with men, a decision that also facilitated women's integration

into combat roles in other branches of the military, such as the Navy.[17] It also contributed to the passage of a legislative reform amending the Defense Service Act and the Women's Equal Rights Act to include a specific provision regarding women's right to fulfill any position in the military unless its nature or substance prevents women's participation.[18]

The Court's ruling in the matter of Alice Miller and the ensuing legislative reform received a lot of public attention. Images of the new woman—the female warrior—appeared widely in the media, and the issue of women's assimilation in the military sphere gradually became one of the most prominent symbols of the current feminist struggle for equality. Thus, in Israel as in the U.S. a couple of decades ago, the issue of women's equality became closely associated with their equal integration into combat positions in the military. However, unlike in the American context, this legal action was not accompanied by a similar grassroots opposition among women. They did not organize in large numbers to raise doubts about the desirability of women's full integration into the armed forces and its actual contribution to the principle of gender equality in Israeli society. I believe that the reason this kind of opposition did not develop in Israel is technical rather than substantial. The legal arena in which the Alice Miller case was deliberated and the relatively short period needed to complete the legal reform did not allow for the establishment of an organized opposition, as happened in the U.S. Thus, despite obvious differences in patterns of public opposition and deliberation over the issue, the Israeli feminist struggle raises comparable concerns to those raised by American women who opposed the feminist struggle over the ERA. More specifically, my claim is that both struggles identify the principle of gender equality with gender "sameness," and as a result they silence any discussion of gender "difference" and its possible significance for a feminist battle for equality. The American experience should therefore be referenced as a starting point in our efforts to reevaluate the implications of this concept of equality in the Israeli context.

4. Israeli Feminism, Equality, Sameness, and Difference

The "sameness" or assimilationist concept of gender equality that underlies feminist struggles such as the Alice Miller lawsuit and the constitutional battle over the ERA is based on the notion that women's integration in

traditionally masculine spheres is the ultimate and only possible outcome associated with gender equality. Furthermore, this perception of gender equality is based on a homogenous reference to all women. The underlying assumption seems to be that equality can be measured in similar terms with regard to all women and that therefore the integration of women in combat positions in the military inevitably benefits all women. This perception leaves no room for the discussion and recognition of differences among women with regard to preferences, needs, and interests, and it therefore excludes women who cannot identify with the "sameness" approach.

A few Israeli scholars have raised some initial questions regarding the potentially negative implications of this feminist perception of equality for some groups of women. For example, Henriette Dahan-Kalev points out how the struggle to integrate women into training courses for military pilots excluded most Mizrahi women.[19] She argues that this was an elitist struggle that mainly concerned Ashkenazi women at the top of the social pyramid, the only group likely to provide female candidates for the pilots' training courses. The issue is purely theoretical for the majority of Oriental women, who, on account of their marginal and inferior status in comparison with Ashkenazi women, have no concrete chance of benefiting from the fruits of this struggle and utilizing it to achieve social mobility and self-realization. Similarly, Hassan Jabareen criticized the struggle to integrate women into the army as being completely irrelevant to Arab women in Israel, since they do not serve in the army for ideological reasons connected with their national identity.[20] In this context, emphasizing the importance of army service as a means to achieve equality-based citizenship for women only accentuates the inferiority of Palestinian women.

These academic articles concerning the feminist struggle for equal integration of women in the army thus brought to the surface the dilemma of ethnic and national differences among women and their implications for a feminist struggle for equality. Furthermore, one can argue that the Alice Miller path to equality excludes not only Mizrahi and Arab women but also religiously observant Jewish women, who were exempted by law from compulsory military service soon after the birth of the state. The religious parties in the first Knesset were the primary opponents of the inclusion of women in the newly established army.[21] As a result, the Defense Service Law of 1949 exempted all women whose religious convictions precluded their serving in the military.[22] Some Orthodox women who proclaim themselves

feminists nevertheless rule out military service for themselves and their daughters, choosing to fulfill their commitment to the nation by way of voluntary, non-military national service. Hence, the concealed aspect of making women's service in combat positions in the military an essential and primary symbol of the Israeli feminist agenda is that this agenda does not represent all women in their struggle for equality. It represents only some women and neglects to take into consideration substantial group differences, including those between secular and religious, Jewish and Arab, and Ashkenazi and Mizrahi women.

Apart from raising the issue of group differences among women, current feminist literature expresses other concerns regarding the integration of women into the military. Various writers have questioned the wisdom of focusing the feminist battle for gender equality on the military because of the masculine nature of this institution, which does not permit women's truly equal integration.[23] Others have noted that the prevalence of forms of discrimination against women in civilian life means that their participation in combat roles will not vouchsafe them true equality, and therefore, at least for the moment, it should remain voluntary.[24] Important as they are, these critiques still neglect the broader dilemma of difference that is associated with military service for women, which arises not only from differences based on categories like race, national origin, or religion, but also from the category of gender itself. In other words, the problem is not only the shaping of the feminist agenda in a way that makes it irrelevant to certain groups of women, but also the more general problem of the exclusion of the issue of women's differences from men from liberal feminist discourse.

The Alice Miller case, and also the ensuing legislative reform, were based on three specific notions of gender sameness: that, generally speaking, women's skills are similar to men's in every respect that is relevant to active military service; that they are similar to men in their desires and their motivation to serve in combat units in the army; and that this kind of integration in a traditional masculine sphere would certainly assist women by undermining their inferior status in society. Yet these assumptions of "sameness" are not shared by all trends of feminist jurisprudence. For some years now, certain feminist trends have challenged these "sameness" assumptions and attempted to outline and define lines of gender difference that have been blurred and camouflaged by the dominant rhetoric of "sameness" dictated by liberal feminism.

One such trend, sometimes called relational or cultural feminism, has been greatly influenced by the work of Harvard educational psychologist Carol Gilligan. In her book *In a Different Voice*, Gilligan hypothesizes that men and women typically differ in their moral development, so that men's predominant moral attitude becomes what she calls the ethic of justice, which concentrates on abstract rules, principles, and rights, while women's predominant attitude is the ethic of care, which focuses on concrete relationships, concern for others, and responsibility. The important thing, for Gilligan, is to recognize the value of both ethics and especially not to devalue the ethic of care. Following Gilligan, many cultural feminists have argued that feminists today should focus not on fitting women into existing patriarchal institutions and proving that women can function like men and meet male norms, but on changing institutions to accommodate women and accord the proper value to characteristics and virtues traditionally associated with them.

Taking relational feminism as a starting point, one might claim that the American women who opposed the ERA were fighting for exactly the kind of respect for gender difference to which this feminist trend refers. They wanted the law to define in a more complex manner the range of feminine needs and preferences, based on a broad recognition of cultural and psychological differences between men and women. In essence, they rejected the notion of equality that is based on assumptions of gender "sameness" and asked instead for a difference-based approach to equality; that is, an equal respect for masculine and feminine needs and desires. In particular, they resented the idea of women's assimilation into the most masculine sphere of all—the military—and preferred to fight for a more positive recognition and protection of their own domains. This resentment not only contributed significantly to the failure of the ERA but also alienated many women from the feminist movement. One might wonder whether the feminist battle in Israel for women's full integration into the military might in the long run produce similar results, a question that requires a closer and more critical analysis of the issue of women in the military and of the essence of the Israeli feminist agenda.

The Alice Miller case and the subsequent legislative reform opened to women, on a voluntary basis, the possibility of integrating into certain combat units in the army. For the moment, only a small group of women has succeeded in realizing this option; there are no masses of women applying for voluntary service in combat units of any kind; and few women sign up for

an additional period of service, a condition for advancement in the army. Is it possible that different professional interests or sets of values influence women's willingness and desire to assimilate into the military sphere? Should a feminist battle for equality legitimize and respect those choices? These questions cannot be resolved easily, since they touch upon the most basic dilemma facing Israel's dominant feminist discourse: Where is it heading, and what groups of women can benefit from its current legal struggles?

The effort to integrate women into the military is not the only feminist struggle to be motivated by liberal assumptions of "sameness" between women and men. If we delve deeper into the great feminist struggles of the 1980s, when feminist discourse began to become more apparent in Israel's legal arena, we see that the decisive majority of them were motivated by similar assumptions: They were aimed at enabling women to integrate fully into traditional masculine spheres. Thus, feminists backed Leah Shakdiel in her struggle for women's representation on local religious councils,[25] Naomi Nevo fought for equalization of the retirement age for men and women,[26] and feminists demanded the inclusion of women in the municipal body that elects the Chief Rabbi of Tel Aviv.[27] The feminist legal battles of the 1990s also hinged on gender sameness: In demanding equal rights to maternity leave[28] and absence from work to take care of a sick child,[29] they aimed to enable both parents to integrate their parental responsibility with active involvement in the workforce.

The struggle to promote affirmative action, waged simultaneously with the Alice Miller affair, also represents an assimilationist notion of equality. In 1993, following a feminist initiative, the Knesset amended the Government Companies Law to require the appointment of an appropriate number of women to the directorates of government companies.[30] A year later, the Israel Women's Network petitioned the High Court of Justice to cancel the appointments of three men to government company directorates, on the grounds that the ministers concerned had not sought women for the positions.[31] Granting the petition, the Court confirmed the constitutionality of affirmative action for women. A couple of years later, the Court accepted a suit brought by the Women's Network on the basis of similar provisions in the Government Service Law.[32] On the face of it, the affirmative action issue touches upon the issue of difference, since it recognizes women's different and inferior status in the workplace and justifies their different, more favorable treatment in hiring and promotion procedures. However, the underlying

assumption is that this difference of inferiority is temporary and removable, and that women, based on their relevant similarity to men, can eventually achieve full and equal integration into the public sphere. Thus, the feminist legal effort to promote affirmative action plans for women, like the struggle to integrate women into the military, assumes that gender equality is to be achieved through a process by which gender difference is denied and gender sameness is celebrated.

We may conclude that liberal feminism is the driving force behind most feminist legal reforms in Israel.[33] While trends offering alternative definitions of gender equality are widely recognized and discussed in theory, the practical side of feminism in Israel neglects and ignores these lines of thought. In practice, feminist activists promote and enforce gender equality on the basis of a single narrow, absolute definition of equality: similar treatment for those who are essentially the same.

5. New Directions–The Principle of Comparable Worth

Studying the data concerning women's participation in the workforce can amplify our understanding of the consequences of this dominant feminist definition of equality for women. In Israel as in most societies, men and women generally hold different jobs.[34] Occupations filled mainly by women include domestic service, clerking in retail stores, secretarial and other clerical work, teaching in primary and secondary schools, nursing, social work, and librarianship. Men predominate in higher levels of management, as blue-collar craftspersons (plumbers, carpenters, and electricians), in assembly-line jobs and durable manufacturing (as in the automotive, steel, and tire industries), and in jobs involving outdoor labor.[35] One can see from these lists that women's jobs are usually not less skilled than men's, but they generally require different kinds of skills. There are male and female jobs at both low and high levels of education.[36] For example, hairdressers (mostly women) and bus drivers (mostly men) each average 13 years of schooling. Examples of male and female jobs at higher levels of education include electrical engineers and librarians, each averaging 17 years of education.

Why are some occupations filled largely by women, some by men, and few fully integrated by sex? Some researchers argue that this segregation occurs, in part, because men and women choose different jobs. But why

are their choices different? Paula England claims that among other things, lifelong socialization leads men and women to find different jobs interesting, respectable, of value, or consistent with their gendered identities.[37] The socialization that forms these proclivities operates through reinforcement patterns, role models and cognitive learning, sex-segregated peer networks, and other processes.

Are these differences in job interests a reflection of broader differences in values? Cultural feminists tend to answer this question positively. Moreover, they argue that patriarchal culture has traditionally undervalued qualities associated with women, including nurturing, nonviolence, sensitivity to the feelings of others, emotional expressiveness, unselfishness, a collective orientation, kinship with rather than domination of nature, humility, flexibility rather than rigid adherence to abstract principles, and intuition of wholes. While people have always benefited from women's practice of these skills and values, this is seldom acknowledged in patriarchal societies. Rather, these virtues have been characterized as weakness, lack of proper individualization, or lack of rationality. Consequently, the kinds of professional skills traditionally exercised by women count for less in determining wages than do traditionally male skills. This has resulted in substantial wage gaps between women's and men's jobs, with the former generally paying about 20% less than men's jobs that are evaluated as demanding similar skill levels.[38]

Up to now, feminist efforts to secure equality for working women in Israel have focused on legal measures designed to break the segregated structure of the workplace by enabling the integration of women into traditionally male occupations. This is the goal of anti-discrimination statutes such as the Equal Opportunities in Employment Act[39] and of affirmative action practices. But if women's patterns of employment result at least partially from their different professional interests and desires, encouraging them to assimilate into more masculine professional domains cannot provide a satisfying solution to all of them. Instead, feminists must act to ensure that women who prefer traditional feminine occupations will not experience discrimination in the form of the lower wages and lower status that are unjustly associated with women's work.

One legal measure that can be used in achieving this goal of respecting women's professional differences while securing them equality in pay and appreciation is the principle of *comparable worth* or *pay equity*. The gist of this principle is that the wage level in professions and occupations practiced

mainly by women should not be lower than that in professions where the majority of employees are men, just because of the sex of the persons doing these jobs. Professional traits and qualities associated with women should not be regarded as marginal and inferior compared to those associated with men.

The application of this principle rests on a technique that aims to evaluate jobs on the basis of compensable factors associated with them, such as education, skills, working conditions, and responsibility. This technique enables us to question and correct wage gaps between jobs shown to be of equal value. In the context of women's employment, this principle fosters the promotion of a notion of gender equality that recognizes and respects differences between men and women.

In Israel, this principle received legislative recognition in the 1996 revision of the Equal Pay Act,[40] which now states that female and male workers are entitled to equal pay not only when the work they perform is the same, but also when it is of comparable worth.[41] Yet since its enactment there have been no substantial feminist attempts to enforce this principle through litigation. The ongoing feminist focus on legal tools aimed at promoting an assimilationist concept of equality, and the almost complete neglect of alternative legal means such as comparable worth, reflects the essence and direction of the feminist agenda in Israel. Feminist legal battles and reforms have scarcely referred to notions of gender equality that enable us to recognize gender differences—an approach that has contributed significantly to the centrality in the feminist agenda of the goal of integrating women into the military.

It is time to realize that feminist battles of this kind actually silence any discussion of gender difference and mark the boundaries of the equality principle in a manner that renders it irrelevant for many women. This approach serves not only to distance women from specific feminist struggles; it may also alienate them from feminist discourse as a whole.

6. Conclusion

In the U.S., women who opposed the ERA were scorned at the time by feminist activists. Women like Mrs. Alonzo Mayfield were called anti-feminists and presented as Barbie dolls serving the patriarchal establishment. The common assumption of most feminists was that anti-ERA women had been

duped and manipulated by men into sustaining their own victimization. I have argued that this kind of dismissal is regrettable. An attempt to listen to the opposition and understand its underlying rationale would have enriched the feminist discussion of equality. It would have helped to illuminate the ways in which women differ in their needs and preferences and to crystallize a more complex perception of gender equality, one that includes a recognition of gender difference.

This lesson should guide Israeli feminist discourse in its assessment of the struggle for equal integration of women into the military. That discussion must be guided by questions not only about the cost of making this issue so central to the feminist platform, but also about what additional feminist struggles have to be fought so as to resolve inequalities in a way with which all women can identify and from which all can benefit.

Notes

* An earlier version of this paper was presented at the Tenth Annual Conference for Women's Studies, Gender and Feminist Theories: War and Peace, held at Tel Aviv University in 2002. I would like to thank Deborah Greniman for her helpful editorial comments, which made the paper stronger.

1. D. Mathews and J.S. DeHart, *Sex, Gender and the Politics of the ERA* (New York–Oxford: Oxford University Press, 1990), p. 162.
2. For further discussion of liberal feminism see Chris Beasley, *What is Feminism? An Introduction to Feminist Theory* (London–Thousand Oaks–New Delhi: Sage Publications, 1999), pp. 51–53; Rosmarie Tong, *Feminist Thought: A Comprehensive Introduction* (London: Westview Press, 1989), pp. 11–31.
3. In 1973 Congress ended the draft, establishing the army as an all-volunteer force.
4. See, e.g., *Bradwell v. Illinois* 83 U.S. [16 Wall] 130 (1872); *Minor v. Happersett* 88 U.S. [21 Wall] 162 (1874); *Muller v. Oregon* 208 U.S. 412 (1908); *Goesaert v. Cleary* 335 U.S. 464 (1948); *Hoyt v. Florida* 368 U.S. 57 (1961).
5. *Reed v. Reed* 404 U.S. 71 (1971).
6. See, e.g., *Frontiero v. Richardson,* 411 U.S. 677 (1973), *Kahn v. Shevin*, 416 U.S. 351 (1974), *Craig v. Boren* 429 U.S. 190 (1976), *Califano v. Goldfarb* 430 U.S. 199 (1977).
7. *Rosteker v. Goldberg* 453 U.S. 57 (1981).

8. J.J. Mansbridge, *Why We Lost the ERA* (Chicago: University of Chicago Press, 1986), pp. 45–59.
9. Mathews and DeHart, *Sex, Gender* (above, note 1), p. 169.
10. *Ibid.*, pp. 169–170.
11. D.L. Rhode, "Equal Rights in Retrospect," *Law and Inequality*, 1 (1983), p. 18.
12. Mathews and DeHart, *Sex, Gender* (above, note 1), p. 172.
13. Carol Felsenthal, *Sweetheart of the Silent Majority* (New York: Doubleday, 1981) p. 287.
14. I subjected the failure of the ERA to a broader feminist analysis in my dissertation, "Sameness, Difference and Gender Equality in American and Israeli Law" (Ph.D. Dissertation, Tel Aviv University, 2001).
15. *Bagatz* 4541/94 *Alice Miller v. The Minister of Defense* 49(4) P.D. 94.
16. A.R. Bloom, "Women in the Defense Forces," in B. Swirsky and M. Safir (eds.), *Calling the Equality Bluff* (New York: Pergamon Press, 1991).
17. See Frances Raday, "The Army: Feminism and Citizenship?" *Pelilim*, 9 (2000), p. 194 (Hebrew).
18. See Article 16(a) of the Defense Service Act (1986) [Integrated Version], as amended in 2000, and Article 6(d) of the Women's Equal Rights Act (1951), as amended in 2000.
19. H. Dahan-Kalev, "Feminism between Mizrahi Women and Ashkenazi Women," in Dafna Izraeli et al. (eds.), *Sex Gender Politics* (Tel Aviv: Hakibbutz Hameuchad, 1999; Hebrew).
20. H. Jabareen, "Toward a Critical Palestinian Minority Approach: Citizenship, Nationalism and Feminism in Israeli Law," *Pelilim*, 9 (2000), p. 53 (Hebrew).
21. For instance, Rabbi Levin called women's military service "an absolute contradiction to the spirit of Israel"; see Bloom, "Women in the Defense Forces" (above, note 16), p. 135.
22. Not all of Israel's religious Zionist Jews supported this act of exclusion at the time. In her article in this issue, "Religious Women Fighters in Israel's War of Independence: A New Gender Perception or a Passing Episode?" Lilach Rosenberg-Friedman reveals that some religious women participated as fighters in the War of Independence. After the war, elements within the religious Zionist movement, such as the Benei Akiva youth movement and the religious kibbutzim, supported women's inclusion in the IDF and encouraged the recruitment of religious women to the army's Nahal units, in which military service was combined with working in agricultural settlements. In 1951, the Rabbinate accepted the uncompromising ultra-Orthodox position and declared all forms of women's participation in the military forbidden. The more egalitarian elements within the religious Zionist movement did not actively oppose this decision, and from that time on most religious women have been excluded from the military.

23. See, e.g., Dafna Izraeli, "Gendering Military Service in the Israel Defense Forces" *Social Science Research*, 12/1 (1997), p. 129; and Orna Sasson Levy, "Subversiveness in Oppression: The Establishment of Gendered Identities of Female Soldiers in Male Positions," in Yael Atzmon (ed.), *Will You Listen to my Voice? Representations of Women in Israeli Culture* (Jerusalem: Van Leer Jerusalem Foundation and Hakibbutz Hameuchad, 2001; Hebrew).
24. S. Almog, "On Women, Army and Equality," *Mishpat umimshal*, 3 (1996), p. 631 (Hebrew); Raday, "The Army" (above, note 17).
25. *Bagatz* 153/87 *Shakdiel v. Minister for Religious Affairs* 42(2) P.D. 221 (1988).
26. *Bagatz* 87/104 *Nevo v. National Labor Court* 44(4) P.D. 752 (1990).
27. *Bagatz* 953/87 *Poraz v. Tel Aviv Municipal Council* 42(2) P.D. 309.
28. See the Women's Labor Act (1954), as amended in 1998.
29. See the Sick Leave Pay Act (1993).
30. See the amendment to the Government Companies Law (1993).
31. *Bagatz* 454/94 *Israel Women's Network v. The State of Israel* 48(5) P.D. 501.
32. *Bagatz* 2761/98 *Israel Women's Network v. The Minister of Labor and Welfare* 52(3) P.D. 630.
33. For a similar conclusion see L. Bilsky, "Cultural Translation: The Case of Israeli Feminism," *Tel Aviv University Law Review*, 25 (2001), p. 523 (Hebrew).
34. For some general data and analysis concerning Israeli women's patterns of employment see Anat Maor (ed.), *Women: The Rising Force* (Tel Aviv: Sifriyat Hapoalim, 1997; Hebrew).
35. Paula England, *Comparable Worth: Theories and Evidence* (New York: Aldine de Gruyter, 1992), p. 14.
36. *Ibid.*
37. *Ibid.*, p. 18.
38. *Ibid.*, pp. 23–40.
39. The Equal Opportunities in Employment Act (1988).
40. The Equal Pay to Female and Male Workers Act (1996).
41. *Ibid.*, Articles 2 and 3.