

Tzvia Greenfield - Comment on Dr. Gila Stopler's Paper: *Natality Policies in Ethnically Divided and Multicultural Societies and Women's and Minority Rights*

A.

Providing a broad and rich spectrum of considerations with regard to Demography, Natalty and Immigration Policies in Israel, Dr. Stopler constructs her arguments around three central points. The first is the feminist position towards natalty policies, as opposed to liberal positions which due to the distinction they draw between the public and the private spheres refrain from ostracizing measures that according to Stopler increase women's subjugation to collective needs. "Just as the correlation between high fertility rates and women's low status is clear, so too a clear correlation has been found between advancing women's status and decreasing fertility" (p. 16).

The ultra-Orthodox community presents a particularly difficult case for Stopler, being a traditional community which is intrinsically interested in high birth rate for variety of reasons devoid of necessary connection to state or even majority concerns. Should the state be allowed to take advantage of this preference and implement natalty policy encouraging these tendencies, or should the state refrain from doing so, and why? On the other hand, should liberals respect this internal preference or rather advocate measures helping to decrease birth rate within the community, and on what grounds? It seems a bit peculiar when Stopler as a liberal thinker objecting measures of state intended to increase the size of families, condones so vehemently opposite positions intended to decrease the natalty rate. Should liberal considerations succumb here altogether to feminist theory? Indeed, I find Stopler's analysis which is not only meticulous but very cautious as well quite convincing. She brings forth three good reasons to support her argument and I personally tend to agree with her. Some would insist that the question still remains whether Stopler replaces here old-time ideology of proliferation by a new one of feminism, rejecting unjustifiably authentic cultural preferences. However, feminist positions adhere better to basic liberal principles of equality and free human fulfillment than traditional approaches to women which glorify their very service to others, deserving therefore to determine the legitimacy of policies pertaining to women's affairs on a moral basis if not on an empirical ground.

After admitting that under certain circumstances it is not unreasonable for society to wish to increase its membership, Stopler concludes that aside of immigration which she deems less problematic - the only method of encouragement permissible for natalty

policies would be through wide and almost all-embracing responsibility society is willing to take in caring for the wellbeing of child rearing families. Otherwise these policies of encouragement deepen women's deprivation and accelerate processes of impoverishment besetting in particular those traditional segments of society that tend to have high birth rate.

The second central point in Stopler's proposition analyzes very precisely and perceptively the legitimacy of differential approaches to natality policies applied by Israel as an ethnically and culturally divided state. Encouraging the Jewish population to increase its birth rate versus discouragement of the Arab population, thus employing illegitimate ethnic considerations. Using solicitation and propaganda together with positive incentives like benefits to mothers and families, thus exploiting illegitimate class and economic considerations. And finally employing coercive or semi-coercive measures like criminalization of abortion within the Jewish sector and dispersion of contraceptives in the Arab sector, introducing again into the picture the immediate brutal thwarting of women's rights over their own body and their true free choice.

The third central point in Gila Stopler's deliberation refers to immigration as a demographic regulator. While accepting in principle the legitimacy of society to express its preferences through immigration regulations, hence supporting also the Law of Return, Stopler maintains that monitoring the exclusion or entrance of non-citizens into the state can be permissible only if all existing members of society are treated equally and have equal access to possibilities imbued in immigration policy. The present ruling of the supreme court depriving Arab citizens from their right to unite with their Palestinian spouses is therefore unacceptable in her eyes. One may assume that her golden rule would proclaim both natality and immigration policies as permissible practices if and only if they do not cause harm or put in considerable (if not irreparable) personal disadvantage individual citizens, regardless of their ethnicity, religion, race, gender or class. But then, what constitutes in fact considerable harm or disadvantage may be open again to interpretation.

B.

Dr. Stopler's paper should be read, I think, in light of two questions which are mentioned explicitly in her paper, but do not seem to have strong bearing on her analysis. The first question pertains to the vital need of a (democratic) society which is – or perceives itself to be – under imminent threat of losing its majority. Is such society allowed to exempt itself

from at least some of the rules Stopler posits as necessary, so that it is able - at least formally if perhaps not in essence - to further pursue the actualization of its cultural vision, or must it abide by these firm rules even to the point of noble self sacrifice and self destruction?

The second question pertains to the inherent contradiction besetting the liberal position which demands universal equality and regards all human beings alike, but then confers prior importance to cultural considerations, exempting traditional societies from essential rules of equality, for instance. Stopler assigns this liberal tendency to the theoretical distinction between the public and the private, but the complications seem to go further and deeper. If consideration of cultural preservation – let alone cultural survival – legitimately supersede considerations of universal equality as Margalit and Halbertal, for instance, recount, then why would majority maintenance, *especially* in an ethnically and culturally divided society, not circumvent and supersede other liberal considerations? Even if they touch perhaps upon basic human rights?

The answer I suspect is that liberal thinking and Stopler herself do not take cultural considerations very seriously (except when it comes to women's position in life). "Culture" befits minorities, while majorities are commonly defined in ethnic, religious, national or racial terms, and not in cultural terms. As was so well demonstrated in this paper, liberal thinking does not allow for ethnic, national or racial consideration to supersede liberal principles of equality and human rights. Yet if the majority is defined in none of the terms above but in its commitment to a set of (presumably valuable) perceptions of reality and certain distinguishable practices deriving from it – like the democratic societies, by the way – does it not deserve extra protection in its struggle to prevail and sustain its majority under the threat of other competing cultural groups aiming to replace it and become the decisive majority themselves?

True, religious creeds, approximating what we tend to consider "cultural", are often treated somewhat differently as indicated also in Stopler's paper with regard to the supreme court's ruling on intermarriage in Israel. But the notion of culture as the definitive element constituting majority in culturally divided society does not receive full theoretical attention within liberal thinking. Perhaps for reasons of redundancy: for centuries national or religious groups were simply identified by their "culture". But cultures may exceed national and religious boundaries, as well as be the main source of common identity, binding a specific community together. Current democratic culture can definitely prove this claim. Likewise the Jewish majority in Israel which can hardly be defined neither in

standard religious terms (being mostly very secular) nor in standard national terms (originating in numerous countries and nationalities). But sharing at least historical memory, preserving few common practices and redicovering the intellectual and spiritual assets of the Bible, the Talmud and other Hebrew scriptures, it deserves most accurately to be defined as a cultural group.

The question then is what can be considered permissable in terms of demographic regulations for such cultural community that attempts to defend its cultural survival, given the liberal position that culture may be a Rawlsian primary good without which the individual members of the group cannot comprehend their lives. Would this endangered cultural majority be allowed to pursue natality policies or immigration preferences when it comes to select the best possible ways securing its future? These questions remain in my opinion very unclear. Stopler seems to give us a very decisive position: while selective immigration is at least partially acceptable under certain limitations, women in any event should not be recruited for the task of preserving the group or its culture. Yet what happens if the cultural values at danger are exactly the ones which defend women's rights to truly meaningful equality? Would Stopler allow then measures of increased procreation within the group to save the values so dear to liberal or feminist mind?