

Reproducing Jews: A Cultural Account of Assisted Conception in Israel

By Susan Martha Kahn, Durham and London: Duke University Press, 2000, viii, 227 pp.

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In his introduction to the classic edited volume, *The Invention of Tradition* (1983), Eric Hobsbawm claims that social anthropologists tend to exaggerate differences between traditions as part of their profession. This claim challenges anthropologists since it requires them to re-evaluate which difference is meaningful enough for the constitution of cultural paradoxes.

Susan Kahn's book, *Reproducing Jews: A Cultural Account of Assisted Conception in Israel* aims to present readers with what she calls a social drama from which stem several social dilemmas. The drama is set in motion by a social paradox, "the introduction of *new* reproductive technologies into a *traditional*, pronatalist society in which marriage is exclusively controlled by religious authorities" (p. 84, my emphasis). This, in turn, leads her to an understanding that the major paradox is: Religious authorities accept children born to unmarried mothers by artificial insemination as "full fledged Jews" instead of considering them as *mamzers* (illegitimate children outcast from the Jewish community).

The social drama set up by Kahn is somewhat obscure to me since it is composed of elements that are not mutually exclusive, at least not as presented in her ethnography. Kahn mentions two religious (*Halakhic*) laws crucial to the determination of the Jewishness of a newborn. The first is that Jewishness is determined maternally and the second is that an unmarried woman risks giving birth to a *mamzer* only by bearing her brother's or father's child. The latter law vastly differs from Christian categories of illegitimate children that probably dominate in the cultural environment from which Kahn, an American anthropologist, comes. She argues that paradoxically, marriage in Israel is not a necessity for those wishing their child to be considered a Jew, since marriage is not involved in the legitimization process.

The above religious laws fit widespread conceptions amongst Jews concerning family in Israel. Kahn presents these conceptions through interviews with women who decided to have a child without a spouse using reproductive technologies. These women claim that they do not regard their choice as challenging widespread conceptions of family in Israel since their children are considered as

Jews who are accepted into their own (Jewish) community by families and friends.

A critical examination of the evidence presented in *Reproducing Jews* brings me to question the main paradox upon which Kahn develops her concept of social drama. How relevant, indeed, is this paradox of the acceptance of children born by artificial insemination? In fact, babies conceived by unmarried Jewish women, regardless of the use of new reproductive technologies, are accepted by both the law and mainstream Jewish Israeli society as "full fledged Jews".

While the theoretical framework is not completely convincing, the social dilemmas that Kahn describes are fascinating, mainly since they reveal some of the discursive foundations regarding Jewishness in Israel. Consider, for instance, contemporary rabbinical discourse. Assumptions about the right "substance" (both genetic and ethnic) of a Jew by *Halakhic* laws in this discourse thereby become visible. While rabbis do not object to artificial insemination, they do have to determine questions regarding parenthood in order to harness the new reproductive technology. Most rabbis do not consider that genetic matter determines Jewishness, yet their own need to determine who is considered a Jew forces them to consider this element in their discussion.

The rabbinical discourse about the "substance" of a Jewish baby reveals itself in the Israeli debate regarding surrogacy as well. In this discourse, Kahn finds that the questions surrounding the making of a "full fledged Jew" are drawn through the tension between acknowledgement of the genetic material from which the baby is "made" and a consideration of the ethnicity of the "uterus", meaning the ethnicity of the surrogate mother. Kahn claims that both Israeli public opinion and new rabbinical legislation conceive of the woman's body as fragmented into genetic material and ethnicity as regards the parenthood of the baby, but not in regard to the ethnicity of the baby. This means that a Jewish baby can only be born from a Jewish uterus.

Accordingly, Kahn claims that the new technology brought with it new ways of considering kinship in Israel. She claims that "the uses of reproductive technology in Israel reveal a tacit agreement among the rabbinical establishment, the state, the medical profession, the women who are getting inseminated and their husbands (if they are married) to deny the social recognition of genetic paternity" (p. 168). The foundational notion of kinship, however, remains intact due to the control of rabbinical authority invested with state power. This was possible, Kahn explains, due to some adjustments that have been made by the rabbinical establishment.

Kahn claims that the processes of approval of new desirable technologies by the rabbis in Israel both reveal and connect with the state ideology. Such technology, she explains, serves the political goals of the state: the reproduction of

Jews is crucial to the existence of the Jewish State. According to this logic, women, in turn, become vessels carrying state ideology.

The above social dilemmas constantly raise the question of the affinity between the laws of the secular (Jewish) Israeli State and the laws of *Halakha*. Kahn comprehends this affinity as narrowing options available to people in Israeli society, probably because she understands legislation as a power activated on the person acting in a social structure. This point, however, raises two questions. The first concerns the book's exclusion of Israel's non-Jewish citizens. It is not that I encourage an ethnographic work that strives to represent the entire population of Israel, but rather to examine the limits of Kahn's argument by looking at sites where Jewishness confronts other ethnic groups. My main concern is whether non-Jewish citizens benefit from the same access to reproductive technologies granted by the state, or if they are excluded in formal or informal ways, thereby limiting services exclusively to Jews. This question could, in fact, further illuminate Kahn's claim concerning the state's use of Jewish women's wombs.

The second question focuses on Kahn's decision to consider the laws subsidizing new reproductive technology as binding on the individual. Kahn assumes an immanent gap between individual wants and the state's interest. This gap, however, does not appear in the interviewees' comments regarding their reproductive choice. Cannot this opposition, then, be conceived of as an attempt to establish coherence by creating a culture in which religious rules are intertwined with basic state laws and in which the latter are accepted and perceived as logical by the Jews in Israel?

These critical comments aside, this book has clarified my own ideas and notions that are no doubt affected by my own positionality within Israeli society. The book sheds light on the common and even widespread acceptance of basic notions regarding *Halakhic* laws in Israel and on the manifestation of these notions through the secular state's legislation. For me, *Reproducing Jews* is particularly provocative since it reveals the gap between my own position within the dominant liberal discourse in Israeli academia and common notions about legislation based on *Halakha* in Israel. Thus, I believe that Kahn's book can be stimulating for those wishing to reevaluate these matters.