

Contested Authorities over the Body: The State, the Secular, and the Religious

International Workshop

Monday, October 16, 2017

09:00 – 09:30 Coffee

09:30– 10:00 Welcome and introduction: Shai Lavi and Gökce Yurdakul

10:00- 12:00 BIRTH

Moderation: Ines Michalowski (WZB / Georg-August Universität Göttingen)

Tsipy Ivry (University of Haifa) “Divisions of Moral Labor Among Medical and Rabbinic Authorities”

Gala Rexer (Humboldt-Universität zu Berlin) “(Fragmented) Bearers of the Nation? The Role of Reproductive Technologies and the Body in Israel and Palestine”

12:00-13:00 Buffet Lunch

13:00-15:30 LIFE

Moderation: Tsipy Ivry (University of Haifa)

Shai Lavi (Tel Aviv University) Male Circumcision (title tba)

Gökce Yurdakul (Humboldt-Universität zu Berlin), Shai Lavi (Tel Aviv University), Shvat Eilat (Tel Aviv University), Gala Rexer (Humboldt-Universität zu Berlin) “Contested Authorities Over Women’s Bodies: Religious / Secular Tensions in Abortion Debates in Germany, Turkey and Israel”

Hagai Boas (Van Leer Jerusalem Institute) “Brain Death, Organ Donation and the Limits of Liberal Bioethics in Israel”

15:30-16:00 Coffee Break

16:00 – 18:30 INSTITUTIONS

Moderation: Nil Mutluer (Humboldt-Universität zu Berlin)

Bettina Bock von Wülfigen (Humboldt-Universität zu Berlin) “Contested Ways to Authorize Who May Speak About and Decide on Bodily Relevant Technologies”

Aysecan Terzioglu (Sabanci University, Istanbul) “An Ongoing Battle of Different Perspectives: Dominant and Alternative Discourses on the Syrian Refugees’ Health Conditions in Turkey”

Meltem Kulaçatan (University of Frankfurt) “Femicide in Turkey: Does Religion Matter?”

19:30 Dinner for workshop participants

Tuesday, October 17, 2017

13:00-15:00 DEATH

Moderation: Hagai Boas (Van Leer Jerusalem Institute)

Silke Schicktanz (Georg-August Universität Göttingen) “Dying in Modern Medicine as Political Litmus Test? Comparing Citizen’s Moral Opinions about End of life Decision in Israel and Germany”

Shvat Eilat (Tel Aviv University) Stillborn Burials in Israel (title tba)

16:00 – 18:00 KEYNOTE LECTURE at WZB (Wissenschaftszentrum Berlin für Sozialforschung)

Pascale Fournier (University of Ottawa) “Regulating Bodies & State Recognition: Jewish and Muslim Women in Contested Spaces in the West”

Introduction and moderation: Gökce Yurdakul (Humboldt-Universität zu Berlin)

Discussants: Yofi Tirosh (Tel Aviv University Faculty of Law and Sapir Academic College) and Anna Korteweg (University of Toronto, Department of Sociology)

18:00-19:00 Reception

This workshop is generously funded by the German-Israeli Foundation Research Grant (Principal Investigators: Shai Lavi and Gökce Yurdakul) and supported by Humboldt-Universität zu Berlin and Tel Aviv University. The keynote lecture is organized in cooperation with WZB.

Abstracts

Divisions of Moral Labor among Medical and Rabbinic Authorities

Tsipy Ivry, Department of Anthropology, University of Haifa

Who has the authority to decide on whether or not a pregnant woman should undergo prenatal diagnosis, and whether or not to terminate a pregnancy after a diagnosis of fetal anomaly? My paper is an exploration of the negotiations, surrounding this question, as they take place among religiously observant Jewish couples, experts in reproductive medicine, and rabbis who position themselves as experts in both rabbinic law and reproductive medicine.

Based on my ethnographies of prenatal diagnosis among non-religious and religiously observant Jewish communities in Israel I identify two models of decision-making about medico-moral issues: the first associated with secular-liberal societies, the second with traditional communities. I suggest that the differences between the models are less about conceptions of fetal subjectivity and more about how the labor of decision-making and the weight of moral responsibility can be divided.

The liberal model individualizes decision-making, assuming a scientifically literate “autonomous patient” that receives “non-directive” medical counseling. Physicians providing prenatal-diagnosis are especially threatened by lawsuits and tend to leave patients to practice “moral pioneering” (in Rayna Rapps idiom) on their own.

Observant communities tend to see post-diagnostic decisions as requiring the moral expertise of Tora scholars. The scientifically literate rabbis I observed offer consultation to pregnant women and their partners; they urge consultees to transmit unbearable moral responsibilities onto the rabbi. I explore the configurations that divisions of moral labor take among doctors, patients, and rabbis. Rather than discrete and separate entities, medical and rabbinic authorities emerge as interconnected and mutually constituted through divisions of moral labor. I proceed to explore the attractiveness of bio-religious authority in late modernity.

How moral responsibilities are divided, who can afford to shoulder them and how, I suggest, are important questions to ask if we opt to understand the transformations underway in authority power dynamics in the middle-east and beyond.

(Fragmented) Bearers of the Nation? The Role of Reproductive Technologies and the Body in Israel and Palestine

Gala Rexer, Department of Diversity and Social Conflict, Humboldt-Universität zu Berlin

Reproduction has been studied extensively as an entry point into the study of social life in research considered with the relationship between assisted reproductive technologies (ARTs) and societies. Reproduction holds a crucial place in Israel and Palestine where a “demographic race” is one of the key issues between two national projects in one and the same land. Against this background, this paper is looking at the construction of a specific “chosen body” (and its “chosen” micro subparts, such as gametes) at the intersection of ARTs, nationalism and reproduction. In order to understand how legislators and local regulators in Israel and the West Bank address religious and secular conflicts in the regulation and implementation of reproductive technologies, I will examine the practices of sperm smuggling of Palestinian prisoners in Israeli prisons and sperm freezing of Israeli soldiers in Israel – both with the aim of subsequently enabling in vitro fertilization for their (prospective) partners. I will ask how

religious and secular values and (gendered) practices shape the regulation, implementation and use of these reproductive technologies. I intent to illustrate how the involved bodies (sperm “donors”, mothers and their “in vitro” children or subparts of these bodies) are constructed as “bearers of the nation”. In order to do so, I will draw on my own interview data with the wives of Palestinian prisoners, legal data and media documents on sperm smuggling. I will furthermore explore the case of sperm freezing by examining media documents, websites and law cases (interviews are planned after the workshop takes place) to compare the two cases. By doing so, I will show how bodies and their technically assisted reproduction hold a distinct function in a biopolitical sense in these two national projects.

Male Circumcision, title tba

Shai Lavi, The Buchmann Faculty of Law, Tel Aviv University and Van Leer Jerusalem Institute
Abstract tba

Contested Authorities Over Women’s Bodues: Religious / Secular Tensions in Abortion Debates In Germany, Turkey and Israel

Gökce Yurdakul (Humboldt-Universität zu Berlin), Shai Lavi (Tel Aviv University), Shvat Eilat (Tel Aviv University), Gala Rexer (Humboldt-Universität zu Berlin)

In this paper, we are concerned with how abortion is regulated in everyday level in three secular countries with mainly monotheistic religions. We examine how secular abortion laws are interpreted differently by institutional authorities who act as gate keepers of abortion practices and interpreters of abortion regulations for women. In order to understand how authority functions on an everyday level, we turn to keystone holders in abortion decision-making, such as medical staff, abortion consultants and representatives of civil society organizations. We argue that regulations are interpreted by the authorities who navigate secular-religious tensions. In each country, we conducted ten face-to-face, semi-structured interviews. We attempt to understand how abortion is governed and what kind of secular-religious tensions arise when deciding for or against abortion. All three countries, Germany, Israel and Turkey are allegedly secular states with monotheistic religious traditions, but each has its own understanding of the relationship between secularity, religion, and state law. In none of these countries can one simply contrast the secular state with religion because the particular variety of secularism in each was shaped not only by social, historical, and political forces, but also by religion – Judaism, Islam, and Christianity. Hence, three-way-comparison is necessary in understanding contested authorities over abortion. In our findings, we show how medical staff, abortion consultants and representatives of civil society organizations act as authorities of abortion regulations for women. They embody the tensions between secular and religious interpretations in their everyday practices and discourses.

Brain Death, Organ Donation and the limits of liberal Bioethics in Israel

Hagai Boas, Van Leer Jerusalem Institute

This paper introduces analytic contours of the brain death and organ donations controversies in Israel. It suggests that the Israeli case manifests a radical politicization of these issues that runs counter to the logics of liberal western bioethics. Against the liberal effort to address

brain death and organ donation as two distinct ethical issues, in Israel the two are coupled together not only in the ethical discourse but also in legislation. Second, In Israel both the science of death and the ethics of organ donations are politicized to the degree that they translated into the secular-religious split of Israeli politics. In this paper I will discuss the implications of this process and will argue that the Israeli case is not an exception that lies outside of Western liberal bioethics, but rather is a vantage point that allows critical reflection on the naked roots of the liberal bioethical regulation of brain death and organ donations.

Contested Ways to Authorize Who May Speak About and Decide on Bodily Relevant Technologies

Bettina Bock von Wülfingen, Department of Cultural History and Theory, Humboldt-Universität zu Berlin

History of Science, Science and Technology Studies and similar fields working on the interaction of science and society have shown the impact of local context in the attempts to introduce and regulate (new) technology. When it comes to technologies related to the body and its generativity these interactions become specifically excited. These processes involve the negotiation of different and competing values held in parts of society, and rely on the locally contingent ways to authorize those who may speak up and decide over the use of such technologies. This contribution uses Sheila Jasanoff's analysis of civic epistemologies (Jasanoff 2005) in order to distinguish between them. My earlier work on locally contingent and contested values in regards to genetic screening (Bodk von Wülfingen 2010) and PGD (2017) serve as case studies to discuss different forms of authorizing who may speak and decide over the body.

An Ongoing Battle of Different Perspectives: Dominant and Alternative Discourses on the Syrian Refugees' Health Conditions in Turkey

Ayşecan Terzioğlu, Cultural Studies, Sabancı University

This article aims at discussing the social and medical discourses on the health condition and health care access of Syrian refugees in Turkey. It explores how the political, legal, economic, social and cultural factors lead to victim-blaming, discriminatory discourses against the Syrians in Turkey, and how these discourses are reflected and reproduced in the health sector, particularly vis-à-vis the Syrians' high rates of reproduction. The Syrians' presence is often seen as a political and social threat, and their health problems are evaluated as an extra burden for the health care providers. Accordingly, the Syrian bodies are also conceptualized differently than the "Turkish" bodies. The article also explores whether the religious and secular NGO's can provide alternative, more inclusive discourses on the Syrians and their health condition, and how can they be more effective in challenging the dominant discourses.

Femicide in Turkey: Does religion matter?

Meltem Kulaçatan, Islamische Religionspädagogik und Fachdidaktik des Islamischen Religionsunterrichts, Universität Frankfurt

This contribution scrutinize how misogynist discourses over female bodies in courts in Turkey are entangled with religious constructed argumentations and misogynist speeches in the public sphere of Turkey, forced and outspoken by politicians. One of the starting points of this contribution are legislative changes like the former planned remove of the minimum legal age clause and the counter speeches and activities of women's rights activists and organizations in Turkey. The Constitutional Court was criticized for even considering the District Court's application. One of the main criticism point was that the change would lead to more sexual abuse, violence and rape and more female children who will become so called child brides. Annual statistics show that violence and murder against women has increased in Turkey. Critics are expecting the rise of legitimation of violence against women, based on pertinent legislation. How are the accused protected in court? And, vice versa, how are victims left alone in court and by misogynist politics? To what extent are religious argumentations abused for political and legal claims? Does religion really matter?

Dying in Modern Medicine as Political Litmus Test? Comparing Citizen's Moral Opinions about End of Life Decision in Israel and Germany

Silke Schicktanz, Department for Medical Ethics and History of Medicine, University Medical Center Göttingen

National legislation, as well as expert positions in Germany and Israel represent opposite regulatory approaches and bioethical debates concerning end-of-life care. This study analyses how these positions are mirrored in the attitudes of lay persons and influenced by religious views and personal experience of those being affected. We qualitatively analyzed 8 focus groups in Germany and Israel, where lay persons (religious, secular, affected, and not affected) were asked to discuss similar scenarios involving withholding/withdrawing treatment, physician-assisted suicide and euthanasia. In both countries, respect for patient autonomy and wishes to die with dignity found broad consent. Lay people argued in favor of the acceptance of wishes put down in an advance directive. Based on the respect for autonomy, lay persons in non-religious groups in both countries argued for possibilities of euthanasia in severe cases, but at the same time cautioned against its possible misuse. National contrast was apparent in the moral reasoning of lay respondents concerning the distinction of withholding and withdrawing treatment. Especially the modern religious lay persons in Israel argued strongly against allowing the withdrawal of treatment based on a patient's wish, by referring to the halakhic tradition. We conclude by discussing the emergent notion of shared responsibility and views of professional responsibility, connecting them with relevant cultural themes such as religion and national culture.

Body Politics in Israeli stillborn Mass Graves: Between and Beyond Halakhic and State Personhood

Shvat Eilat, Department of Anthropology, Tel Aviv University

Administrative apparatuses and juridical systems can be seen as arenas of constitutive encounter between persons and the state. The interactions taking place in those areas are always already within the boundaries of meaning designated by the state. From its first days, the state of Israel has bound together its secular systems of law and administration and religious (Jewish Halakhic) law, and they both fashion each other since . The interrelationship

between state and religion has been of greatest appearance in the governance of bodies including burial, male circumcision and marital life. Within these contexts, bureaucratic practices are governed by a separate religious authority that operates under the secular state. The Jewish burial company in the state of Israel, "Hevre' Kadisha", is composed of hundreds of local municipal burial companies. Each company follows the general principles of Jewish burial, but retains some customs affiliated with a specific diasporic tradition. In stillborn-burial, different "Hevre' Kadisha" companies have carried out over the years different burial solutions. More recently, over than half of the hospitals in Israel have moved from working with local burial companies to burials with one contractor company, "Chesed Ve'Emeth" (Charity and Truth), which buries stillborns in a mass grave. In my research I interviewed a group of Jewish-Israeli women whose stillborns were buried in such a grave. These women appealed to the District Court, demanding that the court denounces mass burial and recognizes the wrong the mothers have suffered. Within this context, I will present the clashing justifications of the burial company, on the one hand, and those of the stillborns' mothers, on the other. The dispute concerns the "Jewishness" and "humanness" of the mass grave. Furthermore, I analyze the different connotations these justifications bring about through the notion of "secularization of the body". By using the idea that "the religious" and "the secular" may be interacting with each other, creating a space within which a certain civil notion of the stillborn may arise, I will meditate on the specific constellation of personhood in question in the case of stillborns' mass grave.