

On Desired Procreation and Ostracized Reproduction – Colonialist Policies toward the Palestinian Womb

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This article critically reviews Israeli policies toward Palestinian reproduction in general, and the motherhood of Palestinian women and their wombs in particular. It will address Palestinian motherhood and birth (Palestinian demography) as a social and political structure. I will also analyze Israeli policies on abortion law and the prohibition of polygamy in Israel from a colonialist perspective.

I do not overlook the fact that polygamy and the prohibition of abortion – similar to many practices in many countries and societies – are oppressive to women and deprive them from their freedom of choice. Both of these practices (polygamy and abortion) are used as tools to control women and their bodies. They constitute an accumulative social awareness of the role of women, as exclusive to motherhood and child rearing. Moreover, their role in shaping a community awareness, that women gain their legitimacy in society through marriage and motherhood. In this article, however, I do not wish to present my point of view and arguments on these two issues. Rather, I am trying to read how Israel deals with them as a colonialist settlement State, governed by demographic obsession.

The article will address the laws and policies on abortion and polygamy, specifically the recent statements made by Israeli Justice Minister, Ayelet Shaked, and Attorney General, Avichai Mandelblit, on the prohibition of polygamy. With the full knowledge that these restrictions and political interventions in all matters relating to family and reproduction are global practices and practiced in many countries. Many of these policies are the product of social or political transformations, including feminist transformations.

There are many factors in Israel that play a role in the State's intervention in reproduction and the resulting motherhood (biological and social). These include the interference of religious and political- national movements, as well as economic, cultural and other factors. However, in this article I have chosen to deal with this issue from a colonialist – class perspective.

Many feminist theories claim that societies that want to maintain their continuity, use women as a tool to serve this goal. Women give birth to children and raise them, under the pretext of “motherhood and love,” which claims that a woman's single and sole goal is to be a loving mother to her children. These claims are not confined to religious and conservative communities, but are also found in liberal capitalist societies.

Palestinian society, which is an integral part of Arab society in particular, and of Arab-Islamic culture in general, regards the institution of traditional marriage as sacred. It is the nucleus of the heterosexual family consisting of male, female and their offspring, and the basis of social and family relations. It is also considered the only legitimate institution to increase offspring.

Palestinian society is an encouraging society for increasing the number of offspring for several considerations - including religious, social, economic and political.

The Zionist colonialist settlement in Palestine is not only manifested in the colonization of the Palestinian land and the dehumanization of the Palestinians, but also has a class dimension. This is expressed in the domination of the white man, or the European colonialist on the ground. Israel considers Palestinian demographic growth to be a major threat to its existence. To reduce it, it geographically fragmented Palestinian society by dividing historic Palestine and building settlements. Furthermore, controlling fertility and reproduction constitutes an integral part of its control and colonialism, as it works to reduce Palestinian procreation and increase Jewish reproduction.

Therefore, Israel works to reduce the Palestinian demographic threat, and in turn controls Israeli reproduction within the Israeli society itself, in order to preserve the European Zionist superiority in this society. We see this used in several areas related to procreation, reproduction and motherhood, as in the discourse that prevailed when defining the marriage age in the 1950s. Following the Nakba and Israel's demographic superiority over the Palestinians, the Knesset enacted the Minimum Age for Marriage Law, setting it at seventeen. The discourse that prevailed at the time was the reduction of Jewish-Arab (Mizrahi or Eastern) offspring as an internal demographic threat.¹ For example, in 2010, research revealed that Israel had provided African immigrants with a substance called Depo Provera as a comprehensive contraceptive in order to limit African reproduction in the long term. This same substance was used by the United States to reduce the fertility of African-American women.² We also see this in the case of the kidnapping of Jewish immigrant children from Yemen and Iraq, in order to raise them in European and American Jewish families. What is meant is, that while Israel regards the motherhood of Palestinian women illegitimate - compared to the motherhood of Jewish women - it also regarded the motherhood of African and Eastern (Mizrahi) women illegitimate, in contrast to European white motherhood.

The Israeli judiciary has prioritized the definition of women, as mothers. In looking at Israeli legal history, it is clear that the exclusive social-national role of women in having children has been perpetuated.³ In Israel, for example, there are twelve thousand artificial inseminations each year, at a rate of 1,600 operations per million people, which is twice as high as Iceland, which is the world's second-largest country for in vitro fertilization.⁴ Therefore, Israel takes an active role in the fertility and motherhood of women. It is considered the most encouraging country for family and reproduction among the democratic capitalist States.⁵ The rate of divorce and childbearing outside the traditional marriage institution is one of the lowest in the world.

After the statements of the Committee on Problems of Natality, called the "Bachi Committee," in 1967, the Israeli government addressed the need to establish demographic policies to

¹ Melamed, Shoham. (2004). In a few decades, we will all be children of the East: "Motherhood, Fertility, and the Construction of the 'Demographic Threat' in the Marital Age Law. **Theory and Criticism**, (25):69-96. In Hebrew.

² Yuval -Davis, Nira. & Werbner, Pnina. (Eds). (1999). **Women, Citizenship and Difference (Postcolonial Encounters)**. London: Zed Books.

³ Rimlat, Noya. (2010). Good Mother, Bad Mother, Irrelevant Mother: Parenthood in Law between the Ideal of Equality and the Reality of Motherhood. **Mishpatim**, (39). (The Hebrew University Law review) 573 – 632. In Hebrew.

⁴ "Surrogacy in Israel, Status Report 2010, and Proposals for Changing Legislation" Women and Medical Technology Project, Isha L'Isha (Women to Women)- Haifa Feminist Center (2011). In Hebrew.

⁵ Zoabi, Himmah. (2011). **Experiences of Palestinian Women in Israel with New Reproductive Technologies** – Masters Thesis, Bar Ilan University – Women Studies Program. In Hebrew

encourage childbearing in Israel, taking into account the future of the Jewish people. As a result of these deliberations, the Israeli Center for Demography was established. In 1986, the Israeli government decided to pursue demographic policies to ensure the increase of Jewish offspring.⁶ The report produced by the above-mentioned committee, presented the increase in high birth rates in the Palestinian society compared with Israeli society, and expressed concern in this regard. One of the committee's concerns was the proliferation of abortions, because it caused "health, educational, demographic and moral" damage. Whereas one of the report's recommendations was to reduce abortions, and internalize an awareness that only families with four or more children, were contributing their full part to the demographic revival of the Nation (that is, the Jewish Nation).

Hence, it is clear that the considerations for prohibiting abortions, came from demographic projections that sought to encourage primarily Jewish women to increase their offspring and reduce abortion, in order to preserve continuity and increase Jewish birth.

On the Israeli Abortion Law

I will refer to the Abortion Law as an example directed at Israeli women, as political and class intervention in women's motherhood and birthing, in terms of declaration and text. The law is the result of regulations from the British Mandate period that strictly prohibited abortions, and could do so only in cases where there was a risk to the fetus's life.

At that time, abortion expressed the lack of responsibility of Jewish women, and anyone who violated the law, was considered to be in disregard of the Jewish and national demographic needs, in contrast with the high birthrate of the Palestinians. At the beginning of the 1960s, the Bachi Committee was set up to decide on the issue of abortion, in its political, social and demographic context. The members of the Committee opposed the violation of the law by women and doctors, not out of concern for not violating the law from a technical standpoint, but because the violators contribute to the infraction of demographic superiority. In this committee, women were only referred to as tools to increase offspring.⁷

In its current text, the law states that abortion is prohibited. Physicians who perform the abortions can be held criminally responsible and can face a five-year sentence or a high fine. However, there are exceptions that allow for abortions, including:

1. The age of the woman applying for an abortion – The woman is younger than the legal marriage age in Israel (under 18), or older than forty.
2. The pregnancy was conceived under illegal circumstances, such as rape, an incestuous relationship, or outside of marriage.
3. The fetus may have a physical or mental birth defect.
4. Continued pregnancy may put the woman's life in risk, or damage her physically or mentally.
5. Economic Distress. This clause was withdrawn due to pressure from religious Jewish parties for demographic considerations. This was considered the most used clause for women applying for abortions.

⁶ Stopler, Gila. (2008). Israel's Natality Policy and the Rights of Women and Minorities". **Mishpat VeMimshal**, (11). (Law & Government). 473-516. In Hebrew.

⁷ Amir, Dalila. and Shoshi, Niva. (2007). The Israeli Abortion Law–Gender and Feminist Aspects. **Studies in Law, Gender and Feminism**, p. 777. In Hebrew.

Thus, the abortion law, at the text and reading level, recognizes who is not entitled to be a mother; that is, there are selective reproductive policies. In its discourse, it internalizes a discourse in the public sphere that defines the model of “legitimate” motherhood. (That is to say, it defines which mother and offspring are legitimate and those who are not).

Interestingly, the abortion law in Israel is the result of a political or institutional sequence, and not, as in other countries of the world, the product of feminist mobility.

The Israeli abortion law classifies women, and therefore their offspring. In terms of the text, it shows the acceptable age of the mother. From this perspective, we see class discrimination or preference on the basis of age. They see old age - for example - as a factor to delegitimize motherhood. Older women, for example, are considered a factor for delegitimizing motherhood, which serves the class designation of motherhood. In terms of social status, the abortion law includes women who are not in the institution of marriage, and this reveals another understanding. This view is epitomized in that motherhood and reproduction are directly linked to the institution of traditional marriage, as another policy of control of women and society in general.

Hence, it is impossible to talk about the abortion law without talking about the reasons for its legislation, referred to above. These considerations are linked to the rise in the number of abortions among Western Jews, which were considered a demographic threat, and a violation of the Zionist national ideology. Therefore, it is clearly expressed here that Jewish women’s pregnancies, are preferable to that of Palestinian women.

Prohibition of Polygamy

According to Israeli criminal law, polygamy is forbidden. This law includes a penalty of up to five years’ imprisonment for those who violate it. However, looking at the legal reality, it is rarely enforced, and in cases where it has been, violators have not been imprisoned. At the beginning of 2017, Israeli Justice Minister, Ayelet Shaked, announced that she was about to present a plan to be ratified by the government, to increase enforcement of the law in order to curtail this phenomenon which, she said, harms women and children. In addition, Israeli Attorney General, Avichai Mandelblit, published directives in this regard, referring to the importance of enforcing the polygamy prohibition law, for the considerations mentioned by Shaked above. With this, they meant polygamy in Palestinian society in general, and in the Palestinian society in the Naqab, in particular.

In the context of this intersection, between Israel’s new policy, which is manifested in government decisions to increase the enforcement of the law prohibiting polygamy, under the pretext of emancipation of women (and specifically Palestinian women). And the fact that the outcome of polygamy in Palestinian society is the increase in Palestinian offspring. I pose a question about the considerations that led the Israeli government to come out with these statements.

This decision cannot be separated from the identity of those who made it. Ayelet Shaked is known for her racist attitudes toward the Palestinians, and there is no need to dwell on this. She stated in the past, during the aggression on the Gaza Strip in 2014, that the Israelis should kill the Palestinian mothers, referring to their role in reproduction. In addition, one cannot overlook Israeli colonialist and racist policies toward the Palestinians in general, and the Palestinians in the Naqab in particular (where polygamy is widespread). Policies of ethnic cleansing, such as

demolition of houses under the pretext of non-recognition of the Bedouin villages, which result in the lack of basic services such as education, water, electricity, transportation, etc.

Israel's policies in the Naqab, in my opinion, are the main nourishment for the perpetuation of this phenomenon suppressing women, as well as for the killing of women, the marriage of minors, etc.

Historically, colonialist movements have exploited women's emancipation issues to increase their colonialist influence under liberal, and emancipating pretexts. For example, during the period of French colonization in Algeria, the French sought to remove the headscarf from Algerian women under the pretext of liberating them from the conservative Algerian society. However, the French colonization actually sought to create a rift in the heart of Algerian society.

Hence, the prohibition of abortion and polygamy are practices that control reproduction. These policies are of great importance to peoples in conflict. In ethnic conflicts, women contribute to their societies by increasing the offspring, i.e. they use their biological roles to maintain the demographic balance.⁸ In addition to Israeli policies to maintain a demographic balance through women's wombs, it also follows similar policies regarding immigration. While Israel pursues "right of return" policies for Jews in their various places of residence, it prohibits the right of return of the Palestinians. It does so by not recognizing the Nakba; enacting policies to prevent family reunifications, and geographically dividing the Gaza Strip, the West Bank and the territories occupied in 1948 into various jurisdiction areas. In addition to house demolition policies, withdrawal of residency rights in Jerusalem, and the deliberate killing of Palestinians just because they are Palestinian. Furthermore, Israeli police handling of cases of violence against women, etc. are characterized at their best by negligence.

In my opinion, the problem is not in the prohibition of polygamy, as Palestinian feminist movements do important work in this regard, raising awareness and working toward social and fundamental change. The problem lies in Israel's new policy being a policy based on Israeli superiority over Palestinian society. This policy cannot be separated from Israel's policies relating to women's wombs. As there is a close relationship between the prohibition of abortion directed –even if at the discourse level– at Jewish women and the prohibition of polygamy (because it is a source of the increase of Palestinian offspring). There is a close relationship between these policies, and the disregard by Israeli police of Palestinian women's complaints of violence and death threats. These policies nurture patriarchy in Palestinian society and the consideration of the Palestinian family as an observer body over women. Furthermore, the implicit rejection of non-heterosexual family styles as present in the abortion law, the surrogate mother law and the adoption law to maintain the traditional family system, as well as ensure control of society.

Throughout colonialist history, colonialists have exploited women's issues in the colonial societies- specifically those issues related to their wombs – in order to exert control.⁹ While the colonialists called for the liberation of women from their patriarchal societies, their real aim was to limit the offspring of these women.

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⁸ Yuval-Davis, Nira & Anthias, Floya. (Eds.). (1989). **Woman-Nation-State**. The Macmillan Press, Houndsmills, Basingstoke, Hampshire.

⁹ Abu-Lughod, Lila. (2002). Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others. **American Anthropologist**, 104 (3), Pp. 783–790.