A Rabbi of One’s Own? Navigating Religious Authority and Ethical Freedom in Everyday Judaism

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ABSTRACT This article examines the varying ways religious devotees utilize, negotiate, embrace, and reject religious authorities in their everyday lives. Ethnographically exploring the ways that Orthodox Jews share reproductive decisions with rabbinic authorities, I demonstrate how some sanctify rabbinic rulings, while others dismiss them, or continue to “shop around” until they find a rabbinic opinion that resonates with their personal desires. These negotiations of religious authority and ethical freedom are worked out across a biographical trajectory, opening new possibilities to explore how religious authority fluctuates and changes over the life course. I argue that analysis of engagement with rabbis without attention to the inner diversity of interpretations and practices perpetuates a hegemonic and overly harmonious picture of religious authority. Highlighting these variations, I show how the process of consultation was more significant than mere submission to religious rulings. Religious consultation, in itself, then constitutes a significant node for making an ethical Jewish life. Attending to these aspects of religious authority has great potential to further develop and contextualize the field of ethical freedom while complicating binary models of submission versus resistance. My approach demonstrates the need to broaden our anthropological tools to better understand the ways individuals share everyday decisions with mediators of authoritative knowledge. [religious authority, ethics, reproduction, gender, Judaism]
I visit Rachel, a Bais Yaakov seminary teacher, at her home in the outskirts of Jerusalem in 2015. As she chops vegetables in her kitchen, she shares how her dreams were fulfilled when she married a Torah scholar. “It all happened so quickly,” she says, smiling. “I got pregnant immediately. Child after child. Boy after boy. Finally, I had a girl. I was so happy. Now I have someone to help me,” she says. “We move on with the story. She stops. “I am debating if I should have another one.” She is forty-one, and has eleven children, so I was sure she was done. But she elaborates further, “It is so hard. I have been teaching at the seminary and also offering individual classes to other women. I struggle to maintain a household, care for the kids, and also teach. I am not sure—who am I supposed to contribute to? My family or my students? I am not sure. I think I will go and see my rabbi soon.” “Soon?” I ask her. “I need him to decide for me,” she says. She grins at me and adds, “But I will decide when he asks you. I see, you have to be ready to accept his opinion.”

Unsure whether she should have another child, Rachel seeks rabbinic consultation to assist in her reproductive decision-making. Whereas religious authority and individual agency are typically analyzed as binary and exclusive categories (Agrawal 2010; Clarke 2012; Fader 2017), Rachel’s narrative does not clearly fit into dichotomous models of submission versus resistance. Rachel’s approach demonstrates how religious consultation in relation to reproduction is a creative sphere where individual agency and religious authority (playfully) overlap. Similar to many of my other interlocutors, she pursues rabbinic authorities to make her decisions, but she does so at her own pace and on her own terms.

As I went deeper into the study of reproduction and religion in Israel, I found that Orthodox Jews were struggling, critiquing and doubting whether (and how) to continue one of the pivotal communal ideals: having a large family. While reproductive decision-making is negotiated within and through many actors and systems of authoritative knowledge (Taragin-Zeller 2017, 2019a), I found that during this time of uncertainty regarding high-fertility norms, religious consultation served as an essential praxis. On the one hand, religious authority in contemporary Judaism has been heavily contested in recent years due to a fragmented structure of religious authority, a democratization of religious knowledge through online platforms, and advancements in female education and leadership (Avishai 2008a, 2008b; El-Or 1994; Englander and Sagi 2013; Golan and Stadler 2015; Hammer 2013; Ivory and Teman 2019; Taragin-Zeller 2014). Amid this shifting state of religious authority, however, I was struck by the emerging popularity and multiple varieties of rabbinic consultation.

My attention to religious consultation builds on the works of anthropologists who have offered a productive
critique of the “imagined binary opposition” (Agrama 2010) between religious authority and ethical freedom (Clarke 2012; Fader 2020; Ivry and Teman 2019). In what follows, I demonstrate how some couples “shop around” until they find a ruling of their liking. Some seek to fully accept and submit to religious rulings while delegating their weighty decisions to rabbis. Others seek the authority of religious figures, yet negotiate the outcomes, either embracing or rejecting rulings while taking their own preferences into account. Departing from classic debates of how religious leaders struggle to legitimate their authority in the eyes of their communities, I turn the lens of anthropological inquiry to the ways in which religious members engage with authorities in their everyday lives. I argue that the analysis of engagement with religious authorities requires attention to its inner diversity and wide range of interpretations and practices. Without such attention, anthropologists have propagated an overly harmonious, ideological, and flattened picture of religious consultation. Further, I found that for many of my interlocutors, the process of consultation was more significant than rote submission to religious rulings.

Based on these diverse negotiations of religious authority, in this article I maintain that religious consultation, in itself, is a significant node for making an ethical Jewish life. As this creative praxis complicates binary models of submission versus resistance, I propose we broaden our ethnographic analysis of religious consultation and authority. In my understanding, this is not solely the task of anthropologists of religion. I argue we must create nuanced anthropological tools to understand the ways individuals share everyday decisions with mediators of authoritative knowledge, be it religious, medical, or other areas of expertise (Agrama 2010; Clarke 2009; Ivry and Teman 2019; Kasstan 2019; Seeman 2010; Taragin-Zeller 2017).

RETHINKING RELIGIOUS AUTHORITY

Pioneered by Max Weber’s models of religious authority, the intersection of authoritative knowledge, legitimacy, and power have been key to social scientific exploration (see Hans and Mills 1949). Deeply seated in a narrative of historical advancement, Weber’s ideal types offered a socio-historical framework to analyze transitions from “instable” models of charismatic authority to routinized and rational types of religious authorities.

Drawing on Max Weber’s legacy, sociologists and anthropologists of religion have tended to focus their analysis on the innovative ways religious authority is constructed, performed, and legitimized among different religious groups. Religious authority has been challenged in recent years by members of faith groups due to increasing levels of access to canonical texts through digital media, growing demands for gender justice and pushback against religious patriarchy, and transnational migration patterns, which trouble local notions of religious authority. Anthropologists have noted the ways religious authorities and institutions construct novel models of authoritative knowledge, legitimacy, and power in the face of these mounting contestations (Agrama 2010; Clarke 2012; Fader 2020; Ivry, 2010; Kravel-Tavi 2017; Mahmood 2005; Napolitano 2015; Stadler 2009; Taragin-Zeller 2014).

Ayala Fader’s (2017) work on Hasidic Jews in Brooklyn is a vivid example of the innovative ways religious authority is legitimated and performed by communal leaders in their public faith talks. She describes how Hasidic rabbis delineate separate “spheres of authority” (199), as they constitute their religious authority vis-à-vis the medical authority of mental health professionals. In the Muslim context, Morgan Clarke (2009, 2012) demonstrates how Lebanon’s Islamic legal experts use digital communication technologies to “facilitate the continuing mobilization of personalized religious authority within and between modern bureaucratic-legal nation-states” (2012, 107).

While these studies demonstrate the powerful strategies used to legitimize religious leaders, few studies have highlighted the variety of ways individuals engage with religious authorities in their everyday lives. Houssain Ali Agrama (2010) argues that this literature gap is a product of an “imagined binary opposition” between religious authority and ethical agency in “Western” and neoliberal thought. Namely, the idea that a true self must be a free self and that freedom is to follow aspirations that originate (solely) in one’s self automatically turn any mode of willing obedience into a paradox. Following this mode of thought, all types of religious authority appear paradoxical and antithetical to “true” freedom. Accordingly, tradition or authority have been largely perceived as an obstacle to ethical self-formation as “a disposition toward or susceptibility to authority is necessarily antithetical to true agency” (Agrama 2010, 2).

Continuing Saba Mahmood’s (2005) critique of ethical freedom, in his ethnographic analysis of Al-Azhar’s fatwa council in Cairo, Agrama focuses on the shared responsibility that emerges between the fatwa seeker and the Mufti to problematize the “liberal” dichotomy between religious authority and ethical agency. Building on Foucauldian frameworks of self-making (Foucault 1997), Agrama (2010, 14) posits that ethical freedom should not only be perceived in opposition to authority “but rather an expression of it.” In a similar analytical lens, Tsipy Ivry and Elly Teman (2019, 857) recently offered a framework of “moral outsourcing” to describe the emic practice of dividing moral labor and outsourcing reproductive dilemmas to rabbis in order to “lighten the heavy weight of moral responsibility.”

Even though these works have been crucial in undermining liberal notions of ethical freedom, these models of religiousity create idealized pictures of submissive piety within anthropological literature (Marsden 2005; Schielke 2015). While scholars of everyday Islam have argued for the importance of exploring religious life beyond the piety lens.
while incorporating doubt and critique as units of analysis (Osella and Soares 2010), anthropologists still need a way to problematize the notions of submission we have with regard to religious authority itself. In an effort to move beyond the “imagined binary” between submission and resistance, Jewish piety is good to think with, to paraphrase Claude Levi-Strauss (1963). This can be illustrated by the heterogeneity of Orthodox Judaism in Israel, which varies greatly according to theological orientations, diverse commitments to Jewish law (Halacha), and ethnic origin, as well as distinct political agendas (a point I introduce shortly). Further, rabbinic rulings of Jewish law are given on a case-by-case model, while taking into account a wide array of sources, including the Bible (Torah), the Talmud, and rabbinic literature.

Religious consultation regarding reproduction is an especially fertile case study for exploring the popularity and diversity of religious authority, for several reasons. First, a historical analysis of Jewish texts regarding reproduction shows that procreation ideals are not uniform and have continually been interpreted (Irshai 2012). According to Irshai, even though most opinions in Jewish law require two children (one of each sex), contraception exists within a complex legal system of concerns that may be taken into consideration, such as physical and mental health, financial issues, and child welfare (e.g., Shulchan Aruch, Aruch Hashulchan Even Haæzer 1:8). This ambiguity—and thus, space—to interpret Jewish laws enables a vivid picture of the construction and interpretations of authoritative knowledge regarding reproduction. Second, in recent years there have been vocal critiques of male rabbis administering intimate rulings regarding women’s bodies (Avishai 2008b; Raucher 2020). As these critiques of religious authority stem from gender-equality frameworks, reproduction is an ideal case study to see how both men and women engage with rabbinic consultation. Finally, as scholars of reproduction have widely documented (Inhorn et al. 2017), reproduction is not only about “managing or improving reproduction, but is itself a means of producing other things, other relationships, other values, or other identities” (Franklin 2013, 153). How, then, do Orthodox Jews, who are typically depicted as submissive to religious authority, incorporate religious consultation in their everyday reproductive decision-making? And how can these creative practices help develop our anthropological tools to better understand the ways individuals share personal decisions with agents of authoritative knowledge?

BACKGROUND: RABBINIC AUTHORITY IN ORTHODOX JUDAISM

Orthodox Jews currently account for roughly 19 percent of Israel’s population (ICBS 2019) and comprise multiple groups that can be loosely divided into the following streams: the ultra-Orthodox communities (Haredi), the Hasidic dynasties (Hasidic), the Religious Zionists (sometimes referred to as modern-Orthodox [i.e., Dati Leumi]), and national Haredim (Hardal). While differentiated by origin, rabbinic leaders, and customs, all groups purportedly adhere to an extensive body of Talmudic and post-Talmudic exegesis and share a stringent “orthopraxis stemming from a shared commitment to Halacha [Jewish law]” (Novis-Deutsch and Engelberg 2012, 7). Each possess their own religious leaders and follow Halachik rulings issued by rabbinic scholars who have mastered canonical texts, especially the Talmud and traditional Halachik codes (which form the collective body of Jewish religious laws).

Analyses of historical Jewish texts indicate that the role of Jewish rabbis in Jewish life is not uniform and has continually been reinterpreted (Englander and Sagi 2013; Irshai 2014; Safrai and Sagi 1997). Even though Jewish law includes rulings in almost every imaginable realm of life, there has been an ongoing debate about the role rabbis should, could, or are required to take in various dimensions of life. The scope of these questions is twofold, as they concern both the particular subject at hand and the status of a Pesak (a ruling of Jewish law) after this has been given.

While a detailed historical discussion of religious authority in Orthodox Judaism is beyond the scope of the article, a brief sketch helps to convey the situated and political history that has put rabbinical guidance at the center of Orthodox Jewish life in contemporary Israel. At the beginning of the twentieth century, rabbis put forward creative interpretations of the concept “Da’at Torah” (literally “The Torah View”) that accentuated the authority of outstanding rabbinic scholars (Brown 2014). This view can be summarized in the following notion: “The great religious authorities hold the power to issue rulings not only in their specific area of expertise but in all areas of life, including the political realm” (Brown 2014, 255–56). This modern innovation emerged together with one of the biggest debates splitting the Lithuanian Orthodox community at the time—the relationship to Zionism. As secular Zionists called upon rabbis to steer clear of political affairs, Haredi rabbis used their growing legitimacy to protest Zionist activism. This development amplified the scope of rabbinic authority, enabling rabbis to draw from “The Torah View.” In a series of events, including the devastation of the Holocaust and the establishment of the State of Israel, religious leadership was transformed into political leadership, which now encompasses all areas of life and embodies divinely inspired authority.

Anthropologists have subsequently overdetermined the power that Haredi rabbis hold, claiming that “they exercise practically unbounded authority in all spheres of the community life, including which political party the community will vote for in elections, which marriage arrangements will materialise, or who is allowed to use contraception and for how long” (Birenbaum-Carmeli 2008, 186). While religious authority is viewed as being more contingent in “modern” groups of Orthodox Jews (e.g., Englander and Sagi 2013), the underlying assumption that Orthodox Jews will typically abide to religious rulings dominates literature on rabbinic authority (e.g., Birenbaum-Carmeli 2008; Raucher 2020).
The landscape of religious authority in Israel is, however, reconfiguring for a variety of reasons. First, some well-established and widely accepted Jewish scholars have passed away during the past few years, leaving disputes over future leaders and a fragmented structure of rabbinic authority (Caplan and Stadler 2009; Leon 2009). Thus, devotees may turn for advice to a local community rabbi or a yeshiva-based Torah scholar or seek advice from a particular rabbi with expertise in a specific area of Jewish law. Second, together with the creation of the State of Israel, there has been a considerable growth in yeshiva (religious seminary) study, and many men have reached high levels of literacy (Hakak 2012; Heilman 1992; Stadler 2009), thus lessening the need to seek advice from others. Also, internet forums enable religious members to address their questions to a large array of rabbinic scholars (Englander and Sagi 2012). These technological advancements, together with a blur in communal borders, trouble local notions of religious authority (Neriya-Ben Shahar 2017; Zicherman and Cahaner 2013), and the possibility of moving between communities, customs, norms, and rabbinic styles is thriving.

Cracks in the authority of rabbis are also emerging as women rethink and critique the traditional link between male rabbis and religious rulings, especially regarding women’s autonomy around reproductive decisions (Fonrobert 2000; Raucher 2020). As the phenomenon of female scholars grows together with a substantial scholarship of feminist critiques of rabbinic legal discourse (e.g., Irshai 2012, 2014; Zion-Waldoks 2015), vocal calls to “get rabbis out of our womb” are slowly growing. In my own work, I have demonstrated the gendered aspects of authoritative knowledge across the continuum of Jewish Orthodoxy, highlighting how women are interpreting and reinterpreting religious texts to articulate rights to sexual and reproductive autonomy in ways that engender new frameworks of religious authority (Taragin-Zeller 2014; Taragin-Zeller and Kasstan 2020).

While these studies have highlighted the ways religious leaders struggle to balance authentic readings of Jewish law while staying relevant and legitimate in the eyes of their communities, missing from the literature is attention to the ways religious members navigate the flora of this diverse terrain in their everyday life. By employing the term “everyday,” I do not intend to suggest that Orthodox men and women consult with rabbis about contraception on a daily basis. However, scholarship exploring rabbinic consultation regarding reproduction has tended to focus on new and emerging biomedicine, such as IVF, surrogacy, and prenatal diagnosis (Ivry and Teman 2019, Kahn 2000; Seeman 2010). Pointing to a selective interest in rabbinic authority, these studies focus on decisions made at the “extremes,” while the dilemmas and decisions posed by “ordinary” pregnancies become obscured. This article fills this gap by highlighting the diverse way Orthodox Jews negotiate rabbinic authority in their “ordinary” reproductive decisions.

METHOD AND CONTEXT
This article draws on five years of multisited ethnographic research conducted in Israel between 2011 and 2016 and includes fifty interviews with a range of differently positioned social actors, from Orthodox men and women (including Religious Zionist, ultra-Orthodox, and national Haredim), to bridal counselors, Jewish-law consultants, rabbinic experts, and gynecologists. I interweave these interviews with observational notes made at conferences and classes on Jewish sexuality and family life and analysis of handbooks and manuals about the Jewish family.

While procreation holds supreme discursive importance in Judaism, the religious obligation “to be fruitful and multiply” (Genesis 1:28) has continuously been reinterpreted by religious authorities and families alike. According to Irshai (2012), most opinions in Jewish law require a minimum of two children (one of each sex). Crucially, the obligation for reproduction falls on men, and hence from a position of Jewish law, women are exempt from the obligation to procreate. Rabbinic positions around contraception are informed by a multilayered legal system of concerns that may be taken into consideration, such as physical and mental health, financial issues, and child welfare (e.g., Shulchan Aruch, Aruch Hashulchan Even HaEzer 1:8). There is, however, social and religious pressure to have large Jewish families that has been cultivated by a communal quest for Jewish survival during centuries of diaspora existence, an ideal which intensified after the trauma of the Holocaust (Kahn 2000; Sered 2000).

Once the State of Israel was established, another pronatalist goal was added to the mix: that the Jewish population in Israel must be augmented for the sake of ensuring a Jewish majority in Israel-Palestine (Berkovitch 1997; Birenbaum-Carmeli 2004, 2008; Kahn 2000; Kanaaneh 2002). Today, the importance of reproduction and of the Jewish family still dominates Israeli-Zionist discourse and ethos (Fogiel-Bijaoui 1999; Prainsack and Hashiloni-Dolev 2009). Unsurprisingly, even though most other developed countries are below replacement levels of reproduction, current demographic studies show that the total fertility rate in Israel is 3.13 (ICBS 2019), with Orthodox families ranging between four and seven children.

Yet, Orthodox Jews are currently undergoing painful negotiation processes as they rethink the communal pressure to bear large families (Taragin-Zeller 2019a, 2019b). As I attended conferences and classes regarding reproduction, I was surprised to find members from the entire spectrum of Orthodoxy. These conferences serve as nonsectarian spaces through which Orthodox Jews (women especially) exchange ideas and practices that concern fertility and contraception. Thus, even though most scholarship on religion in Israel treats these sectors as distinct groups, this fertility-related ethnographic setup included Orthodox couples from Religious Zionist (Dati Leumi), ultra-Orthodox (Haredi), and national Haredi (Hardal) backgrounds, including both...
Ashkenazim and Sephardim (which trace their origins to Europe versus the Iberian peninsula, North Africa, and the Middle East, respectively). Yet, traditionalist, Hasidic, and anti-Zionist Haredim were not included, as they did not attend these gatherings. While this empirical phenomenon created a flexible and varied sample of couples who come together through their everyday struggles, the analysis of each narrative takes the different backgrounds and social contexts into account.

In all of these encounters, I became acquainted with couples who not only agreed to participate in this study but also put me in touch with other acquaintances. Even though it is ideal to interview spouses separately to minimize their influence on each other and enable disagreements to be aired safely, in this study, couples were given the choice to interview either together or separately, depending on where they thought they would feel more comfortable. This was of particular importance, as flexibility was needed in order to find ways for men who are unaccustomed to speaking with women to discuss intimate issues with a female interviewer. This methodology also proved useful to gain insights into tensions and disparities about religious authority between each couple. Nevertheless, due to the strict modesty practices and gender segregation customary in these communities, a male interviewer was provided when preferred by interviewees. Recordings from interviews and other encounters in the field were transcribed verbatim and analyzed on both a separate and comparative basis.

I conducted this research as a married Jewish woman with children of my own. While the complexity of the Jewish ethnographer studying Jews has been heavily discussed (Boyarin 2013; Fader 2020; Kahn 2000), few ethnographies state the importance of parenthood, which seemed more important to my interviewees than my Jewishness. As in other communities where intimacy and sexuality are heavily guarded, being married was a critical advantage, as “virgin ears would probably have been protected” (Kanaaneh 2002, 8). The fact that birth control is considered taboo actually worked to my advantage, as the couples were more amenable to sharing their safeguarded stories with someone they would never encounter again. As we turn to précis and insightful excerpts from these couples, I genuinely hope that I am able to impart the delicate feelings that were conveyed to me with the same tact and depth as my subjects.

NAVIGATING RELIGIOUS AUTHORITY

In what follows, I demonstrate different patterns of religious consultation utilized by couples who engage with religious authorities as part of their reproductive decision-making. We will begin with Sarah (thirty-eight) and Moshe (thirty-nine), a hard-working nurse and schoolteacher, respectively, who married in their early twenties and live in the outskirts of Jerusalem in a Haredi (ultra-Orthodox) community. They decided to consult with a rabbi after the birth of their fourth child, as Sarah put it:

After four children in four and a half years, I felt that I was going to fall apart. Physically, I had no strength left. We went to the rabbi and he told me to go and ask a doctor. Whatever the doctor says—that will be my Pesak [Jewish law]. I went to the doctor and do you know what he told me? He said: “four children in four and a half years? Can you imagine what your body has gone through? You must wait three years until your next child!” “Must,” I asked? “Must!” I went home very happy that day. But, you know what, after half a year I felt a deep urge to have another child. So, I got pregnant. A few weeks later, I had a miscarriage. It was from heaven. I understood that when the doctor told me three years it really was a Pesak. And I hadn’t listened. So, I waited and three years later I had a baby. A healthy baby to a healthy mother.

After four consecutive births, the couple debated birth control. The first authority they turned to was a rabbi, but this authority referred them to a different authority—the medical one. This rabbinic referral to a medical authority could be interpreted in diverse ways. Building on Fader’s (2017) notion of “spheres of authority,” a referral to medical authority could be perceived as a division of labor between rabbinic and medical authority (Ivry and Teman 2019). Yet, Sarah creatively reinterprets this ruling to mean that the rabbi had turned the medical consultation into a sacred, heavenly, and therefore binding authority. Thus, Sarah interprets her miscarriage as a consequence of not listening to her rabbi. By reinterpreting the rabbinic ruling this way, she makes a concerted effort to ensure that rabbinic rulings remain relevant even as life events challenged the rulings offered. It is through this embodied experience of loss that she reinterprets the meaning of the ruling, which redefines and strengthens her rabbinical adherence and her obedience to medical authority.

In stark contrast to Sarah and Moshe, Chava (forty-two) and Avraham (forty-four), a Dati (Religious Zionist) couple with seven children, also went to talk to a rabbi after the birth of their third child, but were unsatisfied with its outcome:

Because Chava and Avraham’s rabbinic consultation produced a negative answer, they were caught in a difficult situation. On the one hand, they already asked for an opinion of a rabbinic authority, but, on the other, they realized they didn’t have the strength to have another child. Even though their narrative reflects submissive pretensions of rabbinic authority, an online search broadened the horizon of their possibilities and they decided to disregard the ruling that had already been given, albeit with heavy hearts. In other words, the authority of religious rulings is constantly negotiated and rejected when perceived to be unattainable.
SHOPPING AROUND
Some couples, however, had less “binding” notions of rabbinic rulings from the start. I met Herschel, a thirty-three-year-old Haredi (ultra-Orthodox) yeshiva student at his home in Jerusalem on a warm day in the middle of June. As his children played in their room, he reflected upon their rabbinic consultation process:

Herschel’s narrative offers a vivid description of a common practice I encountered in the field: shopping around for the most preferable rabbinic opinion. For Herschel, like other people I encountered, a reproductive dilemma was an opportunity to converse with a wide range of rabbis, a practice he seemed to rather enjoy. Further, this type of “shopping around” posits the importance of conversing rather than submitting to religious rulings.

In fact, I met couples who were aware of this practice but decided not to engage with religious authorities. For example, Shlomo, a Dati (Religious Zionist) father of three who resides in the northern city of Haifa, shared: “As the children grow older they turn into humans with needs...and we are just too busy. We are not breathing. I knew I didn’t want to go back to a rabbi. I did some research since and realized I can get a different answer from any rabbi I choose to go to. So, why bother?” Like Shlomo, I wondered: What was the purpose of “shopping around”?

I found that this type of engagement with religious authorities was motivated by a need to create an ethical environment to converse. Within Orthodox Judaism, sexuality is rarely addressed, and family planning is not formally broached until marriage preparation (Taragin-Zeller 2019a, 2019b; Taragin-Zeller and Kasstan 2020). In a community where sexuality is addressed in hushed tones, the determination of reproduction and contraception as a realm of religious consultation creates a “kosher” place to begin to speak about the silenced. Medical anthropologist Tsipy Ivy (2010) has described how medical procedures regarding assisted reproduction are designated “kosher” through a dual process of medicalization of Jewish law, on the one hand, and making medical knowledge kosher, on the other. While “kosher” is a concept primarily used to designate the kinds of foods Jews are permitted to eat, medical procedures are designated “kosher” through rabbinic biomedical knowledge.

Building on these insights, I argue that ethical or “kosher” decisions are not rendered solely by their outcomes but by the particular contexts through which decisions emerge. It is through the process of sharing decisions with rabbis that taboo-like conversations become “kosher.” Further, this setting allows for a language to speak about the silenced. During my fieldwork, the word “contraception” rarely surfaced. Contraception was constantly referred to as zeh (Hebrew for “it”), or merely as “prevention,” without any specification (cf. Kasstan 2019). As couples search for ways to discuss “it,” consulting with a rabbi entails the use of Jewish legal framework, which in itself offers a language. While Halacha (Jewish law) is typically described as a system of law, for the couples I met, it provided an ethical language.

“BROAD SHOULDERS”
But there were couples who sought more than an ethical language. On a cold Wednesday evening, I met Naomi and Elad, a Dati (Religious Zionist) couple, at their home in northern Israel. Elad (thirty-eight), an engineer, and Naomi (thirty-five), a physical therapist, were expecting their third child at the time of our meeting. As they shared their reproductive story with me, I could tell there was something that was making them uncomfortable. Finally, Elad explained, “We went to India after our wedding for a few months, and Naomi came back pregnant. We didn’t think it was a big deal that we had waited a few months, but then we went to the doctor...there was something wrong with the baby. We went from ultrasound to ultrasound. They didn’t think she would live to reach her first birthday. We were shocked. We didn’t know what to do.”

Naomi continued the story: “We spent the next month going to different specialists but also looking for spiritual guidance. We prayed so much. And went to different rabbis. Some said we should just have faith and that doctors make mistakes all the time... but there was one rabbi, a rabbi who specialized in medicine, and he changed everything for us. He asked us to bring all the materials with us, and we sat together for a long time. At the end, he looked at us and said, ‘I am not giving you a choice. You need to abort this baby.’”

Elad said, “I remembered I was shocked by this. How could he make such a decision? But, you know what? I was somehow comforted by it.”

Naomi agreed, “It was exactly what I needed to hear. I needed someone with broad shoulders to take the weight off my shoulders.”

Naomi and Elad’s tragedy came to me by surprise, and I was struck by the central role rabbinic consultation played in their process of decision-making. During the interview, the couple was critical about various aspects of religious life, reflecting a flexible orthopraxis that selectively followed religious strictures. Further, their narrative reflects a paradoxical situation: on the one hand, they shop around until they get an answer they can accept. On the other, once they find the opinion they are comfortable with, they are ready to fully submit to this ruling. The emic term “broad shoulders,” which is widely used to describe esteemed rabbinic scholars, hinting to a hierarchy of expertise, reflects how they wish to defer their personal responsibility to a rabbinic expert. At this moment in their life, the rabbi with “broad shoulders,” who demands to take the burden off their shoulders, was “exactly what they needed.”
While dividing moral responsibility between medical and rabbinic experts after receiving a diagnosis of fetal anomaly has been documented (Ivry and Teman 2019), the question still remains: Why do couples choose to do so in the first place? In her ethnography of selective reproduction in Vietnam, Tine Gammeltoft (2014) reveals how during the process of decision-making, couples consult with medical doctors but also demand participation from the entire family. She argues that during these tough life-and-death decisions, “it was through the enactment of social belonging that people in Hanoi forged moral selves in the confrontation with ethically demanding circumstances” (8). Shared decision-making, then, has multiple functions, reflecting an important tendency to share decision-making with authoritative others, especially amid tough decisions (Taragin-Zeller 2019a; see also Kasstan 2019). Yet, Naomi and Elad display a type of decision-making that goes far beyond “shared decision-making.” In the following section, I analyze the ways couples live with such modes of decision-making.

UNLEARNING RELIGIOUS AUTHORITY?
I met Ayelet and Shimmy at their house on a Friday afternoon. Shimmy (thirty-two), an education consultant at a local school, and Ayelet (twenty-nine), a self-employed graphic designer, reside in a Religious Zionist settlement in the West Bank. After their engagement, they sought rabbinic consultation, as Shimmy wanted children immediately, but Ayelet was rather young and unsure. Shimmy and Ayelet took their debate to Shimmy’s rabbi as a way of inviting an authoritative mediator into their personal conflict.

Ayelet: “We went to speak with Rav Meron. And... he said no. First, he listened to us. He wanted to hear why. Then he explained why he thinks a couple should have a first child and wait after we have a first child. He spoke about it as being a gift.

Shimmy: I would tell the same story with a different tune. It did not start with a “no.” It started from him listening. He wanted to understand why. What our debates were. I don’t remember it as a binding Pesak. I don’t remember him saying we weren’t allowed. I remember him saying, “This is what I think. And you decide.”

Ayelet: I got into this marriage quickly. I am happy I never had years of endless searching. But I wanted to stabilize the marriage for a few months before having children. When we went to the rabbi, I felt that the way he talked about it meant that there was not really any other option. This is what you are supposed to do. And that is what we did. So we got married and I was pregnant a month later. It was really hard. I was in total shock. I was sure my life was over. I sat and cried for days. It was terrible. I just got married. I have no idea what I want to do with my life. And I am about to be a mother. Shimmy didn’t know what to do with me.

Shimmy: I remember being very surprised by your reaction. I was in the kitchen in the caravan. You told me and sat down and started crying. I really remember that. I was so surprised. We debated about it, we spoke to Rav Meron and we had made a decision.

Ayelet: Yes. We made a decision.

While analyzing Ayelet and Shimmy’s story, I quickly realized that consultation with a rabbinic authority was an encounter they experienced differently. Even though “no” is quite a definitive (and powerful) word, the meaning of this rabbinic ruling was understood differently by Ayelet and Shimmy. Ayelet perceived this encounter as a Pesak—that is, a binding ruling of Jewish law—while Shimmy regarded it more like an opinion. Nevertheless, they made a choice based on this (different) encounter. Or rather, Shimmy made a choice. Ayelet is sarcastic about this decision that she has only partially made.

But Shimmy and Ayelet’s story did not end there. The disparities in their perceptions continued to grow as an unexpected neonatal tragedy challenged this process of decision-making. The birth of a sick and unresponsive child took the couple on a painful journey. They went through a cycle of mourning, crying, and blaming. Shimmy said, “We were optimistic and put ourselves into it. But we were also very realistic. We knew what all the options were, including the worst-case scenario that really ended up happening.” Ayelet recounts the story:

On Saturday night, Shimmy was out and I wanted to go to sleep. I went into Noa’s room to cover her up with a blanket. [Ayelet breathes in and out.] I saw her hands were cold. So I covered her up with a blanket. It was dark. I came back ten minutes later to check on her and she was still cold. You have this second that you
turn on the light and you already know what you are about to see. I screamed so loudly my neighbor called for an ambulance. I called Shimmy. I tried to resuscitate her. There was nothing left to do. The house filled up with people and I remember sitting there on the sofa, knowing she was dead. Shimmy said we should say Tehillim [psalms] and I remember screaming at him. At some point, everyone left and they took Noa. They took her and we stayed all alone.

Shimmy and Ayelet’s story was not easy to hear. While conducting this research, I sat with many couples, never knowing ahead of time what curveballs life sent their way. Shimmy and Ayelet’s story stayed with me for a long time. In fact, I learned that for many couples, the effect and influence of the encounters with rabbis lasted long after the initial encounter. I was struck by the intensity of these effects and was intrigued to see the various strategies couples employed as they made sense of these encounters as time went on. Long after our conversation, I wondered: What does a couple think about a rabbinic ruling that ends up in such a tragedy? What does the weight of such a decision feel like when it is shared with others? Will they continue consulting with him and/or other rabbinic figures? Or maybe this tragedy is capable of creating a gap or a crack in this type of shared responsibility?

In Ayelet’s case, it did.

That night I stopped taking [birth control] pills. I think that I wanted to hold on to life. But there was a deep change. Having Noa was a joint decision that I felt that I was being led to what is expected of me—from now on it was only my decision. Since then, I don’t ask. I made the decisions and during that time . . . I remember my friend, who lived so close by I could hear her throw- ing up when she was pregnant. She went to a rabbi and he gave her three months to use contraception. I got so angry! How can a rabbi tell a young woman to get pregnant again in three months?

Ayelet decided to get pregnant immediately after this traumatic experience, but on her own terms. From that day on, she decided not to consult with anyone about her reproductive decisions. This transition reveals how even though Ayelet learned to engage in this practice and submit to religious rulings, it does not mean that the status of the religious ruling will stay untouched. Even more so, anger and critique turned Ayelet into an advocate against this contested mode of decision-making.

At this point of the interview, I realized Shimmy became quite silent. I asked him to share his thoughts. Slowly, he shared how hard this was for him. “When it came to making decisions, Ayelet’s circle got smaller and smaller after Noa died. It started with keeping the rabbis out and today I am also not included in this decision-making. Yes, it is her body, but what am I supposed to do when I want to have another child and she doesn’t?” It was hard for him that it turned into a question that Ayelet decided by herself. Also, this traumatic experience estranged Ayelet from rabbinic consultation, but Shimmy stayed in a close relationship with his rabbi who supported him through the hardships their life entailed. Whereas Ayelet’s story is one in which she finds a path to disengage from rabbinic consultation, Shimmy reveals how shared responsibility creates a relationship in which the rabbi is constantly there for him. It is a special relationship that passionately guides him through this hardship. But it is more than that. It seems that sharing the responsibility with the rabbi gave him a voice in this decision, a voice that now seems lost. “I understand she pays the price for childbearing, but not being able to take part in the decision seems like complete male exclusion! No?” Ayelet smiles at him in agreement.

**A RABBI OF ONE’S OWN?**

This ethnographic analysis demonstrates how religious consultation serves many purposes—it provides an ethical language, a “kosher” space to discuss taboo topics, and a form of authoritative mediation for couples in conflict. Analyzing the multifaceted ways religious authority is constructed and negotiated, I have shown how Orthodox men and women negotiate this authority by sanctifying rabbinic knowledge or dismissing it, “shopping around” until they find a rabbinic opinion that resonates with their personal desires, or searching for “broad shoulders” to lighten their heavy decisions. By paying attention to the various engagements with rabbinic authority, these everyday experiences open up new possibilities that complicate binary models where submission and resistance are the only options.

My analysis here builds on anthropologists who have critiqued the common dichotomy between religious authority and ethical freedom (Agrama 2010; Clarke 2012; Fader 2017; Ivry and Teman 2019). While these studies have tended to focus on the ways religious authorities perform and legitimate their authority in the eyes of their communities, I argue that we need more bottom-up ethnographies that draw on the perceptions and everyday encounters with religious authorities. To be clear, by showcasing the ways Orthodox Jews engage with rabbinic authorities, I do not intend to cultivate a hierarchical model, positing one as more “authoritative” than the other. On the contrary, if we take Agrama’s (2010) observation that religious authority is an expression of ethical agency seriously, we need to create new sensibilities for analyzing ethical agency in religious contexts.

At first glance, it may seem that “shopping around” displays the lowest level of following, while “navigating religious authority” reflects a mid-range balance, culminating with “broad shoulders” as the highest and most pious degree of adherence. On the other hand, by applying the notion of religious consultation as an ethical language to the Jewish context, my ethnography questions whether the opposite is true. In other words, devotees cultivate a pious self through countless encounters with religious authorities, regardless of their adherence to religious rulings.

The ethnographic analysis of these variations runs contrary to the typical subdivisions customary within contemporary Judaism, intuitively attributing more authoritarian practices to the more “stringent” Haredis (ultra-Orthodox). As demonstrated above, Herschel, a pious Haredi yeshiva
student, was happy to “shop around,” while Naomi and Elad, who practiced Jewish law more selectively, fully submitted to rabbinic authority when their fetus was diagnosed with a serious anomaly. To be clear, I do not have a definitive answer to explain why some couples seek one particular type of religious authority. However, my findings demonstrate that patterns of engagement with religious authorities cannot be directly linked to religious affiliation or levels of piety. This is something we need to explore in future studies.

Yet, my findings do reveal that dramatic life events challenge prior rulings. Traumatic experiences, like the death of a child or a miscarriage, have an especially powerful influence. Thus, notions of religious authority and ethical freedom are worked out across a biographical trajectory, as traumatic experience disrupts patterns of religious consultation and faith in religious authorities. These findings also push us to think about the ways in which authority fluctuates and changes in the lives of religious members as couples learn and unlearn the meaning(s) of religious knowledge. Sometimes, rabbinic mediation and guidance is exactly what they need. Sometimes, it is the opposite. It is not a black-and-white picture. The process changes from person to person, from couple to couple, and over the course of people’s lives. Based on these findings, I critique studies that offer overly harmonious depictions of religious authority by putting forward an ethnographic model that highlights inner diversity.

Further, in some cases, religious consultation is a sphere that permeates and reflects gendered power dynamics. In the Haredi (ultra-Orthodox) community, where gendered separation is more enforced and sanctioned, it is more common for men to consult rabbis in the absence of their wives. This created a particular gendered asymmetry, as men debated contraception in the absence of the women who would carry the consequence of these conversations. Yet, even among Dati (Religious Zionists) men and women, who consulted rabbinic authorities together, rabbis were selected due to prior and/or personal acquaintance, usually with the male spouse, which permeated a different configuration of gendered inequality. Vividly demonstrated in Shimmy and Ayelet’s narrative, gender influenced the ways they engaged with religious authorities, the ways they interpreted authoritative knowledge, and the way their relationship with the rabbi evolved as life events challenged prior rulings. Yet, it is important to note that these gendered dynamics are already in the midst of change, together with the emergence of Jewish female scholars who offer religious consultations themselves, thus creating new configurations of gendered power and knowledge (cf. Avishai 2008b).

I call for additional studies to explore gendered dynamics of religious authority as well as other power dynamics and structures of inequality that may be facilitated through encounters with mediators of authoritative knowledge. While my study focused on one particular group, these findings might be enhanced by putting forward another set of (powerful) questions, such as: How does social status, race, sexuality or ethnicity affect encounters with religious authorities? How do levels of literacy and piety affect the rulings that devotees receive and the ways they respond to them? And, finally, what power dynamics are in play when returnees or converts engage in religious consultation?

During my ethnographic encounters with Orthodox Jews, they frequently mentioned the famous Jewish teaching “Make for yourself a rabbi” (Avot 1:6). Yet, they interpreted this saying in different ways. Some interpreted that they need to follow one—and only one—rabbi on all matters and expressed a taboo-like rejection of “rabbit shopping.” Others understood this teaching merely as a suggestion and focused on the second part of the teaching, which continues, “and make yourself a friend” (Avot 1:6). Befriending a rabbi can then be interpreted more broadly as the process of consultation rather than abiding by their authoritative stances. To paraphrase Virginia Woolf, “A Rabbi of One’s Own?” engenders this tension in decision-making by going beyond hegemonic representations of religious authority and pointing to the importance of making one’s own decisions as part of a particular process of ethical self-cultivation.

Don Seeman (2015, 457) has argued that “it isn’t just differing semiotic systems that make the worlds in which we live distinctive from one another, but also the differing textures of constraint, freedom, and compulsion that characterize their lived horizons.” My detailed account of one distinct system of decision-making invites anthropological attention to the ways individuals consult with mediators of authoritative knowledge, well beyond the scope of religious communities. I have shown that ethical self-cultivation can be found not only in the outcomes of our dilemmas but in the process of decision-making itself. Now, more than ever, people are reckoning with decisions amid the unprecedented uncertainties that characterize our times. As anthropologists, we must put a concerted effort in the examinations of the particular contours, textures, and horizons of the entanglements of ethical freedom.

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NOTES

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1. All names and identifying details have been changed to protect the privacy of research participants.

2. In this article, the term “Orthodox” refers to couples from a variety of backgrounds: Religious Zionist (Dati Leumi), ultra-Orthodox (Haredi) and national Haredi (Hardal). As discussed at length in the methodology section, during fieldwork in the Israeli Orthodox reproductive landscape, I found that couples from different groups attended nonsectarian settings to share their everyday difficulties. Based on this empirical setup, this study includes Orthodox couples from varied backgrounds. Yet, Hasidic sects were not incorporated into this study as they usually attend communal gatherings and thus did not attend these nonsectarian venues.

3. Fatwa is a ruling on a point of Islamic law given by a recognized authority.

4. As the geographical and cultural boundaries between these communities become more porous and less clear, the literature is reevaluating the distinctions within the overall sector (Zicher- man and Cahaner 2012; Leon 2009; Salmon, Ravitsky, and Ferziger 2006).

5. See Englander and Sagi (2013) and Irshai (2014).

6. Various ultra-Orthodox streams publicly opposed the founding of a secular Zionist-Jewish state, which was perceived as a threat to Jewish faith and observance. These ideas run contrary to Religious-Zionist groups who embraced, supported, and even sanctified Zionism (Stadler 2009).

7. Research findings show how women all over the world are demanding access to religious texts and leadership roles (Abu-Lughod 1998; El-Or 1994; Mahmood 2005; Ochs 2007; Taragin-Zeller 2014, 2015). While some have been inspired by feminism, and others by a critique of it, there have been serious advancements in female education in both ultra-Orthodox and modern-Orthodox communities (Avishai 2008a; Caplan and Stadler 2009; El-Or 1994; Taragin-Zeller 2014). A growing number of female scholars have specialized in the field of Jewish law, creating new professions, such as Jewish Law Consultants (Yo’atot Halacha), where modern-Orthodox women train as specialists in Jewish law. Today, their toll-free hotline and website receive thousands of questions daily from women all over the world (Avishai 2008a).

8. Most classes were intended for women or couples. Due to strict gender separation, I was unable to participate in male-only lectures (rare as they were).

9. For a detailed discussion of women’s exemption from procreation see (Irshai 2012, 30–35) According to the Yerushalmi Talmud, one child is required to fulfill the commandment (JT Yevamot 6:6) and in the Babylonian Talmud, one or two children are necessary (BT Yevamot 61b–62b). However, Rabbi Joshua offers a different opinion, called “In the Evening,” asserting that one must never stop procreating (BT Yevamot 62b). Some authorities interpreted Rabbi Joshua statement as a rabbinic law (Dera-banan) meant to annul the limitation on the number of children needed to fulfill the commandment (e.g., Rif, Ba’al Hamaor, Rosh), while others understood it merely as a suggestion (e.g., Ramban, Rambam).

10. Hasidic sects tend to pursue relatively individualistic norms, and traditionalist Jews are not as committed to Jewish law and would naturally search elsewhere.

11. Modesty norms vary between communities (and can be viewed as hallmarks of each group). Yet, in all Orthodox communities, sexuality is governed by strict rules and intensive monitoring; boys and girls are segregated from a young age, and sartorial modesty is tightly enforced (Stadler and Taragin-Zeller 2017; Taragin-Zeller 2014).

12. Systematic sex education is fully addressed during marriage preparation. In a series of classes (that range in length and price), basic sex education is offered as well as detailed instructions regarding the laws of Niddah, a concept in Jewish law regarding menstruation when sexual intercourse is prohibited until immersion in a Mikveh (ritual bath). See Avishai (2008a).

13. Psychological studies have offered much attention to the ways personality types affect modes of authority, responsibility, and obedience (cf. Kelman and Hamilton 1989). Interdisciplinary collaborations might help shed light on these complex configurations of decision-making.

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