



# Ziegler School of Rabbinic Studies

OF AMERICAN JEWISH UNIVERSITY

## THE WORK OF OUR HANDS: INFERTILITY AND FAMILY ISSUES FACING THE JEWISH COMMUNITY

What is the work of one's hands?

Those are one's sons and daughters.

*Ketubot 72a*

It may just be my particular perspective, but it seems to me that infertility is a growing issue in the Jewish community. In grappling with the pressing challenge, it's important to recognize its complexity. Not all of the contributing factors are negative. There are actually several positive reasons why infertility is a growing Jewish issue. The first and most obvious of them is that women are now pursuing careers. Women are becoming educated; One regrettable consequence of this significant advance is that by the time men and women remember to get married, it's already on the later side. The vast preponderance of people within the Jewish community celebrates the achievements of young Jewish women. Who can fail to recognize that there is a hundred years of Jewish feminists who struggled, sacrificed, and fought so that Jewish women could enjoy meaningful educations, and pursue those careers from which we all benefit. But there is a price that is paid for that progress, in that young Jews, men and women, do postpone marriage, and that means that when they get around to having children, it poses a biological challenge.

The advance of women is one major contributing factor to the rise in issues relating to fertility. A second, equally positive factor is the phenomenon of gay and lesbian Jews, who desire to commit to monogamous Jewish relationships, to have children and to raise their children Jewishly. This is no less a blessing the ability of women to serve as professionals, and the Jewish community ought to encourage and facilitate Jews who want to be part of our community and who want to be able to bring their talent and their insight to enrich our Jewish world. But it is also clear that gay and lesbian Jews can't have children the old-fashioned way, which then raises issues about how that childbearing is accomplished and how the Jewish community responds to these would-be parents' needs.

Finally, there are Jews who are infertile — who simply cannot have children even though they want to.

Let's take a moment to clarify the traditional stance of Judaism about the bearing of children, and I need right now to distinguish between what Judaism teaches and what our Bubbies and Zaydes might have said. With all due respect, what Jews say about children often is not what Judaism teaches about children.

The standard Jewish opinion presented to young couples about the bearing of children is "why don't you, already?" That pressure applies almost without. The Jewish people have become a relentless PR machine, pressuring young people into the bearing of children whether they can or not, whether they should or not. In this regard, the stance of the would-be grandparents does not accurately reflect what Judaism actually teaches.

A fundamental principle of Jewish law is that a mitzvah only obligates people capable of fulfilling that mitzvah. Let's illustrate that ideal with an example: If you are isolated on a desert island, and the choice is to eat *treif* or to starve to death, then according to Jewish law you must eat *treif*. Kashrut is only a mitzvah for people who are capable of observing it. That caveat holds true for every other ritual mitzvah, as well. They are only obligatory if it is possible to fulfill them, so the first principle to recall is that it is a mitzvah (a commanded obligation) for people to have children only if they can. That rule means that there is already a large group of people for whom it is *not* an obligation for them to have children, according to traditional Judaism.

A second point to keep in mind: the biblical verse that mandates bearing children *pru ur'vu*, you should reproduce and multiply, found twice in the book of Genesis, is understood by halakhic tradition as pertaining only to men...a biological accomplishment of no small proportion. Technically it is only the Jewish *man* who is obligated to bear children. Rabbinic sources dispute whether his minimal obligation is to sire a boy and a girl, or whether two children of same gender suffice, but all agree that the minimum number is two. (According to halakhah, it is the job of a Jewish wife to facilitate her husband's performance of mitzvot, including this one. So although the wife is not herself obligated by the commandment of multiply, her willingness to marry him creates the presumption that she will willingly participate in this mitzvah.

One of the remarkable things about our age, though, is that there are a large number of people who cannot have children, or cannot have children without outside assistance. Those include people who are unmarried for one reason or another (they include gays and lesbians and they include couples for whom fertility isn't simple). I want to remind you that according to Judaism *pru u-r'vu* is a mitzvah only for people who are capable of fulfilling that mitzvah. For a couple who is incapable of bearing children biologically, Judaism imposes absolutely no obligation that they must (despite the pressures coming from the Jewish community, which doesn't make that important distinction).

The story cannot end there. We live in an age in which technology has expanded who can have children, and this also is a complicated blessing. *In vitro* fertilization, either with the sperm of the husband or with a donor, makes it possible for many couples that could not have had a child to now do so. Surrogate motherhood, in which another woman's uterus houses the ovum either of the mother or of a donor, offers another way

in which couples who were previously incapable of having children are now able to. A third, relatively new option is adoption, which has no formal standing in Jewish law. There is no Jewish ritual for adoption; there is no halakhic category for adoption; there is no procedure in traditional Jewish law whereby biological parents stop being parents and someone else starts being parent. True enough, it is a highly commendable good deed to adopt a child; it is a good deed of *gidel banim u'vanot*, the raising of boys and girls. In the sense that this is a commendable religious act, it is indeed a mitzvah, but it is no obligation. In the Bible, Mordecai raises his niece Esther, and she loves and venerates him for it. But he does not become her father, because Judaism *per se* does not provide such an institution.

These three modern options — artificial insemination, surrogate motherhood, and adoption — and perhaps others as yet undiscovered, allow people to become parents in ways that we were not prepared to acknowledge in the past, but which Judaism today. The Jewish community has an interest in assisting those who would be Jewish parents to be able to bear and raise Jewish children, for the sake of our survival as a people, for the sake of our covenant with God.

Were the Jewish community to acknowledge that there are many young Jews who are not obligated to bear children, that would constitute a great advance. Were the community to actively support insemination, surrogacy, and adoption for those who need that assistance in order to become parents, that would move us even further. But even those steps would no longer suffice. There remain some unresolved issues that compel us to venture beyond where Jewish tradition (as it is now formulated) has been.

- This unrelenting pressure on biologically-capable young Jews to have children is pernicious. I have seen so many times where rabbis give sermons pressuring people to have children and cause unbelievable pain to those Jews already brokenhearted because they are trying desperately to do just that -- and can't. Or, to those Jews who are wise enough about who they are to know that they are capable of loving children, but not of raising them. The unexamined conviction that every biologically capable Jew ought to be spawning legions of children is dangerous and negative, and it needs to stop. Judaism affirms that raising children is a good, if you do it well. For several years the Army understood a military career to be "The toughest job you'll ever love." But the Army is wrong; that is not the hardest job you will ever love. It can't hold a candle to being an Abba or an Ema, a Dad or a Mom. Parenting is surely the hardest job a person will ever love, and if someone isn't burning to raise children, then they shouldn't. We all know people for whom their having children was not a favor — not to their children, not to themselves, and not to the community.
- We need to acknowledge publicly that being family is not just a matter of raising children. Prior to my having children, when people asked me how my family was, they were referring to my parents and my sister. Once I had children, they were referring to my wife and my children. Please notice that my wife was invisible until there were children, and that we weren't considered a family until there were children. This is wrong. Recognizing only those families that have children teaches people that their dignity and their worth comes only if they are producing

another generation of Jews, and this error is arrogant and sinful. The worth of human beings is not measured by what we do but by our simply being. Each of us reflects God's image *as we are*, not simply as a tool for producing more. Families come in all shapes and sizes, not in one cookie-cutter mold, and our job as a community is to celebrate real families as Jews live them, to encourage and welcome them into living as much of a Jewish life as they are willing to incorporate.

Let me close by offering a decidedly untraditional interpretation of the biblical *pru u-r'vu*, one which I learned from Professor Richard Elliot Friedman. Notice that in Hebrew, *pru u-r'vu* – “you should reproduce and multiply” -- is in the second person plural. Contemporary, American English doesn't have such a category, but for those from the South, the translation would be “y'all should reproduce and multiply.” (For those of you who are from New York or Philadelphia, it's “youse guys...”.) I propose that we attend to the grammatical choices made in the Torah. This passage is not addressed to each and every individual, but to the group. If we translate that grammatical imperative into life, we would understand this mitzvah not to pertain to each individual Jew, but to humanity as a whole, to whom it was given. Humanity as a whole has an obligation to replicate and populate the earth. And the reality is that we have more than fulfilled that mitzvah. We have reproduced and multiplied, and we have *already* filled the earth. This mitzvah, therefore, is no longer operative. Armed with the more faithful reading of the Torah, we can then say to those Jews who are currently producing Jewish children, that they are doing it not as a fulfillment of *pru u-r'vu*; humanity accomplished that mitzvah long before any of us were born. What they are fulfilling is *gidel banim* -- the raising of children. That is a fine mitzvah on its own, but it makes a level playing field in which all Jewish parents, however they became parents, are doing the same mitzvah together. We need no longer strain after pernicious distinctions between one kind of parent and another. Instead, we can concentrate our efforts, as we should, on encouraging Jewish parents to raise their children in love, compassion, and faithfulness. The world needs more *mentsches*.

Hillary Rodham Clinton named her book based on an African proverb, which I like to Judaize: it takes a *shetl* to raise a Jewish child. And it takes all of us, nurturing each other and each other's children, to be able to do that. It is time for the Jewish community to recognize all Jewish families, not just the ones some of us favor. That is to say, specifically, we need to welcome gay and lesbian Jews; we need to welcome single parent families; we need to celebrate the families of those Jews who want to be with us, and who need our support and need our affirmation, and deserve it.

And then, finally, it means that when we talk about Jewish children -- and I say this with a heavy heart, as the father of an autistic son -- when we talk about Jewish children, we must mean all Jewish children. And the day has long passed in which the Jewish community can justify the way it ignores special-needs children by saying, “Well, we just can't afford it.” We can afford anything we set our minds to. And in an age in which we are fighting for our people's lives, we cannot afford to do anything less than our Creator, who made a covenant with our entire people, and so, therefore, should we.

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