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# BEYOND DISPUTE

## DEBATES THAT SHAPE JEWISH LIFE

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### UNIT 9

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## WHAT DO WE MEAN BY JEWISH CONTINUITY? THE LEGACY OF “BE FRUITFUL AND MULTIPLY”

Dr. Michal Raucher

### I. PRONATALISM IN JUDAISM: FROM BLESSING TO COMMANDMENT TO SOCIAL EXPECTATION

1. Genesis 1:27–28
2. Genesis 35:11
3. Tosefta Yevamot 8:7
4. David Ben Gurion, *Israel: A Personal History*
5. Elliot Dorff, *Love Your Neighbor and Yourself*

### II. IS PROCREATION AN ABSOLUTE VALUE?

6. Babylonian Talmud, Ketubot 39a
7. Maimonides, Mishneh Torah, Hilkhhot Ishut 15:2
8. Sylvia Barack Fishman, “Public Jews and Private Acts: Family and Personal Choices”
9. Binyamin Lau, “The Two Objectives of the Institution of Marriage”
10. Yitzchak Avi Roness, “Family Planning: The Postponement of Mitzvah Peru U-Revu”
11. Ronit Irshai, *Fertility in Jewish Law: Feminist Perspectives on Orthodox Responsa Literature*
12. Edward Feld, *The Spirit of Renewal: Finding Faith after the Holocaust*



## DR. MICHAL RAUCHER

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Michal Raucher is a JTS Fellow and Assistant Professor of Jewish Studies at Rutgers University. Her research lies at the intersection of Israel studies, Jewish ethics, and the anthropology of women in Judaism. Her first book, *Conceiving Authority* (Indiana University Press, 2020), is an ethnography of Israeli ultra-Orthodox Jewish women's reproductive ethics. Dr. Raucher is working on her second book, titled *Tapping on the Stained Glass Ceiling*. This book surrounds the recent ordination of women in Orthodoxy. She has also published on sexuality and gender in Judaism, religion and bioethics, abortion legislation in Israel, and female religious advisors on the Internet.

Dr. Raucher has been a visiting scholar at the Hastings Center and Yale University's Center for Bioethics. She has consulted for the United Nations Population Fund, where she worked with colleagues from around the world on improving reproductive and sexual rights and health for women and children. She is on the board for the Society of Jewish Ethics and Feminist Studies in Religion.

Dr. Raucher earned her PhD in Religious Studies from Northwestern University. She has an MA from the University of Pennsylvania in Bioethics and graduated from the Joint Program with The Jewish Theological Seminary and Columbia University.

## I. PRONATALISM IN JUDAISM: FROM BLESSING TO COMMANDMENT TO SOCIAL EXPECTATION

### 1. Genesis 1:27–28

<sup>27</sup> And God created human beings in His image, in the image of God He created him; male and female He created them. <sup>28</sup> God blessed them and God said to them, “Be fertile and increase, fill the earth and master it; and rule the fish of the sea, the birds of the sky, and all the living things that creep on earth.”

כז) וַיִּבְרָא אֱלֹהִים אֶת הָאָדָם בְּצַלְמוֹ בְּצַלְמֵם  
אֱלֹהִים בָּרָא אֹתוֹ זָכָר וּנְקֵבָה בָּרָא אֹתָם:  
כח) וַיְבָרֶךְ אֹתָם אֱלֹהִים וַיֹּאמֶר לָהֶם אֱלֹהִים  
פְּרוּ וּרְבוּ וּמְלֵאוּ אֶת הָאָרֶץ וּכְבֹּשְׁתָּהּ וּרְדוּ בַדְגַת  
הַיָּם וּבְעוֹף הַשָּׁמַיִם וּבְכָל חַיַּה הַרְמִשָּׁת עַל  
הָאָרֶץ:

### 2. Genesis 35:11

<sup>11</sup> And God said to him,  
“I am El Shaddai.  
Be fertile and increase;  
a nation, yea an assembly of nations,  
shall descend from you.  
Kings shall issue from your loins.”

יא) וַיֹּאמֶר לוֹ אֱלֹהִים אֲנִי אֵל שַׁדַּי פְּרֹה  
וּרְבֵה גוֹי וְקָהַל גוֹיִם יִהְיֶה מִמֶּךָ וּמְלָכִים  
מִחֲלָצֶיךָ יֵצְאוּ:

### 3. Tosefta Yevamot 8:7

*A compilation of Oral Law from the late second century, the same period as the Mishnah.*

Ben Azzai says: One who does not engage in procreation sheds blood and annuls the image [of God], as it says, “For in His image did God make human beings,” and it is written “And you, be fertile and increase.”

בֶּן עֲזִי אֹמֵר: כָּל שֶׁאֵינוֹ עוֹסֵק בְּפְרִיָּה וּרְבִיָּה  
הָרִי זֶה שׁוֹפֵךְ דָּמִים וּמַבְטֵל אֶת הַדְּמוּת,  
שֶׁנֶּאֱמַר: “כִּי בְּצַלְמֵ אֱלֹהִים עָשָׂה אֶת הָאָדָם  
וְכָתוּב “וְאִתְּם פְּרוּ וּרְבוּ.”

### 4. David Ben-Gurion, *Israel: A Personal History*<sup>1</sup>

*Polish-born Zionist leader; first prime minister of Israel (1886-1973).*

If the Jewish birthrate is not increased, it is doubtful that the Jewish State will survive. As we have seen, from 1951–1966 the Jewish birthrate declined from 26.1 to 16.1 per thousand, whereas among the Arabs it rose from 37.6 to 43.4. The bodies that must deal with this problem are Jewish

<sup>1</sup> Trans. Nechemia Meyers and Uzy Nystar (Tel Aviv: American Israel Publishing Co, 1971), 839.

men's and women's organization in Israel and the Jewish Agency.<sup>2</sup> And this must be done in two ways: (a) to bring home to the Jewish woman and the Jewish family that the future of their nation depends on their producing a sufficient number of healthy children; (b) to provide large Jewish families with more economic, social, and educational assistance...

Jewish women's organizations, such as WIZO (Women's International Zionist Organization) and the Working Mothers Organization, are doing good work....It is incumbent upon them to explain to women of European origin, as well as to those born in Israel and to every Jewish woman capable of understanding the unique needs of a nation such as Israel, that their prime obligation to their people is to have at least four children, and, as far as possible, within eight to ten years after getting married.

...Any Jewish woman who, as far as it depends on her, does not bring into the world at least four healthy children is shirking her duty to the nation, like a soldier who evades military service. And it is the duty of the Jewish people as a whole to provide women with the economic, cultural, and social conditions to enable them to give these children a proper upbringing and education.

### **5. Rabbi Elliot Dorff, "This is My Beloved, This is My Friend": Sex and the Family<sup>3</sup>**

*A leading ethicist and theologian of the Conservative Movement (Los Angeles, California, b. 1943).*

Those who can produce or adopt children should see it as a mitzvah of the highest order to have more than the minimal number of two, for nothing less than the future of the Jewish community and of Judaism depends on that.<sup>4</sup> The Jewish community, after all, lost a third of its members in the Holocaust, and...contemporary Jews are not producing enough children even to maintain their present numbers. Add to these factors the high rate of intermarriage and assimilation among Jews today, and it becomes clear that we Jews are in serious demographic trouble as a people. One needs a Jewish education to become an informed, practicing Jew, of course, but people can be educated only if they exist in the first place. The mitzvah of procreation, like all other commandments, does not apply to those who cannot fulfill it; but for those who can, propagation or adoption is literally a matter of life and death for us not only as individuals and as families but also as a people.

<sup>2</sup> Ben Gurion is intentional in arguing that the effort to increase birthrate is the responsibility of the Jewish organizations rather than the Israeli government. In his view, government policies that didn't apply to all citizens (both Jews and Arabs) would be seen as discriminatory.

<sup>3</sup> In *Love Your Neighbor and Yourself: A Jewish Approach to Modern Personal Ethics* (Philadelphia: Jewish Publication Society, 2003), 95.

<sup>4</sup> The Talmud (BT Yebamot 61b) determines that the commandment to be fruitful and multiply is fulfilled when a couple bears two children, a boy and a girl. Overall, fertility rates are higher than replacement level, but among liberal Jews, the rates are below replacement. Note that replacement is 2.1 because there is an understanding that not everyone will have children, hence the call for "more than the minimal number of two."

## II. IS PROCREATION AN ABSOLUTE VALUE?

### 6. Babylonian Talmud, Ketubot 39a

*The central body of Rabbinic law, dialectic, and lore, comprised of the Mishnah and the Gemara—the latter being an exposition and elaboration of the former. Two separate Talmudic compilations exist: the Babylonian Talmud (c. 500 CE) and the Jerusalem Talmud (also known as the Talmud of the Land of Israel, c. 400 CE).*

[It is permitted for] three [categories of] women to engage in relations with a contraceptive resorbent (*mokh*). These are they: a minor, a pregnant woman, and a nursing woman. [The *baraita*<sup>5</sup> elaborates:] A minor [may do so] lest she conceive and die; a pregnant woman, lest her [existing] fetus [be crushed by another fetus and] assume the shape of a *sandal* fish<sup>6</sup> [if she conceives a second time; and] a nursing woman, lest she [conceive, causing her milk to spoil, which will lead her to] wean her child [prematurely, endangering his health].

שְׁלֹשׁ נָשִׁים מְשֻׁמְשׁוֹת  
בְּמוֹךְ, אֵלוֹ הֵן: קֹטְנָה  
וּמְעוֹבְרֵת וּמִנִּיקָה.  
קֹטְנָה: שָׂמָּא תִתְעַבֵּר  
וְתָמוּת. מְעוֹבְרֵת:  
שָׂמָּא תַעֲשֶׂה עוֹבְרָה  
סַנְדַּל. מִנִּיקָה: שָׂמָּא  
תִגְמַל אֶת בְּנָהּ.

### 7. Maimonides, Mishneh Torah, Hilkhot Ishut 15:2

*Also known as Rambam (acronym for “Rabbi Moses ben Maimon”); halakhic codifier (Mishneh Torah), philosopher (Guide of the Perplexed), and communal leader (Spain and Egypt, 1135–1204).*

The mitzvah of being fruitful and multiplying is incumbent on the husband and not on his wife. When does a man become obligated to fulfill this mitzvah? From the time he reaches seventeen. If he reaches twenty and has not married, he is considered to have transgressed and negated the observance of this positive commandment. If, however, he is occupied with the study of Torah and absorbed in this endeavor and is hesitant to marry, lest he be forced to work to support his wife and thus be prevented from studying Torah, he is permitted to delay marriage—for a person who is occupied in the performance of one mitzvah is exempt from the obligation to perform another. Surely this applies with regard to the study of Torah.

הָאִישׁ מִצְוָה עַל פְּרִיָּה וּרְבִיָּה אֲבָל  
לֹא הָאִשָּׁה. וְאִימְתִי הָאִישׁ נִתְחַיֵּב  
בְּמִצְוָה זוֹ? מִבֶּן שֶׁבַע עָשָׂרָה. וְכִינֹן  
שָׁעֲבָרוּ עֲשָׂרִים שָׁנָה וְלֹא נָשָׂא אִשָּׁה,  
הָרִי זֶה עוֹבֵר וּמִבְטֵל מִצְוֹת עֲשֶׂה.  
וְאִם הָיָה עוֹסֵק בְּתוֹרָה וְטָרִיד בָּהּ  
וְהָיָה מִתְיָרָא מִלְשָׂא אִשָּׁה כְּדִי שְׁלֹא  
יִטְרַח בְּמַזְזוֹנוֹת בְּעָבוּר אִשְׁתּוֹ וְיִבְטֵל  
מִן הַתּוֹרָה — הָרִי זֶה מוֹתֵר  
לְהִתְאַחֵר, שֶׁהָעוֹסֵק בְּמִצְוָה פְּטוּר מִן  
הַמִּצְוָה, וְכָל שְׂכֵן בְּתִלְמוּד תּוֹרָה.

<sup>5</sup> A tradition in the oral law that is not incorporated into the Mishnah.

<sup>6</sup> We know this fish as “sole,” which got its name from its resemblance to a sandal.

## 8. Dr. Sylvia Barack Fishman, “Public Jews and Private Acts: Family and Personal Choices in the Public Square and in the Private Realm”<sup>7</sup>

*Leading sociologist of American Jewish life and Professor Emerita of Judaic Studies at Brandeis University (b. 1942).*

The vast majority of Jewish women still place enormous value on having children. Jewish women are less likely than any other religious or ethnic group to state that they wish to remain childless. Most American Jewish couples hope to have children “someday.” Unlike women of other ethnic groups, in which higher education is associated with lower expectations of childbearing, the more highly educated a Jewish woman, the more children she expects to have. Calvin Goldscheider and Francis Kobrin Goldscheider, relying on data that deal with expected family size, point out that among Jewish populations, “educational attainment is directly rather than inversely related to fertility expectations.” Thus, “Jews with doctorates expect 2.2 children and only 11 percent expect to be childless.”<sup>8</sup> However, highly educated Jewish women do not actually have as many children as they once expected to. Although Jewish career women are more committed to having children than other groups of career women, they are at least as likely as other white middle-class women to postpone the onset of childbearing until they have reached what they consider to be an appropriate level of occupational or financial achievement. In this new demographic, expectations often do not give way to reality. Jewish women aged 16 to 26 interviewed in a national study in 1969–70 expected to have an average of 2.5 children. That same demographic cohort, twenty years later, has in fact borne an average of 1.5 children, with a projected average completed family size of 1.7 children.

## 9. Rabbi Dr. Binyamin Lau, “The Two Objectives of the Institution of Marriage: ‘For She is Your Companion and the Wife of your Covenant’”<sup>9</sup>

*Rosh Beit Midrash of Beit Morasha in Jerusalem and author of numerous articles and books (Israel, b. 1961).*

In our society, people are marrying at a later age, and we must do everything possible to help young people enter into marriage. Recognizing that marriage is not just an instrument to facilitate bringing children into the world, but that it constitutes a value in and of itself—in that “it is not good for a person to be alone”—obligates the halakhic authorities to exert themselves to encourage young people considering marriage.<sup>10</sup> If leniency in the form of an allowance to delay the mitzvah of having children is likely to decide the issue in favor of a wedding, this should be given serious consideration. In contrast to the reasons that forbid a married man (as opposed to a bachelor) to delay the mitzvah of procreation, there are reasons to allow a couple to delay

<sup>7</sup> In *Jews and the American Public Square*, ed. Alan Mittleman, Robert Licht, and Jonathan Sarna (Lanham: Rowman and Littlefield Publishers, 2002), 274.

<sup>8</sup> Calvin Goldscheider and Francis Kobrin Goldscheider, “The Transition to Jewish Adulthood: Education, Marriage and Fertility,” paper presented at the Tenth World Congress of Jewish Studies, Jerusalem, August 1989, 17–20.

<sup>9</sup> Translated from the Hebrew in *Milin Havivin (Beloved Words)* Vol. 3 (2007), 65.

<sup>10</sup> Alluding to Genesis 2:18: “The Lord God said, ‘It is not good for a person to be alone; I will make a fitting helper for him.’”

fulfillment of the mitzvah for a limited period of time, provided that they translate their emotional attachment into a marital bond.

### 10. Rabbi Yitzchak Avi Roness, “Family Planning: The Postponement of *Mitzvat P’ru U-rvu*”<sup>11</sup>

*Doctoral student in the Talmud department at Bar Ilan University (Israel).*

It is also important to note that the Rabbis’ advice regarding the need to prepare a firm financial base [before marriage] is purposefully vague. The expression “to build a house and plant a vineyard” does not convey a clear notion in regard to the size of the home or the size and quality of the vineyard.... Yet the Rabbis’ directive here is that, no matter what minimal lifestyle one deems necessary for oneself, appropriate steps must be taken to ensure that this standard of living be maintained as one’s family and expenses grow, for otherwise domestic strife will surely follow. Far from being some sort of foreign, Western notion, a young couple’s financial considerations and concerns are fully in accord with the Torah’s understanding of the ideal way to set up a household.

### 11. Ronit Irshai, “Be Fruitful and Multiply” in *Fertility and Jewish Law: Feminist Perspectives on Orthodox Responsa Literature*<sup>12</sup>

*Dr. Ronit Irshai is a Senior Lecturer in the gender studies program at Bar Ilan University and a research fellow at the Shalom Hartman institute in Jerusalem (Israel).*

The Babylonian Talmud forbids conjugal relations during a time of famine. Let us consider the reason for the prohibition and its scope:

Resh Lakish said: A man is forbidden to engage in sexual intercourse during years of famine, as it is said (Genesis 41:50): “Before the years of famine came, Joseph became the father of two sons.” One sage taught: Those who are childless engage in sexual intercourse during years of famine. Our rabbis [i.e., the majority, in contrast to the named sage] taught: When Israel is sunk in sorrow, and one person withdraws from involvement in it, the two ministering angels that accompany a person come and place their hand on his head and say, “This person who withdrew from the community will not see the consolation of the community.” It was taught in another *baraita*: When the community is sunk in sorrow, a man should not say, “I will go to my home and eat and drink, and it will be well with my soul”... Rather, one should be sorrowful with the community. (Babylonian Talmud, Ta’anit 11a)

Resh Lakish’s statement can be understood in two ways. He may believe it is wrong to bring additional children into the world in a time of famine for economic reasons, so that there are not extra mouths to feed. From the ensuing discussion...it appears that the prohibition is based on a

<sup>11</sup> In *Milin Havivin (Beloved Words)*, Vol. 3 (2007), 77–78.

<sup>12</sup> (Waltham: Brandeis University Press, 2012), 47–48.

concern for social solidarity rather than economics. A person is part of a community, and he may not act for the sake of his own household without paying attention to and identifying with the troubles faced by the community as a whole.

**12. Rabbi Edward Feld, “Torah, Not History,” *The Spirit of Renewal: Finding Faith After the Holocaust*<sup>13</sup>**

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*Conservative rabbi and author; senior editor of the Rabbinical Assembly’s High Holiday Mahzor (Mahzor Lev Shalem) and prayerbook (Siddur Lev Shalem) (United States).*

The sixty years between the destruction of the Temple and the Bar Kochba revolution were among the most hermeneutically and legally creative in Judaism’s history. The fabric of Jewish life was interwoven with study, creative interpretation, and legal disquisition. Thus, when the rabbis of the generation of Bar Kochba had to decide which were the most central Jewish institutions to protect, the study and transmission of Torah stood out as the essential instrument of religious preservation.

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<sup>13</sup> (Woodstock, VT: Jewish Lights Publishing, 1994), 58–59.



**SUGGESTIONS FOR FURTHER STUDY**

1. Cohen, Jeremy. *“Be Fertile and Increase, Fill the Earth and Master It”: The Ancient and Medieval Career of a Biblical Text*. Ithaca: Cornell University Press, 1989.
2. Irshai, Ronit. *Fertility and Jewish Law: Feminist Perspectives on Orthodox Responsa Literature*. Waltham: Brandeis University Press, 2012.
3. Kahn, Susan Martha. *Reproducing Jews: A Cultural Account of Assisted Conception in Israel*. Durham: Duke University Press, 2000.
4. Lorberbaum, Yair. “Procreation: An Eternal Building,” pp. 224-250 in his *In God’s Image: Myth, Theology, and Law in Classical Judaism*. New York: Cambridge University Press, 2015.
5. Zoloth, Laurie. “‘Each One an Entire World’: A Jewish Perspective on Family Planning,” pp. 21-53 in *Sacred Rights: The Case for Contraception and Abortion in World Religions*, ed. Daniel C. Maguire. New York: Oxford University Press, 2003.