

# Religion, Culture and Gender Guides



The purpose of the Guides is to showcase the work of Manchester students on the theme of Religion, Culture and Gender in Britain, and provide creative, informative and critically informed resources on this theme.

## Orthodox Judaism and Infertility: Femininity and Masculinity

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*“Davina and I had been working together for about a year. We enjoyed working together but we just didn’t have that much in common. For Davina her world seemed to revolve around work but for me my career was my family. I’d always thought she was happy, she loved her job and was doing well in the corporate world, she had a caring and successful husband and they had just bought a beautiful home. As we were stood in the staff kitchen one day, she suddenly burst into tears. Everything was going so well in her life; except for one thing... they weren’t getting pregnant.”<sup>1</sup>*

Around one in six couples have difficulty conceiving, which is approximately 3.5 million people in the UK<sup>2</sup>. The generally accepted definition of infertility is the inability of a couple attempting to conceive a pregnancy for a period of 12 months or more. Female factors of infertility are the contributing factor 40% of the time, whilst male factors are the contributing factor 40% of the time whilst in the remaining 20% of cases it cannot be attributed to one partner and are considered to be a couples or unexplained issue<sup>3</sup>.

Infertility can present a difficult period for any family wishing to have children; however in consideration of Orthodox Judaism where a strong emphasis is placed on both men and women to have a family, the effects on their associated masculinity and femininity are to be explored in the following.

Daniel B. Sinclair comments that in the area of assisted reproduction, important moral issues are raised<sup>4</sup>. These include the value of natural procreation and the consequences of the technology involved for the family and its legal framework<sup>5</sup>. However these issues will be explored in smaller consideration to the difficulties around gender identity which arise from infertility and the associated medical treatments.

The Biblical *mitzvah* to be fruitful and multiply exists in Genesis 1:28 “Be fruitful, and multiply, and fill the earth”<sup>6</sup>. However it is due to Genesis 35:11 that the *mitzvah* is considered to fall upon men by the majority of rabbis as “And *Elohim* said unto him, I am *El Shaddai*; be fruitful and multiply”<sup>7</sup>. There is also a rabbinic commandment also not to leave the world desolate, which is applied to men only. However Judith R. Baskin comments that a minority of advisors are uneasy with exempting women

<sup>1</sup> Leah Weitz Cohen, “Facing Infertility” *The Jewish Woman*. Chabad.org, date unknown, accessed November 7 2013, [http://www.chabad.org/theJewishWoman/article\\_cdo/aid/402250/jewish/Facing-Infertility.htm](http://www.chabad.org/theJewishWoman/article_cdo/aid/402250/jewish/Facing-Infertility.htm)

<sup>2</sup> “Infertility - Introduction”, National Health Service, 20 November 2013, accessed January 2, 2014, <http://www.nhs.uk/Conditions/Infertility/Pages/Introduction.aspx>

<sup>3</sup> <http://www.jewishfertility.org/introduction-to-infertility.php>

<sup>4</sup> Daniel B. Sinclair, *Jewish Biomedical Law* (New York: Oxford University Press Inc., 2003), p.68

<sup>5</sup> Sinclair, *Jewish Biomedical Law*, p.68

<sup>6</sup> Bible Gateway, “Orthodox Jewish Bible”, Genesis 1:28, unknown date, accessed November 7, 2013, <http://www.biblegateway.com/passage/?search=Genesis+1%3A28&version=OJB>

<sup>7</sup> Bible Gateway, “Orthodox Jewish Bible”, Genesis 35:11, unknown date, accessed November 7, 2013, <http://www.biblegateway.com/passage/?search=Genesis+35%3A11&version=OJB>

from the responsibility to fulfil the commandment<sup>8</sup>. Notably, rabbinic scripture also states a man may divorce his wife after ten years if she has not conceived him a child, or ten years from a miscarriage and many biblical women are infertile. This would suggest that traditionally infertility has been considered a female issue, a fault of the female rather than the male.

Baskin comments that for the rabbis, procreation is a matter of masculine expression of potency quite different from the feminine role of bearing and giving birth to the fruit of male seed<sup>8</sup>. We can understand this concept of the rabbi's by applying Sandra Bem's Lenses of Gender<sup>9</sup>. The first lens is gender polarization, where separate scripts exist for being male and female. By suggesting that procreation is a matter of masculine expression, it is implied that procreation is a characteristic of the male script whilst birth and bearing children is a feminine quality of the female script. Androcentrism would suggest that men are the superior sex; hence they are obligated by biblical command to procreate rather than women. Finally biological essentialism would suggest that this difference in expectations from each gender is a result of biological difference and that male dominance is the norm.

Following the exploration of the origins of the emphasis on raising children, we shall consider the medical treatment available to men and women who suffer with fertility problems. When a man is unable to conceive through natural procreation, the couple may consider *AIH*. Only a small proportion artificial insemination cases involve *AIH*, which is generally recommended in situations where the husband suffers from anatomical defects in his sexual organ or from severe psychological impotence. *AIH* is permitted by most rabbinic authority but the minority opposition is based upon the prohibition of seed destruction, any situation in which the husband does not ejaculate his semen directly into the wife's genital tract must be avoided.

However the legal issue that arises in relation to *AIH* is whether it constitutes fulfilment of the biblical commandment to 'be fruitful and multiply'. Some authorities maintain that sexual intercourse is a vital ingredient in the performance of this *mitzvah* and hence having an *AIH* child does not constitute fulfilment of the obligation<sup>10</sup>. The essence of the competing view is that the obligation lies in the production of children, and the process is irrelevant.

A compromise position is adopted by Orthodox rabbi Shlomo Zalman Auerbach (1910-1955), who suggests that although *AIH* does not constitute performance of the biblical commandment to be fruitful and multiply but it does qualify for the fulfilment of the rabbinic obligations to populate the earth and not to leave it desolate.<sup>11</sup> It could be then considered that men who conceive by means of assisted reproductive methods are further from God than those who conceive naturally. However Shlomo Zalman Auerbach's view can be understood in light of R.W. Connell's theory of gender construction<sup>12</sup>.

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<sup>8</sup> Judith R. Baskin, "Infertile Wife in Rabbinic Judaism" *Jewish Women: A Comprehensive Historical Encyclopedia*. Jewish Women's Archive, March 1 2009, accessed November 7 2013, <http://jwa.org/encyclopedia/article/infertile-wife-in-rabbinic-judaism>

<sup>9</sup> Ursula King, "Introduction: Gender and the Study of Religion", in *Religion and Gender* (Oxford: Blackwell, 1995), p.8

<sup>10</sup> Sinclair, *Jewish Biomedical Law*, p.71

<sup>11</sup> Sinclair, *Jewish Biomedical Law*, p.72

<sup>12</sup> R.W. Connell, "Gender in Personal Life", in *Gender* (Cambridge: Polity Press, 2002), pp.76-85

R.W. Connell suggest that there is no one pattern of masculinity and femininity, unlike what is suggested by *rabbi's* who express the difference in procreation and child bearing. Connell suggests that there are multiple patterns of masculinity and femininity which result from differences in class, ethnicity and others. It is also stated that gender order is not static and so there are intergenerational differences. This theory of intergenerational differences could give light on why there are varying differences on the fulfilment of the biblical command. For example Orthodox Rabbi Shlomo Zalman Auerbach who was born in 1910 has a varying opinion from that of Daniel B. Sinclair, whom was born in 1955, the year Auerbach passed away. Connell's distinction that geographical location affects a gender identity can also be considered as Auerbach lived in Israel, which has a higher-concentrate of Jewish individuals, comparative to British where Sinclair was born. The wider influence of their societies will have influenced in opinion and resulted in slight differences when combined with the generational differences.

The differing opinions may have influence upon the man trying to conceive as he is expected to consult a *rabbi* regarding medical treatment and the halakhah ramifications. An Orthodox man would be expected to consult higher authority before going-ahead with any treatment and this can be seen in light of David Morgan's theory that not only are there a variety of masculinities but that they are all linked to each other in a hierarchy of powers<sup>13</sup>. A hierarchy of powers could be considered between the individual and his source of rabbinic authority such as a *rabbi* or another advisor, whereby one exerts his authority and thus power through the provision of advice and guidance. In turn the recipient may feel emasculated due to the hierarchy in place. However due to the nature of the relationship - that one of which is considerate and advisory - it should be considered that Morgan's theory isn't appropriately placed within this scenario.

Women face equal difficulties when experiencing difficulty conceiving naturally. *IVF* may be used in cases of female infertility. However objection exists amongst elder generation modern authorities, such as *Rabbi* Eliezer Yehuda Waldenberg (1915-2006). Waldenberg raises objections even in the case of a married couple using the wife's eggs, the husband's sperm and implanting the embryo into the wife's womb and not that of a surrogate. Since he doesn't contend that the obligation to reproduce falls on women, her husband is not justified in destroying his seed in order to facilitate the *IVF* which is designed to deal exclusively with female infertility. He also argues that as the fertilisation took place outside of the womb, that the resulting child has not mother under Jewish law.

The latter suggestion that the resulting child doesn't have a mother under Jewish law isn't considered by most modern authority, including Orthodox authority when a surrogate isn't used in *IVF*. Although Michael Satlow suggests that in the eyes of Rabbinic literature a woman is born a woman, and she cannot lose this standing, Adrienne Baker suggests otherwise, that a woman may be perceived differently based on her actions in the Orthodox community. For example she may be labelled a *moisser* if she is to speak to the outside world regarding problems in family life or others. Therefore when facing infertility problems, consulting outside of the rabbinic circle may result in a woman losing her standing as a women in her perceived community. Although the expectations of a Jewish man may be more clouded, scholars suggest that there is a more definitive script for being an Orthodox woman.

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<sup>13</sup> David Morgan, *Discovering Men: Sociology and Masculinities* (London: Routledge, 1992), p.45

The medical treatments explored above are a snapshot of those available to couples facing fertility problems in the Orthodox Jewish community, although all have *halakhah* consequences which are to be considered with a source of Jewish authority such as a *rabbi*. Infertility is a problem faced by many couples in the UK and religious beliefs can influence the decision made by a couple, especially when having children is a commandment of those beliefs. The implications of decisions can be explored in the light of gender theories put forward by Sandra Bem and R.W.Connell.

## **Glossary**

**AID:** The artificial insemination of a woman using donor sperm.

**AIH:** The artificial insemination of a woman using the husband's sperm.

**Elohim:** God

**El Shaddai:** God

**IVF:** In vitro fertilisation; fertility process in which a number of eggs are fertilised with sperm in a petri dish which are then implanted in the uterus.

**Halakhah:** Jewish law

**Mitzvah:** Commandment

**Moisser:** Informer

**Rabbi:** Teacher or scholar, especially one who studies or teaches Jewish law

## Bibliography

**Baskin, Judith R. "Infertile Wife in Rabbinic Judaism" *Jewish Women: A Comprehensive Historical Encyclopedia*. Jewish Women's Archive. March 1 2009. Accessed November 7 2013.**

<http://jwa.org/encyclopedia/article/infertile-wife-in-rabbinic-judaism>

Judith R. Baskin, Director of the Harold Schnitzer Family Program in Judaic Studies at the University of Oregon, received her Ph.D. in Medieval Studies from Yale University. Baskin's piece concentrates on infertile women, whilst it was desired for this piece the focus to be on men. However the article was incredibly informative in giving rabbinic context to infertility, similar to the rabbinic context given on male masculinity given by Michael L. Satlow.

**Bible Gateway. "Orthodox Jewish Bible" Unknown date. Accessed November 7, 2013.**

<http://www.biblegateway.com/>

The Bible Gateway is an online resource providing online access to various religious scripture, such as the Orthodox Jewish Bible. It is a Christian, mission-centered enterprise and although it provides good translation for text, there is limited information on where the translations originate. Therefore we are unable to determine the edition, print or published date of the Orthodox Jewish Bible and what the original source was to create the website. Despite this it has been used as it is deemed an appropriate source and the translations cohere with others available. Scripture was used to highlight the source of the command, as Orthodox Judaism treats the Hebrew Bible as divine revelation and observe the associated commandments strictly.

**Cohen, Leah Weitz. "Facing Infertility" *The Jewish Woman*. Chabad.org. Date Unknown. Accessed November 7 2013.**

[http://www.chabad.org/theJewishWoman/article\\_cdo/aid/402250/jewish/Facing-Infertility.htm](http://www.chabad.org/theJewishWoman/article_cdo/aid/402250/jewish/Facing-Infertility.htm)

The case study was adapted from Chabad.org, originally written by Leah Weitz Cohen. Chabad.org is part of Chabad-Lubavitch Media Center, which aims to use the internet to unite Jews worldwide and provide a deeper connection to Judaism's rituals and faiths. Cohen volunteers at the *Puah* Institute in Jerusalem. The intended audience of her article is Jewish women facing fertility problems, as it discusses the issue in a sensitive manner and states of the information and support available to women in similar situations. However her work wasn't informative of the *halakhah* implications of treatment in comparison to the work of Sinclair and didn't include evidence from scripture such as Baskin's article did so. However the piece was used as it highlighted the human side of infertility, especially in comparison to the lawful *halakhah* approach given by Sinclair and the factual account given by Baskin.

**Jewish Fertility. Accessed January 2, 2014.** <http://www.jewishfertility.org>

Jewish Fertility is a project of the PAUH Institute, which was established in 1990, to help Jewish couples suffering from infertility through the process of building a family. The intended audience of the website is anyone of Jewish faith facing infertility problems, however it does also provide information that is specific to Orthodox Judaism. Issues surrounding halakhah and treatment are explored in a more accessible way than that provided by Sinclair, however they lack the detail given by Sinclair and provide a basic overview in comparison. Despite this it has illuminated the topic by providing an insight into the support and help that is available to couples and the medical treatments.

**King, Ursula. "Introduction: Gender and the Study of Religion", in *Religion and Gender*, pp.1-38. Oxford: Blackwell, 1995.**

Ursula King is Professor and Head of Department in the Department of Theology and Religious Studies, University of Bristol, UK. She has lectured all over the world and published numerous books and articles, especially on gender issues in religions. Her introductory chapter provides an overview of various gender theories, including a summary of Sandra Bem's Lenses of Gender which was published by Bem in 1993 as "The Lenses of Gender: Transforming the Debate on Sexual Inequality". King's chapter mainly focuses on the study of women and so in the exploration of masculinities it provides a slight bias.

**Morgan, David. "Introduction" and "Problems of studying men" in *Discovering Men: Sociology and Masculinities*, pp1-23 and pp.24-48. London: Routledge, 1992.**

David Morgan is a British sociologist and former Presidents of the British Sociologist Association (1997-1999). His research focuses on family sociology, gender studies and especially men's studies. David taught in the Sociology department at the University of Manchester and is now an Emeritus Professorship at Manchester together with visiting Professorships at Keele University and the Norwegian University of Science and Technology. The intended audience of his *Discovering Men* will have been students and scholars of sociology. Although he doesn't approach masculinities from a religious standpoint, he brings valuable considerations when studying men.

**National Health Service "Infertility". Accessed January 2, 2014.**

<http://www.nhs.uk/Conditions/Infertility/>

The National Health Service's webpage on infertility provides UK information on medical diagnosis, treatment and statistics. The site has been certified by the Information Standard as a producer of reliable health and social care information. Sinclair's *Jewish Biomedical Law* was more useful in providing specific Orthodox Judaism perspective whilst the NHS website gave brief and limited information on procedures available to anyone suffering with infertility. The statistics available on the NHS website were great use in giving perspective on the various options.

**Satlow, Michael L. "'Try To Be A Man': The Rabbinic Construction Of Masculinity." *The Harvard Theological Review*, Vol. 89, No. 1, January 1996, pp. 19-40**

Professor Michael L. Satlow received his Ph.D. in "Ancient Judaism" from the Jewish Theological Seminary of America in 1993. Satlow specializes in Early Judaism and has written extensively on issues of gender, sexuality, and marriage among Jews in antiquity, as well as on the Dead Sea scrolls, Jewish theology, methodology in Religious Studies, and the social history of Jews during the rabbinic



period. His intended audience for the above piece are scholar and students of gender and Jewish studies. The piece provided a rabbinic insight similar to that by Baskin, however focused upon men rather than women. Although the article was useful and has contributed to the chosen topic, the rabbinic construction of masculinity is a rather flawed concept to apply to modern society.

**Sinclair, Daniel B. *Jewish Biomedical Law*. New York: Oxford University Press Inc., 2003.**

Sinclair is a scholar of Jewish law, and an ordained Orthodox rabbi. He has taught at several institutions of higher education, including Fordham University, New York and The Hebrew University of Jerusalem, Israel. During his period in the United Kingdom, he held the portfolio for medical ethics in the Chief Rabbi's Cabinet and drew up protocols on the Jewish law aspects of artificial reproductive techniques. Sinclair's intended audience for *Jewish Biomedical Law* is likely to have been students of ethics and law and potentially rabbi's. Sinclair's work has been invaluable in outlining the medical assistance available to couples within the framework of halakhah.