

FERTILITY

and Jewish Law



FEMINIST PERSPECTIVES ON

ORTHODOX RESPONSA LITERATURE

Ronit Irshai TRANSLATED BY JOEL A. LINSIDER

Brandeis University Press Waltham, Massachusetts

Brandeis University Press
An imprint of University Press of New England
www.upne.com

© 2012 Brandeis University

All rights reserved

Manufactured in the United States of America

Designed by Mindy Basinger Hill

Typeset in 11/14 Garamond Premier Pro by

Keystone Typesetting, Inc.

University Press of New England is a member of the Green Press Initiative. The paper used in this book meets their minimum requirement for recycled paper.

For permission to reproduce any of the material in this book, contact Permissions, University Press of New England, One Court Street, Suite 250, Lebanon NH 03766; or visit www.upne.com

Library of Congress Cataloging-in-Publication
Data

Irshai, Ronit.

Fertility and Jewish law: feminist perspectives on Orthodox responsa literature / Ronit Irshai; translated by Joel A. Linsider.—1st. ed.

p. cm.—(HBI series on Jewish women)

Includes bibliographical references and index.

ISBN 978-1-61168-239-7 (cloth: alk. paper)—

ISBN 978-1-61168-240-3 (pbk.: alk. paper)—

ISBN 978-1-61168-241-0 (ebook)

1. Conception—Religious aspects—Judaism.
2. Abortion—Religious aspects—Judaism.
3. Jewish law. I. Linsider, Joel A. II. Title.

BM538. C68178 2012

296.3'662—dc23

2012007839

This book was published with the generous support of the Lucius N. Littauer Foundation.

5 4 3 2 1

Contents

Acknowledgments	xi
INTRODUCTION Epistemology, Jurisprudence, and Halakhah: A Feminist Critique	1
Part One <i>Sex without Procreation</i>	
CHAPTER ONE “Be Fruitful and Multiply”	25
CHAPTER TWO Birth Control and Family Planning	53
CHAPTER THREE Halakhic Rulings on Abortion: A Historical Survey from the Rabbinic to the Modern Period	111
CHAPTER FOUR Abortion in Contemporary Halakhic Rulings	160
Part Two <i>Procreation without Sex</i>	
CHAPTER FIVE Artificial Insemination, In Vitro Fertilization, and Surrogacy in Liberal and Radical Feminist Approaches	203
CHAPTER SIX Artificial Insemination, In Vitro Fertilization, and Surrogacy: Halakhic Analysis	225
AFTERWORD The Gender Project in the Philosophy of Halakhah as an Exercise in Criticism	269
Notes	277
Bibliography	315
Index	343