

# Things We Should NOT Learn From 'Shtisel': Fertility and Jewish Law

April 14, 2021 Rabbi Dr. Kenneth Brander



The much-anticipated third season of “Shtisel” was finally released by Netflix a few weeks ago, and once again people around the world are glued to the screen, waiting to see what happens to this Israeli ultra-Orthodox family. One of the things that makes Shtisel such an appealing international phenomenon is that it offers a nuanced glimpse into an insular lifestyle and society that is usually obscured to outsiders, exposing the everyday dramas, romances, tragedies, and struggles with faith that resonate within us all.

And yet, I was disappointed by one of this season’s storylines, one that relates to the first verse in this week’s parsha, Tazria-Metzora: “when a woman conceives (*tazria*) and gives birth” (Vayikra 12:2).

For five years, the young couple Ruchami and Hanina have been trying to have a baby. After a series of devastating disappointments they understand that another pregnancy would put the fetus and, more importantly, Ruchami at life-threatening risk.

Unlike the nuanced portrayal of other aspects of Haredi living, the show doesn't incorporate the fact that halakha, Jewish law, has welcomed new technologies relating to surrogacy and egg donation. The very word 'halakha' comes from the root 'lalechet,' meaning 'to go forward', highlighting to us that it is not a collection of fossilized edicts but rather a way of life which is meant to address and incorporate new realities arising from contemporary living.

I don't want to give away too many spoilers for those of you who haven't yet seen this season, but suffice it to say that Shtisel's portrayal of the couple's infertility is not reflective of the normative Orthodox approach.

The Talmud (Tractate Shabbat 31b) shares that after 120 years, when we arrive at the Heavenly Court, we will be asked a series of questions:

Among others, we will be asked, עסקת בפרייה ורבייה?

The expression *pirya v'revaya* refers to reproduction. But what is the verb עסקת referring to?

The writers of Shtisel interpret the word עסקת through a narrow lens: "Did you successfully fulfill the commandment of reproduction?" But the word עסקת literally means "to deal with" or "to work at" something. Jewish tradition interprets the Talmudic question as "Did you try to procreate?"

Heroic measures are not required to fulfill any positive Biblical commandment; in fact, when they threaten our physical or psychological well-being, they are even discouraged.

Already in the 11th-12th century R. Menachem ben Solomon Meiri acknowledged that when science will achieve the capacity to help produce human beings without the natural intimate act, the achievement should be embraced. (Meiri, Sanhedrin 67b)

Mainstream halakhic literature discusses artificial insemination, IVF, posthumous paternity, and even the idea of “four-parent” babies born from a gestational carrier, a mother who donates the genetic nucleus of the egg, a female who donates the healthy mitochondria of the egg, and a sperm donor. And while there is not complete unanimity on these issues – as is true in so many areas – the great Torah scholars of this generation and of the past generation have embraced the advances of science and technology to enable couples to advance their dreams of having a family.

It is unfortunate that in Shtisel’s effort to introduce us to the Haredi community, it missed an opportunity to communicate the insightful, wise and compassionate attempts of so many great Jewish leaders and thinkers to link contemporary medical advances to the eternal values of the Torah and rabbinic literature regarding childbirth.

We should remember and reinforce that the strength of Jewish tradition is its capacity to deal with contemporary realities, opportunities and challenges through the prism of Jewish values and rooted in Jewish laws such as the ones we will read this week.

Shabbat Shalom.

*About the Author*

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