New Family?

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Aviva Harbater is an Orthodox Jewish activist who lives in Jerusalem. This article was originally presented in Hebrew at a Kolech Conference held in Jerusalem last year. The Responsa section of our website (jewishideas.org) has two responsa by Rabbi Yuval Cherlow on this topic, and we invite readers to read his teshuvot after reading this article. For more information on KayamaMoms, please visit their website http://www.kayamamoms.org. If you would like to support KayamaMoms, please contact Aviva at kayamamoms@gmail.com.

Together with some friends, I've established an organization called KayamaMoms. I'm religious, 40 years old and unmarried and I would like to have children. Like me, there are thousands of women in Israel and the rest of the world who have dreamed their entire lives about having a family but unfortunately have not yet found the right partner.

I won't hide from you that today's topic is very personal. As it happens many times in life, my own experiences have led me to realize that there is a collective social obligation on us to bring this matter out in the open and to enlist society, and specifically the Jewish world to this important issue. I don't pretend to be objective; however I sincerely hope that even those who are not in my shoes will understand and empathize with us, as there is an objective problem in the Jewish community.

From the Torah we already learn that the quest for children is existential, permanent and deep; it pushes many women, including our Foremothers, our heroines, to act in ways that are almost above human capacity.

Rachel says to Yaakov: "Give me children or I shall die". On this, Rashi says that the person who does not have children is considered dead. Ramban on the same verse says that what Rachel meant was that if she didn't have kids she would kill

herself with sorrow. We know that Yaakov was angry at Rachel for seeing her purpose in life in her “Eve” aspect of herself (i.e. – bearing children) and not in the “Isha (woman)” aspect of herself (i.e. fulfilling all the other womanly goals). Some Midrashic commentators criticize Yaakov for this reaction. Rabanan Droma in the name of Rabbi Alexandray wrote: “Yaakov was angry at Rachel…” Hashem answered him: This is how you answer women who are feeling such pain? – Your punishment will be that your sons will stand in front of her son (Yosef).

Chana who prays while "muttering "to herself and is accused by the High Priest of being a "drunk woman," defends her plight and continues to pray. And of course, it is only too appropriate to read the Gemara in Masekhet Berakhot in this context. It says in Shemuel I: “Chana is talking about that which deals with her heart” – “says Rabbi Elazar in the name of Rabbi Yossi ben Zimra: She was talking about what her heart was experiencing. She said to Hashem: Hashem – everything you’ve given to a woman was not in vain: You’ve given her eyes to see, ears to hear, a nose to smell, a mouth to talk, hands to do work, legs to walk, breasts to breastfeed: The breasts that you’ve placed on my heart – why should I not breastfeed? Give me a son so and I will breastfeed him! Elkana, her husband, doesn’t understand her pain and says to her: “I am better to you than 10 sons”. Society does not always understand a woman's need to bear children, while women throughout history felt the importance of having children and fought for it.

Let us consider some realities in our world today.

First, there is a higher ratio of women to men resulting in a larger number of single women than "available" men. Second, these women approaching 35 – 40, feel pressured because of their dwindling fertility rates while the men of corresponding ages do not feel such pressure.

How are women meant to deal with this gap?

Many women in the religious Orthodox world are now considering single motherhood by choice.

When women my age consider this bold step, there are many aspects that they must consider: Halakhic, psychological and medical.

Let me start with the Halakhic considerations:
There are sources that are brought forth by organizations like Puah that state that becoming a single mother by choice, even by medical intervention only, is an act of prostitution that negates ‘love thy neighbor as yourself.’ They call this step “an unacceptable intrusion upon the authority of the Torah”, and add that “new” is

forbidden by the Torah.

I think we need to employ some logic here. For instance, how is the use of donated sperm and IVF an act of prostitution? As for ‘Love thy neighbor as yourself’, we must look a little more broadly at this and consider the research that has been done on single parent families. In any case, why does the phrase ‘and you shall love your neighbor as yourself’ not also cover the thousands of women who will remain childless?

As for “new” being forbidden by Torah, each woman needs to consider to which community she belongs and whether belonging to that community is good for her.

The Halakhic issue of Yihus, status and lineage, also seems to come up here. But Rav Moshe Feinstein is of the opinion that a married woman is allowed to take sperm from a non-Jew. So how is it that there’s no problem with lineage in that case? And we know about many other cases where married women take donated sperm from a non-Jew, with Rabbinic permission. One of our members, Dr. Dvori Ross, did a full, important and very interesting research on the Halakhic sources and you are all encouraged to examine her research.

In the Talmud Tractate Yevamot 85b, there is a discussion on the issue of ‘be fruitful and multiply’. There is a question on whether the obligation to have children is only on the man or on the woman as well? Rabbi Yohanan ben Beroka says that the Halakha applies to both women and men, while the other opinion states that the woman is not obligated to have children as ‘conquering is not a womanly way’. The next section states that "conquering” is both on women and men (as it is written in the plural form). The final conclusion is that according to one opinion Halakha follows Rabbi Yohanan ben Beroka, while the other opinion states that Halakha does not follow Rabbi Yohanan ben Beroka.”

The tractate goes on to describe the case of a woman who asked for a divorce after she was married for ten years and did not have children. Rabbi Yohanan asked why she wanted a divorce since it was not she who had not fulfilled her obligation (i.e. she has no obligation to have children). She responded, ‘what will my fate be in old age? Who will look after me?’

What is clear from these and other sources is that there is at least one opinion that states that women are obligated when it comes to the verse ‘be fruitful and multiply’ i.e. to have children. Furthermore, even according to the opinion that she isn’t obligated to have children, her right as a women is valued with very high regard and she is able to request and receive a divorce.

The Meshekh Hokhma explains that the reason there is no obligation on a woman to have children is because Hashem's judgments and His ways are 'pleasant and all His ways are peaceful'; thus, you don't force anything upon a woman that is difficult and dangerous for her. And so, according to the Meshekh Hokhma, before the sin of Adam and Eve the woman was obligated to procreate (as well as the man) as the verse 'p'ru urvu' is written in the plural, but after the sin when 'be fruitful and multiply' is written in the story of Noah it says 'and He Blessed Noah and He blessed his sons', which means that the commandment was then only on men. To summarize, when giving birth was easy, women were also obligated to have children, but once it became difficult and dangerous they were no longer obligated.

A special thank you to Rabbi Benny Lau for these sources.

There is an additional issue here and that is the fear that siblings (of children born through IVF) could inter-marry, and therefore, a lot of Halakhic authorities prefer that women use sperm from non-Jewish men rather than from Jewish men, as there is no issue of family relationships amongst non-Jews. Another Halakhic option is to use sperm from a Jewish man who is not anonymous.

Rabbi Yuval Cherlow sums up the Halakhic issue thus: 'when a woman reaches the age where the chances of parenthood are expiring and when she has made all the efforts to get married and was not successful, one must not, according to Halakha, deny her hope'.

The Psychological Voice

Concern for the welfare of the child, the 'you shall love thy neighbor as yourself' if you will, must, of course, be examined.

There are those who say that becoming a single mother by choice involves a lack of consideration for the child, and is egotistical. Even if this were true, and I don't think it is at all true, is it really that different from children born to a bad marriage where the reason to have the child is to unite the parents? Is it so different when children are born to couples with no money to raise them? Where is the concern for the child in these cases?

There is research that states that single parenthood does not have that significant a negative impact on a child growing up.

Michael Lamm, Professor of Psychology, Cambridge University writes that what is important for the child is not the presence of one or two parents as they grow up,

but the quality of relationship with the parent, that the child feel supported and lives in a harmonious atmosphere in the home.

There is even research that suggests that children brought up with one parent can be more successful long-term than those brought up by two parents. In her book, ‘Choosing Single Motherhood,’ Mikki Morrissette suggests that many single mothers go further than their attached counterparts to find male role models for their sons, like grandfathers, uncles, godfathers, friends and teachers. Morrissette describes these as ‘collected families’ which give boys a broader variety of positive male role models. She also suggests that often boys of single mothers learn to deal with their aggression with more empathy than sons in traditional families. She asserts that these boys have a wider circle of interested parties and friends and thus they deal better with conflict and are often mature for their age. She has based these findings on research carried out over ten years focusing on sixty children who grew up without fathers.

Of course, as with everything, there are different opinions, but it is important to consider these details and remember that this conversation is about older, more mature women, women who are responsible, grounded and settled. We are talking about women who really really, from the depths of their souls, want these children, who want to give and bestow love. In comparison to the rest of the population I’m not sure how many come to motherhood from that place.

The medical challenges:

Usually, the chances of a woman over forty having a child is lower than 10% and of course the chances get smaller as the time goes on.

Today, the law in Israel that initially did not allow single women to freeze eggs, now does allow women between the ages of 30-41 to freeze eggs. One could therefore think that all our problems are solved. Thanks to the option of egg freezing it seems those women are now able to beat that omnipresent ticking clock. The trouble is that, in many cases, the closer a woman is to forty the more arduous is the process to become pregnant. The chance of pregnancy from a frozen egg is 17%. It is true that today there is new technology that boasts very high success rate for freezing eggs but we have to remember that only 17% out of 2-3 of these ovum end in a pregnancy. Additionally, a woman who freezes eggs and then waits is limited to the number of eggs that she had frozen. Despite the advances in the methods of freezing eggs, all experts agree that past a certain age (generally 40-41), there is a much higher rate of success to try and become pregnant through IUI or IVF. Also frozen embryos have higher rates of success

than frozen eggs.

Let’s also remember that the price of this process is at least 15,000 NIS. The older the woman, the higher the cost and it can be up to two or three times more. In Israel, the medical process to become pregnant even with fertility treatments is covered by national insurance including for single women.
Another issue to consider is whether it is good to wait even longer to conceive, despite this now being technologically possible, and to be mothers at forty-five or fifty. Do we really want our children to be looking after us all their lives?

Despite everything I’ve said, it is very important for me to state clearly that we are not in any way coming from a point of creating a ‘new family’; that’s why we put a question mark at the end of the title of this presentation.

We at KayamaMoms believe in the traditional family unit as the preferred unit. I doubt there is anyone who would choose single motherhood over married parenting. But as you’ve seen the number of singles is growing and, to quote Rachel again, the deep ‘Hava li banim’ ‘Give me children – otherwise I will die’ desire only grows more intense.

Therefore, we at KayamaMoms, are creating a supportive and sustainable community that empowers women who have already decided to take this bold step and will provide advice and guidance to women who are thinking about becoming single moms. The organization will create seminars, including a question and answer evening with rabbinical leaders including Rav Benny Lau and Rav Yuval Cherlow as well as psychologists and doctors. We will also be organizing Shabbatot, including a singles Shabbat for single mothers, in the hope that finally everyone gets married.

It is also important to point out that a bad marriage doesn’t provide a good family life for children, and therefore we do not encourage anyone to ‘get married, have children and then think again about the relationship’; this is not an idea that’s good for anyone.

Single parenthood is not simple. It is the giving up of a dream that we all grew up with, and as we give up this dream we usually have to mourn its passing. Single parenthood isn’t for everyone, either. We at KayamaMoms will encourage women to consider this amazing option, to understand that the clock really is ticking and that the decision not to make the decision, might end up being the final decision.

Within the framework of KayamaMoms we will also actively try to change the laws regarding adoption that currently make it extremely difficult for single women

who might prefer to adopt. We see adoption as a very noble and important act.

We will also work to equalize the prices of freezing eggs for single women to that of married women so that we don’t create a situation where singles become a disadvantaged group.

I am also aware that our community makes an effort to help singles get married. There are many different marriage orientated websites and believe me when I say I know every single one of them well, but I’m afraid that this wave, or tsunami, of single women who are growing older, is only increasing.

We also hope that KayamaMoms will help to raise awareness, so that people in the Jewish community work harder to introduce those around them towards matches that end in marriage.