

LIQUID LOVE, TRANS-HUMANISM & EUGENICS: ON PARADOXES IN POST-GENDER JEWISH FEMINIST THOUGHT

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ABSTRACT: My essay critiques concepts of “family fluidity” in the works of three leading American Jewish feminist thinkers: Judith Plaskow, Rachel Adler and Martha Ackelsberg. Based on “queer theory,” they question the very distinction between “man” and “woman” and the legitimacy of educating for a covenant between them. The term “fluidity” is borrowed from the works Zygmunt Bauman. In his book *Liquid Love* (2003), he criticizes the fluidity of boundaries in the sexual behavior of post-modern Western inhabitants. I address the serious bio-ethical challenges that follow the disintegration of these identities, ignored by feminist Jewish American thinkers.

1. Introduction

This paper, emerging from the field of modern Jewish thought, describes a turnabout that has taken place in the understanding of the family in liberal Jewish theology with the ascent of post-gender feminist ideology at the end of the twentieth century. Post-gender theory, which is often referred to as queer theory, originated with Michel Foucault and was further developed by Judith Butler and other thinkers.¹ This school of thought promotes the idea that there is nothing “essential” about any sex or gender. The very distinction between “two binary sexes” is a “fabrication,”² or “compulsive heterosexuality,”³ and therefore irrelevant and harmful to the well-being of humans and society and, as a result, to the well-being of the Jewish People. In her book *Gender Trouble* (1990), Butler dismantles any cultural significance attributed to one’s biological sex, and regards the cultural division between “male” and “female” as an injustice derived from taking the biological differences between men and women seriously. Post-gender theory relies on the basic assumption that “the body is not an entity,” but rather a “changing boundary.”⁴

Philosophically, I distinguish between postmodernism and its link to feminism and post-gender philosophy. Postmodern perspectives have contributed a more nuanced view of truth and morality to Western and Jewish thought and therefore have bequeathed a reading of the Bible and of Jewish rabbinic sources that is both more suspicious of previous readings and more creative at the same time. The fruitful interaction of postmodernism and feminism has also added a greater pluralism to the Jewish feminist worldview(s); it has allowed for the legitimacy of Orthodox and Sephardic Jewish feminist standpoints alongside liberal and radical Jewish feminisms and therefore resulted in a more pluralistic feminist Jewish world. The post-gender feminist thought that has emerged from the postmodernist perspective within Jewish feminism has questioned the very concept of “man” or “woman.” Although this is an interesting question to ask in the context of feminist philosophy, this paper will address another issue – the serious bio-ethical challenges that follow the disintegration of these identities and the detachment of their link to human biology. In this essay I will introduce and discuss a concept of the family embedded in the works of three of the central American Jewish feminist post-gender thinkers: Judith Plaskow, Rachel Adler and Martha Ackelsberg. The first two are among the most prominent theologians in contemporary American Judaism and their writings are part and parcel of the syllabus of

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¹ See Paul Rabinow, *Michel Foucault: Ethics, Subjectivity and Truth: Volume One*, trans. R. Hurley et al. (New York: The New York Press, 1994), 120-73.

² See Rabinow, *Michel Foucault*, 120-73. Thinking about gender in binary terms of male and female is, according to Butler, necessarily repressive, and from a political viewpoint one should attempt to deconstruct it (as in a drag performance). See Judith Butler, *Gender Trouble: Feminism and the Subversion of Identity* (New York and London: Routledge, 1990), 136, 141; Judith Plaskow, *The Coming of Lilith*, ed. Donna Berman (Boston: Beacon Press, 2005), 196-201.

³ Butler, *Gender Trouble*, 109-10; 138-41; 148.

⁴ *Ibid*, 139.

any basic anthology of contemporary Jewish thought in American universities.⁵ Ackelsberg is a sociologist and thus less well known as a Jewish thinker. However, her essay on the future of the American Jewish family is relevant to our conversation on the new “post-gendered” agenda of the Jewish family. Ackelsberg’s essay predates Plaskow’s and Adler’s discussions of the Jewish family and has most probably influenced their thought. Ackelsberg and Plaskow were both founders of B’not Esh, the American Jewish spirituality collective and Adler writes Jewish feminist thought.⁶ Plaskow and Adler are widely read and quoted by most female rabbis and feminist Jewish and non-Jewish thinkers both in the United States and Israel, and they influence both the non-Orthodox and the Orthodox Jewish feminist movements.⁷ I will demonstrate that their “fluid” perception of sexuality and the family is a new theme within the context of modern, non-Orthodox, Jewish thought which, despite its rebellious attitude towards Jewish Law and transcendental notions of God, remained quite traditional in its perceptions of the Jewish family throughout the nineteenth and twentieth centuries. It is important to emphasize that the sexual and spiritual union of the Jewish man and the Jewish woman in marriage is key both within the context of Jewish Law as well as within Kabbalistic literature, which was the main language of Jewish theology beginning in the Middle Ages and continues to be the central theological language of ultra-Orthodox communities until today.

Within non-Orthodox Jewish thought in the Early Modern period, we encounter, already at the beginning of the Enlightenment, a certain concern as to the ability of enlightened society to respect the framework of sexuality found in the traditional Jewish family, based on the union of Adam and Eve in the Bible. This concern was already expressed by Moses Mendelssohn, the father of modern Jewish thought, in his work *Jerusalem*, and by his Christian contemporaries.⁸ This pattern of thought continues like a crimson thread throughout the central stream of non-Orthodox Jewish thought during the modern period.⁹ This motif can be found in the works of Abraham Geiger in the nineteenth century and Mordechai Kaplan in the United States in the twentieth century; moreover it is supported by those of a more conservative tendency within liberal Judaism such as Zechariah Frankel, Heinrich Graetz, Hermann Cohen, Franz Rosenzweig and Abraham Joshua Heschel. Likewise, such Labor Zionist thinkers as A. D. Gordon and his Second Aliyah feminist followers such as Rahel Katznelson-Shazar, a literary critic and editor of the newspaper *Devar ha-Po'elet*, and Ada Maimon, an educator, leader and historian of the women’s workers movement in the Land of Israel — all upheld the centrality of the

⁵ See, for example, Jill Cozen Harel and Dr Eugene Borowitz, “A Practical Bibliography of Contemporary Jewish Thought,” Hebrew Union College-Jewish Institute of Religion (2008). Accessed online at: <http://huc.edu/faculty/faculty/borowitz/practbibl.shtml>; Elliot N. Dorff and Lewis E. Newman, eds., *Contemporary Jewish Theology: A Reader* (New York and Oxford: Oxford University Press, 1999), 255-62; 319-44.

⁶ On the connection between the three thinkers and their pivotal role in American-Jewish feminist spirituality and theology and within American contemporary Jewish thought in general (especially Plaskow and Adler’s works), see Martha A. Ackelsberg, “Spirituality, Community, and Politics: B’not Esh and the Feminist Reconstruction of Judaism,” *Journal of Feminist Studies in Religion* 2/2 (Fall 1986): 109-20; Hava Tirosh-Samuelson and Aaron Hughs, eds., *Judith Plaskow: Feminism, Theology and Justice* (Boston: Brill, Library of Contemporary Jewish Philosophers, 6, 2014); Ann. R. Shapiro, “The Flight of Lilith: Modern Jewish American Feminist Literature,” *Studies in American Jewish Literature* 29 (2010): 68-79.

⁷ On the clash between liberal and traditional perceptions as a result of different conceptions of sexuality see: “Freedom of Religion and Non Discrimination: Collision of Identities,” CEU-Central European University, Budapest, Hungary: Legal Studies Department, Conference June 7, 2013-June 8 2013. Accessed online at: <http://legal.ceu.edu/events/2013-06-07/freedom-religion-and-non-discrimination-collision-identities>; “Religion and the Public School: A Summary of the Law,” American Jewish Congress, 2009, 31. Accessed online at: http://www.ajcongress.org/site/DocServer/2009_RPS_-_August_09_Revision.pdf?docID=3621

⁸ Moses Mendelssohn, *Jerusalem*. Trans. Allan Arkush; introduction and commentary by Alexander Altmann (Hanover: University Press of New England and Brandeis University, 1983).

⁹ For studies on this subject see David Biale, *Eros and the Jews: From Biblical Israel to Contemporary America* (New York: Basic Books, 1992; paperback ed., 1993; Berkeley and Los Angeles: University of California Press, 1997). Benjamin Gross, “The Family in the Thought of Hermann Cohen and Franz Rosenzweig” [Hebrew]. Accessed online at: <http://www.daat.ac.il/daat/mahshevt/maamarim/hamishpaha-2.htm>; Susannah Heschel, “Family Celebrations as the Site of Transmissions of Jewish Identity: A Feminist View of Gender and Jewish Identity,” *Jahrbuch für Biblische Theologie* 18 (2003): 341-51; Max Weiner, *Abraham Geiger and Liberal Judaism: The Challenge of the Nineteenth Century* (New York: Jewish Publication Society of America, 1982), 184; Kenneth Koltun-Fronm, *Abraham Geiger’s Liberal Judaism: Personal Meaning and Religious Authority* (Bloomington: Indiana University Press, 2006), 64-83; Einat Ramon, *New Life, Religion, Motherhood and Transcendent Love in the Thought of Aharon David Gordon* (Jerusalem: Carmel, 2007) [Hebrew].

traditional concept of Jewish marriage, with certain adjustments regarding the entrance of women into the workplace.¹⁰

Thus, the concepts “male and female” and “man and woman” are central to the Hebrew Bible, rabbinic tradition and Kabbalistic and philosophical Jewish thought. Yet a post-gendered perspective finds the binary gendered paradigm of male and female problematic, even coerced and oppressive. The gap between post-gender feminism/queer theory, first promulgated by such thinkers as Michel Foucault, Judith Butler and others, as well as new medical findings concerning the biological and thus also sexual and psychological differences between men and women, is intellectually disturbing. In addition, the lack of awareness of the economic interests involved in the spreading of reproductive biotechnology that harms women and children, leads queer theorists, and in their wake contemporary Jewish feminist thinkers in North America, to unresolved internal contradictions, as I shall demonstrate.

To be more specific: the new medical reproductive technologies alter heretofore fundamental assumptions about life, allowing, on the one hand, for sexual relations without reproduction (thanks to the use of effective means of contraception and artificial abortions) and, on the other hand, reproduction without sexual relations (test-tube fertilization).

Following my analysis and critique of Plaskow and Adler’s readings of the first chapters of Genesis, I review the Jewish marriage, sexual and family structures which they and Ackelsberg advocate. In the third part of my paper I focus on three ethical problems overlooked by post-gender Jewish theologians and post-gender theorists in general who advocate family structures that propose an alternative to the family structures promoted by historical mainstream Judaism. I highlight the fact that the thinkers overlook the post-gendered Jewish (and non-Jewish) family reliance on two central advanced fertility technologies and the central ethical dilemmas arising from these technologies. These three overlooked ethical problems are: 1) The moral problem of anonymity of parents (in the post-gendered family, many of the children are born from an anonymous sperm donation); 2) Surrogacy that is not owing to a medical condition is a technological method through which one man or two male partners form a family without a mother. I review the co-modification of women in the surrogacy industry especially in cases where men order the baby; and lastly, 3) I highlight the un-pluralistic attitude of post-gender Jewish feminists towards traditional Jews. I point out that the three ethical problems contradict many of the axioms upon which the three thinkers build their argument. I argue that ignoring these ethical concerns creates inner contradictions within their thought.

My critique of post-gendered theory in the context of modern Jewish thought heavily relies on the works of the British-Jewish sociologist Zygmunt Bauman who, in his book *Liquid Love* (2003), criticizes the very idea of fluidity, that is the lacking of boundaries, in the sexual behavior of post-modern Western societies. The term “liquid” (or “fluid”) “love,” which repeats itself here and which spills over into the understanding of the fluidity of other socio-intellectual phenomena (e.g., family, sexuality, etc.), was coined by the thinker and sociologist Zygmunt Bauman, who called his book by that title.¹¹ In his work, Bauman relates this phenomenon to contemporary consumer ethics, which perceives the entire world as a gigantic supermarket within which products are bought, exchanged, and discarded. Bauman analyses the characteristics of post-modern Western global society of our generation in light of its widespread consumer thinking. He observes that within this context humans have lost their will for restraint and postponement of satisfaction, which are essential to the preservation of long-term social frameworks which, in the final analysis, also strengthen the individuals who live in those societies. But the post-modern man or woman is not prepared to pay the personal price for this.

¹⁰ See: Einat Ramon, “A Woman-Human’: A. D. Gordon’s Approach to Women’s Equality and His Influence on Second Aliya Feminists,” in Ruth Kark, Margalit Shilo and Galit Hasan-Rokem, eds., *Jewish Women in Pre-State Israel: Life History, Politics, and Culture* (Waltham: Brandeis University Press, 2008), 111-21; idem, “Ada Fishman-Maimon: Jewish Feminism and Israeli Parliamentary Legislation,” in Margalit Shilo and Gideon Katz, eds., *Iyunim Bitkumat Yisrael* (Gender in Israel: New Studies in The Yishuv and the State) (Beer Sheva: Ben Gurion University of the Negev–The Ben-Gurion Research Institute for the Study of Israel and Zionism, 2011), vol. 2, 731-70 [Hebrew].

¹¹ Zygmunt Bauman, *Liquid Love: On the Frailty of Human Bonds* (Hoboken: John Wiley & Sons, 2003).

On the basis of Bauman's analysis of patterns of love and sexuality in our generation, I wish to argue that, due to the widespread availability of possibilities for reproduction or the cessation of reproduction and their marketing by the medical industry, a certain fluidity has been created in post-modern concepts and patterns of the family in the West in general, and in the Jewish world in particular. The emphasis within post-gender Jewish feminist thought upon the fluidity of sexuality and family, widespread among liberal Jews in our time, is related to Jewish feminist theologians' policy of "the sky is the limit" with regard to the use of reproductive technology.

In addition, I find the works of the Canadian medical ethicist, Margaret Sommerville, especially her book *The Ethical Canary* (2006), extremely helpful in understanding the bio-ethical problems facing humanity (and in that context also the Jewish People) if we redefine marriage. Lastly, Andrea Dworkin's critique of the fertility industry in her book *The Coming Gynocide* is helpful in understanding the ethical dangers of the spread of surrogacy as a procreative method in a global economy. Employing these three theories has led me to the conclusion that post-gender feminism subconsciously serves the trans-human/post-human agenda. Trans-humanism is a school of thought that strives to remove the biological limits of humankind through means of bio-technology.¹² While trans-humanism or post-humanism also wishes to eliminate old age and death, I focus in this article on how post-gender feminism ultimately leads to eliminating natural procreation. It is important to point out that the theologians studied in this paper are not aware that their theologies lead to human cloning and ultimately involves eugenics.¹³ However, I highlight the fact that when treating biological complementary differences between men and women as a problem,¹⁴ then procreation without sex is the solution to the "problem," and this ultimately leads to cloning and eugenics.

2. On the Fluidity of Sexuality, Love and Family Structures in Post-Gender Jewish Feminist Thought

As mentioned in the introduction, the attack on the traditional Jewish family paradigm founded upon the marriage of a man and a woman was led by three central intellectual figures in Jewish feminist thought: Rachel Adler, Judith Plaskow, and Martha Ackelsberg.

2.1. Rachel Adler

Rachel Adler's main work on this subject is embodied in her proposal for an alternative marriage ceremony for establishing a relationship, the *brit ahuvim*, "the covenant of lovers," which is a ceremony for the uniting of two adults without regard to their biological sex.¹⁵ Adler bases her understanding of marriage on Genesis 1, which she reads as a text that breaks down and blurs the boundaries between male and female, recognizing the woman as a human being (as opposed to Genesis 2 and 3). She bases

¹² On the philosophical characteristics of trans-humanism as a world view with bio-ethical implications, aspiring to overcome all of the biological limitations of humankind, see Nick Bostrom, "A History of Transhumanist Thought." Originally published in *Journal of Revolution and Technology* 14/1 (April 2005); reprinted (in its present slightly edited form) in Michael Rectenwald and Lisa Carl, eds., *Academic Writing Across the Disciplines* (New York: Pearson Longman, 2011). Accessed online at: <http://www.nickbostrom.com/papers/history.pdf>; C. Christopher Hook, "Transhumanism and Post Humanism," in *Encyclopedia of Bioethics*, 3rd edition, 2517-2520. Accessed online at: <http://www.gale.cengage.com/pdf/samples/sp657748.pdf>. For a discussion of trans-humanism from a Jewish theological viewpoint see: Hava Tirosh-Samuelson, "The Transhumanist Project: Assessment and Critique," *Metanexus Institute*, July 19, 2009. Accessed online at: <http://vimeo.com/9836666>

¹³ It is interesting to study the analysis of the French Jewish philosopher Shmuel Trigano regarding the roots of trans-humanism in modern philosophy. Even though Trigano does not deal with the technological-evolutionary project, but with the Holocaust and the Jewish situation in Europe following the beginning of modernity, he presents an analysis that explains the philosophical underpinnings of the trans-humanism project: See Shmuel Trigano, *The Democratic Ideal and the Shoah: The Unthought in Political Modernity*, trans. G. Walker (Albany: SUNY Press, 2009).

¹⁴ *Ibid.*, 138.

¹⁵ Rachel Adler, *Engendering Judaism: An Inclusive Theology and Ethics* (Philadelphia: Jewish Publication Society, 1998), 169-207.

this insight upon a “deconstructing” post-modern reading of the text based upon the research of the Christian feminist Bible scholar, Phyllis Trible, who reads this text in its literal sense — as a text of unification and equality between male and female.¹⁶ Trible reads this text with sensitivity and caution, seeing Genesis 1 as the source of the separation of the human being from God and the separation of the human male from the human female, as well as implying the mutually complementary nature of the two sexes, as embodied in the word *tzelem*, image. Adler wishes to:

...turn Trible’s argument upside down and argue that in Genesis 1 human sexuality is itself a metaphor for some element of the divine nature. Something in God seeks to restate itself in flesh and blood. Perhaps it is God’s creativity, or delight, or the ingrained yearning for communion with the other that serves impetus for creation and for covenant. But something in God, in seeking its human mirror, reveals itself as both infinitely varied and utterly whole. That something is, as it were, God’s sexuality, which our own sexuality was created to reflect.

Genesis 1 refers to God both in the singular and in plural and, like Genesis 5, attributes both singularity and plurality to Adam. Adam’s plurality is its sexual diversity. We are incalculably various, and the most basic of our variations are sexual...¹⁷

Adler’s “upside down reading” seems to ignore the language and syntax of the Bible, as human sexuality according to Genesis is not “infinitely varied” but clearly divided into two binary and distinct sexes: male and female. Adler is correct in pointing out that the biblical text does not carry its egalitarian potential to its logical conclusion.¹⁸ Yet, perhaps because her reading is the opposite of what the texts say into Genesis 1, Adler names her reading of the Bible, and of Phyllis Trible’s very careful feminist interpretation, an “upside down” reading. Her subtle reading of “plurality” into the clearly complementary duality of human sexuality which is embedded in the text clearly marks a radical, albeit subtle, shift from the mainstream feminist reading of Genesis 1, as set already in the beginning of the nineteenth century by the first Protestant feminist readers of the Bible and compiled by Elizabeth Cady Stanton.¹⁹ Adler’s “upside down” hermeneutics ultimately moves Jewish (and Christian) feminist reading of Genesis from its original concern with women and its vision of equal companionship with men to a new focus: on sexuality and its different expressions and orientations. Adler’s subtle move in *Engendering Judaism* paves the way for more explicit feminist post-modern readings of Genesis 1 within Reform Judaism, all of which reject the centrality of the coming together of a man and a woman to form a family. In that spirit, another Reform rabbi and theologian, Maggie Wenig, has recently written:

How then should we read the biblical verse: “Male and Female, [God] created them”? I propose that we read it not: God (or nature) created every single human being as *either* male or female. Read instead: God created some human males, some female, others who appear to be female but know themselves to be male, and others still who bear a mix of both male and female characteristics. “*Zachar un’keva*” is, I believe, a merism, a common biblical figure of speech in which a whole is alluded to by some of its parts...in the case of this verse, the whole diverse panoply of gender and gender identities is encompassed by two words, “male” and “female.” Therefore, read not [that] God created every human being as either male or female, but rather, God created humankind *zachar un’keval*: male and female and every combination in between.²⁰

All of these readings reject the norm of the coming together of a man and a woman to form a family, (most often) through the act of procreation. Human sexuality is directed in Genesis towards sociological strengthening of the pattern of shared biological parenthood of father and mother, both in the individual couple and in the general message for human society, the offspring being the fruit and purpose of the

¹⁶ *Ibid.*, 118-19; cf. Phyllis Trible, *God and the Rhetoric of Sexuality* (Philadelphia: Fortress Press, 1978), 17, 21-2.

¹⁷ Adler, *Engendering Judaism*, 118.

¹⁸ *Ibid.*, 120-121.

¹⁹ Ellen B. Dietrick, “The Book of Genesis, Chapter 1,” in Elizabeth C. Stanton, ed., *The Original Feminist Attack on the Bible (The Women’s Bible)* (New York: Arno Press, 1974), 14-18.

²⁰ Margaret M. Wenig, “Male and Female, God Created Them? The Intersex, Transgender and Transsexual in Jewish Tradition and in Our Lives,” *CCAR Journal*/LIX/IV (Fall 2012): 138.

binary nature of human sexuality. The evidence for this unique message of the Bible is extensive. Phyllis Trible noted the first of these through her careful readings, in which she points out that the creation of male and female in the image of God in Genesis 1 involves a blessing for their shared fruitfulness: “male and female He created them; and he blessed them, and God said to them: Be fruitful and multiply.”

A second point I wish to add is the relation, according to biblical criticism, between the verses “male and female He created them” (*Gen.* 1:27) and “Each person shall fear his mother and father” (*Lev.* 19:3), both of which, according to biblical scholars, belong to the Priestly source of the Book of Holiness.²¹ One may infer from this that those sexual acts prohibited in Leviticus 18 and 20, according to which every departure from the union of male and female as parents of offspring *in potentia* or in actuality—whether through male homosexual sexuality or by turning a relationship of first degree consanguinity (parents, siblings, etc.) into a sexual relationship, i.e., incest—are seen as a corruption of the perfect path of creation sketched in Genesis 1: i.e., creation in the image of God. This, as against Adler’s claim that this list of prohibited sexual acts does not enhance sexual ethics, and that contemporary sexual ethics are superior to those of the Bible as, in her approach, the list of incestual prohibitions in Leviticus represents the institutionalization of patriarchal dominance.²² The purpose of sexuality in Genesis 1 is the realization of the divine blessing of fruitfulness by male and female together; hence it is “binary” but also egalitarian sexuality, one that creates parenthood flowing from the bodily union of male and female. In contrast, the sexuality described by Adler is barren. It does not entail any desire for fruitfulness, and thus differs from the literal sense of Genesis 1. There is no connection between sexual desire, as she describes it, and sexuality, childbearing and the joint raising of children. It is not for naught that Adler ignores feminist readings of Genesis 2 and 3—the second story of creation—which she understands *a priori* as a patriarchal text of creation. Adler is aware of the fact that Trible, and following her the literary critic Mike Bal, have demonstrated that we tend to read Genesis 2 and 3 with repressive patriarchal eyes, yet here too there are to be found kernels of cooperation and egalitarian mutuality between man and woman—but she prefers not to deal with these questions.²³

As against that, Adler interprets our sexuality as non-procreative:

Our sexuality marks us both as boundried and boundary-transcending. It is at once personal and transpersonal, private and public. Within ourselves, all by ourselves, is the capacity for eroticism. It is in our skin, our muscles, forested with twinning nerves, our blood gusting through us like rising and falling winds, our genitals raining their fluids, our senses all live to joy. Yet, sexuality also turns us towards the other. Overriding the physical and emotional boundaries that keep human beings distinct from one another, it urges us to open our portals, to extend ourselves, to create places of co/habitation where...we play, rapt in our desire, ever aware of the desire and the presence of the other. These places of communion we establish with our bodies, dissolving the boundaries of inside-outside, yours-mine, giver-getter, haver-holder, bespeak our likeness to the God the rabbis called *Ha-Makom*.²⁴

It is surprising that, in this context, Adler does not relate to the fact that (a) sexual encounters may often produce offspring, thereby entirely changing and expanding the union between a man and a woman, as it did in Genesis;²⁵ or (b) that while Adler admits that sexual boundaries are necessary, she argues that “the sexual integrity of the less powerful party must be guarded,” without specifying how this ought to be

²¹ Richard E. Friedman, *Who Wrote the Bible?* (San Francisco: Harper, 1987), 214-16, 246, 252; Baruch J. Schwartz, “The Strata of Priestly Writings and the Revised Relative Dating of P and H: Introduction,” in Sarah Schechtman and Joel B. Baiden, eds., *The Strata of the Priestly Writings* (Zurich: TVZ Theologischer Verlag, 2009), 1-12.

²² Adler, *Engendering Judaism*, 125-33.

²³ Phyllis Trible, “Depatriarchalizing Biblical Interpretation,” in *The Jewish Woman: New Perspectives* (New York: Schocken Books, 1976), 217-40. Adler’s article appears in the same anthology: Mieke Bal, ed., *Lethal Love: Feminist Literary Readings of Biblical Love Stories* (Bloomington and Indianapolis: Indiana University Press, 1987), 104-30. On the “Holiness School” in the Bible, according to the approach of Biblical criticism, see Baruch J. Schwartz, *The Doctrine of Holiness, Studies in the Priestly Code of the Torah*, (Jerusalem: Magnes, 1999) [Hebrew].

²⁴ Adler, *Engendering Judaism*, 118-9.

²⁵ See Rabbi Joseph B. Soloveitchik, *Family Redeemed: Essays on Family Relationships* (Hoboken: Ktav, 2002).

done.²⁶ She ignores the fact that sexuality may be focused entirely upon the self, even if the other is present. This latter option may often express contempt and thus covert or overt exploitation of the other, even if the sexual act is performed “consensually.” One should also note that the “upside-down” reading of the place of sexuality in Genesis 1 does not allow for any common discourse with a careful reading of the straightforward meaning. Those who read literally or homiletically (*peshat* or *derash*) cannot argue with Adler, as she belongs to a different, post-modern exegetical universe, lacking any common denominator with earlier methods, both traditional and academic.²⁷

2.2 Judith Plaskow

The approach to sexuality and family taken by Judith Plaskow, the most prolific among the Jewish feminist thinkers, both in terms of the quantity of her writing and in terms of her pioneering work in the field,²⁸ is not significantly different. Plaskow, like Adler, strongly emphasizes the value of eroticism in both the inner-personal context and in the inter-personal, holding that this is suppressed by Jewish halakhah.²⁹ Even more so than Adler, Plaskow thinks that man-woman relationships in Judaism are fundamentally patriarchal and heterosexist and that Genesis 3:16, “and your longing shall be towards your man/husband and he shall rule over you” encapsulates the Torah’s attitude towards the relationship between men and women; according to her, the *Tanakh* is lacking in any norm of egalitarian heterosexuality which is not repressive of the woman.³⁰ She thus sees the public reading of Leviticus 18 on the Afternoon Prayer on Yom Kippur as an expression of patriarchy and compulsive heterosexuality, characteristic of the approach of all of traditional Judaism.³¹

Moreover, as she testifies, the publication of her book *Standing Again at Sinai* (1989) brought to the fore the question of whether there may not be a certain value in reading the list of prohibited incestuous liaisons on Yom Kippur, specifically from the viewpoint of women who have been sexually molested, and thus perhaps find in this reading a certain protection. That challenge led Plaskow to more clearly explicate her own “halakhah” regarding the issue of rules and prohibitions governing sexuality. In response to this question, in her article, “Sexuality and Teshuvah: Leviticus 18,” Plaskow in fact formulates a set of alternative rules to those of the Torah.³² At its heart is the celebration of a “fluid” sexuality, including permission for sexual relationships with more than one partner, even within the framework of marriage, provided only that it is not hidden or done in a secretive way. Plaskow is deliberately silent regarding the question as to whether it is proper or improper, permitted or forbidden, to engage in sexual relations between mature adults of the first degree of consanguinity (incest), as well as to whether sexual relations and marriage between a Jew/ess and non-Jew/ess ought to be permitted.³³ In this article she expresses harsh criticism against what she considers the antiquated and restrictive “tribal” approach to sexuality, but alongside that statement Plaskow articulates a new limitation, perhaps even more severe than that of the biblical prohibitions (albeit one which is likewise not necessarily enforced by the liberal Jewish community in the United States): namely, an absolute ban against sexual relations between a person above the age of 21 and one below the age of 16. It is important to note that

²⁶ Adler, *Engendering Judaism*, 132.

²⁷ Adler’s hermeneutics represents a larger hermeneutical transition within liberal religious Jewish theology and scholarship. On this recent post-modern shift, see my article: Einat Ramon, “Two are Better than One: Historical Research and Religious Faith in the Thought of Zacharias Frankel, Heinrich Graetz and Solomon Schechter,” in Daniel J. Lasker, ed., *Jewish Thought and Jewish Belief* (Beer Sheva: Ben-Gurion University of the Negev Press, 2012), 163-90 [Hebrew].

²⁸ On this matter, see my article: Einat Ramon, “*Re’eh*-Behold, I Set before You This Day: Women in Ritual and Feminine Divinity: The Distinction between Paganism and Idolatry in the Thought of Judith Plaskow,” in N. Rothenberg, ed., *Wisdom By the Week: The Weekly Torah Portion as an Inspiration for Thought and Creativity*, trans. Shmuel Sermoneta (New York and Jerusalem: Yeshiva University Press and the Van Leer Jerusalem Institute, 2011), 577-84.

²⁹ Judith Plaskow, *Standing Again at Sinai: Judaism from a Feminist Perspective* (San Francisco: Harper and Row, 1990), 170-210.

³⁰ Plaskow, *Coming of Liliith*, 198.

³¹ *Ibid.*, 193-205.

³² *Ibid.*, 165-77.

³³ *Ibid.*, 165-77, esp. 176-7.

Plaskow recognizes that the contours she sketches for ethical sexuality break through the boundaries of the tribe/people. Hence, it is worth asking in the context of her proposals whether the existence of the Jewish people as such is desirable in her eyes, in what sense this is so, and, according to her approach, what limitations are ethically “allowed” for the purposes of its preservation.

From a talk given by Judith Plaskow at Bar-Ilan University a number of years ago, one can see that she is aware of the paradoxical potential of post-gender thought.³⁴ But in the final analysis she prefers to define the goal of Jewish feminism in terms of changing gender roles rather than in terms of empowering women or strengthening cooperation between Jewish men and Jewish women.³⁵

2.3. Martha Ackelsberg

Martha Ackelsberg, a lecturer in political science at Smith College and also a member of the Jewish-feminist prayer group in the United States, *B'not Eish*, “Daughters of Fire,” wrote similar things, albeit with different emphases, a number of years earlier. In Ackelsberg’s 1989 article, “Redefining Family,” she negates the value of the heterosexual Jewish family, which she sees as a paradigm for inequality and patriarchy—that is, to a large extent as the source of *all* evil in Jewish societies throughout the generations. In practice, Ackelsberg’s argument is that the inclusion of men and women with a same-sex orientation within the Jewish community requires a new definition of the family, and that only by means of a renewed definition of the institution of marriage and the family and by ridding ourselves of the normative nature of the traditional institution of marriage will it be possible to overcome and defeat homophobia. She sees homophobia and heterosexism as inherent in every division of roles between men and women and as harming heterosexual couples as well.³⁶

The absence of monogamy in the male homosexual community, according to Ackelsberg, does not necessarily signify a lack of faithfulness, even if in the era of AIDS it does entail certain dangers. Ackelsberg notes that male homosexual couples testify that their commitment to a long-term relationship does not necessarily exclude short-term sexual relationships with other partners. Even though she personally holds monogamy and faithfulness to be positive values, the discourse within the LGBTQ community regarding adherence to the value of monogamy is one which she finds challenging and creative and also likely to enrich the heterosexual community.³⁷ Ackelsberg praises the equality usually found in the relations of same-sex couples, which does not exist in heterosexual couples. Even though she takes care not to idealize same-sex couples, she does tend to see them as a model for couple relationship in general.³⁸ The absence of childbirth, which is often the case among single-sex couples, is likewise in her opinion not necessarily a negative phenomenon, but strengthens an ethos of Jewish continuity without genetic continuity. These models, which in her opinion strengthen the community at the expense of the family, ought to be learned by heterosexual Jews as well.³⁹ Ackelsberg maps new models for creating families among homosexuals and lesbians, with or without marriage, noting in this connection the possibility of adopting children, of fostering, or using “alternative” means such as, in the case of lesbians, the use of artificial insemination and/or the creation of an agreement between “homosexual men with a woman who will bear a child for them.”⁴⁰ These words were written in 1989, before the technology and technique of implanting the fertilized eggs of an anonymous woman into the womb of a surrogate mother had been developed and had become widespread within the LGBTQ movement and elsewhere. One is nevertheless surprised as to why Ackelsberg, as a staunch feminist,

³⁴ See “The View from Here: Gender Theory and Gendered Realities—An Exchange between Tamar Ross and Judith Plaskow,” in *Nashim* 13 (Spring 5767/2007): 207-16.

³⁵ *Ibid.*, 216.

³⁶ Martha A. Ackelsberg, “Redefining Family,” in Christie Balka and Andy Rose, eds., *Twice Blessed: On Being Lesbian or Gay and Jewish* (Boston: Beacon Press, 1989), 109-10.

³⁷ Ackelsberg, “Redefining Family,” 179-80.

³⁸ *Ibid.*, 114.

³⁹ *Ibid.*, 115.

⁴⁰ *Ibid.*

albeit a lesbian, defends social and even homosexual structures in which women function as a “womb for rent.” It may be that, within the context in which Ackelsberg wrote in the 1980s, such agreements, between two men who wished to raise their own biological child and the mother of the child, were of a less commercial and more egalitarian nature. Nevertheless, one is surprised that, at the time of writing this revolutionary article, it did not even occur to Ackelsberg that the use of these alternative technologies would lead human civilization upon a new path of “commodifying” women’s bodies so that they would become pregnant for someone who is not interested in cooperation with the woman as the mother of his/her child or children. Can it be that new forms of patriarchy have developed within the LGBTQ and liberal-religious community?

It is interesting that, notwithstanding the complex ethical questions already raised by this article from the end of the 1980s, Ackelsberg and Plaskow, in their more recent article, “Beyond Same-Sex Marriage,” reiterate the same arguments that were raised in earlier decades. They again wish to break through the framework of traditional Jewish family-life and sexuality (which reflects what has already happened within American Jewry), without turning their attention to the costs (as well as the benefits, from their viewpoint: the acceptance and recognition of same-sex couple relations) incurred and borne by the American Jewish community for these changes.⁴¹ Relying upon the statistics of American Jewry (which have become exacerbated today, some twenty years after Ackelsberg originally published her article), Ackelsberg noted, as she did with Plaskow in the more recent paper, that the Jews of the United States are marrying less and at a later age, that they have more sexual partners before marriage and fewer children, if at all, than any other religious minority in the United States. They do not see any of this as problematic.⁴² In response to the argument that such a situation is suicidal for the Jewish people in North America, Plaskow already responded in her 1998 article that an absolute expansion of the concept of the family also requires a new definition of continuity not connected with giving birth to a new generation.⁴³

3. *Post-Gender Jewish Feminism at a Dead End: Four Unconscious Contradictions*

There are several serious contradictions that emerge from the union between post-gender theory and the new reproductive technologies. In this section I wish to address those contradictions as open questions for further discussion following post-gender feminist Jewish theologians’ view of the Jewish family.

3.1 *On Feminist Contradictions: Between Post-Gender Feminist Theology and Gender-Specific Medicine*

Significant differences between men and women’s bodies that have medical implications are constantly being discovered but are ignored by post-gender Jewish theologians. On the one hand, there are studies investigating the symbiosis between culture and biological information. Those studies introduce the complexity of gender differences and the rare cases in nature where gender differences are not as stark as we assume. The biologist Anne Fausto-Sterling is an important scholar and researcher in that regard. Her studies reflect her commitment to “gay and women’s liberation” and a belief that to “shift the politics of the body one must change the politics of science.”⁴⁴ At the same time, discovery of the biological

⁴¹ Martha A. Ackelsberg and Judith Plaskow, “Beyond Same-Sex Marriage,” in Or Rose, Jo Ellen Green Kaiser and Margie Klein, eds., *Righteous Indignation: A Jewish Call for Justice* (Woodstock: Jewish Lights, 2008), 195-205.

⁴² Sylvia Barack Fishman, “Transformations in the Composition of American Jewish Households,” in Jerusalem Center for Public Affairs, <http://www.jcpa.org/cjc/cjc-fishman-f05.htm> and Mandell L. Berman Institute, North American Jewish Data, http://www.jewishdatabank.org/Reports/RecentTrends_Sheskin_2011.pdf, 46-47.

⁴³ Plaskow, *The Coming of Lilith*, 191.

⁴⁴ Anne Fausto-Sterling, *Sexing the Body: Biology and the Construction of Sexuality* (New York: Basic Books, 2000), 8; eadem, *Sex/Gender: Biology in a Social World* (New York: Routledge, 2012).

differences between men and women has also led to gender-specific medicine. Differing medical practices exist today for women and men in almost every branch of medicine.⁴⁵ And while women must make sure that “gender-specific medicine” will not harm their health due to medical paradigms that serve the interests of the medical industry,⁴⁶ responsible theology should take these findings seriously and question whether some of the findings upon which gender-specific medicine is based challenge the philosophical post-gender assumption not only in the fields of medicine and biology but also in the field of Jewish theology.

Consider the following information: Miriam Grossman, a psychiatrist from Los Angeles, who worked on the staff of UCLA recently highlighted in two consecutive detailed studies the gap between the new scientific-biological findings and contemporary post-gender assumptions.⁴⁷ She argues that these erroneous philosophical assumptions, originating in the viewpoint of those who adhere to queer theory, are translated in sexual education and in medicine into norms of sexual permissiveness and even promiscuity. These behaviours cause medical injury in terms of both the psychological and gynaecological guidance and care needed by youth and students, particularly by young women and female students.⁴⁸ Could it be that post-gender theology and thought, which regards the biological difference between men and women as “hetero-patriarchal” and contradictory to equality, ignores situations where consciousness of this difference might be medically and psychologically protective of women?

3.2 *On Feminist Contradictions: Preference for the Identity Issues of Parents over the Identity Issues of Offspring*

Another inner contradiction connected to issues of sexuality, family structures and reproduction relates to the field of bio-ethics.⁴⁹ In recent decades, such ethical thinkers in the Western world as Jürgen Habermas, Leon R. Kass and Margaret Somerville have been calling upon humankind to hold back/curb the rush towards a world in which these new reproductive technologies are used without restraint, as if “the sky is the limit.” They believe that a significant departure from the reproductive patterns existing in nature, which unite male and female, endangers the future of the human race.

One ethical problem particularly highlighted by the Canadian bio-ethicist Margaret Somerville is the violation of the human right of children of spermatozoa or ovum banks, born as a result of the “new family” and “identity politics” ethos, to know both of their biological parents. Thus, the second paradox of post-gender feminist thought involves the contradiction between advocating free expression of diverse erotic connections among adults as a human right, as against the restriction or limitation of the rights of those children born as result of this expansion to have a biological father or mother, or at the very least to know their identity and that of their genetic relatives. There needs to be an in-depth discussion of human rights within the context of religious thought that looks not only at the rights of parents to live in the family structure of their choice but also at the rights of children, at the very least, to meet their biological families, just as adopted children are entitled to do. Over and beyond moral warnings regarding the general human danger involved in the norm of selecting the qualities of a foetus,

⁴⁵ Esti Aharonovitch, “Soon: Separate Medicine for Men and Women,” *Ha-Aretz*, March 3, 2001 [Hebrew]. Accessed online at: <http://www.haaretz.co.il/misc/1.1165097>; Dan Even, “The Difference Between Psychiatric Problems of Women and of Men,” *Ha-Aretz*, March 18, 2012 [Hebrew]; Karin Schenk Gustafson, Paula R. Decola, Donald W. Pfaff and David S. Pisetsky, eds., *Handbook of Clinical Gender Medicine* (Basel and Freiburg: Karger, 2012); Marianne J. Legato, *Principles of Gender-Specific Medicine Second Edition* (Burlington: Academic Press, 2009).

⁴⁶ Omi Leissner, “Gender Medicine: Is It Good for Women?” *Hamishpat* 15 (2011), 481-523.

⁴⁷ Miriam Grossman, *Unprotected: A Campus Psychiatrist Reveals How Political Correctness in Her Profession Endangers Every Student* (New York: Sentinel, 2006), 8-9, 27-30, 153-62; eadem, *You’re Teaching My Child What? A Physician Exposes the Lies of Sex Education and How They Harm Your Child* (New York: Regnery Publishing, Inc., 2009), 35-82.

⁴⁸ Grossman, *Unprotected* (2006); Miriam Grossman, *You Are Teaching My Child What?* (2009).

⁴⁹ On the need for a shared ethics for people from different cultures in the world, see the lectures of Margaret Somerville, *The Ethical Imagination*, 2006 Massey Lectures, CBC Audio.

today it is statistically known that a majority (two-thirds) of the children born from anonymous sperm or ovum donations are interested in meeting their biological/genetic parents and family.⁵⁰

Thus, in her anthropological study of advanced reproductive technologies in Israel, researcher Susan Kahn expresses astonishment at the fact that the need of children, who are the offspring of sperm or ova banks, to know their biological-genetic families is denied. Rather surprisingly, even the Orthodox rabbinate grants permission (in the case of married couples and unmarried women), to engage in this method of reproduction—a consent deriving from the flexibility of the halakhah regarding the post-facto definition of parenthood.⁵¹ By contrast, Sommerville thinks that human society ought to assist (that is, to permit the use of sperm and ovum donations) only for purposes of reproduction in which a father and mother—preferably married to one another, although not necessarily—are involved, and even then only on the basis of a clearly defined medical problem.⁵² According to this approach, one ought not to assist people to bring into the world children who will not know the identity of their fathers or mothers. Sommerville emphasizes that one is not speaking here of interference of the state in the private life of its citizens. A woman is allowed, on a private basis, to become pregnant from a man and to conceal the identity of the father from her children. This may be improper or even reprehensible behavior, but it cannot be prohibited, nor can such a prohibition be enforced by law. The question Sommerville raises is: What kind of reproduction should the state assist? Ought our society (in this context: the state) assist in expanding the phenomenon in which children have no knowledge of their biological father or mother, and do not even have, at the very least, the opportunity of knowing who they are?⁵³

It is clear that Sommerville, who sees these technologies as “paving the way to cloning,” is completely opposed to the cloning of human beings, as is the German philosopher Jürgen Habermas. Both see cloning as an act of violent interference by humans upon nature, a severe limitation of human freedom, denying the next generation the freedom, like every other person upon the face of the earth until now, to be created by the past generation in the light of unexpected, unregulated biological data. Unlike that genetic data with which each person has been born throughout the length of human history, *intentionally imposing genetic data upon any person by the choice of the genetic makeup of the offspring’s “educational parents,” or by the state, is an unprecedented corruption without a future for human society—a point made by Habermas.*⁵⁴ Moreover, by making these technologies possible, it follows that the promotion of fluid sexuality leading to “fluid” family structures goes hand in hand with eugenics—genetic engineering in human beings. Eugenics was a popular idea among intellectuals, both Marxist and proto-fascist, during the early decades of the twentieth century. The roots of these ideas are found in Greek philosophy, which the Book of Genesis opposed and against which it posed the vision of the union between a man and a woman as an alternative (in the case of female infertility the union between one man and more than one woman).⁵⁵ Plaskow is presumably unaware of the third side of this triangle

⁵⁰ See testimonies at the “Anonymous Us” website:

<https://anonymousus.org/> and Liza Mundy, *Everything Conceivable: How Assisted Reproduction is Changing Men, Women, and the World* (New York: Alfred A. Knopf, 2007), 177-204.

⁵¹ Susan M. Kahn, *Reproducing Jews: Cultural Account of Assisted Conception in Israel* (Durham and London: Duke University Press, 2000), 166-71. In this connection see also Ronit Irshai, “Fertility, Gender and Halakhah: Gender Aspects of Contemporary Halakhic Rulings Concerning Issues of Reproduction (Contraception, Abortion, Artificial Insemination, and Surrogacy)” (PhD. diss., Bar-Ilan University, Ramat Gan, 2006) [Hebrew].

⁵² Margaret Sommerville, *The Ethical Canary: Science, Society and the Human Spirit* (Montreal and Kingston: McGill-Queen’s University Press, 2004), 48ff.

⁵³ See Einat Ramon, “Family on the Verge of Breakdown” [Hebrew], *Mekor Rishon: Shabbat*, 19 Av 5771, 19 August 2011. Accessed online at: <http://musaf-shabbat.com/2011/08/18/%D7%9E%D7%A9%D7%A4%D7%97%D7%94-%D7%A2%D7%9C-%D7%A1%D7%A3-%D7%A4%D7%99%D7%A8%D7%95%D7%A7-%D7%A2%D7%99%D7%A0%D7%AA-%D7%A8%D7%9E%D7%95%D7%9F>

⁵⁴ Jürgen Habermas, *The Future of Human Nature: On the Way to Liberal Eugenics?* (Cambridge, UK: Polity Press, 2003).

⁵⁵ A careful reading of Plato’s cluster of ideas concerning love, sexuality and the family clearly shows that neglecting the natural family pattern of man, woman and their children leads Plato to an ideology similar to that advocated by many revolutionary movements, including post-gender feminists in our day and age. Plato regards homosexual and lesbian union as a higher level of love, perceives heterosexual (i.e., procreative) unions as inferior, he advocates equality in the form of total resemblance in the education and social function of men and women. As a result of the neglect of natural motherhood, Plato calls for the dissolution of the natural family and the raising of children by the state. The state’s total responsibility for education eventually leads to eugenics (state

of ideas—eugenics. However, enthusiasm for the concepts of sexuality and family described in Plato's *Symposium* and *Politics* is not new to the world of feminist ideas and expresses a further aspect of the continuous thread tying Western society to ancient pagan ethics.⁵⁶

Lastly we must remember that already now, as a result of the elimination of the necessity for the sexual union of man and woman for the purpose of human procreation (thanks to the possibility of concealing the identity of the father or the mother through anonymous egg and/or sperm donations), even without cloning, advanced reproductive technologies involve an excessive interference in the determination of the genetic qualities of the foetus as opposed to that which takes place by means of natural reproduction.⁵⁷

3.3 *Feminist Contradiction: Family Fluidity and Women Trafficking in the Surrogacy Industry*

A third contradiction within Jewish post-gender feminist theology concerns the practice of surrogacy, which is necessary for the creation of families without mothers. Surrogacy and ovum donation are arguably problematic phenomena from an ethical viewpoint *ab initio*, and not only in the context of the new family. The selling of organs is very similar to slavery, thereby endangering egg donors and surrogates and their health.⁵⁸ Women who are not from a lower socio-economic background do not choose to support themselves in this manner; all the more so that they do not desire and are not guided to choose surrogacy as a “profession.” The Israeli experience of attempting to limit surrogacy for payment only to those cases in which the would-be surrogate assists a woman who is unable to become pregnant due to health or medical reasons, suggests that in certain very specific cases the surrogates may see themselves as performing an act of kindness to other women, and thus perceive their carrying a baby for barren women as a contribution to society. So long as surrogacy does not become a “profession” and only occurs once or twice in the life of a given woman, there are those who think that it constitutes an intermediate path, one which does not negate the legitimacy of surrogacy completely, but obviates it becoming an industry that accumulates wealth, while objectifying and enslaving women—all this, thanks to the strict limitations that Israeli law places upon the use of surrogates.⁵⁹ However, the fact that there

interference in procreation) and to a totalitarian regime that hides information concerning its family planning from the citizens of the state. On the idea of the inferiority of heterosexual love, Plato writes in *Symposium*:

“Each of us when separated, having one side only, like a flat fish, is but the indenture of a man, and he is looking for his other half. Men who are a section of that double nature which was once called androgynous are lovers of women: adulterers are generally of this breed, and also adulterous women who lust after men: the women who are a section of a woman do not care for men, but have female attachments; the female components are of this sort. But they who are a section of the male they hang about men and embrace them, and they are themselves the best boys and youths, because they have the most manly nature...and these when they grow up become our statesmen...when they reach manhood they are lovers of youth, and are not naturally inclined to marry or beget children...but they are satisfied if they are allowed to live with another unwedded; and such a nature is prone to love and ready to love that which is akin to him.” See *The Works of Plato: Volume One* (Pennsylvania: The Franklin Center, 1979), 280.

Once marriage between a man and a woman is no longer conceived as the highest ideal, it follows that a different framework for raising children emerges. Thus Plato introduces the following cluster of ideas:

“The wives of our guardians are to be common, and their children are to be common; and no parent is to know his own child, nor any child his parent...—And do you breed from them all indifferently, or do you take care to breed from the best only? —From the best...of either sex should be united with the best as often, and the inferior, as seldom as possible; Now these goings on must be a secret which only the rulers know, or there will be further danger of our herd, as the guardians may be termed, breaking out into rebellion...the number of weddings is a matter which must be left to the discretion of the rulers, whose aim will be to preserve the average of population?... — Certainly, he replied. We will have to invent some ingenious kind of lots which the less worthy may draw on each occasion of our bringing them together, and then they will accuse their own ill-luck and not the rulers...” See *The Republic*, Book V, in *The Works of Plato, Volume Two* (1981), 123-26.

⁵⁶ Susan M. Okin, *Women in Western Political Thought* (Princeton: Princeton University Press, 1992), 15-70.

⁵⁷ On the wish of elements within the LGBTQ community to achieve cloning between two men and two women, see Will Doig, “Born Again: Is Cloning the Key to Gay Reproduction?” in *Metroweekly*, January 16 2003. Accessed online at: <https://www.metroweekly.com/2003/01/born-again/>

⁵⁸ On the harm done to health and the exploitation involved in the industry of ovum donation, see: <http://www.eggsploitation.com/story-rd.htm>.

⁵⁹ Kelly D. Weissberg, *The Birth of Surrogacy in Israel* (Gainesville: University Press of Florida, 2005).

are no women from a higher socio-economic class who wish to work as surrogates suggests that there is also justification for prohibiting it completely, save in cases of “altruistic surrogacy.”⁶⁰

Moreover, a phenomenon of which we were not hitherto conscious is exposed by filmmaker Tzippi Brand Frank in a film released recently in Israel that received a prize in the 2009 Docu-Aviv festival, entitled *Google Baby*. This film demonstrates beyond all doubt that the normalization of male single-sex relationships substantially increases the size of the surrogacy industry, and with it the health dangers to which it exposes poor women and their enslavement within the framework of surrogacy. To this fact one must add the disturbing insight that in this context the use of surrogacy is intended entirely for the creation of families which exclude the mother and deny children the right to have or to know their biological mother, at least *ab initio*.⁶¹ This film suggests that the thought of Judith Butler, which ridicules biological differences between men and women and the reproductive pattern of man and woman in nature, goes hand in hand with the growth of the global trade in human beings—women and children—made possible thanks to the development of advanced bio-technology in the realm of reproduction and sophisticated means of international transportation. These phenomena show that there are cases in which the drag show, which serves as the basic metaphor for queer theory, cannot explain the reality in which women alone have ova and women alone are able to become pregnant. Reproduction within the context of the realization of the erotic-ideal of men who wish to establish families with other men alone implies the exploitation of women and the exclusion of women from the family.

The trade in poor women for purposes of reproduction was anticipated by the radical feminist philosopher Andrea Dworkin, who was a Jew and surprisingly also a Zionist, in her article “The Coming Gynocide,” published in her book *Right Wing Women*.⁶² Dworkin argued that, in the new prostitution of fertility developed in our own generation, doctors and scientists would serve as the pimps, and hospitals, in which women would be sold to men who buy their wombs in exchange for payment, would become the new brothels.⁶³ Dworkin, who died at an early age, anticipated that Christian religious women opposed to abortions would initially serve as opposition to this scientific dictatorship, until they, too, would be defeated by the male establishment.⁶⁴ But she could not have imagined in her wildest dreams that homosexuals, feminists and lesbians would encourage it directly or indirectly and would cooperate with this cruel oppression, under the cover of the medical industries and “advanced” science. The possibility of “breaking down” the woman’s body into individual organs of human reproduction (a medical deconstruction that is perhaps parallel to the “deconstruction” of texts and their reading in a manner opposite to their original significance), and apathy to the extent with which these practices are encouraged in post-modern society is, according to Dworkin, the first stage towards rendering women completely superfluous, thanks to the possibility of cloning and of the artificial womb, which are already just around the corner.

Another researcher, Janice Raymond (1993), completes the picture described by Dworkin of the age of the fluid family, by bringing another chilling testimony as to the manner in which the Global South serves as a reservoir of organs and children for the fluid and unrestrained cultural needs of the inhabitants of the Western world. Among other things, she brings testimonies of how young girls in South America are forced to become pregnant in order to give their children for adoption in the Global

⁶⁰ See: Jyotsna Agnihotri Gupta, “Reproductive Biocrossings: Indian Egg Donors and Surrogates in the Globalized Fertility Market,” *The International Journal of Feminist Approaches to Bioethics* 5:1 (Spring 2012): 25-51. Cf. Nofar Lipkin and Etty Semama, “Surrogacy in Israel: Its State as of 2005 and Suggestions for Changing Legislation,” at *Isha le-Isha*: a feminist site, Haifa [Hebrew]. Accessed online at: http://www.isha.org.il/upload/file/%D7%90%D7%99%D7%A0%D7%93%D7%A7%D7%A1/surrogacy_web.pdf

⁶¹ For the film “Google Baby,” see: <http://yes.walla.co.il/?w=2/8630>

⁶² Andrea Dworkin, *Right Wing Women* (New York: G. P. Putnam’s Sons, 1982), 147-194, esp. 183. (I wish to thank Dr. Ronit Ir-Shay for bringing this source to my attention).

⁶³ *Ibid.*, 182-188.

⁶⁴ *Ibid.*, 192-193. For an additional critique of the connection among the post-modern world view, the relativism that follows in its heels, and the “industry of deconstructing women into their organs,” see: Janice G. Raymond, *Women as Wombs: Reproductive Technologies and the Battle Over Women’s Freedom* (San Francisco: Harper San Francisco, 1993).

North,⁶⁵ a factor which also leads to the institutionalization of trade in the organs of children in the global world.⁶⁶

Beyond all else the question that must be asked is why there are no Jewish women thinkers who relate to the proposal of the feminist thinker, Donna Haraway, in relation to the cloning and creation of a new creature in place of humans, a cyborg. The cyborg is neither man nor woman, and is seen as an effort to contribute to socialist-feminist culture and theory in a postmodernist, non-naturalist mode and in the utopian tradition of imagining a world without gender, which is perhaps a life without genesis, but perhaps also a life without end.⁶⁷ Since this suggestion has been made, the question Jewish feminist theologians must ask is: “Are these uses of anonymous sperm and egg donations, surrogacy, cloning and artificial womb desirable from a feminist-female Jewish point of view? Where is the Jewish feminist voice suspicious of (most) new reproductive technologies, a voice that appeared clearly in *The New Our Bodies Ourselves: A Book By and For Women*, written as a health guide by members of The Boston Women’s Health Collective? In 1992 Ruth Hubbard with Wendy Sanford wrote the following:

From in vitro fertilization and sex pre-selection to embryo transfer, scientists and physicians are working hard on new technologies that could drastically change women’s relationship to childbearing...We want to support woman’s right to choose to have children by the means she sees best...Yet we have serious questions. The technologies involve a degree of invasiveness and medical manipulation of women’s bodies...We have questions, too, about the long-range goals of this research. One source lists as the final goal of reproductive engineering “the ultimate manufacture of a human being to the exact specification.” Who will decide these specifications?⁶⁸

When recommending sperm donor insemination the writers mention that “there are also arguments against anonymity,”⁶⁹ and when mentioning surrogate motherhood they write: “All surrogacy contracts or agreements should be unenforceable because no woman should be forced to give up a child based on a surrender signed prior to conception or birth.”⁷⁰ They conclude the chapter with a paragraph that states that “these techniques involve so much social and medical manipulation of women and of our reproductive systems that we think the risks and the costs are too high.”⁷¹ However, it would seem that once these technologies became available to all, the feminist voice so suspicious of modern reproductive technology, the ethical questions concerning anonymity, the exploitation of egg donors and surrogate mothers, and the agenda of engineering the human race—a nice term for eugenics—have all evaporated. When Plaskow published her 1998 essay on “Sexual Orientation and Human Rights,” highlighting the fact that “many lesbian or gay men do have or seek to have children,” she completely ignored the fact that the way in which the Jewish liberal community abandoned its “compulsory heterosexuality” in family and parenting structures was made possible due to the liberal access we have today to all those invasive reproductive technologies that socially and medically manipulate women’s bodies and deny children the identity of their biological family.

⁶⁵ Ibid., 134–55.

⁶⁶ Ibid., 154–87.

⁶⁷ Donna J. Haraway, “A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century,” in *ibid*; *Simians, Cyborgs and Women: The Reinvention of Nature* (New York: Routledge, 1991), 149–81 (originally published in *Socialist Review*, 1985).

⁶⁸ Ruth Hubbard with Wendy Sanford, “New Reproductive Technologies,” in The Boston Women’s Health Collective, *The New Our Bodies Ourselves* (New York: Touchstone, 1992), 386.

⁶⁹ Ibid., 388.

⁷⁰ Ibid., 389.

⁷¹ Ibid., 392.

3.4 *Feminist Contradiction: Pluralism vs. Post-Gender Theology - a Zero-Sum Game?*

The final contradiction between two feminist positions that I wish to discuss emerges with regard to the problem of pluralism and the legitimate authority of a particular Jewish community to determine its ethos and values. In *Standing Again at Sinai* (1989), Plaskow clearly places the authority of Jewish interpretation of halakhah, Jewish traditional laws, norms and customs, in the hands of the various different communities. In this book, despite her stereotypical hierarchical image of halakhah, she seems relatively comfortable with the image of a pluralistic Jewish world consisting of a variety of Jewish authorities and positions towards halakhah. She contrasts halakhah with the “fluid structure” of feminist ritual.⁷² She argues that “women are not socialized to make law,”⁷³ and that a feminist interpretation of halakhah is evident if “it points to non-nomian directions.”⁷⁴ But despite these narrow definitions of feminist approaches to Jewish law and norms (feminists obviously cannot defend Jewish law according to these statements), Plaskow, in *Standing Again At Sinai*, recognizes “the beauty of halakhic spirituality.”⁷⁵ She continues by writing that “the recognition of diverse constituencies as parts of larger communities involves an obligation to redefine communal life as the sum of all its pieces...If difference is threatening, it also holds power.”⁷⁶ Thus, she initially regarded the feminist Jewish community as pluralistic, accepting and even celebrating difference:

Some feminists might choose to commit themselves to halakhic Judaism...others might take halakhah seriously or articulate and codify the guiding norms of a new feminist practice but without making either set of norms the heart of their religious system. Others may make a sharp distinction between feminist principles and halakhah...⁷⁷

But in her later writings about sexuality and Judaism, Plaskow seems to retreat from her initial pluralism in *Standing Again at Sinai*. On the one hand, one must applaud her honesty and courage when she dares to admit that there is a grain of truth in her traditional opponents’ claim: “As I can indicate briefly, claims about the ‘givenness’ of gay identity are often based on faulty research and misrepresent or ignore evidence that undermines their premises...Not only are [sexual] identity labels not terribly reliable predictors of actual sexual practices, but they are also fluid over time.”⁷⁸

However, in light of her above statement one may conclude that if sexuality is indeed fluid, it is also legitimate for individuals, men and women, even in the face of same-sex attractions, to choose to live according to the traditional halakhic rules that channel the sexual behavior of Jews to expression within heterosexual marriage alone; or channel their sexuality at least towards the raising of children in the context of a (non-married) father and mother together. But that is not the case. She continues her statement by arguing that “Having said early on that I agree with conservatives that the weight of tradition is against homosexual expression, I am now suggesting that the tradition’s boundaries and categories require justification.”⁷⁹ That is a fair request. But Plaskow then argues that traditional concepts of marriage and sexuality are by definition unjust to women and to those with same-sex attractions. “Religious appeals to traditional prohibitions” she writes, “validate and contribute to negative and discriminatory attitudes and behaviours in the larger society.”⁸⁰ She thus seems to assume that there is no real justification for traditional halakhic sexual norms. According to these statements, any defence of

⁷² Plaskow, *Standing Again at Sinai*, 67.

⁷³ *Ibid.*, 66.

⁷⁴ *Ibid.*, 67.

⁷⁵ *Ibid.*, 69.

⁷⁶ *Ibid.*, 120.

⁷⁷ *Ibid.*, 73-74.

⁷⁸ Plaskow, *Coming of Lillith*, 183.

⁷⁹ *Ibid.*, 186.

⁸⁰ *Ibid.*, 188, 189-92

traditional Judaism from a feminist point of view is doomed to be wrong because it is not “anti-nomian.” Therefore one must ask if it is at all conceivable or even open for debate to claim that halakhah often protects women and children, as well as those people with same-sex attractions who wish to live in a society that promotes joint parenting by man and woman within the context of marriage? Is it legitimate, in feminist post-gender eyes for certain Jewish communities and individuals to educate their offspring and students to follow all, or at least some, traditional guidelines of sexuality, marriage and family, because they seem to them more protective of vulnerable individuals? Does the initial feminist belief in pluralism, in hermeneutic fluidity, and in the authority of communities, etc., stop when pluralism vis-à-vis different traditional communities is at stake? If this is the case, what is so fluid about the feminist method of *halakhic* interpretation? These questions ought to be answered if, as Plaskow correctly suggests, there should be a conversation “on the fruits of sexual relationships for self and community.”⁸¹

4. The “Liquid Family” and Modern Jewish Theology

It is interesting to note that, notwithstanding the widespread influence of post-gender Jewish feminist thinkers on the liberal Jewish world, there are very few thinkers in the non-Orthodox Jewish world who respond to post-gender feminist Jewish thought and dare to critique its ethos. One might note that the North American Reform Jewish thinker, Eugene Borowitz, even if he did not relate to questions involving changes in patterns of reproduction, already anticipated at the end of the 1960s that the sexual revolution would push many members of the Jewish people in North America away from what had until now been its traditional patterns of marriage, and from the understanding of sexuality as linked to the idea of a covenant with God. His book, *Choosing a Sex Ethic* (1969), concludes with melancholy reflections upon the unwillingness of the average American liberal Jew to adhere to the concept of the covenant between God and the Jewish people in general, and in relation to matters involving sexual ethics, in particular. Already then he anticipated that this commitment would be confined to a minority within the liberal Jewish population.⁸² Thus, the thought of Adler, Plaskow and Ackelsberg exemplifies the process anticipated by Borowitz, giving it the intellectual language that reflects the distancing of the liberal Jewish world from the world of halakhah and even from the post-halakhic modern tradition of the Jewish family that was predominant in the Jewish world throughout most of the twentieth century. Eliezer Schweid is perhaps the only non-Orthodox thinker who, in a speech given on the occasion of receiving an honorary doctoral degree from the Hebrew Union College in Jerusalem in 2007, dared to address the issue of reproduction:

Man [*sic*] can grow and exist in his human uniqueness only in a *polis*—that is, in a communal entity united by cultural communication...Only after children internalize the linguistic, behavioral and intellectual heritage which they received from their family, community and people are they able to become autonomous individuals (without sovereignty!). Only then are they able to realize their personal identity within their private, unique potential given them by their inborn nature...These are normative statements, confirmed by the experience of our personal-social life every day and every hour...The determinism implicit therein will be valid so long as human beings are born to parents in the natural way, as a result of their “primitive” union. This union is a norm of nature, which we continue to enjoy even in our sophisticated, post-modern age, notwithstanding its primitive nature—or rather, precisely because of it. But it seems that today people only wish to enjoy it in a sensual way, without bearing responsibility for its natural consequences. The difference regarding this issue between traditional social thinking, including modern thought, and post-modern thought, is rooted entirely in the issue of the readiness to willingly obey the existential norm rooted in human nature. In the thinking of the traditional community, this norm was understood as a duty, whose fulfillment is for man’s good. By contrast, in corporative post-modern social thought, it is related to as a constraint that restricts our sovereignty.⁸³

⁸¹ Ibid., 189-92

⁸² Eugene B. Borowitz, *Choosing a Sex Ethic: A Jewish Inquiry* (New York: Schocken Books for B’nai B’rith Hillel Foundations, 1969), 119-20.

⁸³ Eliezer Schweid, “In Face of the Processes of Pagan Privatization: Reviving the Norm of the Traditional Community,” an address at the Rabbinical Ordination and Academic Assembly (21 Heshvan 5768/2 November 2007), 30 [Hebrew].

This voice is an isolated one among contemporary Jewish thinkers.

5. Conclusion—Where Do We Go From Here?

Reproductive technology offers various options which did not exist in the past: choice of the foetus's gender (most often male); artificial abortion of foetuses whose birth was not planned or who carry even minor disabilities or diseases; hiding or nullifying the identity of the genetic father (through anonymous sperm donation) or mother (anonymous ovum donation); and trade in the bodies of women (surrogate wombs for purposes of carrying the foetus). The forecast for the near future includes, in addition, the invention of an artificial womb;⁸⁴ cloning of an infant from the genes of one individual or from those of several individuals; and genetic engineering with the aim of cloning a human with characteristics selected on the basis of the desires and worldview of his parents or of the society into which he is born.⁸⁵ In addition, there are those contemplating the cloning of a human being without any sexual characteristics or organs whatsoever.⁸⁶ Each of these possibilities, involving the creation of new kinds of reproduction unknown to previous generations of humankind, or the avoidance of reproduction and/or the avoidance/prevention of childbirth, have been discussed in depth from the ethical viewpoint and, among the Jewish people, from the halakhic viewpoint. Within the scope of the present paper we cannot deal with the detailed, specific ethical and halakhic implications of each of these bio-technological phenomena; rather, our concern here is to address their relation to the fluid concept of the family in contemporary Jewish feminist thought in the United States, and the unconscious connection between these new conceptions of sexuality and family and the “post-human” or “trans-human” agenda.

One voice, emanating from outside the Jewish community, is more specific regarding what we have learned about the culture of sexual and family fluidity of contemporary society, in which “performance” is the primary overarching pattern of thought. In his book on *Our Post Human Future*, Francis Fukuyama articulates his analysis of the post-human state of infinite freedom of Western society, which he sees as becoming subconsciously a kind of renewed and sophisticated slavery.

Since Plato's time, it has been widely understood among philosophers that the family stands as the major obstacle to the achievement of social justice. As kin selection theory suggests, people tend to love their families and relatives out of proportion to their objective worth. When there is a conflict between fulfilling an obligation to a family member and fulfilling an obligation to an impersonal public authority, family comes first. That is why Socrates argues, in Book V of *The Republic*, that a perfectly just city requires the communism of women and children, so that parents will not know who their biological offspring are and therefore will not favour them. Precisely because of the irrationality of family life, all real-world communist regimes targeted the family as a potential enemy of the state; the deepest fear that people express about technology is not a utilitarian one at all. It is the fear that, in the end, biotechnology will cause us in some way to lose our humanity—that is, some essential quality that has always underpinned our sense of who we are and where we are going, despite all the evident changes that have taken place in the human condition through the course of history. Worse yet, we might make this change without recognizing that we had lost something of great value.⁸⁷

Like Margaret Somerville, Jürgen Habermas, and Leon R. Kass, Fukuyama warns humanity that “unlimited reproductive rights” and “unfettered scientific inquiry” may very well produce a new

⁸⁴ See Irene Diamond, *Fertile Ground: Women, Earth and the Limits of Control* (Boston: Beacon Press, 1994), 61-112. On the aspiration to develop an artificial womb see: <http://www.artificialwomb.net>

⁸⁵ Andrea Dworkin, *Right-Wing Women* (New York: A Wideview Perigee Book, 1983), 147-94; see also: Janice G. Raymond, *Women As Wombs*.

⁸⁶ On the aspiration to develop an a-sexual human being see: <http://ieet.org/index.php/IEET/more/2347>

⁸⁷ Francis Fukuyama, *Our Posthuman Future: Consequences of the Biotechnology Revolution* (New York: Picador, 2002), 98-101. I would like to thank my colleague Dr. Paul Shrel-Fox for bringing this source to my attention.

tyranny that will not protect the values we hold most dear.⁸⁸ It follows, therefore, that feminist post-gender Jewish theologies and the theories upon which they rely blur awareness of the gamut of serious ethical problems raised by trans- or post-human technology. It would appear that significant sectors of Western liberal society see the spread of modern technologies of reproduction as providing an opportunity for liberation from the cultural-social framework that channels private and public sexuality into a family unit based upon the pattern of reproduction in nature—a man and woman bringing offspring into the world and raising them together. These changes, although now occurring only at the margins of Western society, are encouraged by powerful economic and political global interests that benefit from the collapse of the old norms and from the new ethos of “fluid-liquid love.” Hence a comprehensive public discussion of the social and ethical price thereof, over both the long and short term, is being prevented.⁸⁹

We must also ask: if we assume that communities are the ultimate authorities of *halakhah*, traditional Jewish norms and Law, is it legitimate and rational, from the point of view of the pluralistic perspective, for individuals and communities to live according to traditional perceptions of family and sexuality? One might hope that the answer would be in the affirmative.⁹⁰ If we take Plaskow’s advice and conduct a discussion “on the fruits of sexual relationships for self and communities,” such a dialogue might help us find a common ethic regarding reproduction that would limit our choices regarding the uses of reproduction technologies. In a generation that wishes to transcend all human limitations this might not be easy. However, it is about time that the Jewish people address the avoidance of anonymity of biological parents of Jewish children, and prevent the commodification of women (Jewish and non-Jewish) in the surrogacy industry.

I argue that the ethical issues involved in the fluidity of the concept of family in our generation are extremely complex, entailing as they do an unconscious integration of the agenda(s) of “fluid” or “liquid love” and “the new family” alongside the economic-philosophical agenda of trans-humanism or “post-humanism.” The space of the present article does not allow me to include a comprehensive discussion of trans-humanism, its arguments, and the challenges that stem from this philosophy. However, I have attempted to map the crossroads or meeting-place between the post-gender agenda and that of trans-humanism and the contradictions which this meeting brings about in relation to the original, historical vision of feminism: namely, the empowering of women and a better, closer relationship with men.⁹¹

Human culture generally, and Jewish culture in particular, saw the existential bodily situation of the human being and its vulnerability as “fertile ground” to be overcome by the human being, spiritually or emotionally, from which there developed ethics and culture. Technological intervention in order to completely remove the physical limitations which characterize humanity and the human condition is not merely a “gender” issue, seen by many as “marginal.” The philosophical-gender discussion today pertains not only to questions relating to the inclusion or exclusion of “marginal” populations such as women, unmarried people, individuals with a variety of sexual preferences, and children, but to a more fundamental question: What is a human being? Ought humans to confront their frustrations, loneliness and fears, which in the past served as a catalyst for spiritual growth, by means of far-reaching technological solutions which change their very nature and whose long-term results are unknown? In the wake of secular and Christian discussions concerning these issues, the time has come for the Jewish world to “roll up its sleeves.” Jewish theologians, feminists included, must relate to the complex, over-arching ethical challenges stemming from the new reproductive technologies. These are

⁸⁸ Francis Fukuyama, *Post- Human Future*, 218. See also Leon R. Kass, “Science, Religion and the Human Future,” *Commentary Magazine* (April 5 2007). Accessed online at: <http://www.aei.org/article/society-and-culture/religion/science-religion-and-the-human-future/>.

⁸⁹ On the moral cost of the agenda of removal from the traditional institution of marriage see: David Blankenhorn, *The Future of Marriage* (New York: Encounter Books, 2007); Douglas Farrow, *A Nation of Bastards* (Toronto: Bastian Publishing Services, 2007); Eugene Borowitz, *Choosing a Sex Ethic*, 118-20.

⁹⁰ On patriarchy in a permissive world and the traps involved therein, see Zippi Sa’ar, “What Hides Underneath the Zohar Wagner’s Nudity?” *Ha-Aretz, Galleria*, 3 May 2012 [Hebrew].

⁹¹ Mary Wollstonecraft, *A Vindication of the Rights of Woman, 1792* (London: Penguin, 1992).

of great significance to the future of human existence in general, not only as viewed through the halakhic-behavioural or legal lens but as these meta-questions relate to the future of the Jewish people and to that of humanity as a whole.⁹²

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