



נדרים דף ק

English Halacha Topics

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Fertility Treatments

The Mishnah on 90b states that in three cases, a wife would be granted a get and receive her kesubah money. One is “the heavens are between me and you,” which the Ran explains as a claim that the husband is incapable of bearing children naturally, see there. The reference to the heavens means that “Hashem knows I am telling the truth.”

Fertility treatments are subject to extensive debate in the Poskim, particularly the treatment of IVF (in vitro fertilization). Sperm is taken from the man and combined with the ovum in laboratory conditions until fertilization occurs, upon which it is reinserted into the uterus. IVF has been generally approved by the contemporary poskim as a permissible solution when childbearing is not possible in the natural way.

However, it took some time until the rabbonim allowed it. In a teshuvah from 1981, the Tzitz Eliezer (15:45) forbade it. It was then a relatively new procedure and the director of Shaarei Tzedek hospital asked his opinion. He ruled against it due to several issues, some of which we’ll elaborate upon.

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He argues that since reproduction did not occur naturally, the man is not considered the father of the child (perhaps even the woman is no longer the mother, once her eggs are removed). However, the Shevet Halevi (9:209) wrote that conception through IVF renders the couple as the parents in all areas of halacha. Another question is if they thereby fulfill the mitzvah of “pru urevu,” of having children, when done in this unnatural fashion. Rav Wozner stated emphatically that they do. He added that if it’s a boy born on Shabbos, the bris should be done on Shabbos. This is also the opinion of Rav Elyashiv and the Minchas Yitzchak, among others. Rav Wozner does emphasize that it should be done upon the instruction of a rav and with careful supervision. (As the Tzitz Eliezer bewailed, that we cannot trust secular medical staff to ascertain that the sperm is from the husband and not from a different man.)

But, what if a couple already has children but cannot conceive naturally anymore – can they use IVF to have more children? Here, Rav Wozner forbade it once they have at least one boy and one girl. It is permitted only to fulfill pru urevu. On the other hand, the Seridei Aish (3:5) allowed it. He maintains that there is no problem of “wasting seed” (hotzaas zera l’batala) because, on the contrary, it is not being wasted. Rav Shlomo Zalman Auerbach (3:103:16) also inclined to allow it, for there are other mitzvah aspects to having more children. “The world wasn’t created to be barren; it was formed to dwell in it” implies that one should bring as many children into the world as possible. Another reason is if the wife is anguished over their lack of a big family.

We will continue the discussion next week.

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