The value of life in the Jewish tradition:

Towards understanding Jewish bioethics

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Introduction: four perspectives on life as a value

The task ahead involves a translation from one culture to another; from Judaism to the academic discipline of bioethics. Whereas typical translation involves the articulation of a symbol from the original language in the target language, talking about the value of life requires a sort of "reverse engineering", that is to say, the explication of a symbol, or a set of symbols which are taken from the target language and reconstructing it in the original one. I will try to do this with caution, being sensitive to all level of meaning found in religion – from spiritual ideas, through morals, all the way to specific laws and opinions. Such endeavor will require multidisciplinary effort, drawing on jurisprudence, social history, moral theory and hermeneutics.

One may wonder whether the concept of "the Jewish tradition" is coherent enough. In this article, I draw mainly on rabbinic literature, ignoring new movements (e.g. Reform Judaism) and oral traditions and practices.

The Torah is called a "tree of life" (מייח ץע)[1]. To follow the word of God is "a choice of life" for oneself and for one's offspring[2]. Such life is the basis and the telos of everything. Because it is said, «he shall live in them [the laws of the Torah]», there is a duty to violate almost all the prohibitions in the Torah for the sake of saving life. The Torah desires that people live, before it requires them to fulfill their lives[3]. Sometimes, Jewish law prefers omission of good deeds, and even minor evils in order to protect people's sense of dignity and self-respect (דובכ תוירבה)[4].

In Judaism, the expression "the sanctity of life" (מייחה תשודק) means the sanctification of life by means of pure and holy lifestyles. There is no unifying and comprehensive term addressing the moral status of human life and its inviolability[5]. Put in philosophical terms, in Judaism, "the sanctity of life" entails an "appraisal respect", whereas no specific legal or theological concept encompasses 'recognition respect' for life as such[6]. In the Western traditions, "respect" is associated with awe from power[7]. The fundamental message of Judaism is that authentic power is never within this world, but beyond it – in God's hands, and in the hands of His delegates – judges and parents. The word "respect" (Kavod) is not found in the Torah in relation to life or any other worldly entity[8].

In Judaism, the value of life may be approached from four different perspectives. The first perspective on life is protective. It is an attitude of love, or at least compassion that does not allow us to harm life and destroy it. Hence, God admonishes the prophet Jonah, «You have had pity on the gourd (וויקיק), for which you have not labored, neither made it grow, which came up in night, and perished in a night, and should not I spare Nineveh that great city, wherein are more than six score thousand persons that cannot discern their right hand from left hand, and also much cattle»[9].

Jonah had no genuine respect for the gourd. He simply needed its shadow. But God expects man to care for the fate of human and

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non-human life, regardless of its utility.

The second perspective is about applying the value of life to real life situations – when it is permitted at all to harm or destroy life, to refrain from saving life and why. In Western ethics, this perspective is referred to as part of practical reason.

Ironically, the first prohibition on bloodshed is articulated in terms of the death penalty. "Whoso sheds man's blood, by man shall his blood be shed, for in the Image of God made he man".[10] The Torah does not tell us directly, "do not kill" the way God proscribed eating from the tree of knowledge. From the story on Cain and Abel we learn that this knowledge is self-evident; every person must recognize it naturally. Less clear is the fate of murderers, because they are persons endowed with inviolable life who personally violated the inviolable. If the first lesson on the value of human life is the self-evident character of its non-violability, the second lesson is that, paradoxically, the unique respect accorded to human life, sometimes entails the taking of life.

In Judaism, the value of life may be approached from four different perspectives

However, the rabbis have always maintained a very strong presumption against deliberate killing. Over and above being a unique moral offense against the Image of God in humans, homicide unravels the very fabrics of society. Maimonides refers to murderers as "complete evil" (רמג עשר), and worse than worshipers of idols and other sinners and malefactors [1].

The third perspective relates to the inherent value of creating new life. The blessing "be fertile and increase"[1] has been read by the rabbis as fulfillment of the Image of God in man[13]. The only Jewish benediction invoking the creation in the Image of God is said during the celebration of matrimony. Moreover, the Talmudic sages wrote that celibacy «diminishes the icon of God in the world»[14]. Such words are not to be found in rabbinic literature with regard to people who neglect their intellectual or spiritual faculties[15].

The fourth perspective on the value of life in Judaism is the most subtle and most resistant to conceptual analysis. Apparently it is not normative at all. It is about those things that are valuable within worldly life, even though they do not transcend beyond it, and even though they do not embody any religious or moral value, other than appreciation of life itself.

Recognition respect for life: its protection

Respect for life in the sense of non-harming is the essence of Jewish virtue ethics. The medieval book "Sefer Hahinnukh" (the book of formation) writes on the prohibition on futile destruction:[16] «The precept [«Do not destroy» לב תיחשת] is known to be rooted in teaching our souls to love and adhere to that which is good and beneficial. If we do so, goodness will cling to us and we will avoid all evil things and anything concerning destruction. And this is the way of virtuous people (hassidim). . . they will not let even a mustard seed be lost in the world, and they will grieve for any loss or destruction that they see, and if they can save, they will save everything from the destroyer, with all their might. This is not true of the evil ones…., who rejoice in the destruction of the world, and they are the destroyers».

It follows that the prohibition «Do not destroy» is not just one precept among many, but a behavior pattern which distinguishes a good person from a depraved one, a person who desires good from one who is indifferent to good or even desires evil.

In Jewish moral theology, being a Hassid is the most sublime virtue on the scale of rabbinic virtues[17]. According to "Sefer hahincuh", the chief characteristic of Hassid is respect for life, even in its simplest manifestation (a mustard seed is a synonym in the Talmud for the most minuscule unit)[18]. Awe or respect for life is not mentioned, but love and adherence[19].

The apparent Talmudic source for the comparison of the virtuous (Hassid) with the wicked is a passage expounding of scrupu-

lousness not to induce miscarriage[20]: «Three things have been said of nail-parings: he who buries them is virtuous (hassid); he who burns them is righteous (tzaddik); he who throws them away is evil (rasha). Why is this? Lest a pregnant woman pass over them and miscarry».

Though in several places, the Jewish sages compare a "righteous person" to an "evil person,"[21] this passage is the only source that juxtaposes the three key terms, "virtuous," "righteous" and "evil," (עשרו קידצ, דיסח) thus establishing the ground for Talmudic virtue ethics. Talmudic literature generally indicates that the difference between the virtuous or the righteous and the evildoer is the degree to which he or she distances oneself from destruction. The paradigmatic target of destruction is neither art nor rare natural objects, but incipient life. This is exemplified by the tiniest and apparently unnoticeable seed of mustard. The passage on the nail-pairings underscores care even when the chances of inducing miscarriage are very low.

Obviously, there is nothing wrong about eating mustard. Rather, the salubrious consumption of mustard and other plants and even animals is something good, part of the natural order and the sustenance of culture. The onus of the moral question is not the fate of life, but *the attitude of people* towards life. Judicious consumption is good; futile destruction is the essence of vice.

Mustard is not a staple food; it is not necessary for survival. However, the mere wish to condiment one's dish renders the eating of mustard compatible with the virtuous life. The moral standing of human embryos is at completely different level, so the justifications meriting the loss of human life may be few and stringent.

Human life has a special moral status. A single human being is considered as special as the creation of the whole world[22]. The Talmud teaches that every human being is a unique manifestation of the Image of God; that the loss of a single life is tantamount to the loss of the whole world, and that saving one life is tantamount to saving the whole world[23]. Although in Jewish law the offense of murder includes ipso facto an offense against the percept of neighborly love, the prohibition on murder (the sixth commandment) is not derived from the neighborly love.[24] This underscores a special and independent regard to life. This independence is a key reason why one does not find a logical systematization of the value of life relative to other values in Jewish law and ethics.

The Talmud infers the principle of the primacy of saving life over all other values and laws from an earlier teaching[25], «A pregnant woman who smelled [food and was seized by cravings] on Yom Kippur [a day of fast and the holiest day in the Hebrew calendar] [must be] fed until her soul returns to her».

Respect for life in the sense of non-harming is the essence of Jewish virtue ethics

The medieval sages (*Halakhoth Gedoloth* and Nahmanides) entered into disputations on the question of whether permission was given to respond to her cravings only to save her life, or whether it was permissible to violate the fast day to save the pregnancy as well, even if her own life were not at stake[26]. Perhaps the moral idea behind this ruling is the message that no clear-cut distinction between extant and evolving life exists. Moreover, rabbinic law indicates that respect for life is carried out through respect for the subjective state of mind of the pregnant woman. She is given food until she feels relieved, not until expert doctors opine that she has eaten enough[27]. When an ordinary patient is fed on Yom Kippur, doctors decide how much a sick person needs to eat; but not how much a pregnant woman does[28].

In the Talmud, two prominent second-century rabbis debate which is the "greater axim" of the Torah. Ben Azzai argues that it is imago Dei[29]; Rabbi Akiva contends that it is the Golden Rule of neighborly love, and that we should accept violation of God's dignity for the sake of sparing a person serious suffering (Talmud Yerushalmi,

Nedarim, 9:4). In the rabbinic writings, neighborly love and a negative formulation of the Golden Rule are synonymous – «Do not do unto others what you do not wish to be done to yourself». Hillel the Sage describes this maxim as the fundament of the whole of the Torah, on the basis of which all the rest may be inferred (Talmud, Shabbath, 31a)[30].

Rabbi Akiva states in the Talmud that God's «special love of man is manifested in the creation of man in imago Dei» (Mishnah, Avoth, 3, 14)[31]. Whereas respect for human dignity typically follows *objective* standards of care, Rabbi Akiva stresses the value of respect for subjective personal valuation and choices even beyond and even against the objective measures of human welfare – e.g., «the common good».

The loss of a single life is tantamount to the loss of the whole world, and that saving one life is tantamount to saving the whole world

The controversy between Rabbi Akiva and Ben Azzai bears upon the contemporary debate on euthanasia (passive or active). Philosopher David Vellman writes that human life has to modes of valuation. A patient may say that life has lost value *for* her. But she, as well as every other person, should acknowledge the value *in* her. The way a person value her life is relative to other values. In the case of terminal patients who suffer terribly, the devaluation of life is secondary to pain and imminent death. But other mode of valuation is unconditional. This second mode of value within every human being corresponds to his or her dignity or the image of God. This is why, David Vellman believes that kindness to the suffering person, "must be tempered with respect" – respect for human dignity that does not allow us to euthanize people the way animals that suffer are put to death[32]. Precisely at this point Rabbi Akiva broke grounds with the ethics of "Imago Dei". The special love of God to humans is manifested in greater attention given to the subjective valuation of people, especially when they suffer, relative to the value of respect for the Image of God. Although Jewish law cannot break the taboo on active killing (i.e. active euthanasia) rabbis have went a long distance in order to make it possible for patients to disconnect from life support, refuse medical care and avoid unacceptable suffering, even at the price of death (next section). This attention to subjective states of mind is the hallmark of the rabbinic construction of the value of neighborly love, thus underscoring a relational aspect in the valuation of life. Worldly creatures are called «those who have entered the world» (מלוע יאב)[3]. In the same vein, the fetus is a person once it has "entered into the air of the world" (אצי מלועה ריואל) (i.e. born)[3]. The special moral status of humans is connected to their relational situation within the world, not to their being alive. A medieval exegesis on the Talmud describes a live fetus within the womb of a dead mother as having the status of a borne child. Upon her death, the mother has become an object, part of the "world" and her body is legally conceptualized as a box in which a human person entrapped.[35] The box metaphor would never be acceptable as long as the woman is alive (even if mortally ill) as it degrades a human being into an instrument, a container sustaining another person.

Judaism is possibly the only religion that prohibits all forms of castration. This taboo creates grave challenges to pet owners, modern animal farming and scientific research[36]. However, when one becomes aware of the ubiquity of sterilization in the utilization of animals, one may also appreciate the subtle protest Judaism articulates against the mechanical exploitation of animals.

The prohibition on sterilization of animals and humans underscores further the special regard in Judaism to the capacity to generate life. According to Sefer Ha'hinnukh, castration articulates a nihilistic attitude towards life[37]. Contemporary scholarship on Judaism and human rights also interpret God's admonition "Choose life"! as a call for hope and engagement in worldly life, not as a strict refusal to recognize situations in which loss of life is the more dignified and just course of action[38].

Limits on the protection of biological life

Respect for life is not always manifested as protection of biological life. Sometimes, life is taken by human hands; sometimes, humans allow life to peter out without intervention.

As we have seen, one exception is the death penalty, in which the life of condemned criminals is deliberately taken by the agents of society. However, as early as the second century, rabbis claimed that capital punishment should never to be meted out in reality. Since then, the laws on capital punishment are studied as theoretical constructs that expand our understanding of the value of life as well as other issues in Jewish law and theology. For example, according to the Talmud, the judges warn the witnesses that if they either lie or err, they will be guilty of the shedding of the blood of the victim of capital punishment as well as of the loss of his future generations[39]. When the witnesses are adjured to tell the truth, the point is not to avoid the imposition of the death penalty (and thus the destruction of a person's line), but to avoid an *unjustified* death penalty. Only the latter involves moral responsibility for the endless and immeasurable value of future life.

Hence, harm to life always needs justification. Judicious utility may justify harm to non-human life; but very special reasons must justify harm to human life.

Although according to Jewish law saving life pushes aside all other values and commandments, one is expected to accept death and not save oneself or others by means of idolatry, adultery or spilling blood[40].

Only one of these three exceptions is self-evident – the one on spilling blood. With the exception of self-defense, there is no reason to save one life by means of sacrificing the life of another. All human lives are equally valuable.

One may wonder in what circumstances adultery or fornication can save life. A Talmudic story may throw light on the issue[41]. A man fell mortally ill and the doctors opined that his only cure was to watch a virgin stripping naked in front of his eyes. The Talmud prohibits this life-saving therapy because it humiliates women. This is a very remarkable ruling. After all, an innocent life was at stake and, possibly, a compassionate and generous virgin may consent to a few minutes of inconvenience for the sake of a noble cause. The Talmud conspicuously avoids either doubting the bizarre treatment or resorting to the defense from necessity and to choice of the lesser evil (the latter was used by medieval Christian theologians to justify toleration and regulation of prostitution in Europe). This is not a situation in need of creative casuistry but of firm affirmation of the unconditional dignity of persons, especially the vulnerable.

There is a dimension in the value of life which is unrelated to its biological manifestations; it is even incommensurable with them. This is borne out powerfully by the image of therapeutic striptease, which is only symbolically erotic, without even the possibility of intercourse and procreation. One cannot even weigh the 'harm' or 'wrongness' in exploitative sex against the 'harm' or badness of allowing people to die. *The sexual integrity of the person, even when purely symbolic, is as non-violable as life itself.* Indeed, Jewish and non-Jewish laws on self defense justify killing in self defense of either bodily or sexual integrity of the person[42].

Respect for life is not always manifested as protection of biological life

In this spirit, a prominent rabbi has ruled that a woman is not a field which nourishes any seed planted in it. The woman has no responsibility for a child conceived through rape. It may be weeded out by means of abortion[43]. Notwithstanding the immense and immeasurable value of innocent fetal life, similar to the innocent patient from the Talmudic story, the sexual exploitation of people is no less offensive to morals than preventable death. Following the Talmud, Jewish law prohibits merciful sparing of fetuses, when their abortion is necessary to save their mothers' lives[44]. Jewish law does

not tolerate the exploitation of women, even for the sake of saving their own children. Hence, in Judaism, the absolute taboo on homicide begins at birth[45].

Although the Talmud requires people to accept death rather than commit bloodshed, adultery or idolatry, the Talmud also says that nobody is required to endure extreme and endless physical suffering[46].

This bears directly on bioethical issues. The rabbis recognize the tragic fact that for many patients that suffer terribly, death is better than life. The late rabbi Waldenberg, who was a leading Ultra-Orthodox authority in matters of Jewish law and medicine, wrote that there is a religious duty (Mitzvah) to disconnect a terminal patient from a respirator, because of the extreme agony of such existence[47]. Most other rabbis do not permit active discontinuation of life support, but they all seek measures that would allow patients with refractory agony to die, without violating the legal prohibition on murder.[48] Some rabbinic authorities wrote against attempts to rescue people who commit suicide out of extreme and genuine agony[49]. The rabbis have never endorsed or encouraged suicide. Nor have they ever tried to systematize a legal approach to balancing the value of life against different kinds and levels of suffering. Many rabbis, especially Hasidic and Kabbalists (mystics), encourage their followers to fight for life by all means possible. The key message I take from the Jewish tradition on this issue is that respect for human life cannot be reduced to the protection of biological life. Preservation of the sexual integrity of the person, even the consenting person, and freedom from extreme and continuous physical agony are independent dimensions of the respect for human life and may even trump over the preservation of biological life.

The sexual integrity of the person, even when purely symbolic, is as non-violable as life itself

Another illuminating example is the story on Tamar and Judah[50]. Judah had promised her his third son in marriage when the latter would come of age. Apparently, Judah was procrastinating and Tamar felt abandoned. So, she dressed up as a whore and lured Judah to sleep with her. When her pregnancy was discovered, she was sentenced to death for committing adultery. The Talmud explains why Tamar did not expose Judah in order to save her life and good name. This is because «it is better for one to throw oneself into a burning furnace, rather than to shame a person publicly»[51]. I find this a shocking remark, especially because of its possible implications for Tamar's unborn twins. Nonetheless, Tamar had the liberty (not the duty) to self-sacrifice and to sacrifice her future children rather than humiliate somebody, even though he deserved shaming. Tamar preferred to send a private message to Judah and trust his decency and his power of the will to overcome the public embarrassment involved in recognizing his paternity. This is exactly what he chose to do, telling the elders, "She has been more righteous than I". According to the Aggada (Talmudic lore), on this occasion and in only two more, the Holy Ghost prevailed in a courtroom. These occasions were marked by the saving of innocent women and children from death and sexual abuse[52].

In those days, and in some societies today, rejected widows are marginalized to scraping off livelihood as prostitutes. From Judah's point of view, Tamar's exposure of their sexual contact identified her as the professional prostitute he had met. It would have been reasonable and tempting to condemn her to death and to reject his putative paternity, since the father could have been another client. Indeed, according to ancient medicine prevalent among the Jews, a decent woman cannot conceive in her first intercourse with a man, so her pregnancy was reasonable evidence against there being a single transgression[53]. However, even if Judah had good reasons to doubt his paternity, he recognized his own responsibility for her situation in general, and he was awakened by awareness of his moral frailty to the vulnerability of her life and the life inside her belly[54]. This was sufficient for *him*

to accept responsibility for her and for her children as well. This moral awakening has transformed the situation completely. It was not a moment for judicial and forensic inquiries anymore, but a time for moral recognition and fortitude. He made a choice of life; they both made it. This conversion from a sentence of death to embrace of responsibility and life marks the beginning of the bloodline of King David. Whereas the story of Tamar might leave traces of doubt regarding the genetic continuity of the line of Judah, it underscores its commitment to the values of human life and the dignity of persons.

The value of generating life

We have seen that the protection of life is a key value in Judaism and that the value of human life broadly conceived includes the presumptions that protection of the sexual integrity of the person, respect for his or her dignity and escape from extreme and unremitting agony might all tip the balance against the preservation of biological life. Jewish law is quite reserved with regard to the degree of self-sacrifice one is allowed to commit for the sake of saving another person. Some rabbis refer to self-sacrifice for the sake of saving another as "foolish piety"[55]. Other authorities endorse a limited degree of risk, or only in extraordinary circumstances, such as during battle.

Nonetheless, Judaism has encouraged the taking of some risk for the sake of new life, for the sake of procreation. The Midrash (Talmudic lore) praises the Israelite women who engaged their husbands erotically and later gave birth in the open fields, when Pharaoh imposed on Israel hard labor and infanticide. According to the sources, the redemption of Israel from Egypt was made possible by this dare-devil dedication to procreation[56]. As said in the beginning of this paper, procreation is a special religious value directly related to the Jewish construction of the idea of the creation in the Image of God. Different cultures have debated the value of procreation in periods of plague and famine. Augustine wrote that procreation was important in the beginning of times, but in his days, the world was populated enough[57]. In the Middle Ages, Muslim scholars maintained that it was permissible to postpone having children until the conditions of life got better. Some scholars believe that this attitude was the reason for the decline of the Muslim population in the late Middle Ages[58]. The rabbis have never accepted such an attitude. Nor have they been receptive to the idea that the world might be over-populated. They have always encouraged marriage and procreation as human values.

In the book of Genesis, and throughout Jewish history, sterility has been considered a serious personal tragedy. The childless Rachel confronted her loving husband, Jacob, saying «Give me children, or else I die!»[59]. The Talmud does not propose to people in such situations to accept their fate and to choose a childless vocation in life; rather, the Talmud asserts that "a person without children is considered as good as dead"[60].

Most other rabbis do not permit active discontinuation of life support, but they all seek measures that would allow patients with refractory agony to die, without violating the legal prohibition on murder

When we take together the special value accorded to procreation in Judaism, and the recognition of childlessness as a personal tragedy at the magnitude of death, it is easier for us to understand the openness, maybe even enthusiastic embrace, of the new technologies of fertility by Jews in general and by Orthodox rabbis in particular. Other factors are operative as well. Rabbis have always been fascinated by creation, including the creation of artificial hominids by means of magic and mystical methods[61]. Jewish law includes a strong positive character. So the absence of an explicit prohibition in the classical Jewish sources on IVF, stem cell research and cloning provides a strong presumption in favor of permissibility.

Due to considerations discussed above,

namely the protection of life, health and sexual integrity of women, the unborn do not have an independent legal status in Jewish law. It follows that if they do not benefit from direct legal protection as fetuses, they certainly do not benefit from moral status as very young embryos in test-tubes[62]. Pre-embryos are considered as good means for the ends of medical research, treatment and artificial procreation. Ironically, in Judaism, the strong valuation of life and procreation involves permissions for acts that are not ordinarily construed as conducive to life and that are considered as morally problematic by many non-Jews.

Rabbinic passion for procreation has one significant limit though. The medieval sage and physician Maimonides wrote in his code of rabbinic law, that a man is not allowed to be sexually intimate with his wife unless through "consent, conversation and joy"[63]. Even today, consent is the universal keyword in the ethics of sexuality. However, despite being a natural drive, and despite the immense value of procreation in Judaism and its role in the fulfillment of the Image of God in humans, Maimonides is much more stringent in his sexual ethics. Neither marital relationship, nor consent is sufficient. A happy "I-thou" human interaction must prevail as preconditions to every act of intercourse. Apparently, if you cannot find a partner to joyful conversation, you cannot bear children, even though your spouse has consented to marry you and to bear your children devotedly. The lesson I take from rabbinic ethics is that the state of mind, the earnestness, cooperation, humanism and joy are the dominant factors in the ethics of procreation, not the biological or technological means.

When we take together the special value accorded to procreation in Judaism, it is easier for us to understand the openness of the new technologies of fertility by Jews

This poses a serious challenge. If issues of fertility are regulated by consent and the choice of appropriate goals and means, like any other human enterprise, we might be able to develop a systematic and formal laws and comprehensible teachings. However, the discussion has brought us to the observation that, possibly, a higher regard to life is manifested by refusal to systematize and prioritize its basic elements such as biological life, genetic identity, the dignity of personal narratives and the sexual integrity of the person. Highlighting joyful personal conversation pushes us further from the language of duties, rights, permissions and even the nature of the person and his or her virtues. So, how can we find and cultivate such special states of mind and body – the combination of joy and "I-thou" conversation? Whence the joy of life is found and how can we share it in the spirit? What are the psychological resources that inspire people to struggle for the sake of having children, despite formidable hardships and the palpable risk that they might die young? How to strive thus with joy?

Non-transcendental valuation of life

Over and above the creation of new life, the preservation of life, dignity, sexual integrity and freedom from suffering, one may find in Judaism gushing undercurrents celebrating life along with their earthly and joyful potentials. One example may be found in the stories on Rabbi Yohanan, a prominent third century Talmudic rabbi who was endowed with the blessings of life, and approached it in a very special way[64]. He became an orphan in a young age and lived over a hundred years. He was blessed with extraordinary physical strength and beauty. Not only was he strong, but also was he incredibly fat, which at those times of famine and war was considered a sign of health. He used to sit near the entrance of the bathhouse, were women washed before being intimate with their husbands. He wanted them to see his beauty, so they would conceive handsome children (he followed the doctrine of maternal impression). He proclaimed trust in his virtue, not being worried about improper thoughts and deeds. Yet,

this habit is remarkable at least because as a man who sold away his huge inheritance for the sake of studying Torah, we would not expect to spend time posing on the way to the public bath.

One day he visited his sick and poor friend Rabbi Eliezer, who lived in a dark and dingy cabin. Light shining off Rabi Yohanan's arm lit up the place. Rabbi Eliezer burst in tears. Asked him Rabbi Yohanan, why do you cry? Is it becausr your illness and possibly death will curtail your growth in Torah and cut your trail of good deeds? If so, you should know that God cares for intention and dedication more than cumulative achievement. If you are crying over your poverty, be reminded that God has not promised us easy life in this world, only in The World to Come; if you cry over the death of your children, be comforted. Rabbi Yohanan, who had lost all of his children, pulled out a tiny bone and showed it to Rabbi Eliezer, "This is the bone of my tenth child". Rabbi Eliezer retorted: «No. I am not crying for either loss of Torah, poverty or bereavement. I have seen the light shining from your arm, and I am crying over the vulnerability and transience of such beauty. I could not accept the idea that one day your flesh as well will return to the earth and rot». «It is indeed worth crying over», agreed Rabbi Yohanan, and they both sobbed together.

Rabbi Yohanan embraced life in spite of suffering, and even at very old age. He tried to make the good out of it, despite its harsh vicissitudes and agonies. According to one of his sayings in the Talmud, childlessness is worse than seeing your children die. He never took a detached or nihilistic stance towards life. He would only cry over the fragility and transience of the things that make our earthly life distinctly special.

These stories on rabbi Yohanan have nothing to do with valuation of life as either a gift from God or something valued by Him. With Eternity on one's mind and the Spirit in the heart, there is no reason to cry at all. Obesity is the reverse of ascetism. The effort to make women conceive handsome children seems superfluous, fatuous and unholy, even by those who encourage procreation. The key values in those stories about rabbi Yohanan are not 'Jewish' or even 'religious' values. Nonetheless, the stories are appreciable universally. Possibly, the highest regard a religion might give to human life is the incorporation of a stance of valuing that belongs wholly to earthly life, without recourse to either communal or transcendental values.

Rabbi Yohanan and Rabbi Eliezer were able to be aware of death without anxiety or "being-unto-death". They were able to cry over theirs as well as our inevitable transience; but the very meaning of their tears is derived from full appreciation of the endless and unique value of transient life and the most ephemeral and transient within it – the beauty of the flesh and its power to lit up a poor man's home.

One may find in Judaism gushing undercurrents celebrating life along with their earthly and joyful potentials

Neither the Torah nor the Talmudic literature offers a principled explanation for the creation of the world and for the existence of human life. These sources tell us that the life created is "very good" and that God expects humans to live in certain ways. However, the notion that life has an ulterior and ultimate purpose is a novelty of the mystical and Scholastic literature. Perhaps the fourth dimension of the respect for life is borne out by the attitude that life is valuable even if it had no transcendental meaning and value. Rabbi Kook explains that people must seek the dignified aspect of everything that exists. This is the essence of redemption (חישמה תומי)[65].

NOTES

[1] Prov 3:18.
[2] Deut 30:19.
[3] Talmud, Yoma 85b on Lev. 18:5.
[4] E. BERKOVITS, *Not in Heaven: The Nature and Function of Halacha*, New York, Ktav, 1983.
[5] M. A. WEINGARTEN, «Sanctity of Life: A Critical Reassessment of Jewish Medical Ethics», in P. TWOHIG, V. KALITZKUS, (ed.), *1-12 Interdisciplinary*

Perspectives on Health, Illness and Disease (New York 2004).

[6] S. DARWALL, «Two kinds of respect» in *Ethics* 88 (1977), 36-49.

[7] J. FEINBERG, «Some conjectures about the concept of respect», in *Journal of Social Philosophy* 2 (1973) 1-3.

[8] See C. SAFRAI, Human Dignity in Rabbinical Perspective, in D. FRETZMER and E. KLEIN (ed), *The Concept of Human Dignity in Human Rights Discourse*, Dodrecht, Kluwer, 2002, 99-109.

[9] Jonah 3:10-11

[10] Gen. 9:6

[11] MAIMONIDES, *Mishner Torah*, Hilchoth Rotze'ah 4:9

[12] Gen. 1:28

[13] J. COHEN, *Be Fertile and Increase, Fill the Earth and Master It: An Ancient and Medieval Career of a Biblical Text*, Cornell Univ. Press, Ithaca 1989.

[14] Genesis Rabbah, 34:14. The rabbinic codex of law, Shulhan Aruch (at Even Ha'Ezer, 1:1) uses harsher language by drawing analogy from celibacy to homicide.

[15] Y. M. BARILAN, «From imago Dei in the Jewish-Christian traditions to human dignity in contemporary Jewish law», in *Kennedy Institute of Ethics Journal* 19 (2009), 231-259.

[16] Sefer Ha-Hinnukh, Commandment 529.

[17] Talmud, *Avodah Zarah* 20b. According to a contending opinion, the most prominent virtue is humility, which comes next in the scale of virtues. The next two virtues are "fear of sin" and "sanctity". Once again we may observe that the language of the sacred is not related directly to the Jewish attitudes to life.

[18] Talmud *Berakhot* 31a.

[19] On the notion of "respect for life" in philosophy see J. KLEINIG, *Valueing life*, Princeton University Press, Princeton 1991, 3-28.

[20] Talmud, *Mo'ed Kattan* 18a.

[21] For example, Talmud, *Baba Mezi'a* 70a.

[22] MIDRASH AVOTH D'RABBI NATHAN 46 Solomon Schechter, ed., Feldheim 1945.

[23] Talmud, *Sanhedrin* 37a.

[24] *Sefer Ha-Hinnukh*, Commandment 243. Cf. Romans 13:9.

[25] Talmud, *Yoma* 85b.

[26] Sefer Halakhoth Gedoloth, Pt. I, at 155 (A. Hildesheimer ed., Mekitzei Nirdamim Society, 1888). Nahmanides, *Torat Ha-Adam* vol. II, at 29 (Cheval ed., Harav Kook Inst. 1964).

[27] S. ARUCH, *Orah Haim*, Mark 417 and MISHNA B'RURA, Mark 5. According to the Palestinian Talmud, Yoma 8,1 doctors decide how much a sick person needs to eat; but not how much a pregnant woman does.

[28] Palestinian Talmud, *Yoma* 8,1.

[29] Ben Azzai points to Genesis 5:1ff. as the «greatest maxim of the Torah» not to Genesis 1:26-27, thus explicitly linking *imago Dei* to sexual procreation and casting the "imago" relationship between father and son as replicating that between God and Adam. (For an earlier and different reading of this debate, see ROTH 1962, 291-302; ROSENBERG 1983, 72-91).

[30] Hillel said this to a man who wished to convert to Judaism. Obviously the value of human dignity applies to all people and peoples – «the children of Noah» in the Talmudic jargon.

[31] Following this phrase, contemporary Jewish theologian David Novak (1998, 167-73) elaborates an ethics of human dignity interpreting this value as meaning "being of special concern to God".

[32] J. D. VELLMAN, «A right of self termination?» in *Ethics* 109 (1999) 606-628. See G. MEILANDER, *Neither Beast nor God: the dignity of the human person*, Encounter, New York 2009, 75.

[33] M. HIRSHMAN, *Torah for the entire world*, Ha'Kibbutz Ha'Me'uhad, Tel Aviv 1999, ch. 4.

[34] E.g. Gloss RASHI on Talmud, *Sanhedrin*, 72b.

[35] TOSAPHOTH, on Talmud *Niddah* 44a.

[36] A. STEINBERG, *Halakhic Medical Encyclopedia*, VOL. 5, Falk-Schlesinger Institute, Jerusalem 1996, 79.

[37] *Sefer Ha-Hinnukh*, Commandment 291.

[38] L. E. GOODMAN, *Judaism, human rights and human values*, Oxford University Press, Oxford 1998, 39.

[39] Talmud, *Sanhedrin* 37a.

[40] Talmud, *Pesahim* 25a. In this article I put aside situations of religious persecution, which are artificial, human made, impositions on other people, and are treated differently from natural dilemmas and calamities.

[41] Talmud, *Sanhedrin*, 75a.

[42] S. UNIACKE, *Permissible killing: the doctrine of self-defense justification of homicide*, Cambridge University Press, Cambridge 1994, 40.

[43] Y. L. PERLMAN, *Responsa "Or gadol"*, Mark 31, Minsk 1891.

[44] MAIMONIDES, *Mishneh Torah*, Hilchoth Rotzei'ah 1:9.

[45] Talmud *Nidda* 43b-44a on Lev 24:17.

[46] Talmud, *Kethubot* 33b.

[47] E. Y. WALDENBERG, *Responsa "Tzitz Eliezer,"*, Pt. 13, Mark 89.

[48] Y. M. BARILAN, «Revisiting the Problem of Jewish Bioethics: The Case of Terminal Care», in *Kennedy Inst. Ethics J.* 13 (2003) 141-68.

[49] Y. M. BARILAN, «The new Israeli law on the care of the terminally ill», in *Persp. Biol. Med.* 50 (2007), 571.

[50] Gen. 38. Here I offer my own hermeneutics to the story. The first rabbinic sources discussing Tamar's responsibility for her unborn twins are M.S. HA'COHEN, *Neshekh Hokhma*, 46 (Paris, 1972) and S. Z. A. AUERBACH, *Responsum "Minhat Shlomo T'nina"*, Mark 133 (Jerusalem, 2000). The exegeses NAHMANIDES and ABARBANEL dispute whether Tamar acted right by seducing Judah.

[51] Talmud, *Berakhot*, 43b. See Jacob Ettlinger, *Responsa "Binyan Zion"* Mark 172 (Altona 1868). JONAH GIRONDI, SHA'ARI T'SHUVA, 3:139 explains that shaming is like murder. Other sources explain that whereas murderers may be atoned by repentance and

death, shamers are hopeless. Talmud, *Baba Metzia*, 58b. It did not occur to the rabbis that had Judah hushed down the whole incident, he would have spared a person both public shaming and death.

[52] Genesis Rabbah, 85:13. The other two occasions were the trial of the prostitutes (I Kings 3) and the confrontation of Samuel with the people of Israel (I Samuel 12:5). He reminds them of the judgment of the sons of Eli, who abused women pilgrims.

[53] According to the Aggada, Tamar deliberately manipulated her body in order to conceive. MIDRASH SECHEL TOV on Gen. 16 and 38.

[54] Cf. John, 7:53-8.

[55] D. IBN ZIMRA, *Responsa "Radvaz"*, Warsaw, 1882, part 3, #627.

[56] Talmud, *Sotah* 11b.

[57] AUGUSTINE, *De Bono Conjugali* (On the Good of Marriage), #2. Available at *www.newadvent.org/fathers/1309.htm*, accessed 11 August 2009.

[58] B.F. MUSALLAM, *Sex and Society in Islam: Birth Control Before the Nineteenth Century*, Cambridge Univ. Press, 1983.

[59] Gen. 30:1.

[60] Talmud, *Nedarim* 64b.

[61] Y. M. BARILAN & G. SIEGAL, «The Stem Cell Debate: A Jewish Perspective on Human Dignity, Human Creativity and Interreligious Dialogues», in W. BENDER, Ch. HAUSKELLER & A. MANZEI (ed.), *Crossing Borders: Cultural, Religious and Political Differences Concerning Stem Cell Research: A Global Approach*, Agenda Verlag, 2005, 293-323; Y. M. BARILAN, «The debate on cloning: some contributions from the Jewish tradition», in H. ROETZ, C. FREY (ed.), *Cloning: a multicultural perspective*, Rodopi, Berlin / London 2005, 311-340.

[62] Y. MICHAEL BARILAN, «Her pain prevails and her judgment respected: abortion in Judaism», *Journal of Law and Religion* (2010), 1/XXV (2009-2010), 97-186.

[63] MAIMONIDES, *Mishne Torah*, Hilchoth Ishuth, 15:17.

[64] The sources from which this story is reconstructed are scattered all over the Talmud. They may be found together in A. M. HEIMANN, *Toldoth Tana'im v'Amora'im*, vol. 2 , London 1910, 653-672. Many of the elements are found in Talmud, *Berakhot* 5b and *Baba Metizi'a* 84a. More on Rabii Yohanan's sayings on life and the Original Sin, see E. E. URBACH, *The Sages*, 2nd ed., Magnes Press, Jerusalem 1987, ch. 15.

[65] A. I. HA'COHEN KOOK, *Mussar Avi'cha*, Mossad Ha'Rav Kook, Jerusalem 1971, p. 136.