Some four hundred years ago, critics of Rabbinic Judaism mocked the Talmud’s account of the creation of the mule. The gemara in Pesahim 54a seems to applaud Adam ha-Rishon for crossbreeding a horse and donkey on the first moza’ei shabbat. How could the Rabbis endorse a violation of the law against kil’ayim?

Maharal pooh-poohed their objection. The point of the passage, he explained, was to instruct us about two different levels of Creation—or the difference between what must be and what can be.¹

Primary Creation produced the key players, the dramatis personae of the global drama. God cast these players Himself, and takes direct credit for their performances.

There are also, however, some understudies. Part of secondary Creation, their existence is made possible, albeit not necessary, by the processes and laws that spawn the primary ones. God did not create them directly, but allowed for their appearance.

Man, says Maharal, shows the full reach and development of his God-given intelligence by probing the great wisdom that God designed as part of His world. When Man unlocks the rich potential left unexpressed by primary creation, we should celebrate, not fret. Adam’s bold experiment was a dramatic success.

What do we make, then, of the Torah’s forbidding us to hybridize? Elementary again, claims Maharal. What is good for the rest of the

¹ YITZCHOK ADLERSTEIN
world is not necessarily good for the Jews. Let the rest of the world keep making mules. More power to them. The Torah has a different agenda.

Maharal exposes a tension that illuminates much of our reaction to galloping biotechnology. We can—and must—applaud the expansion of human wisdom. We must also recognize that God expects Kelal Yisrael to be guardians of a sense of reserve regarding overly invasive changes in the natural order. In a word, part of our mission is to remind the world that not everything is up for grabs. The apparent randomness and plasticity of the empirical world is often undergirded by Divinely-decreed fixity, much of which is in our ultimate interest to preserve. (R. Samson Raphael Hirsch saw this principle of le-mineihu—“according to its species,” that is, the deliberate design of all organisms according to their distinct roles—as a great idée fixe of the Torah.) As the world flexes its creative muscles, we must be available to be its conscience—if only by preserving and valuing a different ethic.

To be sure, the slippery slope towards devaluing human life is already well greased. I do not believe it a coincidence that the first great master of the secrets of DNA, Sir Francis Crick, proposed decades ago that life be defined as age seventy-two hours, in order to allow medical savants to decide whether each neonate was “worthwhile” to maintain. A negative assessment could then allow physicians to take whatever course of action was deemed necessary or expedient, without assuming the burden of terminating a “life.” Also not by coincidence, Crick, recognizing that his proposal was somewhat radical, advocated as a modest first step banning the teaching of religion to children. Ha-mevin yavin. We will not be presumptuous in assuming that part of our divine avodah is to protect society from the Cricks of the world.

On the other hand, we must be quick to point out that the sanctity of life has nothing to do with its mystery. Human life is precious because God said it is, because He paired its existence with a neshamah elyonah—and not because we can’t figure out where it came from. We must strenuously reject the popular notion that the “artificial” manipulation of genomes “leaves no room” for God to grant a soul to the cloned or manipulated being. Such a position is the product of religion at its worst, where God is invented or invited in to compensate for what we cannot comprehend. It is the opposite of the position of strength that Torah Judaism advocates, in which we appreciate God through greater understanding, not through greater ignorance.

It is a truism within our system of mizvot that the more pedestrian something appears, the more likely it is to be elevated through multiple
commandments. Witness the plethora of Torah dicta surrounding eating, something whose inner significance is rarely pondered by cows. We are poor competitors to the reproductive success of rabbits, and yet our attempts at procreation are the subject of one of the first three questions addressed to us on our individual Judgment Day (*Shabbat* 31a). Somehow, the urge to propagate has a noble, as well as an ignoble, side to it.

There are good and bad reasons for bringing offspring into the world. They can be lovingly created, as part of a commitment of two people to bring more servants of God into the world. Or they can be produced recklessly, without any thought or responsibility at all.

There are also ugly reasons. In the opening rounds of the cloning controversy, a new level has been added to the Temple of Self. Especially in my state, California, where the mind-body dilemma has long been decided persuasively in favor of the latter, many have looked to the emerging technology as a way of achieving immortality. Leave a bit of chromosomal material around, and have the scientists start you all over again! As if humans could be reduced to their phenotypes alone! It is our responsibility to remind the world at large that the essence of what a human being is has little, if anything, to do with his or her body.

At the same time, I don’t believe that the idea of creating life entirely *in vitro* need necessarily be *treif*. While it is inviting to think that the importance the Torah attaches to reproduction inheres in the bonds of spousal bonding and familial ties, there may be other models. I invoke Maharal (again!), in his explanation of the Judgment Day passage. The reason he attaches to reproduction lacks all of the usual and expected arguments about giving and family. Having children, he argues, is (or can be) an exercise in moving from particular to general, thereby escaping the limits and boundaries associated with the former. It is another way in which Man chooses to identify more closely with his spiritual side (which also knows no boundaries and limits) than with the physical. Getting a little boost from cloning technology may not diminish the value of extending one’s life beyond its natural borders.

Theoretical models come and go, however. The imprimatur of Divine Will comes in the form of *mi'zvah*. A religious couple deliberating about their reproductive options, it would seem to me, should be able to reduce the issue to a single question: Are we motivated by our own ego needs, or by a Divine calling? The touchstone with which we answer that question is whether *Ha-Kadosh Barukh Hu* calls it a *mi'zvah* or not.

So the bottom line, really, is halakhic. We can cheer from the sidelines as the theoreticians expand human knowledge. Whether we
become clinicians depends on what the *posekim* say. To be sure, the debate has just begun. One of the most prominent voices, though, R. Yosef Shalom Elyashiv, *shlita*, has opined that the *mizvah* of procreation cannot be fulfilled through cloning.\(^2\) If this view becomes halakhic consensus, much of the work will have been done for us with regard to this dimension of the topic.

I leave it to greater minds to decide when we should cross the divide between conscience-raising and legal sanction. It may indeed be wise (although, I’m afraid, probably futile) to support public policy decisions that limit activities that are likely to further erode the respect that the common man has for life. We are, as a people, no stranger to the notions of censorship and imposed restriction, and it should be part of our duty to assure the greater community that communal self-discipline (including by governmental agencies, at least in theory) is not unthinkable.

Ironically, while large complexes like sheep bodies can be cloned, the still, small voice of conscience cannot. Moral sensitivity is bred one small step at a time. It is a more daunting task, but one that is familiar to us as Jews.

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**Notes**

1. *Be'er ha-Golah* (Jerusalem, 5731), 37.
2. As reported to me by Dr. Abraham Abraham, Director of Internal Medicine, Shaare Zedek Hospital, Jerusalem.