

Ethics, legal, social, counselling

Assisted reproductive practice: religious perspectives



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Abstract

It is important to those who practise reproductive techniques to learn about different religious perspectives related to reproductive health problems. Religious groups are active in influencing the public regarding bioethical positions, and this is particularly evident with issues concerning procreation, abortion and infertility therapy. The Jewish attitude towards procreation is derived from the first commandment of God to Adam to 'Be fruitful and multiply'. Judaism allows the practice of all techniques of assisted reproduction when the oocyte and spermatozoon originate from the wife and husband respectively. The attitude toward reproductive practice varies among Christian groups. While assisted reproduction is not accepted by the Vatican, it may be practised by Protestant, Anglican and other denominations. According to traditional Christian views, beginning at conception, the embryo has moral status as a human being, and thus most assisted reproductive technologies are forbidden. According to Islam, the procedures of IVF and embryo transfer are acceptable, although they can be performed only for husband and wife. Developments in science and technology and corresponding clinical applications raise new religious questions, often without clear answers. The role of theology in bioethics is integral to clarify perceived attitudes toward these developments for different religious communities. This paper presents the attitude of monotheistic religions to therapeutic procedures, such as IVF–embryo transfer, spermatozoa, oocytes, embryo donation, cryopreservation of genetic material, surrogacy, posthumous reproduction, gender preselection, reproductive and therapeutic cloning.

Keywords: Christianity, cloning, embryo cryopreservation, gamete, Islam, Judaism

Introduction

Religion, being concerned with affairs that are regarded as extraordinary and having unique importance in life, is an intrinsic part of the cultural fabric of each society. Moreover, developments in reproductive medicine raise new ethical questions for different religions that do not always have clear answers. Accordingly, the role of theology in bioethics, and perceived attitudes towards new developments within respective religious communities, must be clarified.

At least three factors determine the influence of religious viewpoints: the size of the community, the authority of current viewpoints within a particular community, and the unanimity and diversity of opinion present. The weight and authority of specific religious viewpoints will influence the number of adherents who draw on these views when considering public

policy issues. It is often difficult to dissociate the influence of distinctly religious factors from other cultural conditions affecting women's reproductive health. It is important for practitioners in the field of reproductive medicine to understand attitudes towards reproduction that derive from different religions.

Judaism (Schenker and Halperin, 1995)

A strict association between faith and practicality characterizes the Jewish religion. The Torah is viewed as a single divine text that includes moral values and practical laws. While in principal Jewish law has written and oral divisions, authority is derived from the written Torah. The dominant parts of the oral law are as follows:

1. Mishnah. Its final form was established early in the 3rd century. The Mishnah includes early traditional and original interpretations of the written Torah, ancient regulations that are not written in the Torah, and post-Bible regulations.

2. Talmud. For approximately three centuries after the final compilation of the Mishnah, the great interpreters studied the six orders of the Mishnah and wrote a monumental composition called Talmud.

3. Post-Talmudic codes. After the compilation of the Talmud, an enormous amount of Talmudic knowledge was essential for efficient ruling. These post-Talmudic codes were introduced with the intention of assisting access to the laws, regulations, and customs of the Talmudic Halakha.

4. Responsa. The various attitudes of rabbinical scholars about the way religion should be applied in the changing world are analysed and discussed with regard to the legal codes, and written opinion is given by qualified authorities to questions about various aspects of Jewish law. Responsa is the term usually confined to written replies given to questions on all aspects of Jewish law by authorities from the time of the later *Geonim* to the present day. Approximately 1000 volumes, containing more than half a million separate Responsa, have appeared in print.

The application of new technology according to Jewish law is based on the following principles: the Mishnah emphasizes that only prohibitive, strict decisions require judicial substantiation, while permissibility or leniency needs no supportive precedent. The absence of a prohibitive substantiation is to be equated with Halakhic permissibility. This implies that any technological innovation is permissible unless there is a Halakhic reason for prohibiting it. In order to be sure that there is no Halakhic prohibition against a new procedure, an accepted Halakhic authority must be consulted. Jewish law differentiates between the authority to abrogate a temporary prohibition and the authority to determine permanent permissibility. Faced with uncertainty or insufficient information, one is entitled to be strict with oneself; no special authority is needed for prohibition by the individual. On the other hand, in order to establish permissibility, there must be unequivocal information. When there is no clear precedent in Halakha to decide the issue at hand, one must be thoroughly versed in all Halakhic sources before confirming that no Halakhic reason for prohibition exists. There are specified Halakhic rules for deciding controversial issues. If, for example, there is doubt in a matter prohibited by the Torah, the ruling is prohibitive; if the doubt is related to a rabbinical ruling, the decision is usually permissive (Talmud Babli).

Christianity (*Encyclopaedia Britannica*, 1976a)

The Old and New Testaments comprise the scriptures that are sacred to Christians. The Old Testament emphasizes the agreement between God and his people and records Jewish history to illustrate how faithfully this agreement was observed. The New Testament contains promises made by God to humanity, as depicted in the teaching and experiences of Christ and his followers. Jesus Christ is viewed by Christians

as the supreme revelation of God, and as Lord of his followers. Three principal divisions comprise Christianity: the Roman Catholic Church, Protestant Churches, and Orthodox Catholic Churches. Christianity is particularly characterized by its universality and missionary activity. The most striking development in the evolution of Christianity from its Jewish origin was in its transition from a national religion (of the Jewish nation) to a universal religion. The church assumes a role inspired by a love for human kind in matters concerning reproduction, and helps to define the rights and duties of members.

Roman Catholic Church (*Encyclopaedia Britannica*, 1976b)

Roman Catholics base their beliefs on the Bible and the traditions of the church. Traditions are derived from declarations of church Councils and Popes in the form of dogmas. The Roman Catholic Church regards the indissoluble unity of marriage as the only setting worthy of truly responsible procreation. The church abides by the following principles to guide believers. The first principle relates to the protection of human life from conception, and the premise that the right to life is fundamental. The second principle is that procreation is inseparable from the physical union of the parents, and therefore, from the moral point of view, a child must be the fruit of marriage. Fidelity involves acknowledgment by spouses that they become parents only through one another; that their child is a living symbol of their love, and a permanent sign of their conjugal union. According to the Catholic Church Doctrine, procreation may not be performed by a physician: the physician may be in the position to help the parents achieve conception, yet is not the actual 'baby maker'. The third principle is related to the personal norm of human integrity and dignity, and should be taken into consideration in all medical decisions, and especially in the field of infertility.

Eastern Orthodox Church (*Encyclopaedia Britannica*, 1976c)

The Eastern Orthodox Church was formally established in 1054 when a split between the Eastern and Western Churches occurred. The Eastern Orthodox Churches consist mostly of several independent and self-governing churches. The most ancient self-governing churches are in Constantinople, Turkey; Alexandria, Egypt; Antiochia, Damascus, Syria, and in Jerusalem. The largest national churches are in Russia, Rumania, Serbia, Greece, Bulgaria, Georgia, and Cyprus. Eastern Orthodox Congregations are also located in Western Europe, North America, Central Africa, and the Far East, but are not fully self-governing.

Protestantism (*Encyclopaedia Britannica*, 1976d)

Protestantism resulted chiefly from the Reformation, a religious and political movement that began in Europe in 1517. At its foundation was protest against the bureaucracies and policies of the Roman Catholic Church that resulted in the formation of several Protestant denominations. Certain beliefs differ, and specifically those related to the nature of faith and grace, and the authority of the Bible. Most Protestants believe

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