4. Infertility, IVF and Judaism

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Different branches of Judaism

For most Jews, Judaism is not well defined. There are three main branches to Judaism: "Orthodox," "Conservative," and "Reformed." Only about 10% of Jews worldwide are Orthodox, and only Orthodox Judaism is quite well defined. Approximately 85% of Jews worldwide are "Reformed," and these Jews are, for the most part, secular. About 5% of Jews are "Conservative," which is a sort of a hybrid between Orthodox and Reformed Judaism. Thus, with the exception of Orthodox Jews (10%), most Jews would have a very difficult time defining their belief system. In fact, Orthodox Jews often define themselves as "religious" Jews so as to distinguish themselves from the other 90% (Reformed and Conservative) who are viewed by the Orthodox as ethnic and historical Jews, but who are not following the traditional Jewish religion. Thus, to simplify the discussion of Judaism and modern reproductive technology, it is much easier to concentrate on the more clearly defined "Orthodox" branch of Judaism since it has the most severe set of rules.

Basic tenets of orthodox Judaism

The basic and unshakeable tenets of Judaism prior to the Reform and Conservative movements in the last century is that the Torah is the revealed word of God handed down at Mount Sinai 3500 years ago. The "written Torah" is the first five books of the Bible, i.e., the five books of Moses and the "oral" Torah, which is the "Talmud." The Talmud contains the directions that were also given on Mount Sinai to the "children of Israel," but which were too cumbersome and laborious, and too subject to subtle interpretation to be "written down." In fact, the oral Torah continued to be added to by religious scholars, rabbis, and sages over the last 3500 years in the form of legal opinions and disagreements regarding the interpretation of the commandments. Thus, the Talmud consists of rules that were considered to be an oral expansion and clarification of the written Torah composed of the arguments and views and opinions from sages down through the centuries. In early Judaism, it was felt that the oral Torah must not be written down because the very concept of oral Torah allows for re-interpretation of absolute rules and commandments according to new conditions as life changes with the coming centuries. Nonetheless, it was written down after the first century A.D. when it was feared by the rabbis of the time (after the Romans expelled the Jews from Israel) that it might be lost if it were simply left to being handed down orally as it had

"instructions for living." The Orthodox Jewish view is that life is so complex, challenging, and confusing, that without such a "handbook" so-to-speak, like an instruction manual, it would be impossible to know how to live life in the best possible way. That is why at the stage when humanity was ready to receive these instructions, 3500 years ago, after Noah had discovered the principles of moral behavior, and after Abraham had discovered the universal validity of monotheism, the world was finally ready for the very specific revelation of the law on Mount Sinai after the exodus from Egypt.
been in the previous 1600 years.

The basic tenet of Orthodox Judaism is that this written and oral Torah contains a complete guide to how God expects you to live your life. It is critical that you follow these commandments, and it is critical that when there appears to be conflicts or ambiguities in these commandments, that you use all of your intellectual ability to try to discern from these ambiguities and conflicts what exactly it is that God meant for you to do in every single situation that comes up in your life.

Orthodox Jewish legal system

The Orthodox Jewish legal system can be viewed as an extraordinary exercise in deductive logic, and can be compared for the sake of clarity to "Euclidean" and "Non-Euclidean" geometry. Euclidean geometry, which we all studied in high school is not just a math course about shapes and lines. It is a study in the concept of deductive reasoning. In Euclidean geometry there are a set of six axioms and nineteen postulates, which are basic "obvious" truths from which the entire geometric structure of the world was derived. For example, one of the six axioms is that the "total is equal to the sum of its parts." Axioms are basic truths that are not specific to geometry but to math in general. Postulates are basic truths that are specific to geometry. An example of one of the nineteen postulates is that "the shortest distance between two points is a straight line." From these basic axioms and postulates, with which no one would argue represent basic general truths, the entire system of Euclidean geometry, involving areas of triangles, and squares, and polyhedrons, and circles are derived. A complex system whose truth seems incontrovertible could be constructed using deductive logic from these very simple sets of axioms and postulates.

In the same way, the Jewish legal system was derived via logic, extrapolation, and argumentation based on the basic commandments in the Torah that were considered incontrovertible and irrefutable axioms and postulates. The result was a legal system that encompasses every imaginable detail of what one should and should not do based on Gods primordial directions to mankind from Mount Sinai.

However, Euclidean geometry (as logical and unassailable as it appears to be) has rather unexpected potential deviations if just one of those nineteen postulates is challenged. For example, the nineteenth Euclidean postulate states, "Only one line can be drawn through a point which is parallel to another line." That postulate seems to be pretty obvious, but in the nineteenth century, a completely different system of geometry based on the world's being curved rather than a rectangular structure, assumed that if through a point, any number of parallel lines can be drawn parallel to any existing line. This "non-Euclidean" system of geometry was the basis for much of Einstein's computations of relativity. It is this "risk" that any of the commandments (like postulates) might have been misinterpreted that in Judaism requires constant study, review, and argumentation. The Orthodox Jewish legal system supports this constant questioning process as the only way to attempt to approximate the truth, which Orthodox Jews do believe ultimately derives from Torah.

Major Jewish themes

The major themes throughout Judaism are that God is one, that life has a purpose, and that purpose is to live a good and moral life. However, life is very confusing and filled with potential conflict. Therefore, the essence of Orthodox Judaism is that only through intense and relentless study involving argument and counter-argument via logic and extrapolation, can Jews be guided through this confusion into leading the proper life.

Therefore, the Orthodox Jewish essence is that one must study Torah from the earliest years with all of their intellectual might. The purpose is to try to figure out through logic and introspection, debate and counter-debate, all based on Torah, what it is that God expects of us. Only through critical study of Torah can Orthodox Jews figure out how to manage every single detail of living.

The most important two commandments

The first commandment to appear in the Torah is that mankind should be "fruitful and multiply." As a corollary, human life should be preserved above all. For example, if all there is to eat is pork,
and otherwise you would die if you did not eat the pork, you are commanded to disobey the injunction against eating pork, so that you can continue to live. The only thing you are not allowed to do to save your life is either to deny the existence of God, or to cause someone else to die. Every other law can be forsaken if otherwise you would die. To either kill yourself or allow yourself to die unnecessarily, or to kill someone else, is strictly forbidden because the most important tenet in Orthodox Judaism is that human life is to be preserved above almost all other laws.

Other examples of Jewish law are that you must say a blessing over every meal and over every single pleasure so as not ever to take anything for granted. The reason for the commandment to say blessings is not because God needs to receive our thank you. The reason that God gives the commandment to say blessings is so that our pleasure in life can be enhanced by never taking the preciousness of life for granted. For example, you must thank God whenever you wake up in the morning for "renewing" your life. You must even remember to say a blessing over your sphincter whenever you're finished going to the bathroom. This may sound humorous and always gets a giggle from the audience. But just think about it. We take our sphincter for granted, unless we have an ileostomy, or incontinence. As we walk around and live our normal lives, we don't derive any true joy from appreciating how wonderful it is that we have a properly functioning sphincter, unless we remember to say a blessing every time we finish going to the bathroom.

Confusion which can result from attempting to follow the "Commandements"

It is well known that Jews must not do any work on the Sabbath so as to remember and be grateful for the creation of the universe. The Sabbath is considered very holy because it is a celebration of our very existence, and it is the most important holiday in Judaism, occurring every single week on the seventh day, the day that God rested from creating the universe. That is the day that Orthodox Jews interface most directly with God, by following the specific commandment not to do any work on the Sabbath. That sounds easy, but how do you define "work"? Rabbis and sages over the last 3500 years have continually debated this simply to try to figure out what is and is not "work" that is or is not allowable on the Sabbath.

For example, driving your car, even to Synagogue or anywhere else on the Sabbath is considered "work." However, walking 20 or 40 miles on Sabbath, if you live that far away, is not considered "work." Lifting a 50 pound weight inside your house is not considered "work," but carrying a single feather outside your enclosed neighborhood, or outside of your house, is considered "work" which is not allowed on Sabbath. The mere flip of a switch, turning on a lightbulb is considered "work," whereas serving a meal to 40 guests is not considered "work." This is the type of confusion that can result when one sincerely attempts to follow the simplistic commandments of the Torah without having committed oneself to detailed and scholarly questioning. The logical answer has been to consider whatever was not allowable on Sabbath during the building of the tabernacle by Mount Sinai to be defined as "work." Driving a car or turning on a light is considered work because it is the equivalent of starting a fire. Carrying a feather outside of the neighborhood is considered work because transporting from one area to another is not allowed, but rearranging furniture or other items in your house is not considered transport, and is not prohibited in the Torah. What is the point of giving these examples of the difficulties that the most religious Jews have in deciding what actions do or do not conflict with what God expects of us? It is to point out that the Orthodox Jewish views toward IVF (like the Sabbath) and modern reproductive technology has been subject to relentless intellectual scrutiny by some of the most brilliant minds in Judaism, attempting to extrapolate from ancient laws, believed to be handed down directly from God, what is and what is not allowable.

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The Jewish views on IVF issues are therefore readily deducible. According to the Talmud, the soul does not enter the embryo until 40 days. Furthermore, we all have an obligation to have
offspring and to "be fruitful and multiply." Therefore, IVF is absolutely obligatory when it is medically indicated in order for a couple to have children. It is not just allowable, but it is obligatory. Furthermore, PGD represents no moral or ethical risk, because the soul has not yet entered the embryo. Furthermore, selective reduction of a multiple pregnancy is acceptable if its goal is to enhance the possibility of life.

Embryo research to promote life is, therefore, acceptable. Furthermore, not only is therapeutic cloning acceptable, but it is an obligation to do any research which can enhance and promote life-saving treatment such as stem cell and cellular replacement therapy.

**Commandments in conflict**

The Talmud specifically forbids "cutting the sperm ducts." But yet the Torah insists "be fruitful and multiply." So if we are not allowed to cut the sperm ducts, and yet we are obligated to do whatever we can to have children, what about "MESA" and what about "TESE?" Modern Talmud scholars, universally respected Orthodox Rabbinical minds, have weighed this conflict, and decided that the first commandment "to be fruitful and multiply" takes priority over the commandment not to "cut the sperm ducts." Therefore, MESA and TESE are fully allowable and, in fact, mandatory. However, such a decision, based on a clear conflict between two commandments is referred to as a "leniency." In other words, the rabbi's are not really happy about the prospect of an apparent violation of a Torah commandment, but it is understood that God's intention in the commandment to avoid cutting the sperm ducts was meant to be a corollary to "be fruitful and multiply," and not to be a prohibition against doing whatever you can to "be fruitful and multiply."

**Controversial issues such as donor gametes**

Controversial issues such as whether or not donor gametes are allowable have not yet resolved themselves into any clear announcement from Rabbinic authorities. The great legal Orthodox Jewish minds are very cautious on this issue. Many Orthodox Jews assume that donor gametes are not allowable and don't even think to engage in detailed, syllogistic scrutiny of this issue. Therefore, most rabbinic authorities generally do not allow either donor sperm or donor eggs. However, there is no clear injunction in the Torah against donor sperm or donor eggs, and there is a clear imperative to "be fruitful and multiply." In fact, the imperative to "be fruitful and multiply" is so strong that prior to modern reproductive technology, divorce (which is generally shunned among Orthodox Jews) would be allowed if the couple were infertile, just to allow them the chance to try via a different marital partner to have children.

Therefore, to solve this issue, the couple has to search "for the right rabbi" who will go through the details of this complex issue with them privately. The greatest and most respected Orthodox Jewish mind of the twentieth century was Rabbi Moshe Feinstein. Unfortunately he has passed away, but his views (however radical seeming) were regarded universally by Orthodox Jews, no matter what their hesitation, as most probably being correct guidelines. His knowledge and his reasoning were considered to be vaster than any other rabbi in the later twentieth century. He never had a chance to make a ruling on donor eggs, but on donor sperm he felt that it was a private matter for the couple to decide, and in certain situations it would be recommended in order to fulfill the first commandment as well as to keep the marriage together. However, despite such an opinion, there is a general "feeling" among Orthodox Jews against donor gametes. However, my discussions with many of the great Talmudic minds would indicate to me (my personal view) that despite the controversy, donor gametes, in special situations, with the right couple, is preferable to going childless, and is acceptable under Jewish law.

**Torah and science do not conflict**

Even the most fundamentalist Orthodox Jewish viewpoint is that Torah and Science do not conflict. Mankind must use its creative intelligence to resolve conflict and to figure out from the "basic" principles of Torah what is right, and never to be blinded by dogma. A good example is the
Orthodox Jewish view of Creation and the concept of the Big Bang. Most physicists today believe that the universe is approximately 13 billion years old. That would seem to conflict with the biblical notion that the universe was created in six days, and on the seventh day, God rested. However, MIT physicists have studied this concept of the Big Bang mathematically using basic principles of the relativity of time and velocity popularized by Einstein.

As an object is proceeding at or near the velocity of light, time slows down dramatically in relation to a fixed observer. Einstein originally postulated that if you were to travel in a spaceship at the speed of light for thousands of years, and then return to Earth, you will not have aged significantly, but back on Earth it will be thousands of years later. Time simply gets slower the faster your velocity in relation to a fixed observer. If God is considered the external observer, and the universe is expanding near the speed of light, then the 13 billion years which astronomers measure as the age of the universe comes out to approximately six days. Thus, there is no conflict between our observation that the universe is approximately 13 billion years old, and the traditional biblical view that the universe was created in six days. This is one example of the firm belief in Judaism that science, observation, and study do not, and should not conflict, with religion and spirituality. That is not considered to be God's wish. The Orthodox view of the most respected rabbinic minds is that Torah should be a window to view the universe with an open mind, and should not be a wooden shutter.