

JEWISH ETHICAL AND LEGAL QUESTIONS RELATED TO ASSISTED REPRODUCTIVE TECHNOLOGY

“Be fruitful and multiply” (Gen 1:27)

- a. This is given to men and women, but later the Rabbis limit this obligation to men.
- b. The obligation is considered to be fulfilled by having a child of each sex.
- c. Jews worldwide number just over 13 million, .2% world population. The reproductive rate among North American Jews is only 1.8 (where 2.1 is required for replacement), and 2.0 in Israel
- d. One is not obligated in a commandment he/she cannot fulfill, so there is no Jewish legal obligation to use assisted means of reproduction.

Prohibition against spilling seed in vain

- a. If the purpose is to procreate, it is not in vain
- b. The sample should be collected in a way that optimizes viability

Concern for Adultery and Incest using donated sperm

- a. The intention is conception, it is not an act of sex
- b. No concern of *mamzer* status due to adultery
- c. Halachic legality is debatable: doesn't technically fulfill the obligation to reproduce, however it allows the building of a Jewish family
- d. Preferred use of sperm from a non-Jewish donor to prevent concerns of incest

***Safek Sakannah* – Avoiding Danger**

- a. Must work closely with a doctor and balance risk of all interventions, since they are optional
- b. True for the couple and for the donors or surrogates
- c. True for emotional affliction as well

Jewish status of the baby

- a. Paternal lineage follows genetics (relevant for Cohen or Levi status)
- b. Maternal lineage is debated in cases of donation and surrogacy

- 1) Some rabbis say the birth mother determines the baby's status, precedent set because a baby born from a woman who converts after conception is Jewish
- 2) Other opinions go by the genetic mother