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THEOLOGICAL DISCOURSE IN BIOETHICS: GENERAL AND CONFESSIONAL DIFFERENCIES

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"Not all arguments against cloning are religious, and not all religious arguments oppose cloning".
Courtney S. Campbell

This essay is devoted to the problem of theological discourse in bioethics. We focus both on general positions shared across major existing religions and substantial confessional differences among them. Among the major categories determining relationship between bioethics and religion we studied the following: "image of God" (imago Dei), casuistry, primacy of procreation, "playing God", artificial procreation and others. After analyzing Christian, Jewish and Islamic positions on the theological interpretation of the reproductive technologies and human cloning, we came to a conclusion that differences in views depend rather on orthodox, conservative, traditional or liberal viewpoint within a given church than on differences between particular religions. Despite substantial faith-related differences, occasionally, views on reproductive technologies and other problems of bioethics seem closer between liberal Protestants and liberal Judaists than between orthodox and reformist Judaists.

Keywords: reproductive technologies, human cloning, procreation, religious pluralism, confessional difference.

Introduction

Bioethics studies the ethical questions arising in interaction between biology, medicine, cybernetics, politics, law, philosophy, and theology. Over the last twenty-five years religious writers have discussed the prospect of human cloning in the context of long-standing religious traditions that often influence and guide citizens' responses to new technologies. Religious positions on human cloning are pluralistic in their premises, modes of argument, and conclusions. Nevertheless, several major themes became prominent in Jewish, Roman Catholic, Protestant, and Islamic positions, including responsible human dominion over nature, human dignity and destiny, procreation, and family life. Some religious writers argue that cloning a human in order to create a child would be intrinsically wrong and immoral and thus could never be morally justified. Thus, they propose a wholesale ban on such cloning. Meanwhile, other religious writers contend that human cloning for creating a child may be morally justified under specific circumstances but insist that it must be strictly regulated in order to prevent abuses.

Liberal thought has tended to maintain that religion is too divisive for providing a construc-

tive voice in public policy debates within democratic pluralistic societies. It has been noted that beliefs within a particular religious tradition produce its own view of human good not necessarily shared by others or supported by publicly accessible reasons. Thus, such views would likely conflict both among different religions and secular thoughts on the matter. Divergent hierarchies of values within existing major religions were especially noted as a possible ground for emergence of ethical differences. Entering religious beliefs into discussions about public policy was considered tantamount to requiring that public policy be justified on the basis of those beliefs. From the point of view of Richard Rorty this amounts to "privatization of religion", "making it seems bad taste to bring religion into discussions of public policy". (Rorty, 1994:2).

Robert Audi thinks that citizens, advocating public policies, should provide secular reasons, because "conflicting secular ideas, even when firmly held, can often be blended and harmonized in the crucible of free discussion: but a clash of gods is like a meeting of an irresistible force with an immovable object." (Audi, 1989:296). John Rawls concurs stating that "religious, philosophical, and moral convictions are part of what we call "nonpublic identity", matters that citizens may deal with in their 'personal affairs" (Rawls, 1985:241). However, he appears to move toward greater accommodation of religious views and allows some to enter public debate under certain conditions. (Rawls, 1996). This modification of a long-held position by a leading advocate of political liberalism is significant and worth of further attention. Meanwhile, Cynthia B. Cohen in the article "A Challenge to Political Liberalism" counteracts that trying" to eliminate comprehensive religious views of human good from the creation of public policy is not only to misunderstand the degree to which religious belief permeates secular thought, but also unfairly and unwisely to exclude religious views from public discussion in pluralistic democratic societies"
(http://www.parkridgecenter.org/Page509.html).

The liberal tradition to which Rawls adheres would leave an individual presumptively free to make any choice about the use of new reproductive technologies. John Robertson is a leading advocate of this view. Robertson writes that individuals have a right to choose various forms of assisted reproduction and methods of "quality control" over gametes, embryos, and fetuses because doing so offers them a way to obtain the children that they want. Since reproduction is closely tied to the privately held ideas of what would constitute a meaningful life, it is not children in general that the "parents-to-be" are seeking but children with specific characteristics that will fulfill their progenitors' desires and give meaning to their life projects. Therefore, he claims that not only they have a right to engage in reproductive activities, but also a right to "acquire that sort of child that would make one willing to bring a child into the world in the first place" (Robertson, 1983:432), (Robertson, 1994:33). He adds that should the resulting children be injured by the use of new reproductive technologies, they would have no grounds for complaint, for "if the child has no way to be born or raised free of that harm, a person is not injuring the child by enabling it to be born in the circumstances of concern". In his view, the development of reproduction, or the renewal of eugenics, justify limiting the choice of "parents-to be". Such concerns, according to Robertson, are "symbolic" ones that focus on "the constitutive meaning of actions regarding prenatal life, family, maternal gestation, and respect for persons over which people in a secular, pluralistic society often differ" (Robertson, 1994:41).

Robertson's theory, despite its disclaimers to the contrary, presumes a comprehensive doctrine of the human good. Its focus is on the rights and interests of adults who want to have children; these rights and interests are intimately associated with their good. The needs of children who result from new reproductive technologies do not figure prominently in this view. This becomes clear from the claim that

would-be parents should not draw back from using new reproductive technologies, even if doing so might harm the resulting children.

Religious pluralism

All these discussions take place in the situation of pluralism or various national, religious, ethical and cultural traditions. Several prominent theologians are engaged in these initial discussions of human genetic manipulation and cloning, including Charles Curran, Bernard Häring, Richard McCormick, and Karl Rahner within Roman Catholicism, and Joseph Fletcher and Paul Ramsey within Protestantism. The diametrically opposed positions staked out by the last two theologians signal a wide range of views expressed by religious writers. Joseph Fletcher advocates expansion of human freedom and control over human reproduction. He portrays the cloning of humans as one of many present and prospective reproductive options that could be ethically justified by societal benefit. Indeed, for Fletcher, cloning, as a method of reproduction, was preferable to the "genetic roulette" of sexual reproduction. He viewed laboratory reproduction as "radically human" because it is deliberate, designed, chosen, and willed.

By contrast, Paul Ramsey portrays the cloning of humans as "borderline". Crossing this moral boundary may risk compromising the basic concepts of human procreation. Cloning threatens three "horizontal" (person-person) and two "vertical" (person-God) relationships. Firstly, clonal reproduction would require directed or managed breeding to serve the scientific ends of a controlled gene pool. Secondly, it would involve non- therapeutic experimentation on the unborn. Thirdly, it would assault the meaning of parenthood by transforming "procreation" into "reproduction" and the procreative end of human sexual expression. Fourthly, the cloning of humans would express the sin of pride or hubris. Fifth, it could also be considered a sin of self- creation as humans aspire to become a "man-God" (Ramsey, 1970:92).

Religious pluralism holds that one can overcome both innate differences between various religions and denominational conflicts within the same religion. For most religious traditions, religious pluralism is essentially based on a non-literal view of one's religious traditions, hence it allows for mutual respect between different traditions based on core principles without dwelling on more marginal and oftentimes divisive issues (Heelas, 1999:2; Armstrong, 2001:367). It may be summarized as an attitude which rejects focusing on immaterial differences, and concentrates instead on those beliefs that are held in common.

In the wide context religious pluralism is the recognition of the presence of diverse religions and varying forms of expression of religious feelings. It allows for many paths to revelation (comprehending God and thus attaining individual salvation), while recognizing the values of particular doctrines and their refusal of general evangelization, including missionary work.

Religious pluralism can be characterized both internally and externally: as acceptance between different denominations of the same religion or between different religions. In the context of our discussion, we are especially interested in the divergence across orthodox, conservative, traditional and liberal outlooks. Even while obeying the tenets of the same major religion their representatives tend to exhibit differences in their political, ethnic, moral and cultural goals within the society. After analyzing Christian, Jewish and Islamic positions on the theological interpretation of the reproductive technologies and human cloning, we came to a conclusion that differences in views rather depend on orthodox, conservative, traditional, or liberal viewpoint within a given church than on differences between particular religions. In short, views on reproductive technologies and other problems of bioethics are often closer between liberal Protestants and liberal Judaists than between orthodox and reformist Judaists.

The same situation can be observed in the contemporary Protestant churches, where the Southern Baptists and Mormons have different view of our subject as compared to the Evangelic-Lutheran church. In no way this should mean that there is a dearth of common confessional or religious ideas on reproductive technologies or other bioethical problems.

Western religious tradition puts a special emphasis on individual dignity and choice. However, those continue to be viewed within a broader familial and social context. Not only the good of the individual, but that of the family and of the community, seem to be of great significance. According to Judaic and Christian traditions, having children is not purely a private matter of their parents but a shared communal endeavor. This imposes responsibilities regarding the children, to be shared among the family and the community. Procreation is a relational process, in that it involves establishing association between parents and between parents and children, and also a social one in the broader context of the community. Moreover, the focus in these religious traditions stresses the needs of the children themselves.

For example, procreation in Judaism is inseparable from social relationships. Having children, forming a family, and, more broadly, procreating the people, who, as heirs, will eventually prosper from this act, is essential to the Jewish thought (Vaux, 1965:34–37; Dorff and Rosett, 1988:485–86; Brown, 1988:61–65). Procreation is the primary purpose of marriage in the Hebraic tradition. This is reflected in the preeminent position of the command to procreate early in Genesis within the Priestly account of creation. Having children is the way to social identity and to the survival of Israel as the people. This is why, when a man and a woman are married in Judaism, they sign a contract in which they agree to perform their respective parts so that children will be born and, in turn, bear the identity of the parents and the people of whom they are a part into the future (. Dorff and Rosett, 1988:451–454). Having children, cherishing them, and nurturing them to become members of the community and carry on its traditions are of supreme importance in Judaism.

Within the early Christian tradition, marriage is more closely tied to companionship than to having children or the formation of the people. As the tradition evolved, sanctification of sexuality tied marriage to procreation. According to Augustine, bringing children into the world and caring for them can abrogate the evil of sexual desire. Couples share and achieve fulfillment through their love for one another, rather than by gaining identity in the future through their children. Should they be blessed with children as a result of their mutual commitment, they are to acknowledge and care for them on behalf of God, moving into a future marked by mutual love between parents and children. Both in Judaism and Christianity, couples are gifted with children, rather than entitled to them. Children are cherished not only as symbols of the growth of a nation or of the mutual commitment of couples to one another, but also as beings with their own integrity and uniqueness. Parents are not creators but procreators, meaning that children are not their products, or projects, but their trusts. Thus, these traditions would reject the right enunciated by Robertson to acquire a child specifically tailored to one's own choices. Instead, children are beings with a fundamental human dignity who are not to be acquired or especially designed according to parental desires.

For these traditions, the way in which children are brought into the world is a matter of social as well as individual concern. For them, limitations on reproductive interventions should be set not just on the basis of avoiding harm to others, but also on the grounds of a shared sense of what humankind requires in procreation and the family. Thus, new reproductive technologies should not be treated solely as a private matter. From this perspective, if we are to develop fundamentally new understandings of the family, we should do so reflectively as a community, rather than haphazardly, by chance or as isolated individuals.

The reasoning expressed by those voices that are vocal in public debates about the "orderly reproduction of society over time" presumes many values that are directly or indirectly indebted to western religious traditions.

Casuistry in theological discourse

There are two main approaches within the theological discourse about human cloning. The first approach relies on a form of moral *casuistry*. It examines the extent to which human cloning is relevantly continuous with already "familiar" ethical contexts and *issues*.[1] For example, a theological discussion may draw attention to the occurrence of "natural" clones or identical twins, and proceed to inquire in what respect laboratory-created clones are morally or theologically similar to or different from this already accepted social context for raising children. Casuistic argumentation presupposes the validity of the formal principle of justice. Within it, the central question in an ethical assessment will be the interpretation of human cloning as similar or dissimilar to certain social structures or medical practices already accepted or criticized by society and the religious tradition. Lacking direct revelation on human cloning in sacred texts, casuistic and analogous reasoning has been a characteristic part of religious argumentation. The significant point is that conclusions about human cloning are influenced in large measure by the framing ethical context.

The mode of practical reasoning involves application of the moral and anthropological *norms* of the religious tradition in order to generate an ethical assessment of human cloning. For example, perhaps the most common norm of the western theological anthropology oftentimes invoked in the discussion of human cloning is that human beings are created in the "image of God" (*imago Dei*). This concept, which is very rich in ethical content, is then applied by methods of religious reasoning to provide a perspective or conclusion on human cloning in general, or the theological and moral status of any given clone.

[1] *Definition "Human cloning" is used in an indirect sense which means all kinds of reproductive technologies and biomedical manipulations.*

Imago Dei

We will examine the principal theological themes in the Western and Eastern faith traditions which will show both the casuistic and normative modes in action. Religious traditions and communities have articulated a variety of ethical norms in order to address a wide range of practical issues and problems that people encounter in moral life. These norms may be derived from sacred writings and their interpretation, ongoing historical reflection within a religious tradition, and personal experiences, among other sources; and can be applied to a wide array of moral choices persons confront from the beginnings to the endings of life.

The two monotheistic religions – Judaism and Christianity are based on biblical tradition. Several characteristics of humanity have been inferred and explicated from the biblical story of creation:

- Human beings as created in God's image receive the gift of freedom and moral agency. The moral correlate of personal freedom is one's personal responsibility for actions before one's conscience, others, and ultimately God.
- Humans are fundamentally equal because they are all created in God's image. Their fundamental equality transcends any differentiations based on gender, race, class, or ethnicity.
- Human beings are also relational and social creatures. They are created in and for relationships with God and for community with other persons as well as the rest of creation.
- The image of God is reflected in human diversity, including, but not limited to, gender diversity. The differentiation of the sexes represents the divine warrant for procreation as well as a positive evaluation of sexuality.

- Although human beings exist in nature, they also transcend nature, expressing the image of God through the exercise of their creative capacities and potential, including their "dominion" over the natural world.
- Although human beings are created in God's image, they are not God. They are finite and fallible, with limited capacities to predict and direct the course of actions they initiate, or to assess accurately the outcomes of these actions.

Each of these features of the image of God helps explain religious responses to the prospects of creating a child through human cloning (CLONING HUMAN BEINGS, 1997, chapter 3).

Islamic traditions are more favorably disposed to cloning research with therapeutic objectives, such as alleviation of infertility. Jewish law does not attribute full moral status to the human embryo, while Islamic scholarship is divided on the timing of ensoulment. Thus, the loss of human embryonic life through cloning research does not carry the same status of "harm." Moreover, Jewish law permits almost any action, excepting breaches of the three commandments, to be performed for the purpose of saving life. Regarding the question of human cloning, the Western religious tradition may be more limiting to the range of biomedical research. It may be permitted, but is not required, and the prospect of therapy must meet the standard of conveyed benefits while assuring minimization of harm. Cloning research may be viewed as relevantly similar to other forms of genetic interventions already taking place in medicine. This casuistic context not only provides justification for cloning research, but also places important procedural and substantive limitations.

The same question is encountered in theological discourse on human cloning. A Lutheran theologian Philip Hefner argues that cloning is a "revelation of the human situation.... In cloning, we are, in fact, addressing ourselves, and it is about ourselves that we have the greatest questions" (Hefner, 1997).

Procreation and religious responses

The question of personhood is commonly described and explained in the Western faith traditions with reference to the theological theme of the image of God (*imagoDei*). Normative humanity is theologically rooted in the creation of human beings in the image of God (*Genesis* 1:27-28).

It is possible to identify several implications of significance to the questions of:

- Human beings are bestowed with the gift of freedom and moral agency. Moral agency is inherent in the human self and creates logical and correlative moral responsibilities.
- The logical correlation encompasses respect for the equal freedom and agency of other persons.
- The understanding that personal freedom is personal responsibility for actions before myself, others, and ultimately before God.
- Human beings are created in God's image, but they are not God. They are finite and fallible, with limited capacities to predict and direct the course of actions they initiate, or to assess accurately the outcomes of these actions.
- A fundamental equality is inherent in the human person. This equality transcends differentiation between persons made on the basis of gender, race, class, ethnicity, etc.
- Human beings are relational and social creatures. They are created in and for relationship with God, for community with other persons, and with creation.
- The image of God is reflected in human diversity, involving but not limited to gender diversity.
- The differentiation of the sexes provides a divine warrant for procreation and the sacredness of sexuality.

Each of these features of the *imago Dei* helps explain and define religious responses to all kinds of procreation. Religious concerns about the disruption of or confusion in relationships, diminished diversity, the primacy of procreation,

and the significance of the body can be rooted in this theological concept. The divine commands given to humanity subsequent to their creation in God's image are also invoked in religious discourse on human cloning. Human beings are obligated to multiply. This not only justifies sexual love and procreation as good, but also, within some theological perspectives, provides for an intrinsic connection between the "unitive" and "procreative" purposes of sexuality.

Three ways of human activity

The human dominion over nature can be interpreted in at least three ways of significance. First of all, it implies an *ethic of stewardship* in which human beings are entrusted with administrative responsibility for creation. Human stewardship involves caring for and cultivating creation in the same manner as a gardener. The second model, particularly significant in Jewish and Islamic discourse, suggests a "*partnership*" of human beings with God in caring for and improving upon creation. The natural world can be shaped in several different forms that service divine and human goals. This model holds the potential for seeing cloning research as using human creative potential for good. The third model is the view on a human being as "*a created co-creator*". This claim recognizes that human beings are created beings, dependent on God and finite and fallible in their existence. A human being assumes the role of a *co-creator* in order to envision and implement his/her knowledge for the betterment of humanity and the world. Reproductive and genetic technology can be one particular expression of a responsible created co-creatorship. However, since the person created in the image of God is marked by sin and human beings choose evil rather than good, caution is a moral necessity.

Playing God

Criticism to biomedicine is often expressed through the slogan of "*playing God*". This slogan is invoked as a moral stop sign to scientific research and medical practice on the basis of some or all of the following attributes:

- Human beings should not probe the secrets or mysteries of life. Continued scientific pursuit to reveal these secrets can create a "God of the gaps" theology, in which "God" is reduced to a symbol that simply fills in for those questions modern science has not yet answered.
- Human beings do not have the knowledge, especially knowledge of outcomes, attributed to divinity.
- Human beings do not have the power to control the outcomes of divinity's actions or processes.
- Human beings have no authority to make decisions regarding the beginnings or endings of life.

In the theological discussions of human cloning, Paul Ramsey summarized his objections by this statement: "Men ought not to play God before they learn to be men, and after they have learned to be men, they will not play God" (Genetics and the Future of Man, 1966, p.107– 169).

Donum Vitae

The most important statement on this position was issued by the Vatican in 1987 in its *Instruction on Respect for Human Life (Donum Vitae)*, which contained a prohibition on human cloning either as a scientific outcome or technical proposal: "Attempts or hypotheses for obtaining a human being without any connection with sexuality through 'twin fission,' cloning, or parthenogenesis are to be considered contrary to the moral law, since they are in opposition to the dignity both of human procreation and of the conjugal union". *Instruction* describes that God created man in his own image and likeness: "male and female he created them" (Gen 1:27), entrusting to them the task of "having dominion over the earth" (Gen 1:28). According to *Gaudium et Spes*, "science and technology require, for their own meaning, an unconditional

respect for the fundamental criteria of the moral law: that is to say, they must be at the service of the human person, of his inalienable rights and his true and integral good according to the design and will of God" (*Gaudium et Spes,* par.1). Pope John Paul II in the *Discourse to the members of the 35th General Assembly of the World Medical Association* underlined that it is on the basis of this anthropological vision that one is to find the fundamental criteria for decision-making in the case of procedures which are not strictly therapeutic, as, for example, those aimed at the improvement of the human biological condition". NCBC Statement on Recent Developments in Obtaining Embryonic Stem Cells through Embryo Biopsy (2005.10.18) wrote, that "the technique of single-cell embryo biopsy was used to obtain embryonic stem cells from mice without destroying the embryos. Several embryonic stem cell lines were successfully developed from the originating cells, and the biopsied embryos progressed to term. While the attempt to obtain embryonic-like stem cells for the purpose of establishing embryonic stem cell lines without destroying embryos is in principle morally laudable, any procedure that places at risk the health and life of a human embryo for purposes that do not directly benefit the embryo is morally unacceptable". This moral standard is made clear by the teaching of *Donum vitae* issued by the Holy See in 1987: "No objective, even though noble in itself, such as a foreseeable advantage to science, to other human beings or to society, can in any way justify experimentation on living human embryos or foetuses, whether viable or not, either inside or outside the mother's womb" (I, 4). *Instruction* described Vatican's fundamental positions concerning biomedical techniques. The Congregation for the Doctrine of the Faith used dialogues for explaining its position. The answer, which follows a question, provides a concrete form of explaining Church's position regarding each particular problem:

- There are two fundamental values connected with the techniques of artificial human procreation: the life of the human being called into existence and the special nature of the transmission of human life in marriage.
- The moral judgment on such methods of artificial procreation must therefore be formulated in reference to these values.
- Advances in technology have now made it possible to procreate apart from sexual relations through the meeting *in vitro* of the germ-cells previously taken from the man and the woman. But what is technically possible is not necessarily morally admissible
- Every human being is always to be accepted as a gift and blessing of God. However, from the moral point of view a truly responsible procreation vis-ą-vis the unborn child must be the fruit of marriage.
- The good of children and parents contributes to the good of civil society; the vitality and stability of society require that children come into the world within a family and that the family be firmly based on marriage
- Human embryos obtained *in vitro* are human beings and subjects with rights: their dignity and right to life must be respected from the first moment of their existence. It is immoral to produce human embryos destined to be exploited as disposable "biological material".
- Techniques of fertilization *in vitro* can open the way to other forms of biological and genetic manipulation of human embryos, such as attempts or plans for fertilization between human and animal gametes. These procedures are contrary to the human dignity proper to the embryo, and at the same time they are contrary to the right of every person to be conceived and to be born within marriage and from marriage
- Every human being is always to be accepted as a gift and blessing of God. However, from the moral point of view a truly responsible procreation vis-ą-vis the unborn child must be the fruit of marriage.
- The child is not an object to which one has a right, nor can he be considered as an object of ownership; a child is a gift and the most

gratuitous gift of marriage, and is a living testimony of the mutual giving of his parents.

- Civil law cannot grant approval to techniques of artificial procreation which, for the benefit of the third parties (doctors, biologists, economic or governmental powers), take away what is a right inherent in the relationship between spouses; and therefore civil law cannot legalize the donation of gametes between persons who are not legitimately united in marriage.
- Legislation must prohibit, by virtue of the support which is due to the family, embryo banks, post mortem insemination and "surrogate motherhood". It is part of the duty of the public authority to ensure that the civil law is regulated according to the fundamental norms of the moral law in matters concerning human rights, human life and the institution of the family
- A movement of passive resistance to the legitimization of practices contrary to human life and dignity is beginning to make an ever sharper impression upon the moral conscience of many people, especially among specialists in the biomedical sciences.

The Instruction's conclusion is that "any directive of the civil and health authorities or of scientific organizations which in any way were to favor a link between prenatal diagnosis and abortion, or which were to go as far as directly to induce expectant mothers to submit to prenatal diagnosis planned for the purpose of eliminating fetuses which are affected by malformations or which are carriers of hereditary illness, is to be condemned as a violation of the unborn child's right to life and as an abuse of the prior rights and duties of the spouses".

Islamic view

The quest for scientific knowledge is not necessarily viewed as theologically threatening. Islamic scholars, for example, emphasize that the whole scientific discovery is ultimately a revelation of the divinely ordained creation. Scientific knowledge is thereby a symbol or sign of God's creation.

The Pakistan Journal of Medical Science (2005.21.2) published reports of the seminar "Foundations of Moral Thought: From the Greeks to Contemporary Bioethics", presenting general Islamic opinion on issues of bioethics. Prof. Abdulaziz Sachedina, a renowned religious scholar from the USA, in his keynote address emphasized the importance of establishing links between religion and medicine. From his point of view, we are not at all involved in the dialogue. Bioethics is not at all secular but totally religious. From his point of view, the Muslim concept of bioethics has many specific features from theological and ethic view:

- Human beings are capable of resolving ethical dilemmas because of God-given knowledge. Man has a sense of security because of the role of faith in God. God is the ultimate healer whereas medical professionals are God's agents
- We need to learn our ethics from the Quran and not from Greeks. Western education system does not pay attention to Islamic ethics. Islamic bioethics is based on principles of doing no harm and no harassment, protection against distress, necessity to avert possible harm to an individual and the community.
- Islamic Ethics is based on two dominant foundations: theistic subjectivism and rationalist objectivism. Islamic principles and rules serve as a bridge between reason and revelation. The divine command ethics require the principles to be anchored in the sacred texts because without a revelatory justification no ethical deliberation can produce a viable solution
- Child is considered a sign of successful marriage. It is a stigma for women who fail to get pregnant. Shariah requires that a male patient should be seen and examined by a male doctor and a female patient to be examined

by a female doctor. Artificial insemination is not accepted by Shariah. Abortion is redefined as occurring only after a fertilized egg has lodged in the uterus.

Muslim views on bioethical matters are as pluralistic as within any other monotheist religion. According to professors Abdallah S. Daar and A. Khitamy, "Islam is not monolithic, and a diversity of views in bioethical matters does exist. This diversity derives from the various schools of jurisprudence, the different sects within Islam, differences in cultural background and different levels of religious observance. In Canada, some Muslim communities from central and eastern Europe and east Africa may be more liberal than more conservative communities from Pakistan or some of the Middle Eastern countries" (Daar and Khitamy, 2001:164).

The three monotheistic religions, Judaism, Christianity and Islam, believe in the same God, the God of Abraham (hence the common designation as the "Abrahamic" religions) and of the entire universe. Of all the prophets of Islam, Noah, Abraham, Moses, Jesus and Muhammad are considered to be the most important. Although Islam has some doctrinal differences with Judaism and Christianity, it shares essentially the same code of morality. The main difference is that if secular Western bioethics can be described as rights-based, with a strong emphasis on individual rights, Islamic bioethics is based on duties and obligations (e.g., to preserve life, seek treatment), although rights (of God, the community and the individual) do feature in bioethics.

The comments of the respected Shiite jurist Sheikh Fadlallah imply that recent cloning discoveries occurred "because God allowed it". From Abdulaziz Sachedina's viewpoint, cloning may be a divinely given opportunity for human moral training and maturity. . Similar assessments of the legitimacy of scientific inquiry appear in Catholic and Protestant traditions. Invoking a Calvinist claim that the world is a theater of God's glory, one ecclesiastical statement indicates that "in the sciences, the human does indeed receive glimpses of God's theater".

The prospects for dialogue and theoretical convergence can dissipate when examining specific scientific applications… The faith traditions underscore two common principal issues: who controls technological developments and whether the ends or purposes of technology are ethical rather than purely technical.

In the context of cloning the theological critique may assume several forms:

- The reduction of nature, animals, the human pre-embryo, or persons to being merely an object for scientific manipulation.
- The concern behind objectification is a loss or diminished sense of awe and wonder at the mystery and meaning of life.
- This loss of awe and wonder may result in a deformed scientific and religious sensibility.

Theological criticism has also been directed toward the "technological imperative". Two variations of this imperative have been invoked: "If we have the technical capacity to clone, we *should* pursue this research" and "If we have the technical capacity, we *will* inevitably pursue this research". The theological context of cloning also elicits disputes over the relationship of knowledge and power. Joseph Fletcher used the language of "rational control" to warrant cloning, but this in essence meant harnessing the power of the modern sciences to transform both nature and human nature. On more direct theological grounds, the Jewish tradition supports technological and medical interventions in response to the divine mandate to master the earth in service to humanity. More about that later...

The case of Judaism

Judaism has a rich and varied approach to biomedicine and other kinds of manipulations on human beings. The Jewish law devotes its attention to several important problems: Jewish identity, mission of the family, role of children in the future of the Jewish nation, etc. This helps in forming the general position of the Judaism to the problem

of using reproductive technologies. However, this doesn't mean total agreement on this subject among the diverse branches and the Judaic theologians representing them. The relationship between the modern technology, biomedical ethics and the Jewish law has been well developed over the last fifty years. The Jewish law insists that new technologies in general and new reproductive technologies in particular are neither prohibited nor permissible per se. In the Jewish tradition, the touchstone is halacha: the corpus of the Jewish law and ethics. In the case of all advances in reproductive technology the Jewish tradition must find balance between two requests that occasionally may be in conflict. On one side is the obligation to help those who wish to reproduce. On the other side is the general moral conservatism associated with the Jewish tradition's insistence that not everything that humanity wants or can do is proper. The Jewish tradition advises a waiting period in order to consider consequences which we can't fully comprehend or predict.

This leads to other questions. For example, who is the legal mother of a thusly conceived child? Thankfully, according to halacha, a child can have two or more *mothers*[2]. The contributor of the genetic material is not like the typical mother, who can only contribute half of the genetic material. In contrast, he/she contributed all of the genetic material, and thus has a greater claim to parenthood than an egg donor in the case of surrogate motherhood. The Jewish law focuses on parturition and birth, and labels the gestational mother as the "real" mother. This applies to the case of cloning as well – according to the Jewish law, the birth mother should be considered the "real" mother.

Some authorities insist that absent a sexual relationship, even if paternity is established, there is no fulfillment neither of the biblical obligation to "be fruitful and multiply", nor of the rabbinic obligation to "inhabit the earth". Cloning involves no sexual relationship, and thus would not fulfill "the mitzvah" to procreate according to the Jewish *law*.[3]

The majority of Jewish law authorities rule that children produced through other than sexual means are the legal children of the inseminator, and such activity is considered a positive religious activity (a mitzvah).

The case of two women, litigating regarding a surrogacy, opens an important problem about the child's religious identity. The Jewish law states that the child of a Jewish mother is Jewish, regardless of the religious identity of the father, and the child of a gentile woman is a gentile, regardless of the religious status of its father. Were one to determine that the gestational mother is the mother, the Jewish law would assign the child a Jewish identity and would limit paternity to those cases, where the provider of the genetic material is also Jewish. In those circumstances, where the donor of the genetic material is a Jewish woman and the gestational mother is a non-Jewish woman, or the other way around the determination of the child's religious identity would depend on who is accepted as the mother. The general view on this situation is as follows: the Jewish status of such a child would be in doubt, thus, he or she should be converted.

Even harder is the case of an "artificial", "manmade" person. According to halachic authorities, the legendary Golem and other artificially created "people" (*golems*) are non-human. However, from the halachic viewpoint accepted in Judaism, the most important question is whether a clone would be a real human being.

[2] *See Rabbi Ezra Bick, "Ovum Donations: A Rabbinic Conception of Maternity" Tradition 28(1) Fall 1993, p. 28-45; Rabbi Bleich responded in "Material Identity Revisited," Tradition 28(2) p. 52-56, Winter 1994; Nishmat Avraham EH 22:2 at 186 in appendix volume.*

[3] *This is analogous to the sexual relationship between a Jew and a non-Jew which the Jewish law maintains produces no legal relationship between the father and the child. Whether the father be Jewish and the mother not, or the reverse, the Jewish legal tradition denies paternity can be halachically established in such cases.*

Most of the contemporary writers think that a clone, even if fully artificially incubated, would still remain human, as it would have human intellectual ability, and other essential human attributes.

Thus the seminal discussion about cloning in terms of whether it is halachically permissible focuses on whether the obligation to be fruitful and multiply or its rabbinic analogue has been fulfilled by the cloning activity. This question seems to have no clear precedent in the Jewish law. One could argue that the definitional activity found in the obligation to be fruitful and multiply, could be fulfilled by a (wo)man giving genetic material to produce a child who lives.

Such difficult issues deserve "extensive consideration" within the Jewish community.

- There is no clear consensus in the Jewish law regarding cloning. Since the technology to clone people is not yet a reality, the issue is an academic one, not a practical one. For this reason, the Jewish law, which relies strongly upon precedent (much like the secular law), has no actual cases that have been decided. Scholarly analyses are still being published by prominent rabbis. Many technical issues of the Jewish law will have to be resolved before a final consensus is reached.
- However, the right to control one's own genetic information absent a physical intrusion is much harder to justify in the halachic tradition.
- Each person is created "in the image of God", and must be treated as such. Indeed, just as identical twins – *two* people with identical genetic "codes" – are *two* unique individuals, similar in some ways, and different in others, and are to be treated as two separate unique humans, so too a human being who was cloned from another human is a separate and unique person, fully entitled to a treatment as a unique human.
- Some have argued that halacha should prohibit cloning because so much human reproductive material has to be expended to produce a single clone. Whatever the merit of this argument, it is likely that scientific advance will vastly reduce the inefficacy of this process. Normative halacha does not view the death of pre-embryos in the process of an attempted implantation as a sin. That is exactly what embryos were supposed to be used for.
- It is clear that the Jewish tradition views the natural process of reproduction as the ideal, for a variety of reasons, including that it allows for genetic diversity, with all other methods to be used only when normal reproduction is unavailable.
- The correct response should be that these less than ideal methods should be used in circumstances where the ideal method does not or cannot work. The Talmudic dictum about genetic diversity stands for the proposition that wholesale cloning should be discouraged, and nothing more.
- The necessity to recognize the specific assistance to others in need of help. Consider the case of an individual dying of leukemia in need of a bone transplant who agrees to clone himself with the hopes of producing another like him or her who, in suitable time, can be used to donate the bone marrow and save his/her life.

It recognizes a variety of motives why people have children; there is no reason to assert that one who has a child, because this child will save the life of another person is doing anything other than two good deeds – having a child and saving a life. Having a child is a wonderful blessed activity; having the child to save a life is an even more blessed activity. Professor Avraham Steinberg from Shaare Zedek Medical Center in Jerusalem gave an answer to the question: should the technology of human cloning be prohibited in principle on halachic-philosophical grounds because it represents undesirable interference in nature? For him, "in principle the answer is *no*, although some of the details of how this technique is carried out may give rise to situations which we

would regard as negative and undesirable interferences into nature.

According to the Jewish view, we are not only permitted but in fact are obligated to build and perfect the world in every way we can for human benefit. Actions aimed at improving the world should not be perceived in principle as contradicting the divine decree and as constituting negative involvement into the creation. On the contrary, such actions are considered as an embodiment of a partnership between the Almighty and humans" (A Journal of Jewish Medical Ethics and Hallacha. 2001. IV(1)). However, although in principle we are permitted to interfere into nature, as explained above, such permission depends on three necessary preconditions:

- The actual act of "perfecting of the world" must avoid halachic prohibitions;
- The act must lead to no unavoidable or irreversible results which are prohibited;
- The act of improvement must bring benefit to human beings, or at least a measure of benefit which exceeds the damage caused.

Obviously, the shadow of the Jewish Holocaust put its stamp on the Jewish perception of human cloning. For example, Rabbi Moshe Tendler, professor of medical ethics, Talmudic law and biology at the Yeshiva University in New York describes that "as a Jew, he lives in the historical shadow of the Nazi eugenics program, in which people with "undesirable" traits were weeded out of society, forbidden to have children and ultimately killed.... Are we good enough to handle this good technology? Of course we are, if we can set limits on it. And when we can train a generation of children not to murder or steal, we can prepare them not to use this technology to the detriment of mankind."

We would like to conclude with the words of the prominent Rabbi Judah Luria (*Maharal* from Prague): "The creativity of people is greater than nature. When God created in the six days of creation the laws of nature, the simple and complex, and finished creating the world, there remained additional power to create anew, just like people can create new animal species through inter-species breeding.... People bring to fruition things that are not found in nature; nonetheless, since these are activities that occur through nature, it is as if it entered the world to be created..." (Rabbi Judah Luria of Prague, p. 38-39).

Conclusion

Several conclusions emerge from this brief overview:

- Over the past twenty-five years, theologians have engaged in repeated discussions of the prospect of cloning humans that anticipate and illuminate much current religious discussion on this topic.
- Differences in views rather arise from orthodox, conservative, traditional, or liberal viewpoint within a given church than from differences between particular religions. In short, views on reproductive technologies and other problems of bioethics are often closer between liberal Protestants and liberal Judaists than between orthodox and reformist Judaists.
- This coexists with an ongoing debate and formation of religious views on reproductive technologies and other bioethics problems that would apply to a single faith or become accepted across different confessions.
- In no way this would mean an absence of common confessional or religion-based views regarding both reproductive technologies and other problems of bioethics.
- Theological and ecclesiastical positions on cloning humans are pluralistic in their premises, their modes of argument, and even their conclusions.
- The religious discussion of cloning humans has connected it closely with the on-going debates about technologically-assisted reproduction and genetic interventions.
- Despite changes in scientific research and technical capability, the values that underlie religious concerns about cloning humans have endured and continue to inform public debate.

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TEOLOGINIS BIOETIKOS DISKURSAS: BENDROSIOS IR KONFESINĖS SKIRTYS

Basia Nikiforova

Straipsnyje pagrindinis dėmesys skiriamas teologiniam bioetikos diskursui. Pristatoma bendroji religinė pozicija ir jos konfesinės skirtys. Svarbiausios kategorijos, lemiančios bioetikos ir religijos santykį, yra žmogus kaip Dievo atvaizdas (imago Dei), gyvybės užsimezgimo pirmapradiškumas, dirbtinis apvaisinimas ir kitos. Reprodukcinių technologijų ir žmogaus klonavimo problema analizuojama iš krikščioniškų, judėjiškų ir musulmoniškų pozicijų. Mūsų hipotezė: religinis požiūris į visas reprodukcines technologijas ir kitas bioetikos problemas remiasi ne tiek priklausymu įvairioms religinėms ir konfesinėms organizacijoms, kiek ortodoksiniais, konservatyviaisiais, tradiciniais ar liberaliaisiais judėjimais jose. Taigi kartais protestantizmo ir judaizmo liberaliųjų krypčių požiūriai į daugelį reprodukcinių technologijų ir kitas bioetikos problemas yra artimesni nei požiūriai tarp ortodoksų ir judaizmo reformistų.

Reikšminiai žodžiai: reprodukcinės technologijos, žmogaus klonavimas, gyvybės užsimezgimas, religinis pliuralizmas, konfesinės skirtys.

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