

A further overview on Judaism and women's health

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The sacred Jewish writings begin with the *Torah* and continue with the prophets, the various wisdom books, the *Talmud* and commentaries on these books, which continue to be made even at the present time. The *Torah* is traditionally believed to have been given in a theophany on Mt Sinai and to contain the literal direct word of God.

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After the destruction of the second Temple, the Pharisees or Rabbis promulgated the concept that at the same time as the *Torah* was given in writing, an oral tradition was also given to Moses and this was handed down eventually to the Rabbis who wrote it in the *Talmud*.

Rabbis were able to interpret the *Torah*. These rabbinic interpretations enabled the accommodation to changing conditions, particularly after the destruction of the Temple and the dispersion of the Jews by *Hadrian*. For example, the most misquoted law in the *Torah* is 'an eye for an eye', which means, according to the rabbis, monetary compensation and not literally removing the assailant's eye.

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Rabbis are teachers, not priests, and can only give advice. The ultimate responsibility in ethical matters rests with the individual. Individual rabbis often give different interpretations so that people can choose to consult a rabbi whose views may be more in keeping with their own.

Post-Napoleonic Europe and the Enlightenment brought about an emancipation of Jews from the ghettos and schisms in the practice of Judaism. The 19th century gave birth to Reform Judaism, particularly in Germany, which stressed the ethical principles of Judaism and not its rituals. In reaction, there arose an ultra orthodox movement which took on more stringent practices. In between, a modern orthodox movement took into account secular studies and incorporated modern life styles. These different levels of Judaism exist at the present time. The ultra orthodox stick strictly to the letter of the law. The modern orthodox keep the law but take into account and participate in modern scientific scholarship, while the reform Jews lead a more secular life. There are also secular Jews, who identify with the Jewish community and may keep some of the traditions such as Passover and lighting candles on Friday night, but do not adhere to any of the laws relating to menstruation, procreation or diet.

The differences in the three groups can be seen in their attitude to the first commandment in the *Torah*, which is to be fruitful and multiply, implying a continuation of creation and a purpose in life. Although the minimum is to have at least one boy and one girl, the ultra orthodox continue to procreate to make sure they have fulfilled the commandment, while the modern orthodox feel they have fulfilled the commandment if they have at least one child of each sex.

In Judaism, sex is considered to be a blessing from God to be enjoyed by both males and females and not merely a means for procreation. The code of ethics states that a man must first satisfy his wife sexually before himself.

Onan's sin, the spilling of seed is prohibited, so that male masturbation is not allowed except for artificial insemination or IVF purposes as this creates life. Female masturbation is not considered. Contraception is permitted by all levels of Judaism if there is a threat to the mother's health. In ultra orthodox families, this would be the only acceptable reason to use contraception. Modern orthodox couples are often prepared to use contraception if they have at least one child of each sex. Contraception for social reasons would be accepted by reform Jews.

Methods that inhibit ovulation are more acceptable than methods whose main mode of action is prevention of fertilisation, such as the diaphragm or condom. Thus, the combined oral contraceptive pill would be the method of choice. IUDs are problematic as they prevent fertilisation. However, couples with different levels of orthodoxy may well accept some of these methods of contraception, especially if the pill is contraindicated for health reasons. An orthodox couple contemplating contraception may consult with their rabbi before making a final decision. It is important that couples are given accurate information about the mode of action of different contraceptive methods so that they can decide, if necessary with the help of their rabbi, which method is acceptable.

Progestogen-only methods such as Implanon, which inhibits ovulation, may be acceptable from this aspect but can be problematic if the woman is among the group who develop frequent or prolonged bleeding or nuisance spotting, as any sexual contact is prohibited during even the slightest spotting episode. In cases of unscheduled bleeding, the woman must be free of even the slightest spotting for five days and then attend the ritual bath before intercourse can occur. Therefore, use of progestogen-only methods may require very frequent periods of abstinence and trips to the ritual bath. If no other method is suitable, the woman can consult her rabbi to see if she can have dispensation from these requirements.

Other procedures which may result in unscheduled bleeding, even the light spotting which may result from taking a Pap smear, will result for an orthodox woman in abstinence from contact with her husband for five days and a visit to the ritual bath before relations can be resumed.

Mutilation of the body is prohibited in Judaism. Therefore, sterilisation is not acceptable for either sex, except to preserve the health of the mother when further pregnancies would compromise it and no other method is suitable.

Continued on page 26.

All jurists of all Muslim sects unanimously agree that abortion after 16 weeks is a grave and punishable sin. A small minority show leniency before 16 weeks and a small minority show leniency before seven weeks. However, all jurists agree that if the pregnant woman suffers a medical condition incompatible with pregnancy and the medical opinion is that continuation of pregnancy poses a real threat to her health, then abortion is permissible. Jurisprudence considers that the mother is the root and the fetus is the offshoot and if their welfares are irreconcilable, then the fetus has to be sacrificed in order to save the mother.

Infertility

'To God belongs the dominion of heavens and earth. He creates what He wills. He bestows females upon whom He wills and bestows the males upon whom He wills. Or He couples them in males and females and He leaves barren whom He wills. For He is All-Knowledgeable All-Powerful.' (42:49-50)

To have a child is a great blessing from God. Seeking a remedy for infertility is therefore quite legitimate for Muslims and is not considered as rebellion against the fate decreed by God. Prophets of God who were childless incessantly asked their Lord to give them children, and the *Qur'an* tells us time and again about the keen prayers of Abraham and Zakaria in this respect. Modern reproductive techniques have been devised and as far as they solve the problem of many childless marriages, they have to be praised and saluted, but the expansion of their application may put them in conflict with Islamic principles in some situations.

Artificial insemination by the husband's semen (AIH)

From the Islamic point of view, this procedure is acceptable as long as it remains between husband and wife, and is carried out during the span of their marriage.

Artificial insemination by a donor's semen (AID)

Although this procedure can put an end to the problem of the fertile wife of an infertile husband, it stands unacceptable to Islam. This is for several reasons, including confusion of lines of genealogy (whose purity is so dear to Islam), potential for absolving the biological father from responsibility for his own 'flesh and blood'. As well, it is seen to enhance the chances of inadvertent brother-sister marriages in a community. Lastly, it violates the Islamic legal system of inheritance.

In vitro fertilisation (IVF)

The Islamic ruling on IVF is consistent with rulings on mating and reproduction in general. The procedure is Islamically acceptable and commendable, but only if it solely involves husband and wife and if it is performed during the span of their marriage. If the woman becomes widowed or divorced, then the marriage contract has come to a conclusion and the stored semen of the husband would be alien to her.

Surrogacy

Surrogacy is not acceptable to Islam, again on the premise that pregnancy should be a fruit on the tree of a marriage. The procedure is also condemned in Islam because it entails the carrying in pregnancy of an 'alien seed,' which is outside the marriage contract binding the husband and his second wife. At any rate, the child would belong to the woman who carried and delivered it. Islam states that although God knows we are related

to both the ovary and the womb of our mother, the reference in the *Qur'an* is always made in relation to the womb, and it was repeatedly stated in the *Qur'an* that our mothers are those who gave birth to us:

'None can be their mothers except those who gave them birth.' (58:2)

References

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4. Al Faruqi I R. *Tawhid: its implications for thought and life*. Kuala Lumpur: International Institute for Islamic Thought, 1982.
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6. Al Bar M A. *Human development as revealed in The Holy Qur'an and Hadith*. (The creation of man between medicine and The Qur'an). Jeddah: Saudi Arabia Publishing & Distributing House; 1986.
7. Ebrahim A M. *Abortion, birth control and surrogate parenting. An Islamic perspective*. Indianapolis: American Trust Publications; 1989. p10.
8. Medical ethics and Islam principles and practice. *Archives of Disease in Childhood*, 2001; 84:72-75.

Further reading

Islam in Australia.

Australian Department of Foreign Affairs and Trade
www.dfat.gov.au/facts/islam_in_australia.html

Islamic Perspectives of Obstetrics and Gynaecology.

A resource reference for physicians handling Muslim patients.

Gynaecology and Maternal Care.

A medical school teaching textbook.

Islamic Perspectives of Obstetrics and Gynecology.

A resource reference for physicians handling Muslim patients.

The Full Minutes of the Seminar on Human Reproduction in Islam.

Held on 24 May 1983.

'A further overview on Judaism' continued from page 23.

Similarly, abortion is accepted if the mother's health, which includes mental health, is threatened. Abortion for social and fetal reasons is debated quite hotly and again would depend on which brand of Judaism is followed. Under 40 days of age, the embryo is considered as a drop of water and is not a complete human being until the head is delivered. While the legal penalties for unwarranted abortion differ depending on the age of the fetus, ethically and legally, unnecessary abortion is wrong at any stage of gestation. Although there is this prohibition against abortion in Jewish law, an abortion before 40 days gestation would be considered differently from later abortion, which again is not considered in Jewish law as murder and would not carry as severe a penalty as infanticide, which is regarded as murder.