

The Status of the Embryo in Halacha

PGD results in the disposal of embryos, some of which are healthy. The *Gemara*¹ states that in the first forty days after fertilization the embryo is not considered viable, but is “simply water” - in the eyes of *halacha* it is not considered as “life”.

This should not be construed as a lack of concern for the value and sanctity of life itself. It should also not be misunderstood to mean that up until that time it is not really a pregnancy.

The *Gemara* differentiates between pregnancy - where the embryo will grow into life - and an embryo outside of the body which cannot become life in its present condition.

Therefore the *poskim* ruled that early pregnancy cannot be terminated since it will become life, but unused embryos may be destroyed since they will not.

Use of PGD as a Routine Procedure

There are doctors who suggest performing PGD as a routine procedure for everyone undergoing IVF, for all women over a certain age, or for anyone who has undergone one or more unsuccessful IVF treatments.

However, others argue that it is screening otherwise healthy embryos and not diagnosing a known problem. There are 3000 rare genetic diseases and it is impossible at the moment to check for all of them. In addition, some genetic abnormalities are harmless and therefore irrelevant. Good embryos with simple genetic abnormalities with little or no clinical significance may end up destroyed.

Embryologists claim to have seen embryos that seemingly have an abnormality; when left to develop, they result in healthy pregnancies and live births. This seems to suggest that a mechanism does exist that can sometimes address and repair a potentially problematic embryo. Excluding these embryos may actually limit, not enhance the couple’s ability to become pregnant.

Is Interfering with Nature Halachic?

One might express the worry about interference with nature. However, we do not believe that once someone has a medical condition we are prohibited in intervening in a Divine plan and should therefore leave them to suffer. Rather, the *Gemara*² interprets the verse ‘and he will heal him’ to mean that the doctor is given permission - and even obliged - to heal the sick. Thus we are commanded to heal others, even if as a result we “interfere” with nature.

Though we do distinguish between life-threatening conditions and elective procedures, such as fertility treatment, the infertile couple may be considered ‘ill’ in the eyes of *halacha*. One should bear in mind, however, that the embryos themselves are not being healed, but rather selected for their healthiness.

Yevamot 69b; Niddah 30a 1
Bava Kama 85a 2

Using PGD in Sex Selection

PGD can also be employed in determining the sex of one's children. PGD can be used to check the fertilized eggs after an IVF procedure. Only embryos of the desired sex are implanted the uterus. This method is 100% successful in determining sex, and, unless there is a fertility problem, is mostly successful in achieving a pregnancy as well.

Halachic Considerations in Sex Selection

Sex selection raises many ethical and *halachic* questions. If a couple was already undergoing IVF together with PGD for a genetic abnormality, it would be permitted to select the sex of the child as well. In cases when there is a sex-linked genetic abnormality the couple could be allowed to undergo PGD in order to ensure that they would have healthy children.

In other cases the amount of potential damage to the embryo caused by the PGD procedure itself would need to be determined before it would be permitted. Using PGD to fulfill the *halachic* requirement of a child of each sex, for example, is not necessary as this law only applies to natural births.³

However if the couple were undergoing fertility treatment - but not advanced treatment such as IVF - and they requested to undergo IVF and PGD for sex-selection, the ruling may be different, since IVF itself has its own set of *halachic* questions. (See articles regarding **IVF & Supervision**).

A much more complex problem is presented by couples who do not have fertility problems but wish to undergo PGD for social or personal reasons. There is no one clear answer in these cases and each must be dealt with individually. However, in these situations, justification for the technique and the issues it raises may not be balanced by the obligation to heal.

Some express concern that this new technology, where we choose the desired traits of our offspring, might spur the search for a super-human. The Jewish people, more than any other, have felt the pain of such a search in our history. This emphasizes the importance of using this technology in a responsible manner and only where medically or seriously indicated.

Summary

PGD is used to ensure that only healthy embryos have implanted in the uterus. Although in general it is halachically acceptable, using PGD for sex selection only, absent fertility treatment, presents a host of ethical challenges.