

RELIGION AND HUMAN RIGHTS IN ARTIFICIAL INSEMINATION: A MATTER OF RATIO

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Annotation. *It is pointed out that modern man is particularly sensitive to the imposition of any worldview and way of life. The only language in today's world is the language of freedom, even if there is a substitution of this concept and its abuse. The value of freedom is not indifferent to religion. Therefore, the only way to spread the religious worldview in society is not the force of coercion, but the force of gravity.*

It is noted that the problem of the relationship between bioethics and religion is determined by a number of reasons, both scientific and theoretical, and socio-cultural plan. The current stage of development of scientific thought is characterized by the emergence of a new phenomenon – bioethics. Bioethics is an integrative science that synthesizes knowledge about man, which is already substantiated in medicine, psychology, psychiatry, religious anthropology, philosophical anthropology and others. The moral aspect is the center of bioethics, it is associated with its attitude to all living things, to life as such. Because of this we can talk about the formation of a bioethical worldview as a holistic system of views on the human problem. The beginning of the process of forming a bioethical worldview is closely connected with scientific progress, biomedical practices, and the aggravation of religious problems. The uniqueness of bioethical discourse creates the preconditions for the development of philosophical and methodological ground for the study of bioethical worldview. The methodological significance of the problem is related to the need to rethink the fundamental philosophical problems that relate to demential philosophical problems that relate to the definition of attributive characteristics of man.

It is established that the religious problems that arise when using the IVF method are associated with several components: the production of germ cells, the lack of connection between conception and the natural idea of marital intimacy, obtaining an excessive number of embryos and manipulating them (elimination, reduction, freezing) embryos, preimplantation diagnosis), the use of germ cells of third parties. In this case, in vitro fertilization can be morally justified by religion and an acceptable method of infertility therapy for the Orthodox Christian, if it does not kill embryos and does not break the bond "in the flesh" even at the level of gametes.

Key words: *religion, human rights, somatic rights, fourth generation rights, right to artificial insemination.*

1. Problem statement.

According to various estimates, from 15 to 20% of the modern population is infertile, but there is no reliable data in this field, both in the world and in our country, due to the complexity of conducting research. The situation is also complicated by the fact that only those who sought treatment are taken into account in the calculations, and according to a number of authors, no more than half of the diagnosed "infertility" turn to medical institutions.

The prevalence of infertility makes assisted reproductive technologies (ART) in general and reproductive donation in particular more and more in demand. The use of donor material in human reproduction remains one of the most controversial reproductive technologies, and the ratio of different religions to new reproductive technologies is the subject of active research interest in different countries.

Starting from the second half of the XX century. use of modern biotechnologies in the field of reproduction, attitudes towards the genetic state of the fetus, the status of the embryo, the involvement of third parties in the parental project turned out to be at the center of heated public discussions in almost all countries of the world with mandatory participation of religious organizations and their leaders in them.

The problems of assisted reproductive technologies (ART) continue to be the subject of both medical, philosophical and ethical, as well as theological discussions among representatives of different faiths. ART allows you to bring into this world those who, in a different situation, without the help of the latest technologies, could not be among us; in a situation where the natural way of arrival is impossible. But for this, medicine uses methods that are alien to the nature of the living and the nature of man as a biological species, in particular. Religious ideas and the moral and ethical norms arising from them, being by their nature factor-forming in relation to human cultures, are an unconditional civilizational determinant not only for the Christian world, but also for peoples professing Islam, Buddhism, Judaism or others that have a local distribution. religious views. And it should be noted that it is the moral and ethical norms, rooted in the religious worldview, that are under the greatest pressure from the ever-increasing flow of changes in all spheres of life caused by accelerating scientific and technological progress and especially the rapid development of biotechnology.

Modern man is particularly sensitive to the imposition of any worldview and lifestyle. The only language in today's world is the language of freedom, even if at the same time there are substitutions of this concept and its abuse. The value of freedom is not indifferent to religion. Therefore, the only way to spread a religious worldview in society is not the force of coercion, but the force of attraction [1].

The problem of the relationship between bioethics and religion is determined by a number of reasons, both scientific-theoretical and socio-cultural. The modern stage of the development of scientific thought is characterized by the emergence of a new phenomenon - bioethics. Bioethics is an integrative science that synthesizes knowledge about man, which is already substantiated in medicine, psychology, psychiatry, religious anthropology, philosophical anthropology, etc. The moral aspect is the center of bioethics, it is connected with its attitude to all living things, to life as such. Because of this, we can talk about the formation of a bioethical worldview as a holistic system of views on the human problem. The beginning of the process of forming a bioethical worldview is closely related to scientific progress, biomedical practices, and the aggravation of religious problems. The uniqueness of the bioethical discourse creates prerequisites for the development of a philosophical and methodological basis for the study of the bioethical worldview. The methodological significance of the problem is related to the need to rethink the fundamental philosophical problems that concern the fundamental philosophical problems that relate to the definition of the attributive characteristics of a person [2, p. 134].

2. Analysis of the source base.

As social relations became more complicated often came to be considered as a component of medical law, a new branch that is gradually forming in modern Ukraine. In this connection, the author studied the issues of building a legal system, as well as the problems of complex legal regulation of biomedical research, which were covered in the works of A. Bylytsia, S. Boldizhar, S. Buletsa, P. Witte, N. Kashkanova.

The raised problem is partially revealed in the writings of scientists who studied religion and law. In particular, these issues were considered by V. Bondarenko, V. Bed, V. Burega, A. Voloshyn, Y. Gadzhega, A. Hain, V. Gaeva, M. Delegan, O. Dekhtereva, V. Yelenskyi, L. Kompaniets, V. Lubskyi, M. Onishchenko, M. Palinchak, Yu. Paida, E. Sabov, G. Sergienko, O. Stoyka, S. Fentsyk, P. Yarotskyi, L. Yarmol.

3. The purpose of the dissertation is to study the constitutional and legal foundations and the influence of religion on the issue of legal regulation of artificial insemination.

4. Presenting main material.

In modern society, the share of infertile marriages reaches 30%. In vitro fertilization is one of the most promising methods for the treatment of infertility. However, in its use in its modern form, there are a number of ethical problems that are not compatible with the moral sense of a Christian. Artificial insemination is a very controversial topic in religious circles. Yes, many representatives of the church do not approve of this practice for a number of reasons, considering it sinful. Some ministers even write works on these topics, wanting to present IVF in a negative light. One of the main theological theses directed against IVF is that in artificial insemination only some of the created embryos are used. The rest are allegedly being destroyed. At the same time, each of them, again, allegedly has a soul [1].

By 2000, the joint efforts of Orthodox theologians, doctors, biologists and other specialists formulated a position that expresses the church's attitude to various medical and social problems of our time. However, taking into account a rather significant period of the past, it turns out that at the moment the church's position on the issue of the admissibility of IVF is not quite clearly formulated. On the one hand, it is declared that "... paths to childbearing that are not in accordance with the plan of the Creator of life cannot be considered morally justified by the Church" [3, p. 135]. On the other hand, the use of not every method of assisted reproductive technologies (ART) is sinful: "Morally unacceptable from the Orthodox point of view are also all types of extracorporeal (extracorporeal) fertilization, which involve the preparation, preservation and deliberate destruction of "excess" embryos" [3, p. 136].

Let's consider the main issues that are unacceptable from the point of view of religion.

1. Killing extra embryos. The modern method of IVF is carried out in so-called stimulated cycles, while eggs are taken from the woman, all of which participate in subsequent fertilization. So, in the hands of the embryologist, there are many human embryos, some of which he transfers to the woman, while others must either be destroyed (eliminated) or frozen. That is why Orthodox anthropology, based on the Holy Scriptures and patristic traditions, claims that a person's personality appears from the moment of conception. Therefore, any manipulation of embryos that intentionally leads to their death is murder [4].

The process of freezing extra embryos can also be defined as murder, since the probability of having a child after freezing embryos decreases by 3 times [5]. Thus, modern IVF technology, even if it does not directly destroy embryos, purposefully exposes them to indirect death. In addition, when a multiple pregnancy occurs as a result of IVF, doctors strongly suggest "reduction of excess embryos" in the uterus of a pregnant woman [4].

Thus, according to A. Artyukhin, a member of the Church-Public Council on Biomedical Ethics of the Moscow Patriarchate, a person bears moral responsibility not only for "surplus" embryos, but also for embryos transplanted into the uterus, if pregnancy does not occur and they die. Igumen Artyukhin is sure that the risk of death of embryos transplanted into the uterus during IVF is higher than that of embryos that appeared as a result of natural conception. In his opinion, the transplantation of embryos into the uterus is nothing more than a scientific experiment, and the price of the experiment is human life, because, from the point of view of Orthodoxy, embryos are already "people" [6].

The birth of a child is God's mercy, says priest Ye. Popechenko. The family's inability to have children is a problem that should be solved, including through repentance. In the process of medical fertilization, several embryos are obtained in a test tube, and only a part survives, or even none of them. It turns out that a person is born at the expense of the life of his own sisters and brothers. From a spiritual point of

view, such an experiment is very dangerous – you cannot build the happiness of others on the misfortune of some. It would be possible to agree with the possibility of such a birth method in only one case: if doctors fertilized only one egg in a test tube, and the result was an embryo that would 100% take root in the mother's womb [7].

2. Obtaining germ cells. The next IVF-associated religio-ethical problem is related to the method of obtaining male germ cells. The most simple, cheap method is to get a family with the help of onanism "hand fornication". This is a sin and cannot be permissible for an Orthodox person. In addition, methods of obtaining male germ cells are not limited to the above. The literature describes both medical manipulations for obtaining a family, as well as collection of families as a result of conjugal sexual contact [8].

3. Interference with the fertilization process of a third party. The Roman Catholic Church insists on the special importance of this religious and ethical problem. In her view, one of the main ethical requirements for childbirth is that it should be "the result of the union and personal relations of the spouses" [9, p. 239]. Therefore, "the act of procreation, – writes E. Sgreccha, – has no bodily expression, remains devoid not of a biological factor (which is reproduced technologically during the transfer of gametes), but of interpersonal communication, which can be expressed in its entirety and unity only in the body" [9, p. 241]. Thus, the Catholic Church rejects IVF, since third parties – embryologists, gynecologists, etc. – intervene in the process of conception.

4. Donation of germ cells; surrogate motherhood. The concept of intervention in the fertilization process of third parties can also apply to surrogate motherhood, as well as the use of reproductive cells of a person who is not a husband or wife. That is why it is necessary to note here the negative attitude of the Church, these types of assisted reproductive technologies are ethically absolutely unacceptable. The use of foreign sex cells actually destroys the marital union, giving the possibility of intimate connection with a foreign person at the cellular level [4].

Fertilization of single women using donor germ cells or realization of the "reproductive rights" of single men, as well as persons with so-called unconventional sexual orientation, deprives the future child of the right to have a mother and father. The use of reproductive methods outside the context of a God-blessed family becomes a form of God-fighting, carried out under the guise of protecting human autonomy and distorting the understanding of individual freedom [10, p. 26].

From the point of view of the Church, surrogate motherhood is unnatural and morally unacceptable, even in those cases when it is carried out on a non-commercial basis. This technique involves the destruction of deep emotional and spiritual closeness, which is formed between the mother and the baby already during pregnancy [11, p. 46].

At the same time, at the meeting of the Holy Synod of the Orthodox Church on December 25-26, 2013, the practice of surrogate motherhood and the possibility of baptizing children born as a result of it were discussed. The document "On the baptism of babies born with the help of a surrogate mother" was adopted, which states the following: "The Church considers artificial insemination with male gametes to be a permissible means of medical care for a childless couple, if it is not accompanied by the destruction of fertilized eggs, as it does not violate the integrity marriage union, does not differ in principle from natural conception and occurs in the context of marital relations" (OSK XII.4). As for the practice of so-called "surrogate motherhood", it is unequivocally condemned by the Church" [12]. Thus, the Holy Synod condemned the practice of IVF not in itself, but only because it is connected with the formation and destruction of "surplus" embryos.

This conclusion is confirmed by Prot. M. Kozlov, member of the Biblical and Theological Commission. In his commentary on the specified Synodal document, he says: "At the same time, the Church does not prohibit IVF – except in cases where it is about reduction, that is, about getting rid of "extra" fertilized eggs" [13].

In our opinion, proposals for legislation existing in the religious and legal literature are also interesting, taking into account the attitude of the Church. So, in general, although the negative attitude of various religions towards DRT can be traced, however, the problems that cause negative views of religions about DRT can be settled by including relevant norms in the Law, namely: the number of created embryos

cannot exceed what can be transferred in one cycle of IVF; the possibility of entering into a surrogate motherhood contract should take place only on a free basis and only under the condition that the surrogate mother is a relative of the genetic mother or woman who used a donor egg, or a relative of the husband of a genetic mother or woman who used a donor egg.

5. Conclusions.

Thus, as we can see, the religious problems arising from the application of the IVF method are related to several of its components: obtaining germ cells, the lack of connection between conception and the natural idea of marital intimacy, obtaining an excessive number of embryos and manipulating them (elimination, reduction, freezing of embryos, preimplantation diagnostics), use of germ cells of third parties. At the same time, in vitro fertilization can be morally justified by religion and an acceptable method of infertility therapy for an Orthodox Christian, if at the same time there is no killing of embryos and the connection of spouses "in one flesh" is not violated, even at the level of germ cells.

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