

## Artículo

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### Bioethical reflections on sexuality and human reproduction

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#### Resumen

El control de natalidad ofrecido por los contraceptivos modernos, asociados a una mayor presencia de la mujer como ser autónomo, ha dejado claro a la sociedad que tener en cuenta determinadas decisiones relativas a la sexualidad como naturalmente buena o mala, ya no concierne a la moralidad emergente. Ellos han comenzado a reconocer que el comportamiento ético en las prácticas sexuales no deberían ser dictadas por la Ley Natural, sino por el respeto a valores como la dignidad y la libertad de acción de los seres humanos. Además, uno se da cuenta que la posibilidad de desvincular sexualidad y reproducción, así como de deconstruir el modelo naturalista, que exigió la elaboración de nuevas normas morales para orientar las posturas éticas en ambos campos, en otras palabras, tendría que tener no una, sino dos éticas, una dedicada a la sexualidad y otra a la reproducción humana. Nuevas bases morales, no heterónomas como en tiempos antiguos, sino autónomas como Kant sugirió en el siglo XVIII. Aunque, es necesario entender que la ciencia y la religión deben hacer preguntas diferentes que inevitablemente tendrán respuestas distintas. Ambos son premiados con la autenticidad de orientar la vida humana en su transitoriedad. Por lo tanto, en beneficio del ser humano, dicha confrontación es ilógica, siempre que la cooperación sea razonable entre las partes.

#### Palabras clave

Bioética; Sexualidad; Reproducción humana; Países en desarrollo.

#### Abstract

The actual birth control offered by modern contraceptives, associated with a greater presence of the woman as an autonomous being, has made clear to society that considering certain decisions concerning sexuality as naturally good or bad, no longer attends the emerging morality. They have begun to acknowledge that the ethical behaviour in sexuality practice should not be dictated by the Natural Law, but the respect to values such as dignity and freedom of options of human beings. Furthermore, one realizes that the possibility to disentail sexuality and reproduction as well as deconstruct the naturalist model, it demanded the elaboration of new moral rules to orientate ethical posture in both fields, in other words, we would have to have not one, but two ethics, one which would devote to sexuality and another to human reproduction. New moral foundations, no longer heteronomous as in ancient times, but autonomous as Kant suggested in the 18th century. Although, it is necessary to understand that science and religion must ask different questions and inevitably they will have distinct answers. They are both awarded with the authenticity to orientate human life in its transience. Therefore, for the benefit of the human being, such confrontation is illogical as long as cooperation is sensible between the parts.

#### Key words

Bioethics; Sexuality; Human reproduction; Developing world.

#### ► Moral codes and ethical decisions

When dealing with the ethical issue, sexuality and human reproduction, it is essential to clearly elucidate what we understand about ethics and morals, once this is the route we are going to take. We agree with Segre and Cohen who perceive morals as a set of rules which are elaborated by different segments of society aiming to facilitate sociability amongst its members. It therefore obeys the vertical and asymmetrical direction in its dynamics, which implies the imposition of values in the society as a whole to be obeyed by all integrating individuals. The disobedience of rules implies the application of sanctions, penalties and, eventually, the deprivation of freedom. (SEGRE and COHEN, 1985).

Emblematic examples are what we find in the codes which inspect the practice in different professions, which is

inappropriately denominated as code of ethics. After graduating, every Brazilian doctor receives a small abridgement containing 145 commandments in order to be obeyed throughout their professional practice. Disobedience of any commandment could result in different levels of punishment, leading to a provisional or definite suspension of the right to practice. Most chapters are presented with the expressive statement: " *it is forbidden to the doctor...*". Out of 145 commandments, only 9 refer to rights, the remaining 136 are rules of duty imposed on professionals. The newly-graduate is not offered the possibility of issuing any judgment over the rules expressed in the code, it only imposes unrestricted obedience. Interchangeably, morals are applied to different human groupings at specific moments in their histories being, however, transmitted, modified and enriched through time, which means that they represent

only an individual's provisional agreement with society. The exercise of changes which implies acknowledgement of conflicts as well as the search for the reconstruction of new moral values ( the word moral derives from the latin "morale", meaning custom) is performed by every individual who, acting autonomously within their community, proposes the elaboration of new sociability rules more compatible with the historical realities which incessantly emerge.

This exercise of transformation of moral rules, or the custom of a people, is denominated as ethics. Thus, the Brazilian Medical Ethics Code of 1965 reflected the conditions of the then professional practice, guided by a liberal model in Medicine, strongly corporative, which privileged the doctor-doctor relation to the detriment of the doctor-patient one, and for that, many authors regard as an example of a professional etiquette code. The code, which has been in force in Brazil since 1988, was elaborated after a long dictatorial regime and privileges the respect for the patient's autonomy and contains chapters which are dedicated to human rights, donation and organ transplants, as well as medical research.

Although advanced, we perceive it as incomplete, for new scientific progress emerged such as the knowledge of human genome, different perceptions of the interruption of pregnancy and the appliance of vital support methods to terminal patients. The dominion over this new knowledge makes ethical reflections obligatory, which will result in proposals for modifications of the existing moral rules. In summary, ethics transforms morals or, if preferred, ethical reflection is an instrument for the improvement of moral rules. The Greek culture valued natural as "good", and the anti-natural as "bad". That teleological reasoning acknowledged an intrinsic purpose in every manifest of nature. Therefore, the exercise of human sexuality would only be "good" if aimed at the reproduction and perpetuation of the species, which would make masturbation morally unacceptable, as it would characterize a bad, anti-natural attitude, once it would disrespect the natural purpose of the sexual organs. When considering the issue of a sinless human sexuality exercise, expressed by Saint Thomas Aquinas: "*Sin is present in human acts when performed against the reasoning order (...) The same way, the preservation of a man's life demands the use of food, preservation of all human kinds also imposes the use of sexuality (...) August's book "De Bono Conjugali" teaches that the food for a man's health is the same for the health of human kind. Therefore, the same way food can be used without sin, the use of sexuality can also be performed without it, if performed accordingly and appropriately, in agreement with whatever suits human procreation.*" ( GRACIA, 1988 )

We can read in the Epistle of Paul to the Romans (1:24-27 ) that all human actions must express the presence of God. If done otherwise, men become subject to God's wrath: "*Wherefore God also gave them up to uncleanness thought the lusts of their own hearts, to dishonour their own bodies between themselves (...). For this cause God gave them up unto vile affections: for even their women did change the natural use into that which is against nature: And likewise also the men, leaving the natural use of the woman, burned in their lust one toward another; men with men working that which is unseemingly, and receiving in themselves that recompense of their error which was meet.*" (JERUSALEM BIBLE, 1973)

The updated reading of the apostle's words performed by some believers, made it possible to identify, in homosexual relations, the cause for the dissemination of the Acquired Immune Deficiency Syndrome (AIDS) and led to the reinforcement of the thesis defended by the Orthodox Christian morality to repulse any sexual behavior which is not commended by the Natural Law. The moral link between sexuality, procreation and conjugal act were confirmed by the "*Donum Vitae*" Instruction from the Congregation for the Doctrine of Faith, signed on 22<sup>nd</sup> February 1987, which condemns any artificial contraceptive method or assisted fertilization taking into consideration that "contraception intentionally deprives marital act of its opening to procreation, and that way, it performs a voluntary separation from the marriage purpose. The artificial homologous fertilization, seeking procreation which does not result from a specific conjugal act, objectively operates an analogical separation between the possessions as well as the meanings of the matrimony..."(SGRECCIA,1986).As an analysis practice, one must consider some positions assumed by doctors and religious couples, respectively on abortion and anticonceptive methods for a better understanding of the differences between the limited coercive power of the moral rules and the nature of the extent of the autonomous ethical decision-taking. The 43<sup>rd</sup> article in the Medical Ethics Code obliges a doctor to comply with the enacted in the Brazilian Penal Code, which in its 128<sup>th</sup> article, contemplates the possibility of interrupting gestation under two circumstances, be them: death risk to the pregnant and pregnancy resulted from rape. Countless doctors guided by efficient methods of structured semiology, which allows to precociously diagnose the fetal anencephaly, and, obviously, obeying the pregnant's decision, interrupt gestation under that circumstance. The professional and the patient take an equal ethical decision based on scientific support, however against legal and deontological rules. Nevertheless, the number of legal decisions authorizing abortion

performances in the described situation expressively grows, and as soon as a solid jurisprudence is created, it is presumed that such practice is unpenalized. In a text from the early 1970's, Curran refers to the attention when labeling some attitudes as preposterous for the fact that they reveal an unacceptable attempt to "play God". The theologian adds: "(...)Unfortunately, the aspiration for the dominion of truth frequently leads us to infer, with enormous level of certainty the God's will over a concrete issue." (CURRAN,C,1972). Over twenty years of accumulated experience has allowed the report by professionals who work with fetal medicine and live with people from different creed and social status in Brazil to show that 92% of couples facing the diagnosis of serious fetal anomalies, decide on the interruption of the gestation (GOLLOP, 1994). Another evidence from Küng's adequate judgment is the acknowledgement that an expressive contingent of catholic couples make use of different contraceptives and they do it without any guilt, once, not infrequently, they count on the priests' approval as their spiritual guides. Evaluation and disregarding the rigidity of the rules, a great number of contemporary moralist theologians acknowledge that one cannot establish condemnation over individual decisions seeking support in heteronomous codes, because the morality of actions is essentially and inevitably within every person. As to the use of contraceptive methods, abortion or the assisted human fertilization, therefore, it is not about considering the procedures as good or bad within themselves, but really recognizing reasoning in every person's or couple's behaviour, acknowledging the real dimension of human suffering involved in decision-taking under the referred circumstances. Furthermore, the great catholic theologian Javier Gafo, in his work about ethical problems, related to genetic manipulation, declared the following:

*"Therefore, it seems to us that there are two ethical criteria which lack validity before this problematic issue: one cannot refer to specific ambits of God's power, inaccessible to men, nor can they impose exigency norms to respect obstacles imposed by nature."* (GAFO, J,1992). By breaking the moral rule comprised in the laws which ruled Judaic society, Jesus creates a new ethical ordinance. Instead of sacrifice, mercy is offered, it replaces revenge for forgiveness, sin for love, the judgement based on the cold words of the laws for comprehension and shelter to the vulnerable. Based on the Jungian archetypical model, a new creative proposal emerges, which is placed before the traditional matriarchal and patriarchal archetypes, the alterity archetype recognizes in the individual intrinsic endowment to rescue ethics as a structuring function of the entire sym-

bolic elaboration of existence. This new perception of the individual as a transforming agent can enormously enrich the meaning of human life, identifying the potential to an ethical structure of their own life in it, as well as elaborate through a solidary way the deconstruction of the egotistic model, electing alterity as the matrix of an ethical society. In the beginning of the third millennium, psychology and the modern scientific methodology need conceptual extension in order to perceive human life from a solidary point of view and, above all, enable to recognize the enormous creative potential which was distorted, made destructive and non-solidary by the moralist repression of the fundamentalist codes and structures of power.

#### ► Ethics, sexuality and human reproduction

Sexuality and reproduction, conceived by the rigid naturalistic morality, regarded a woman who broke her agreement with the divine nature of things as transgressor, captive of libidinous passions and incapable of sticking to the health sexuality of marriage, as the "Be fruitful and multiply" commandment was the only one accepted.

Register attributed to priest Manuel de Arceniaga, in the 17<sup>th</sup> century, described that "as the central cause for the expelling from the earthly paradise, a woman can rescue humankind from the tear valley in which they struggle, taking on the permanent maternity task. By getting married, procreating, baptizing and raising their children under the Christian faith (...) by depriving herself of the pregnancy inconveniences, she escapes from the responsibility, in the role of a good mother, of saving the whole world." (DEL PRIORE, 1994) The actual birth control offered by modern contraceptives, associated with a greater presence of the woman as an autonomous being, has made clear to society that considering certain decisions concerning sexuality as naturally good or bad, no longer attends the emerging morality. They have begun to acknowledge that the ethical behavior in sexuality practice should not be dictated by the Natural Law, but the respect to values such as dignity and freedom of options of human beings. Furthermore, one realizes that the possibility to disentail sexuality and reproduction as well as deconstruct the naturalist model, it demanded the elaboration of new moral rules to orientate ethical posture in both fields, in other words, we would have to have not one, but two ethics, one which would devote to sexuality and another to human reproduction. New moral foundations, no longer heteronomous as in ancient times, but autonomous as Kant suggested in the 18<sup>th</sup> century. Sexuality becomes a private matter and all the legislation from extrinsic sources to the couple's decisive power are no longer important. That new reality has also brought

new behaviour patterns such as early sexual initiation, pre-matrimonial relations, consensual unions, adolescent undesired pregnancy, increase in abortion practices and banalization of sex, which, even though they are important from an ethical point of view, deviate from the purpose of this article. With the birth of Louise Brown, in England on June 25 1978 the "in-vitro" human reproduction era is inaugurated, which had an enormous scientific impact because a new technique which allowed human reproduction without sexual intercourse began to be dominated. If from the 1960's one could perform sexuality without the risk of procreation, now you could create an embryo without sexual intercourse. The enormous impact has not yet been absorbed by the Church, which regarding the Natural Law as immutable and the procreation deriving from conjugal act as obligatory, condemns the homologous artificial insemination, that is, the one who utilizes her husband's sperm to fertilize "in vitro" the wife's own ovule. It is important to consider that the new technique has come to attend the non-contemptible contingent of infertile couples which represents 12 to 15% of the total number of couples and those who do not have any other procreating option, but the assisted reproduction. New techniques such as intracytoplasmatic injection of the sperm associated with the partial dissection of the embryo's pellucid zone accomplished prior to its implantation into the maternal womb has increased the indication scope as well as the success of the method.

In October 2002, the first baby product of the frozen maternal ovule is born in England. It signified an extraordinary improvement of the technique and showed how precarious it is to predict the advances in the scientific knowledge field, but it hallows, above all, the assertiveness that the assertion that in assisted human reproduction, the question is longer whether we should do it, but how to do it.

It is difficult to sustain the immorality thesis of the method. How can one seek ethical support in order to condemn the "in-vitro" fertilization attained through the sperm crop obtained by masturbation of the husband if the performance is not re-vested of gratuitous eroticism and the couple freely assumed responsibility for such decision motivated by the legitimate desire of having a baby? Is it reasonable to characterize this procedure as immoral?

#### ► Ethics, science and responsibility

In the 20<sup>th</sup> century, Max Weber already thought that moral responsibility consisted in willing and being able to answer for the consequences of the decisions taken. That reflection which leads us to Aristotelian prudence thesis is presented so that we have in mind that the development of biomedicine in the reproduction and human genetics cre-

ates several possibilities and decision-taking opportunities which, however, do not systematically find ethical support. Assertions from the Nobel Prize for medicine, James Watson, one of the discoverers of the DNA structure, presented at the Life Science World Conference in Lyon, stating that there is nothing wrong with the selection proposal for genetic characteristics of babies on behalf of the parents caused astonishment and makes it imperious to acknowledge that we stand before issues which cannot be addressed only by the specialists and/or researchers' point of view. In the presence of the full transforming potential of technoscience, Hans Jonas warns us that ignorance towards the last consequences of our actions will, in itself, have enough reason for a responsible moderation. (JONAS, 1985)

In the late 1990's, magazines from all over the world published "The Jaycee case", a girl known as "nobody's orphan" because, without the genetic acquainted parents, was gestated by a surrogate mother and her foster parents, in other words, those who had paid for surrogacy, divorced. Jaycee became the test-tube baby, and a judge from the Law Court of California declared her "a parentless child". Product of an artificial fertilization process obtained from the sperm and ovule of anonymous donors, Jaycee was gestated by a surrogate mother paid by the Buzzanca couple the amount of ten thousand dollars. However, one month prior to the girl's birth, Mr. John Buzzanca divorced from his wife Luanne, saying that had never wanted a child that way and started to repudiate any paternal responsibility. As Jaycee had no genetic bond with the couple, or with the surrogate mother, and her biological parents had guaranteed anonymity, she started to exist in a sort of vacuum. (VEJA, 1998). Technoscience can only see black and white, whereas ethics sees gray and its different shades. Technoscience proves that there is not a single researcher who does not wish to have the knowledge they acquired become meaningless in the application to improve human life condition. This attests that, in every step of a scientific investigation, there is a close connection between production and knowledge application. Few are the modern thinkers who still support the neutrality thesis of science. Moreover, we must consider the fraud cases such as the one committed by the Korean researcher Woo-Suk Hwang who published works about the obtainment of embryonic stem-cell lineages in order to perform therapeutic cloning. And it had all been a fraudulent, unethical conduct, which makes it evident that science is practiced by fallible people, and that just like any other human entrepreneurship, it can be dealt with arrogance, lack of self-criticism and extreme personal vanity. That confirms the pertinent warning from Van

Rensselaer Potter registered in his historical text, which introduced bioethics neologism to the universal lexicon: *"In conclusion, I ask you to perceive bioethics as new scientific ethics which combines humbleness, responsibility and competence, be it interdisciplinary, cross-cultural and may it deepen into the meaning of humankind."* (V R POTTER, 1971) In 1994, two sociologists published a book titled "The Bell Curve", defending the thesis in which the American society is comprised of a part represented by an educated and money-making elite, and an enormous segment with low I.Q., high procreation rate and which finds itself destined to school failure, ignorance, poverty and crime. Authors Murray and Herrnstein concluded that the low rates obtained by black individuals in I.Q tests are due to genetic factors and suggest that the American government do not provide some kind of social aid so that poverty does not proliferate much and deliver to the nation children who will represent even more problems than their parents. It is the modern reproduction from Darwinian thesis on positive eugenics. One must mark that the book gained great acceptance from the public with quick sales of the first edition with over 200.000 issues. (PENNA, 1995)

Selective reproduction is presented as a method to improve race through a guided choice and planned couplings, based on the partners' genetic maps. Preferably, white individuals would be chosen, with a good family background and bearers of high I.Q.. The marriage counselor's thesis on positive eugenics would prevail, replacing casual datings and affective ties discovered by the partners. The compatibility of the candidates would be recognized through computer programs of genotypes. No datings guided by uncertain human emotion, but decisions derived from the scientific knowledge of our genomes.. If Ortega y Gasset considered that every conscious being would survive while kept under permanent interaction with the environmental and human circumstances which surrounded them, the opposite is thought by Watson, who perceives us as an isolated expression of our genes.

Genetic counseling, however, already performed in many university health assistance centers is guaranteed success. The identification of healthy individuals, but bears of defective genes, is paramount to the orientation of couples who wish to procreate. Previously, for not possessing this methodology, knowledge of the illness would only be obtained through the birth of a child. Nowadays, the couple involved has the opportunity of choosing, being able to program their progeny based on previous knowledge of the chances of bearing a healthy child. This seems to be a reasonable way of using scientific knowledge. (SIQUEIRA, 1998).

### ► Conclusion

One must suppose that every couple should have the right to procreation and medical aid through available assisted human fertilization methods to reach such desideratum. For those who only accept procreation as an exclusive consequence of the sexual performance of the spouses, discarding the artificial methods by judging them as technical, cold and devoid of love, we consider it opportune to remember the teachings of St. John of Cross which stated the following: *"Where there is no love, sow love and love you shall harvest"*. An updating of that aphorism would entitle us to state: "where there is no love", once the procedure of the "in vitro" fertilization is exclusively a "love-adding" technique, and that a sterile couple does with such effort when performing the method that is difficult to imagine it being reached in a fruitful sexual relation. How many couples will not be able to attest the most genuine love harvest which was only made possible to reach through assisted reproduction? (GAFO, 2000). Instead of devilishing science, it is necessary to understand it as a produce of human wisdom which, if regarded as divine gift, places us under the condition of co-creators. Therefore, we shall realize that it is truly artificial to perceive as not natural the human activity through science. Was it not the creative intelligence of man which allowed us to reach, in the beginning of the third millennium, expectation towards a longer and healthier life with less diseases and suffering? It is fundamental to understand that science and religion address different issues, the first one answers questions concerning the "to be" issue, as the second, the "must be" issue. Clear are the examples found in the fact that science has demonstrated through evolution that our species has a remote origin, and did not appear 10.000 years ago as supposed by the creationists. Religious books, such as the Bible, contain moral teachings essential to human kind, but it will be a mistake to consult it as a source of scientific facts. The same way it is entirely preposterous to long for science to answer transcendent questions such as the ones regarding the existence of God. However, science and religion must ask different questions and inevitably they will have distinct answers. They are both awarded with the authenticity to orientate human life in its transience. Therefore, for the benefit of the human being, such confrontation is illogical as long as cooperation is sensible between the parts. As most countries protect the anonymity of gamete donors, it becomes necessary to evaluate the people whose germinal cells will be used in assisted reproduction. All the attention must be given in order to protect future babies from hereditary illnesses.

### *Bibliografía*

- BÍBLIA DE JERUSALÉM, S. Paulo, Paulinas, 1973
- BYINGTON, C.A.B. Inveja Criativa, S. Paulo, Religare, 2002
- CURRAN, C Teología y Genética: un diálogo plurifacético Selecciones de Teología,11,67-68,1972
- DEL PRIORE, M.L.M. Um Breve ensaio sobre o aborto Bioética, Vol.2, n.1,43-51,1994
- GAFO, J Problemas Éticos de la Manipulación Genética, Madrid, Ediciones Paulinas,1992
- GAFO, J. 10 Palavras-chefe em Bioética S. Paulo, Paulinas, 2000
- GOLLOP, T. Aborto por anomalia fetal. Bioética, vol.2, n.1,67-72,1994
- GOULD, S.S Pilares do tempo, Rio de Janeiro, Rocco, 2002
- GRACIA, D. Ética de los confines de la vida, Bogotá, El Búho, 1998
- JONAS, H. El Principio de Responsabilidade: Ensayo de uma ética para la civilización tecnológica. Barcelona, Herder, 1995
- POTTER, VR Bioethics Bridge to the Future, New Jersey, Prentice-Hall, Englewood Clifts, 1971
- PENNA, S.D.J. Conflitos paradigmáticos e a ética do Projeto Genoma Humano. Rev. USP. Dossiê Genética e Ética, n.24, 68-73, Dez-Fev,1994/1995
- SEGRE, M. COHEN, C. Bioética, S.Paulo, Edusp, 1995
- SGRECCIA, E. Manual de Bioética, Vol I, S. Paulo, Loyola, 1996
- SIQUEIRA,J.E.Ética e Tecnociência:uma abordagem segundo o Princípio da Responsabilidade de Hans Jonas, Londrina, Editora UEL,1998
- VEJA , 4 FEV. 1998, Secção Ética, p. 56.