



RABBI GIDEON

**Machon Puah for Fertility and
Gynecology in Accordance with Halacha**

WEITZMAN

It is All in the Genes

Last time we saw a number of sources that implied that, in the case of egg donation, the birth mother is the halachic mother. But there are a number of poskim who disagree and are of the opinion that the genetic mother is the mother. Several sources suggest that motherhood is conveyed by conception. The Talmud (Niddah 31a) states that there are three partners in the formation of a human being: father, mother and God Himself. This is quite a famous Talmudic passage, but what is less known is the continuation. Each of the partners contributes some element; father gives white substance from which come the bones, sinews, white of the eye and the brain. Mother gives a red substance from which comes the flesh and skin, hair and the pupil of the eye. God gives the soul, the spirit, the countenance, the ability to hear, see, speak and move, intelligence and understanding.

While we today know that the division of what the father and the mother contribute is far from the Talmud's presentation, it is fascinating to read that each of them gave genetic material. Until not so long ago, science assumed that all inheritance came from the male and the female only

supplied the uterus as an incubator to grow the child. Our Sages, well ahead of their time, wrote that both the parents give genetic material.

This clearly implies that the mother's contribution to the formation of the child is not just in gestation and delivering the baby. Rather it is her genetic contribution that helps create the baby. It appears that genetics is the determining factor in the definition of motherhood.

One posek told me that you do not even need a source to decide that motherhood is dependent on genetics. That is intuitive, in his opinion, and it is clear that the genetic mother is the mother.

Of course, intuition is a precarious basis for halachic decisions, since each posek will have their own intuition based on their own experience and understanding. It is unlikely that everyone's intuition is the same when debating such a complex halachic issue as the definition of motherhood. We would prefer to see strong solid sources to prove one position or the other, but these do not always exist.

Rabbi Shlomo Zalman Auerbach famously stated that he had found a source in the voluminous rabbinic literature for all questions that he was asked, except for the question of defining motherhood. For that, he claimed, there is no real source.

So what is the halacha? More on that next week. ■