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Finnish Legislation on Assisted Reproductive Technologies: Comparison of Church Statements

Lise Eriksson

Abstract

In this essay, Eriksson compares how religious arguments are used in statements on assisted reproductive technologies and surrogacy by the Evangelical Lutheran Church of Finland and the Orthodox Church of Finland. The study is a discourse analysis of the role of religious beliefs, religious norms, ethics and human rights discourse in statements by the two Churches. In Finland, the Finnish Evangelical Church has been strongly involved in matters regarding assisted reproduction and surrogacy, and has had great impact on the political discussions in these questions. The Finnish Orthodox approach to reproductive technologies seems quite pragmatic, and the Church does not take a position on how the state should legislate.

Religious arguments in bioethical discourse

Cultural aspects, such as religious culture and political culture, can explain many of the differences between national regulations of assisted reproductive technologies (ARTs). Ruth Landau and Eric Blyth (2004, pp. 266–267) describe values relating to family, marriage and the best interests of the child as key values in the regulation of ARTs in cultures all over the world. The authors explain the differences between national regulations as a consequence of societies' values, historical origins, financial situation and geopolitical situation. In addition to

these aspects, I believe that other legislation relating to family, health and bioethics has an influence in shaping legislation on ARTs, as do the legal definition of motherhood and fatherhood, legal traditions and legal culture.

This article is a discourse analysis of argumentation in religious statements on the preparation of legislation on ARTs and surrogacy in Finland. It will also discuss which impact Churches may have on the policy-making process by studying the Ministry of Justice's summary of statements on surrogacy. My intention is to study these statements as a case study of how religious arguments are used in bioethical discourse. The article focuses on how these issues are represented by two influential religious institutions: the Evangelical Lutheran Church of Finland and the Orthodox Church of Finland. These are the two largest religious communities in Finland. At the end of 2013 75.2 % of the population belonged to the Evangelical Lutheran Church of Finland (Evangelical Lutheran Church of Finland, 2014), and 1.1 % of the population belonged to the Orthodox Church of Finland (Orthodox Church of Finland, 2014). I examine and compare the arguments used in the statements. I focus on the following research questions: What is the role of religious beliefs, religious norms and ethics in the statements? To which extent do they use legal or human rights discourse? Are there any differences in the Lutheran and Orthodox approaches to ARTs in Finland? How do the religious organisations legitimise their authority regarding ARTs?

The first section of the article is a literature review on the impact of religion on the regulation of ARTs. The following two sections will provide background information about ARTs within the Finnish context and about the authority of Church statements in Finnish society. The empirical part of the article analyses contemporary Church statements on ARTs and surrogacy in Finland, and their possible impact on the policy-making process. The article's main empirical material consists of the following documents: three statements on assisted reproduction and surrogacy by the Evangelical Lutheran Church of Finland (Church

Council, 2005; KION, 2006; Church Council, 2012) and one statement on surrogacy by the Orthodox Church of Finland (Orthodox Church Council, 2012). The focus more on the role of the Lutheran Church, which because of its size is more influential in Finnish society than the smaller Orthodox Church. In addition to Church statements, the material includes two documents by the Ministry of Justice. One of them is a memorandum on surrogacy (OMSO 52/2012). The other document is a summary of statement, which the Ministry of Justice received in November 2012 different institutions and organisations – among others from the two Churches (Ministry of Justice, 2013a). The latter document gives insights on how the statements were perceived by the Ministry of Justice, and which impact they may have on the policy-making process.

Finland constituted one of the most permissive regimes in Europe regarding ARTs until 2007, when the Act on Assisted Reproduction (1237/2006) came into force. For instance, altruistic surrogacy was practised at four clinics in Finland until 2007, when surrogacy became illegal through the Act on Assisted Reproduction. During the legislative process, the Ministry of Justice and the Ministry of Social Affairs and Health sent out several reports on ARTs and surrogacy to different institutions and organisations, providing opportunities for them to comment on the issues. The Church statements analysed in this article were part of this legislative process.

Even though surrogacy became illegal in 2007, surrogacy still remains an unresolved issue in Finland. The Ministry of Justice has continued its investigation on surrogacy. The uncertainty surrounding surrogacy is also reflected in some of the statements analysed in this article. In my doctoral thesis *Barnets bästa i politikens främsta rum* (The Best Interests of the Child in the Main Room of Politics) I analysed the debates on ARTs in *Eduskunta*, the Parliament of Finland. Statements by the Evangelical Lutheran Church of Finland received much attention in these debates. Church statements inspired politicians to use religious

arguments in speeches. According to the findings in my thesis, the parliamentary debates were framed as a debate on values, which makes the Finnish public debates on ARTs and surrogacy a relevant case for a study of the impact of religion on bioethical discourse. (Kanckos, 2012a)

The impact of religion on attitudes to assisted reproduction

The following section will discuss the impact of religion on attitudes to ARTs. It will focus on Christian, Muslim and Jewish approaches. All of these religions include varied opinions on the use of reproductive technologies, but they also find similar moral problems in relation to ARTs. This is why I find a comparative approach relevant.

In many religious communities around the world, assisted reproduction is experienced as a challenge that needs to be understood in relation to religious teachings. It is often the religious leadership who feels a need to develop theological approaches to technological and medical advances in the field of reproduction (Landau & Blyth, 2009, pp. 13–16).

As an example of the most restrictive attitudes to ARTs, Landau and Blyth (2009, pp. 21–31) mention the Roman Catholic Church's teachings on each individual's right to life right from the moment of conception, and on marriage as an unbreakable unit. These values form the basis for how the Roman Catholic Church approaches reproductive technologies. For this reason, the Catholic Church has opposed the use of assisted reproduction. In the Nordic countries, where Christianity generally has a weaker influence on people's daily lives, the acceptance of ARTs is higher in comparison to distinctly Roman Catholic countries, such as Poland. Finland, Denmark and Sweden have Europe's highest rates of IVF cycles per million inhabitants, and in global comparison the highest proportion of IVF births in relation to the total number of births (Landau & Blyth, 2009, pp. 21–22).

There is no consensus between Sunni and Shia faith communities on the use of ARTs. According to the Sunni Muslim view, IVF and ICSI are halal, i.e. religiously permissible and morally appropriate, only if the couple's own gametes are used. Treatments with gametes donated by a third party are consequently perceived as haram, i.e. religiously prohibited, as they are regarded as a form of adultery. In Middle Eastern countries, the ICSI technique is applied to great extent as a result of these religious norms. ICSI involves the micro-injection of a sperm cell into the egg cell. This technique supports biological parenthood, because sperm from the infertile husband can be used, although it is of low quality (Inhorn, 2003, pp. 88–97, 104–105). However, Shia authorities accept both donated eggs and donor sperm in assisted reproduction (Inhorn, 2003, p. 97).

According to Susan Martha Kahn (2006, pp. 469–470), Jewish rabbinic approaches to reproductive technologies are often conflicting. A primary concern is that these technologies should not create relationships that could be considered as incestuous or adulterous. Rabbis often take into account if a third-party donor is Jewish or not, because Jewishness is conferred matrilineally. This means that non-Jewish sperm donors generally are more accepted than non-Jewish egg donors. Many rabbis also permit surrogacy with a Jewish surrogate. Kahn (2006, pp. 470–471) concludes that the rabbinic debates on ARTs display conceptual and pragmatic flexibility, which results in permissive rulings on the use of ARTs.

In a study on attitudes to ARTs among American Christian, Jewish and Muslim communities, Baruch Brody (1990, pp. 46–47) notes that at least six central moral problems have been expressed in statements by religious communities: assisted reproductive technologies (1) disturb the relationship between marital intimacy and reproduction, (2) often involve a third party in the reproductive process, (3) often result in a confusion of family ties, as children may be unaware of their genetic parents, (4) can result in early abortions if the implantation of fertilized eggs fails, (5) dehumanise the process of reproduction, and (6)

sometimes involve commercialisation and exploitation. Brody adds that these religiously based moral assumptions represent a deontological morality, expressing which kinds of acts are viable or unsuitable. According to Brody (1990, p. 47), this religiously based moral discourse is different from Western secular bioethical discourse, which emphasises the principles of rights, consequences and justice. However, the differences between religious and secular bioethical discourse may have decreased in some societies since Brody wrote his article. It is likely that the public discourse on ARTs and religion in many countries has changed since ARTs have become established as medical practice in societies all over the world during the past decades.

Assisted reproduction and surrogacy in Finland

In an anthology studying social, ethical and legal perspectives on ARTs across cultures, Landau and Blyth (2004, pp. 267–274) make a rough classification of permissive and restrictive countries in relation to national laws on ARTs, placing Finland among the more permissive countries. The authors mention increased commercialisation as a global trend regarding ARTs, especially when it comes to donor gametes and surrogacy. However, commercialisation is not a dominant trend in Finland, because the majority of those seeking reproductive treatment receive publicly funded treatments. Commercial surrogacy has not been practised in Finland – only so-called altruistic surrogacy. In the Finnish political discourse on surrogacy, altruistic surrogacy on medical grounds has often been framed as more acceptable than commercial surrogacy, which is associated with surrogacy in foreign countries (Kanckos, 2012b).

Finland was the last Nordic country to adopt a law on assisted reproduction, in 2007. Clinics in Finland had by then already developed a liberal application of ARTs with a wide range of available treatments. Before 2007, non-commercial surrogacy was practised on a

small scale. Sperm, egg and embryo donations were used. Assisted reproductive treatments were available for heterosexual couples, single women and lesbian couples. However, not much has changed since 2007. Surrogacy is not allowed anymore – even though the political discussion continues on this issue (Kanckos, 2012b). Gamete donors may no longer be anonymous, which after the enactment of the law led to a temporary decrease in donations.

Four clinics in Finland used to offer surrogacy arrangements on a limited scale during the period 1991–2007. The children who were born through the arrangements were in most cases the couples' genetic children. This type of surrogacy is called gestational surrogacy in contrast to traditional surrogacy, which means that the surrogate's egg cell is used. The surrogate mother was usually a close relative or friend of the couple. The intended parents were in all cases heterosexual couples. Most women among the intended parents had no uterus either from birth or as a result of a gynaecological disease or childbirth complications. (Söderström-Anttila, Blomqvist, Foudila, Hippelainen, Kurunmäki, Sieberg, och Hovatta, 2002, pp. 748–750).

The authority of Church statements in Finnish society

When the Church Council of the Evangelical Lutheran Church of Finland officially takes a position on a matter, it is usually a response to a ministry taking a position on a bill. Members of the Church Council are both Church workers and laypeople. The Church Council is usually asked for a response, but official statements can be made by any of the governing bodies within the Church: the Synod, the Bishops' Conference or the Church Council (Hytönen, 2003, p. 297).

According to Church law, the Evangelical Lutheran Church of Finland has the right to comment on proposed legislation affecting the Church's relation to the state or to other religious communities, and societal issues affecting the Church's teaching and assignment

(Church law [1054/1993], Chapter 2 § 2, subsection 3–4). The political issues on which the Church takes a position are usually cases that raise intractable value conflicts in society, issues related to the teaching of the Church, or matters affecting the Church's activity. ARTs and surrogacy do not primarily concern the Church's teaching or activity, but rather Church values. For example, assisted reproduction concerns kinship, the importance of marriage, views on sexual orientation, the best interests of the child, and the selection of embryos. In addition to written statements on bills, the Church can also gain influence over state legislation through expert assignments in parliamentary committees.

Unlike Roman Catholic moral theology, Lutheran theology does not give any clear answer to the question of how Christians or the Church should relate to ARTs or surrogacy. There is a multiplicity of Lutheran Churches, and no single Lutheran voice (Hallamaa, 1996, pp. 85–86). Lutheran responses may vary just like Jewish rabbinic responses, and this often results in an internal religious debate (Kahn, 2006). According to Lutheran theology, the Church is only a mediator between God and the individual, and each person is responsible for her/his decisions. However, this does not mean that Lutheran Churches have nothing to contribute to contemporary discussions on ARTs and surrogacy. When a Lutheran Church expresses its opinion on these issues, it can rely on traditional Lutheran ethics, usually with an emphasis on marriage as the basis of procreation (Hallamaa, 1996, pp. 85–86).

How does the Ministry of Justice perceive Church statements?

In 2012 the Ministry of Justice sent out for comments a memorandum about surrogacy (OMSO 52/2012) to several institutions and organisations. The memorandum proposes three options:

- 1) a total ban on surrogacy (status quo)
- 2) unrestricted permission for non-commercial surrogacy

- 3) limited permission for non-commercial surrogacy (individual cases on medical grounds)

I have studied a summary of the sixty statements regarding the memorandum on surrogacy, received by the Ministry of Justice in November 2012 (Ministry of Justice, 2013a). The summary is written by officials at the Ministry of Justice, and is a detailed forty-six-page analysis. The Evangelical Lutheran Church of Finland and the Orthodox Church of Finland were the only religious communities among the sixty organisations.

A significant proportion of the sixty advisors does not accept any of the three regulatory options in the memorandum. Many believe that before making a decision, more research on surrogacy is needed, and policy makers should follow international developments regarding surrogacy. The majority of statements taking a position on the three options welcomed limited permission for surrogacy. The next most popular option was a total ban on surrogacy, and the least popular option was unrestricted permission for surrogacy. None of the advisors was in favour of commercial surrogacy (Ministry of Justice, 2013a).

An important aspect among the arguments is how nationality is described. The most common argument in favour of legalisation of surrogacy is that it is a better alternative than surrogacy arrangements abroad. In other words, there is a fear of the consequences of outsourced surrogacy to other countries. Other arguments include references to equality, non-discrimination and human compassion. Arguments in favour of a total ban on surrogacy are, among other things, the endangering of the best interests of the child, exploitation of surrogate mothers, commercialisation and legal difficulties. It is also considered to be difficult to draw the line between permitted and forbidden cases of surrogacy (Ministry of Justice, 2013a).

I will now focus on how the opinions of the Lutheran and Orthodox Churches are described in the summary of the sixty statements. The Orthodox Church is mentioned in the summary only five times on four different pages, as one of the advisors that does not take a

position in favour of any of the three regulatory options in the memorandum (Ministry of Justice, 2013a, p. 11). The summary mentions that the Orthodox Church views surrogacy as a question of principle, and that marriage should be the basis of Finnish legislation (Ministry of Justice, 2013a, p. 13). According to the Orthodox Church, people do not have a right to have children (Ministry of Justice, 2013a, p. 24). Finally, it also mentions that the Orthodox Church emphasises that married couples should legally be considered as biological parents in third party donor treatments (Ministry of Justice, 2013a, p. 34). All of these points appear to be quite conservative and non-specific positions that do not translate well into legal regulations. By not taking a clear position, Orthodox opinion may have less impact on the policy-making process.

The Evangelical Lutheran Church of Finland is mentioned in twenty instances on fourteen different pages in the Ministry of Justice summary. My comparison of how frequently the respective opinions of the two churches are mentioned in the summary suggests that the impact of the Lutheran Church is greater than that of the Orthodox Church. The Lutheran Church is one of the organisations that supports a total ban on surrogacy. The Church Council's opinions are mentioned several times under the heading "The child's best interests and rights", which indicates that this is an area of interest to the Church (Ministry of Justice, 2013a, pp. 21–23). The Lutheran Church is described as an organisation that defends human dignity and compassion. The Church concludes that it is important to explore regulatory options for humanitarian reasons. This seems to refer to childless couples who consider surrogacy as their best option. However, according to the Church, the human dignity of individuals means that no individual should be treated as a means to reach a goal, and surrogacy should not be a commercial activity (Ministry of Justice, 2013a, pp. 24–27). There is an aspect of ambivalence in the Church's opinion, which is discreetly pointed out in the summary. Even though the Church Council's opinion is described as supporting a total ban on

surrogacy, the Church finds that surrogacy for medical reasons might be justified by the principle of fairness (Ministry of Justice, 2013a, p. 32).

Lutheran Church statements on ARTs and surrogacy

One of the main issues addressed in opinions on ARTs and surrogacy concerns which categories of people should have the right to treatment. Should access be restricted to heterosexual married couples, or should same-sex couples and single people also be eligible for treatment? Issues concerning homosexuality have in recent decades created much debate in the Nordic Lutheran Churches. Stakeholders in the debates have come to different conclusions of what Christian ethics demand, and which norms Christians should follow (Hallamaa, 2001, pp. 106–107).

The Evangelical Lutheran Church of Finland displays a negative attitude towards surrogacy in the statements analysed in this article, although the last statement includes a somewhat ambivalent opinion on the matter (Church Council, 2012). The statements also include different opinions on treatment access. One of the Church statements concludes that only heterosexual married couples should have the right to ARTs (Church Council, 2005). Another Church statement argues that marriage should not be given priority (KION, 2006). The main conclusion of the third statement by the Lutheran Church is that surrogacy should not be legal in Finland (Church Council, 2012).

The Church Council sent a statement to the Ministry of Justice and the Ministry of Social Affairs and Health in August 2005. The content was quite conservative. The Council explains its opinion in the statement by claiming that a Christian set of values is important for the assessment of what is right and good in Finnish society. The Church Council emphasises the importance of marriage as the most secure type of family for children. It also refers to the statement put forth in the UN Convention on the Rights of the Child that the child's best

interests must be a primary consideration (Church Council, 2005). These arguments were often used in parliamentary debates on ARTs by many MPs who supported conservative family values (Kanckos, 2012a):

As a starting point, the child has a right to its parents, the father and mother. It is not desirable to by the means of the law bring into the world children who do not have a dad. Hence, assisted reproduction should not be allowed for women who live alone or for female couples (Church Council, 2005).¹

Parents are defined in this quotation as a heterosexual couple – a father and a mother – consequently disregarding single parents and same-sex parents. The Church Council (2005) argued that only spouses' gametes should be used in ARTs, and that donor gametes would weaken the marriage institution. The statement uses the best interest of the child as an authoritative argument. It emphasises marriage and biological parenthood, and describes the child's right to a father and a mother as a natural right. According to the Church Council, it was not desirable that the Act on Assisted Reproduction should let children be born without a known father. The Church Council would, in other words, not allow assisted reproduction for single women and lesbian couples.

As is often the case in religious debates, there was no consensus within the Lutheran Church leadership on the issue of eligibility to ARTs. Another statement from 2006 by the Church Delegation for Human Rights (KION) was used in parliamentary debates in support of arguments in favour of lesbian women's and single women's right to ARTs. The Church Council appoints the delegation, the purpose of which is to follow and promote the development of human rights in Finland, and to serve as the Church's expert body on such

¹ All quotations are translated from Finnish by the author.

matters. Instead of specifically using religious arguments, this statement follows a legal and human rights discourse, which does not put marriage at the centre of the definition of the child's best interests:

The Church Council often emphasises in its statement, that human dignity is independent of family relations, because "from a Christian point of view, every human being is equally valuable regardless of one's properties." The Church Council also emphasises that parenting is not only about biology, but "love creates the foundation for parenthood." Admission of assisted reproduction only for married couples with their own gametes is still sharply contrary to those principles (KION, 2006).

The intertextual parallel between the two statements is evident. KION's text contains many quotes from the Church Council's statement. KION's statement was primarily directed to the Church Council. Its main point was that the reasoning of the Church Council was inadequate, particularly its references to human rights documents. KION's criticism was framed by legal discourse, which was interpreted in relation to the theological arguments about Christian values. KION argued that parenting should be based on social factors and love, rather than on biology. KION stressed that gender equality is a widely accepted human rights principle, which should mean that people should have access to ARTs regardless of gender or sexual orientation. A long section of the statement considers the child's best interests:

According to KION's view, it is discriminatory to put families in different positions, unless there is adequate justification for different treatment. Using the child's best interests as such a legal justification is dubious. The Church can of course present its doctrinal point of view that it is good for children to grow up in a family based on

marriage between man and woman. This is yet another thing than to suggest that the promotion of marriage as the child's best environment is a legally acceptable justification for treating women differently on the basis of marital status, in assessing entitlement to treatment. (KION, 2006)

This quotation also includes legal and human rights discourse, e.g. by mentioning the words and phrases “discriminatory”, “legal justification” “legally acceptable” and “the child's best interests”. When the different Church statements refer to human rights, the primary reference is to the UN Convention on the Rights of the Child. KION pointed out that children born within marriage or outside marriage would be in an unequal position if the law were enacted in accordance with the Church Council's recommendations. According to KION, the Church can emphasise lifelong marriage between a man and woman only as a doctrinal ideal – not as the basis for legal reasoning.

In 2005, the Church Council associated surrogacy with different problems and risks, and did not recommend legalisation. The Church Council gave a separate statement on surrogacy in November 2012. In this statement, the Church Council came to the conclusion that there are not enough grounds for the legalisation of surrogacy, since it concerns “too difficult theological, ethical and legal questions” (Church Council, 2012). Theological discourse is mostly used in the general introduction, which gives the tone of the statement but provides no answer about surrogacy. The statement provides a distinction between surrogacy abroad and in Finland. Reproductive treatments are described as global commercial activities, but treatments in Finland are described as “trustworthy and of high medical quality” (Church Council, 2012). The Council is definitely against commercial surrogacy, on the plea that every person has human dignity and cannot be used as commercial goods. Gestational

surrogacy with sperm and egg cells from the intended parents is mentioned as the least problematic type of surrogacy:

The Church Council welcomes the fact that medical research and development improve involuntary childless couples' opportunities to realize their dream of having a child. It is ethically acceptable and desirable to seek medical intervention to solve the physiological problems that prevent fertilization and pregnancy. Yet, all of the methods, by which a pregnancy could be possible, may not be ethically acceptable. Each of the new techniques related to reproduction is to be assessed from the perspective of ethics, so that its use is not guided only by the new medical and technical possibilities (Church Council, 2012).

In this quotation, the Church Council contextualises ARTs as part of medical research and development, which is assessed as positive scientific progress. The quotation indicates that the Church needs to rely on other sources than the religious, when it expresses its opinion on ARTs. A more general approach, using ethical arguments or references to human rights or to the best interests of the child, is common in statements on ARTs. The “perspective of ethics” is mentioned as a complementary perspective in relation to medicine. However, I consider this expression as a very vague argument, as ethics includes a variety of perspectives, e.g. virtue ethics, utilitarianism, environmental ethics and feminist ethics. A central dividing line in the assessment of assisted reproduction is if children's rights prevail over parental rights, and what ideas anyone has about what is the child's best interests.

Orthodox Church statement on ARTs and surrogacy

The primary context of the statement on surrogacy by the Orthodox Church of Finland is defined in the introduction:

At the core of the ethics of the Orthodox Church is humanity, which begins at the conception. It is considered as the beginning of life, which you cannot ignore through another person's rights. Thus, infertility experienced by an individual cannot directly create the right to have a child, but the primary point of view should be the birth of a new person and the respect for his/her dignity (Orthodox Church Council, 2012).

This quotation refers to the ethics of the Orthodox Church as the primary context, rather than religious beliefs. Just like the Roman Catholic view, the moment of conception is defined as the beginning of human life. This point is also repeated in the following paragraph of the statement. This view on the beginning of human life defines how the Orthodox Church of Finland approaches reproductive technologies and surrogacy. Another important point is how the quotation set against each other “the birth of a new person” and the infertile individuals, claiming that infertility cannot give a person the right to have a child. The statement rarely uses legal or human rights discourse. It only mentions rights in the context that a person cannot have the right to have a child. It also rarely uses concepts with religious connotations, except the words “Orthodox” and “Church”, which are repeatedly mentioned. An exception is mentioning that ARTs and surrogacy concern “the sacredness of the human being” (Orthodox Church Council, 2012).

The statement includes a reflection on which authority the Orthodox Church of Finland has when it gives its opinion on surrogacy and other ethical issues:

The worldwide Orthodox Church does not have any comprehensive position, but the

local Churches have offered guidance on a variety of situations and options.

Orthodox ethics also requires a consideration of each situation as unique, and it is therefore impossible to give completely unambiguous answers to ethical issues.

[...] A detailed and in-depth assessment of the options outlined in the memorandum is difficult. Therefore, this opinion sets out the basic principles of the Orthodox Church of Finland in relation to surrogacy arrangements (Orthodox Church Council, 2012).

This explains the unwillingness of the Orthodox Church to support any of the three regulatory options mentioned in the memorandum by the Ministry of Justice (OMSO 52/2012). It refers to the worldwide Orthodox Church, which does not have a comprehensive position on surrogacy, and Orthodox ethics, which refers to “each situation as unique” (Orthodox Church Council, 2012). These words give the impression that the Orthodox Church applies a contextual ethics instead of a normative, deontological ethics based on a fixed set of rules. However, reading between the lines, the statement does provide a quite clear position against surrogacy:

Marriage between two persons of different sexes, and through it the birth of a new life, have a special value in the Orthodox life. Therefore, the involvement of a third person in the reproductive process is considered to be difficult (Orthodox Church Council, 2012).

Just like the Lutheran Church Council, the Orthodox Church Council emphasises the heterosexual marriage institution. By emphasising that the involvement of a third person in the reproductive process is problematic according to the Orthodox view on marriage, surrogacy is basically not recommended. This approach is reminiscent of the Sunni Muslim

approach, which perceives third party donor treatments as a form of adultery (Inhorn, 2003). However, this is idea of adultery not spelt out in the statement. Furthermore, the paragraph quoted refers to “the Orthodox life”, which can be understood as a recommendation primarily for Church members, and not a recommendation for state legislation. My conclusion is that the Orthodox Church of Finland views its authority regarding surrogacy and similar ethical issues as limited, and chooses not to propose how the state should legislate.

Conclusions

When *in vitro* fertilization was introduced in 1978, it was considered by many to be abnormal and unnatural, or a way to intervene in nature (Neri, 1996, p. 145). However, contemporary debates on ARTs are generally less focused on moral and religious aspects than when these techniques were introduced. An emphasis on equal opportunities often dominates current bioethical debates in Nordic societies.

In comparison to other religious standpoints on reproductive technologies, the Finnish Lutheran approach can be considered as more liberal than the Roman Catholic and Sunni Muslim approaches. The Lutheran approach is equally flexible and pragmatic as the Jewish approach, as both approaches display various opinions on different aspects of reproductive technologies. The Evangelical Lutheran Church of Finland has not yet changed its mind on surrogacy – it is generally still very negative. Based on this study, the Finnish Orthodox approach to reproductive technologies seems quite pragmatic and non-specific. A general emphasis is put on marriage and biological parenthood.

My analysis indicates, as has been noted in previous research (Brody, 1990), that statements on ARTs by various religious denominations often include similar criticism. They often have an emphasis on biology and heterosexual marriage as the basis of reproduction. The most important questions in the statements analysed seem to be what we mean when we

talk about parents and families, and how the best interests of the child can be secured. Not only the Churches view the commercialisation of ARTs as a threat. There is consensus on this matter among the sixty statements on surrogacy that were sent to the Ministry of Justice in 2012.

The dialogue between the Lutheran statements by the Church Council (2005) and KION (2006) indicates that there are tensions within the Church regarding the question of what authority the Church has in relation to state laws. The critical remarks by KION also concern to what extent the Church should take into account human rights when expressing its opinion. The statement by the Orthodox Church of Finland (2012) displays ambivalence regarding surrogacy, as it articulates opinions of the Church, but does not take a position on how the state should legislate. As a consequence, the Orthodox Church is likely to have a minor impact on legislation on ARTs and surrogacy.

The Ministry of Justice has not yet taken a position on whether or not the existing legal situation needs to be changed. After considering possible follow-up measures based on the feedback received, the Ministry of Justice announced in June 2013 that a bill on surrogacy would not be prepared in Finland during the government period 2011–2015. The Ministry concluded that further investigations on surrogacy are necessary (Ministry of Justice, 2013b).

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