COMMENT ON THE "INSTRUCTION ON RESPECT FOR HUMAN LIFE IN ITS ORIGINS AND ON THE DIGNITY OF PROCREATION"
(Congregation for the Doctrine of the Faith, February 22, 1987)

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In our "Brave New World" there are ten different ways of making a baby, and, theoretically, the baby could have five different parents! These multiple choices result from the many now available donor options of sperm, ovum, embryo, and host womb. With infertility increasing due to various contraceptive practices and other causes, with fewer babies for adoption, the demand for the new hi-tech ways of producing babies is also steadily increasing, especially in the First World. In a witty and pithy way a cartoon encapsulated the ultimate in this hi-tech procedure: a test tube frozen embryo grown from a donated sperm, gestated in a genetically engineered artificial womb, then implanted into a surrogate mother who had to be sued for custody by the "biological parents." Finally transferred to the uterus of a more cooperative surrogate mother, the child was born!

In the face of such baffling twists and turns it would take more than the wisdom of Solomon to decide who are the real parents. In the end it becomes a fiction of law, depending on the courts to decide whenever the various parties who contributed to the birth of the baby quarrel among themselves as to "ownership" of the baby. The recent case in the United States concerning the custody of "Baby M" caught the attention of the world press and highlighted the legal complexities and human anguish involved when a surrogate mother having agreed for a large fee, to be impregnated with the sperm of the would-be father, refused to give up the baby after its birth. The judge, unlike Solomon, did not mention cutting the baby in half, but "awarded" the child to the contracting couple, thus honoring the contract and going against all the arguments that saw such a contract as violating public policy and/or laws against baby selling.
It is easy to understand why the new techniques have produced what some legal experts call a "legal, moral and social nightmare" with the courts providing merely "a patchwork of laws and gaps, stigmas, uncertainties, confusions and fears." The confusion is only compounded when the press features a group of parents showing off their beautiful, healthy, happy test-tube babies. Instead of facing the moral issues, people are prone to a pragmatic, utilitarian conclusion: "It makes the parents so happy. The children are so healthy and beautiful. How could anyone object?"

THE INSTRUCTION

In the midst of these hopes and fears, rejoicings and grim forebodings, approvals and condemnations aroused by such scientific interventions in pregnancies, the long awaited Vatican statement was published in Rome on February 22, 1987. It is entitled an "Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation." It was a response to numerous requests from around the world "by various Episcopal Conferences or individual Bishops, by theologians, doctors and scientists, concerning biomedical techniques which made it possible to intervene in the initial phases of the life of a human being and in the very processes of procreation and their conformity with the principles of Christian morality" (Foreword of Instruction).

The Vatican response by the Congregation for the Doctrine of the Faith is a strong reaffirmation of Christian respect for the dignity of the human being from the first moment of conception, and for the sanctity of marriage and the family. In a world where abortion has been decriminalized by legislative fiat in many countries, and materialism is conditioning more and more couples to accept only the perfect baby and abort the defective, the Vatican stand is truly heroic, a counter cultural witness "against the tide."

With the personal approval of Pope John Paul II the Instruction condemns virtually all forms of artificial (in vitro) fertilization and third party donors, embryo transfer and use of surrogate wombs. Medical intervention is allowed only to assist the married couple to achieve pregnancy after normal, natural intercourse (in vivo). Because of the grave dangers to civil society involved in the un-
controlled application of such techniques the Instruction asks all governments, be they Catholic or not, to protect its citizens by legislation. It is not enough to leave it to the conscience of individual doctors/scientists. There is danger that the legislator who does not act may “be deprived of his prerogatives by researchers claiming to govern humanity in the name of the biological discoveries and the alleged ‘improvements’ processes which they would draw from those discoveries” (Part III, Moral and Civil Law).

SPECIFICS OF THE INSTRUCTION

Protection for the unborn, defense of the family and of marriage, of the child’s right to be conceived, brought into the world and brought up by his parents — these are basic among human rights and the government must protect them. Therefore civil law cannot approve techniques of artificial procreation which violate the right inherent in the relationship between the spouses. Neither can it approve of the donation of ova or sperm between persons not legitimately united in marriage. To defend the dignity of the family the law must prohibit embryo banks, sperm banks, post mortem insemination and “surrogate motherhood” (ibid.).

All experimentation on living embryos is forbidden if it is not directly for the good of the embryo (therapeutic). Keeping embryos alive for experimental or commercial purposes is forbidden as well as the use of dead fetuses for commercial purposes. Prohibited also are biological or genetic manipulation of embryos through practices like fertilization between human and animal gametes and gestation in the uterus of animals or an artificial womb. Likewise cloning or parthenogenesis are forbidden as opposed to the dignity of human procreation and of the conjugal union. Obtaining sperm through masturbation for use in artificial insemination is also condemned as against nature.

Consistent with its principles the Instruction forbids the freezing of an embryo even when carried out to preserve its life, and efforts to influence chromosomal or genetic inheritance that are not therapeutic.

Since they make the acceptance of the fetus conditional, the Instruction condemns any prenatal diagnosis, usually by amniocentesis and ultrasonic technique, for the purpose of eliminating
fetuses found to be defective or carrying hereditary illness. This has been facetiously referred to as to the new entrance test every child must pass before being allowed to be born. Is it the right sex according to parental desire? Is it defective? Is it carrying a hereditary disease? If the answers are not according to the parents' wishes, let the fetus be aborted!

PRINCIPLES

To understand these moral conclusions of the Instruction we must understand its principle, the anthropological vision from which they flow. The basic principle is "the respect, defense and promotion of man, his 'primary and fundamental right' to life, his dignity as a person who is endowed with a spiritual soul and with moral responsibility, and who is called to beatific communion with God" (Introduction, no. 1). The Church intervenes in this area of human activity "inspired by the love which she owes to man, helping him to respect his rights and duties" (ibid.).

Since science and technology, in spite of their valuable contribution, "cannot of themselves show the meaning of existence and human progress" they can only "draw from the person and his moral values the indication of their purpose and the awareness of their limits" (Introduction, no. 2). Science and technology "must be at the service of the human person, of his inalienable rights and his true and integral good according to the design and will of God" (ibid.).

An intervention in the human body affects not only the tissues, the organs and their functions, as the Instruction notes, but also involves the person himself on different levels. Thus it involves, at least implicitly, a moral significance and responsibility.

The Instruction does not reject interventions because they are artificial but because they must be given a moral evaluation in reference to the dignity of the human person, who is called to realize his vocation from God to the gift of love and the gift of life in marriage wherein couples are called to share in the mystery of personal communion and in the work of God as Creator and Father (Introduction, no. 3).

In IVF two fundamental values must always be considered: the life of the human being called into existence, and the special
nature of the transmission of human life in marriage. "Human life is sacred because from its beginning it involves 'the creative action of God' and it remains forever in a special relationship with the Creator, who is its sole end. God alone is the Lord of life from its beginning until its end; no one can, in any circumstances, claim for himself the right to destroy directly an innocent human life" (Introduction, no. 5).

While admitting the dispute among philosophers and theologians concerning the exact moment when a fertilized ovum becomes a person, the Instruction still insists that the "human being is to be respected and treated as a person from the moment of conception; and therefore from that same moment its rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life." Every "embryo must be treated as a person." Every person must be respected for himself. He cannot be manipulated for the sake of future generations (I, no. 6).

The contradictory goals of IVF are noted in the Instruction: life for the new, hoped-for child, and death for the surplus embryos. By this decision over life and death the scientist/doctor sets himself up as the giver of life or death by decree. Almost unnoticed this awesome power has been arrogated to themselves by the scientists/doctors in the name of progress! The abortion mentality has made this possible in our day in many countries.

In forbidding the separation of the procreative and unitive aspects of the conjugal act the Instruction insists that the origin of the human being must follow from a procreation that is "linked to the union, not only biological but also spiritual, of the parents, made one by the bond of marriage" (II, B. 4b). "The human person must be accepted in his parents' act of union and love; the generation of a child must therefore be the fruit of that mutual giving which is realized in the conjugal act wherein the spouses cooperate as servants and not as masters in the work of the creator who is love" (II, B. 4c).

**IVF FOR HUSBAND AND WIFE**

In case of a married couple who turn to IVF as a last resort to have their own child the Instruction gives a negative answer. This surely will be for Catholics the most disputed point of the Vatican
teaching. It is argued that the generation of the human person in such a case would not be the direct result and fruit of a conjugal act in which the spouses can become “cooperators with God for giving life to a new person.” It remains “a technique which is morally illicit because it deprives human procreation of the dignity which is proper and connatural to it” (II, B. 5f).

Knowing that Catholic theologians have written in favor of such an exception for a married couple as a last resort, the Instruction explicitly rejects their argument that the particular act of IVF or ET could receive its moral quality from the totality of conjugal life of which it becomes part, or from the conjugal acts which may precede or follow it. The Instruction insists that the moral malice of IVF or ET is present for married couples even if there should be no “surplus embryos,” and no question of a donor in any way and even though, admittedly, the family and marriage would be the setting for the birth and up-bringing of the child (ibid.).

WHAT IS ALLOWED?

Assisting the normal, natural conjugal act so that it be fecund is allowed. The Instruction states that medical intervention “respects the dignity of persons when it seeks to assist the conjugal act either in order to facilitate its performance or in order to enable it to achieve its objective once it has been normally performed” (II, B. no. 7).

On March 10, 1987, in a press conference Joseph Cardinal Ratzinger, spoke of some fertility techniques which are left open for discussion after the Instruction. Any technique which fosters conception inside the maternal womb (in vivo) would be considered still open. In such cases, the Cardinal said that the doctor should stay informed, according to classic theological principles and concrete circumstances and make a decision based on his informed conscience.¹

Two techniques have been developed in the United States which would fall into this “open” category. One, called Gamete Intra-Fallopian Transfer (GIFT), consists in extracting an ovum, placing

it near sperm cells in a catheter and then inserting both into the uterus. If successful, conception takes place in the maternal womb (*in vivo*).²

A second technique, Low Tubal Ovum Transfer (LTOT) has been used successfully in a Catholic hospital in Ohio. LTOT transfers the ovum to the uterus, to bypass defective fallopian tubes in the uterus (*in vivo*) after normal natural intercourse.³

Thus the Church does show concern for the solution of infertility problems provided greater values are not sacrificed in the procedure. Other techniques might well be developed since the field is admittedly changing so rapidly, as some say, from day to day.

THE RIGHT TO A CHILD

Facing the argument often heard from infertile couples (and now even from single women!) that they have a right to a child, and therefore a right to the means (IVF), the Instruction responds with great sympathy but with firmness: "a true and proper right to a child would be contrary to the child's dignity and nature. The child is not an object to which one has a right, nor can he be considered as an object of ownership; rather a child is a gift, 'the supreme gift,' and the most gratuitous gift of marriage, and is a living testimony of the natural giving of the parents" (II, B. no. 8).

Thus the Instruction reaffirms in the strongest possible terms, the dignity of the child, the sacredness of life in its earliest stages, the dignity of marriage and procreation. It likewise firmly insists on the subordination of medicine and science to morality. To show how much this latter is needed in the modern world we have but to glance at the conclusions of a group of professional physicians and scientists who gathered at Helsinki, Finland in 1984 for the III World Congress on In Vitro Fertilization and Embryo Transfer. The members of the International Advisory Board published their conclusions in the Annals of the New York Academy of Science (442, 571, 572).⁴

2. Ibid.
3. Ibid.
HELSINKI STATEMENT ON IVF (1984)

This statement represents the other end of the spectrum from the Vatican Instruction. It implicitly endorses the "Technological Imperative," giving scientists a free hand to do whatever they can do, asking governments to protect this uninhibited freedom in every possible way.

Not being restrained by any spiritual concepts of the dignity of the human person, nor of the sacredness of human life and marriage, they ask "that 'in vitro' fertilization and embryo replacement should be fully accepted and encouraged medically, ethically(?) and legally . . ." They accept "that sperm, oocyte, and embryo donation be used as treatment for couples suffering from male and female infertility." Recognizing that the paternity of children will be uncertain after using such techniques they ask for legal guidelines to clarify the ambiguity. In other words paternity should be established by a legal fiction without any thought of the by-product, the child being a rootless, alienated individual who will never be allowed to know who his parents are!

One-parent families present no problem to the doctors gathered at Helsinki and they ask only for legal guidelines for "the establishment of one-parent families by in vitro fertilization with donated gametes or embryos" (no. 5).

For frozen embryos or gametes they ask clear legal guidelines regarding "the duration of frozen storage, the conditions of replacement of thawed embryos into the mother or another woman, the need for the consent of both parents at the time of replacement, the fate of frozen embryos no longer needed by the parents, and the duties of clinics and hospitals to the frozen embryos" (no. 6). (Does it sound like a request from the manager of a supermarket?)

The use of surrogate mothers presented no problem at Helsinki. Again clear legal guidelines are requested with no mention of psychological problems or moral reservations.

One of their apparently basic tenets stated that they accept "that life is continuous, that human rights change with increasing age, and that there is no particular stage of human development when human life begins" (no. 8).

After that admission we can expect almost any conclusion!
Concern is shown only for the legal status of embryos at different stages of their growth (no. 9). Logically, "they accept the need for research on embryos that are not replaced in the mother, provided the legal status of the embryo is clarified" (no. 10). They have no scruples about the human dignity or spiritual soul of the embryo and go on to accept "that any limit to the growth of embryos in vitro for research is arbitrary. They recommend that embryos are not grown in vitro beyond day 25." (ibid.)

The Helsinki group of physicians/scientists looks forward to an international authority to regulate in vitro fertilization because "(i) all aspects of work on in vitro fertilization now take place in an international setting; (ii) those actually working in the field must propose their own minimum standards and limitations; (iii) support is necessary for those working in this field who do not have legal and ethical protection from their own national societies" (II).

By this action the Helsinki group would seem to desire to preempt the morally sensitive governments that might outlaw various procedures. Such a movement in 1984 makes us realize the wisdom in the Vatican's warning to governments to beware lest the scientists may deprive the legislators of their prerogatives, claiming to govern humanity in the name of the biological discoveries and the alleged improvements for the human race which they would draw from those discoveries (Instruction, III).

To undermine any future attempt to impose moral controls the Helsinki statement gratuitously asserts that "(iv) the ethical and legal status of human embryos and fetuses at various stages of growth is uncertain" (ibid.). For them "many new procedures, such as embryo typing, the use of fetal cells in therapeutic procedures, and genetic engineering are emerging rapidly, and will demand constant vigilance" (ibid.) Armed only with a lawyer's brief case they are prepared to rush into the unknown, brave, new world!

THE BRITISH WARNOCK REPORT (1984)

After the birth of the world's first test-tube baby in England on July 25, 1978 concern about the grave moral issues arose and finally reached Parliament. It was argued that "there must be
some barriers that are not to be crossed, some limits fixed, beyond
which people must not be allowed to go."5

In 1982 a committee was appointed, headed by Dame Mary
Warnock of the House of Commons. Its report was published in
July 1984. Unfortunately, the Warnock Report showed a readiness
to consider ethical approaches but did not have the courage to
adopt them. Admitting that utilitarianism was dangerous and un-
able to provide an answer to the moral question involved, still the
Report allowed experimentation on surplus embryos on what
appears to be utilitarian grounds. The committee members shied
away from the basic question of the right to life, concentrating on
the right to freedom in public policy.

As a result of their flawed approach the Warnock Report allowed
ovum and sperm donation, the use of frozen ova as well as frozen
embryos, and mandated the destruction of "spare embryos" after
14 days. To protect the identity of the child the Committee
recommended that public records should be systematically falsi-
fied so that the child born of such donors would be considered
legitimate. Warnock assumed that there is a right to a child with-
out facing the issue. Only at surrogate motherhood or womb
leasing did the Committee draw the line arguing that the weight
of public opinion is against the practice. If a child is born
through surrogacy, the Committee states that the woman who
bore the child should be recognized as the true mother. Even
trans-species fertilization was allowed by the Committee if sub-
ject to licensing and on condition that any resulting hybrid be
terminated at the stage of division into two cells.6

In a country such as England with its long Christian tradition
we are not surprised to read that there were strong dissenting
minority votes on many of the basic issues in the Warnock Report.
The response of Cardinal Hume of London was what we would
expect: "No human being, nor any society, can claim for itself or
give to others absolute power over life and death. There is a law of
God the Creator which is higher than any man-made legislation
and which binds us in conscience. Any society which turns its
back on that higher law does so at its peril and risks inflicting un-
told harm on its members."7

6. Ibid.
Whereas the Helsinki Statement manifested no moral scruples and asked the world’s legislators to control (but not prohibit) what the doctors/scientists wanted, the Warnock Committee showed awareness of the moral issues but did not have the courage to face them squarely. Reflecting on these two reports we should be proud of the moral leadership manifested in the Vatican Instruction. Most fortunately there does exist a moral authority with the courage of its convictions to call the world back to its spiritual moorings. Once the world began to legalize abortion it started down the slippery slope. In the struggle to preserve Christian values, it is later than we think.

THE PHILIPPINE SCENE

With its deep-seated opposition to abortion now enshrined in the new Constitution which grants equal protection “to the life of the mother and the life of the unborn from conception” (Art. II, Sec. 12), the Philippines stands out as a tower of moral strength against these attacks of materialism in the guise of scientific progress. With so many Filipino doctors working abroad it is inevitable that sooner or later they will be invited to participate in in vitro fertilization programs. As clearly noted in the Helsinki Statement efforts will be made to include all nations in their unlimited research and experimentation program. The first concern of any such movement locally will be to revoke or modify the equal protection clause in the Philippine Constitution. The various groups that fought against the provision during the hearings of the Constitutional Commission in 1986 will be on their side, with the same old specious arguments.

When the arguments begin to appear again, as inevitably they will, it is good to remember that the argument for in vitro fertilization are, paradoxically, strong arguments against abortion. “For the test-tube baby proves one thing categorically: here, from the moment of conception, is a separate being. This embryo, which can be put back into the mother’s womb, or put into another woman’s womb, or kept in a deep freeze, or will quite soon perhaps be developed in a laboratory — this embryo can hardly be called, any more, merely a part of a woman’s body, like an appendix, or a piece of liver tissue . . . Here is categorical proof that the
new life is a separate one. . . . ‘that test-tube babies are babies’."

CONCLUSION

When we read of some dissent expressed among Catholic theologians concerning the Vatican Instruction it is good to recall that there is undivided support for the main teaching of the Instruction concerning the respect for human life at all stages, and the dignity of procreation within marriage. The dissent touches possible exceptions such as allowing in vitro fertilization for married couples as a last resort, and possibly approving a close relative as a surrogate mother since there would be no fear of alienation or rootlessness for the child to be born. It would be a family affair. This limited dissent should not diminish the force of the Instruction nor distract from its main arguments in defence of the dignity of human life and marriage.