

# The Catholic Attitude Towards Intervention in Reproduction

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The official Catholic attitude about intervention in reproduction can best be illustrated by the Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation, published by the Roman Congregation for the Doctrine of the Faith in February 1987. As usual, the first words denote a key aspect of the subject: *Donum Vitae* (=DV). Before the publication of this document the magisterium (Pius XII) had already spoken on artificial insemination. I will explain the Catholic position according to the disposition of the document of the Congregation. It has three parts (after the introduction):

- I        Respect for human embryos.
- II       Interventions upon human procreation.
- III      Moral and civil law.

I will concentrate on the first two parts. Some critical remarks will concern the most controversial issues: the beginning of human life and the moral evaluation of homologous in-vitro-fertilisation (= IVF).

The first thesis is (I 1.)1:

“The human being must be respected - as a person - from the very first instant of his existence.”

A first consequence is formulated with the 2nd Vatican Council (*Gaudium et Spes* 51): “Life once conceived, must be protected with the utmost care; abortion and infanticide are abominable crimes.” Prenatal diagnosis, on the other hand is permissible (I 2.) “with the consent of the parents after they have been adequately informed, if the methods employed safeguard the life and integrity of the embryo and the mother, without subjecting them to disproportionate risks”. But there is, of course, an important restriction: “a diagnosis which shows the existence of a malformation or a hereditary illness must not be equivalent to a death sentence. Thus a woman would be committing a gravely illicit act if she were to request such a diagnosis with the deliberate intention

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of having an abortion should the results confirm the existence of a malformation or an abnormality."

Therapeutic procedures carried out on human embryos can be legitimate. The limits were already formulated in a discourse of the Pope whom the instruction quotes (I 3.): "A strictly therapeutic intervention whose explicit objective is the healing of various maladies such as stemming from chromosomal defects will, in principle, be considered desirable, provided it is directed to the true promotion of the personal well-being of the individual without doing harm to his integrity or worsening his conditions of life. Such an intervention would indeed fall within the logic of the Christian moral tradition." Of course, in any case "the free and informed consent of the parents is required".

Research and Experimentation on living embryos are legitimate only if they are (I 4.) "directly therapeutic for the subject himself". A foreseeable advantage to science is not a sufficient reason for experimentation on living embryos or foetuses. There is also a remark about their corpses: "Also, in the case of dead foetuses, as for the corpses of adult persons, all commercial trafficking must be considered illicit and should be prohibited."

Human embryos obtained *in vitro* must not be "exploited as disposable ,biological material" (I 5.). Consequently, the church opposes also the destruction of spare embryos which were not transferred to the woman's body.

Finally (I 6.), the church declares as illicit all fertilisation between human and animal gametes, all attempts of "twin fission", cloning or parthenogenesis, the freezing of embryos and all attempts to produce "human beings selected according to sex or other predetermined qualities", that means all attempts of positive eugenics.

After this presentation of the first part of the instruction let me give some comments about it. It has to be stressed first, that the instruction offers no comprehensive study of the problems of artificial reproduction. It contains a kind of game of questions and answers, a procedure that may have the advantage of clearness and precision. On the other hand, one will find only little argumentation. So there remains some work for moral theologians to do.

The Catholic position on the question of the beginning of human life is often wrongly presented as contending that the embryo is a person from the moment of conception. The instruction is a bit more careful when it states (as quoted above) that it must be respected from this moment. There is some ambiguity when it formulates that the human being must be respected ..., which may have been overlooked. Of course, the embryo is human, insofar that it descended from humans and not from animals. But if 'human being' should mean 'person', it is said that a person must be respected from the beginning. That is not controversial even for people outside the church. But there are different opinions about the beginning of personhood, even in the history of theology and among theologians today. So the instruction, in principle, avoids this issue, as did the 2nd Vatican Council. The responsible commission resisted a clearer definition of abortion with the observation that:

"it is not within the compass of the magisterium of the Church to settle the precise moment after which we are faced with a human being in the full sense. Here we rely on the data of science and on philosophical reflection."

On the other hand, there is a growing tendency to suggest that the beginning

of personhood starts with the moment of conception. One indication for it is a quotation from a former Declaration of the same congregation on Procured Abortion from 1974 (I 1.):

"From the time that the ovum is fertilised, a new life is begun which is neither that of the father nor of the mother; it is rather the life of a new human being with his own growth. It would never be made human if it were not human already. To this perpetual evidence ... modern genetic science brings valuable confirmation. It has demonstrated that, from the first instant, the program is fixed as to what this living being will be: a man, this individual-man with his characteristic aspects already well determined. Right from fertilisation is begun the adventure of a human life, and each of its great capacities requires time ... to find its place and to be in a position to act."

There are two omissions in this quotation the first of which is remarkable. The omitted text is: "perfectly independent of the discussions on the moment of animation". So, as I said, the instruction, in principle, avoids the issue; on the other hand, it seems to suggest that there can be no reasonable doubt about the beginning of personhood from the moment of conception.

The most important objection to this suggestion is of course the possibility of twinning (and of "mosaics") within the first two weeks. Can there be a person, a being with some (at least passive) moral capacity when it could develop into two beings? That would be possible only if we could explain this phenomenon in the way of Siamese twins (two souls in one body). But in that case, the factor for twinning had to be interior. But if twinning is caused from outside the embryo and if we can cause twinning artificially that explanation seems to be obsolete. If the twins are regarded as a second generation, the first personal being would have lived for only some days and ceased to exist without dying. So, in my view, the assumption of personhood before the nidation is very problematic.

In the second part the instruction on "Interventions upon Human Procreation" first takes into consideration the "Heterologous Artificial Fertilisation" (I A). The key statement is:

"The fidelity of the spouses in the unity of marriage involves reciprocal respect of their right to become a father and a mother only through each other."

Indeed, the practice of heterologous artificial insemination or IVF contradicts the traditional concept of marriage which involves that the spouses may procreate children only with each other, not with a third person. Of course, one could ask, if the regulations of the institution of marriage could or should not be changed now, when new possibilities of curing infertility are given. The instruction does not raise this question explicitly. The question it formulates already contains the answer (I A 2.): "Does heterologous artificial fecundation conform to the dignity of the couple and to the truth of marriage?" Of course, it does not. The answer is already contained in what the instruction understands by the "dignity of the couple" and the "truth of marriage". To answer the above question I would say that, in any case, there is a very strong presumption for the regulations of marriage and against heterologous practices. The difficulties given with this practice (information of the child etc.) support this attitude which

is widely shared within the church.

The instruction's position on homologous artificial fertilisation is more controversial. So it has first to be presented carefully.

According to "Donum Vitae" (II B 4)

"fertilization is licitly sought when it is the result of a conjugal act which is per se suitable for the generation of children to which marriage is ordered by its nature and by which the spouses become one flesh." But from the moral point of view, procreation is deprived of its proper perfection when it is not desired as the fruit of the conjugal act, that is to say, of the specific act of the spouses union."

The second sentence is, of course, true. Artificial procreation is much less perfect than natural procreation. One important disadvantage is that a third person, the doctor, is involved in the procedure, whereas the father is liable to be reduced to the role of spectator. That can mean a burden or a danger for the marriage. The other point was more clearly articulated by a Declaration (to the Warnock-Report) of the Bishops of Great Britain. The main problem, they say, is not the physical separation of procreation from sexual intercourse, "nor the physical/biological abnormality and artificiality, precisely as such. What is directly relevant is rather the fact that the procreation can no longer be said to be radically dependent on an act of intercourse between the spouses."

All this is true. But in some respect, I am afraid, it misses the point. The "simple case" is not a couple that chooses the less perfect way of procreation instead of the perfect. Of course:

"Fertilization achieved outside the bodies of the couple remains by this very fact deprived of the meanings and values which are expressed in the language of the body and in the union of human persons."

But what if fertilisation inside the bodies of the couple is not possible, if the conjugal act of the spouses "does not enable them for the generation of new lives", if "the laws inscribed in their very being are ineffective or defective"<sup>4</sup>? Could not in that case the couple use the less perfect means of artificial fecundation (AIH or homologous IVF)? The question is never explicitly put in this way. But, of course, the answer would be negative. But this is a key problem of Catholic sexual morals: Is the less perfect way of sexual union never allowed (for instance, in the case of remarriage)? "Is it inconceivable that God has provided man with reason and understanding also so that he, by himself, may endeavor to find out how to succeed when natural measures prove a failure?"<sup>5</sup>

Nevertheless, there is still an important point to make in favour of the Catholic position. One has to keep in mind that infertility is not always the result of external, for instance, environmental factors. It is often caused by the spouses themselves. The factors are: use of contraceptives over a long time, sterilisation, very early and/or promiscuous intercourse. So, people have some responsibility to preserve their fertility, insofar as they can contribute to it. And medical science should not only try to improve the technique of IVF, but also do more research on the causes and the treatment of infertility. Finally it has to take into regard that infertility is sometimes psychologically caused; and a strong desire for a child is sometimes the reverse of an unconscious rejection of it.

Let me come back once again to the problem of the involvement of a third

person, the doctor. The instruction remarks (II B 5):  
 "Such fertilisation entrusts the life and identity of the embryo to the power of doctors and biologists, and establishes the domination of technology over the origin and destiny of the human person."

This is a real problem. The doctor or biologist often has to choose the egg and sperm he uses for the fertilisation and he has to choose (possibly) which embryo to implant in the womb. The natural method has the advantage of complete impartiality. That means, for example, that nobody has any reason to complain about his genetic endowment (or that he was brought into being at all). Everybody is the result of the natural survival lottery.

On the other hand, the instruction allows at least some kind of "technology"; it doesn't condemn "those cases in which the technical means is not a substitute for the conjugal act but serves to facilitate and to help so that the act attains its natural purpose." So the doctor may "facilitate" the fertilisation after the intercourse of the couple. And the church is still not quite sure if also the method called "GIFT" can be regarded as helping the natural act and so as morally legitimate.

My last remark concerns the title "Donum Vitae". The aspect of gift is stressed by the church relating to the problems of procreation as well as of killing: Human life is a gift which man does not have at his disposal. It is rarely noticed that the word 'gift' is used here in an analogous way. Normally, a gift was the property of somebody else which he gave to me free of charge so that it is my property now. So, in principle, it is now at my disposal. Of course, sometimes a gift has a special value as a sign of benevolence or appreciation of which I am or should be fond. It would be inappropriate to sell it or not to honour it. But in principle, I may dispose of it as I like. The 'gift' of life, on the other hand, is more like a loan of which I may dispose only according to the will of the owner. So certain forms of killing and all artificial reproduction are seen as an arbitrary dealing with the gift of life against God's will. In its second part the Instruction says (II.B 4):

"The human person must be accepted in his parent's act of union and love; the generation of a child must therefore be the fruit of that mutual giving which is realised in the conjugal act wherein the spouses cooperate as servants and not as masters in the work of the Creator who is love.

In reality, the origin of a human person is the result of an act of giving. The one conceived must be the fruit of his parent's love. The cannot be desired or conceived as the product of an intervention of medical or biological techniques; that would be equivalent to reducing him to an object of scientific technology. No one may subject the coming of a child into the world to conditions of technical efficiency which are to be evaluated according to standards of control and *dominion*."

Of course, there is some truth in these remarks. On the other hand, even in the case of helping the natural act the "gift" is in some sense an object of technology. Another problem of this remark is the simple identification of the parent's love with the conjugal act<sup>6</sup>. Indeed, one has to distinguish:

First, the conjugal act is a kind of speech-act, by which the spouses mutually

express their love, their self-gift; in this sense it is an expression of an act of love.

Second, the conjugal act itself is called an act of love.

Third, the conjugal act is simply designated as love.

These meanings have to be distinguished in order to make clear that "fruit of love" is not identical with "fruit of the conjugal act". A child can also be "the fruit of two egoisms united"<sup>7</sup> In this case the marital act has only the objective structure to serve as a possible expression of mutual love. So, a naturally begotten child is not automatically a fruit of a conjugal love, it can also be a fruit of a conjugal lie. A technical intervention, on the other hand, can absolutely be an act of love, of beneficence, even if it does not normally serve very well as an expression of love.

I have tried to present very briefly the Catholic position as it is outlined in "Donum Vitae". As a Catholic theologian, I felt nevertheless obliged, to give some impression of the sometimes deficient argumentation of the instruction. Against my criticism one has to observe the *genus litterarium* of the instruction. To a large extent it is (and probably is supposed to be) a moral exhortation, not a treatise of normative ethics. This has to be kept in mind for a just appreciation of the instruction.