

Embryo Rescue

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Few places require data to be kept on embryos produced by in vitro fertilization, but in the Australian State of Victoria IVF centres are required to be licensed and to submit their data to a Government authority. From 6220 women treated in 2007/8, 1651(26%) gave since given birth and 49,389 IVF embryos formed of whom 3.6% survived to be born.

The reason for such a large number of embryos is that harvesting the eggs involves the women undergoing a surgical procedure. To minimize the number of surgical procedures they over stimulate the woman's ovaries which normally produce only one or two eggs in a cycle. In IVF they average around 12 eggs in a cycle and may obtain as many as 50. Eggs are very fragile and attempts to store them have not been very successful. Embryos are much more robust, so the practice is to fertilize all the available eggs. That then creates a reserve of embryos so that several attempts to achieve pregnancy can be made from the one surgical procedure to harvest eggs. The embryo transfer procedure has a low success rate which is also a reason for creating a reserve supply.

Often it is the case that couple on IVF programs still have embryos in storage when they complete their families or decide for other reasons not to continue, such as relationship break-up or ill-health. As a result there are literally millions of human embryos world-wide which are left in storage, used for research or otherwise discarded.

The Congregation for the Doctrine of the Faith¹ has rejected using *these embryos for research or for the treatment of disease* because that would involve treating the embryos as mere "biological material" and result in their destruction. The Congregation also asserts that proposals to thaw such embryos without reactivating them and use them for research, as if they were normal cadavers, would also be unacceptable.

One suggestion offered has been that a female family member could "adopt" an embryo and have him or her transferred to her uterus. Another proposal that is often suggested is that those couples with embryos left in storage donate them to infertile couples who are unable to produce their own embryos.

The Congregation also considered this proposal and held that it too is ethically acceptable because it breaches the unity of marriage, which means reciprocal respect for the right within marriage to become a father or mother only together with the other spouse². The Congregation also refers to the practice leading to other problems of a medical, psychological and legal nature.³

In relation to so-called "prenatal adoption, the Congregation said that this proposal, praiseworthy with regard to the intention of respecting and defending human life, presents however various problems not

¹ Congregation for the Doctrine of the Faith *Dignitatis Personae Instruction on Certain Bioethical Questions* 2008, n.19

² Ibid n. 19, 12

³ Ibid, n. 19

dissimilar to those mentioned above. That would seem to imply that though people may be well motivated in proposing “pre-natal adoption”, it too would breach the the unity of marriage, which means reciprocal respect for the right within marriage to become a father or mother only together with the other spouse⁴.

The Congregation went on to say it needs to be recognized that the thousands of abandoned embryos represent a *situation of injustice which in fact cannot be resolved*. Pope John Paul II made an “appeal to the conscience of the world’s scientific authorities and in particular to doctors, that the production of human embryos be halted, taking into account that there seems to be no morally licit solution regarding the human destiny of the thousands and thousands of ‘frozen’ embryos which are and remain the subjects of essential rights and should therefore be protected by law as human persons”⁵.

Prior to the publication there was a vigorous debate on the issue of “prenatal adoption. Some, such as Germain Grisez⁶, argued that though it was wrong to have produced embryo by IVF, especially in such numbers, and wrong to have subjected them to the freeze-drying process that keeps them in a state of suspended animation in the laboratory, the end or intended outcome of “prenatal adoption” is good because it rescues the embryos from that state. Grisez says also that the chosen means, thawing, rehydrating and transferring an embryo from freezer to womb, is good. Therefore, he argues, it is morally acceptable.

Grisez argued that procreation is not involved because the child already exists and transfer to womb is akin to a woman volunteering to nurse a foundling at her breast, and that the embryo is in a similar situation to a foundling awaiting adoption. He asserts that prenatal adoption is a service to baby and not contrary to teaching on surrogacy which required that a child must be conceived, born and nurtured by his or her natural parents.

Others such as Mary Geach⁷ have argued that embryo transfer is an unchaste act and violates that couple’s reproductive integrity. She argues that what is meant to be a result of a marital act – pregnancy – is now the result of a merely technical procedure. She argues that the sanctity of marriage means laying herself open to an impregnating intromission is a vital part of the self-giving involved in the woman’s part of the marriage act. Geach thus offers an explanation for the teaching of the Congregation that prenatal adoption violates the unity of marriage.

The central issue involved is the sacredness of the woman’s body and the nature of marriage in which she unites herself bodily to her husband. In that complete gift of love they commit themselves exclusively to one another in that bodily union. Children come about as the fruit of that union, as an embodiment and a

⁴ Ibid n. 19, 12

⁵ John Paul II, Address to the participants in the Symposium on “*Evangelium vitae* and Law” and the Eleventh International Colloquium on Roman and Canon Law (24 May 1996), 6: AAS 88 (1996), 943-944.

⁶ Germain Grisez *The Way of the Lord Jesus Vol 3, Difficult Moral Questions* Franciscan Press: Illinois 1997 pp 239-244

⁷ Mary Geach “Are there any circumstances in which it would be morally admirable for a woman to seek to have an orphan embryo implanted in her womb?” in *Issues for a Catholic Bioethic: Proceedings of the International Conference to celebrate the Twentieth Anniversary of the foundation of the Linacre Centre*, L. Gormally (ed.), The Linacre Centre, London, 1999 pp. 341-346

symbol of their loving union. In coming to be within the woman's body as a result of their love, the child forms a unique union with his or her mother. For the woman becoming pregnant is becoming a mother, Pregnancy is, in itself, a union between mother and child. The child is essentially *of her*, not only located within her, but bound essentially, vitally to her. She is literally home to the child, but not home in the sense of merely housing, but home in the sense of a dynamic dependency and interrelationship in which they share an intimate biological and spiritual connectedness. The child's father becomes a father through the child coming to be through the celebration of their loving commitment. The child's mother and father have unique relationships to the child founded upon their own loving union as the origin of the child.

In so-called "pre-natal adoption" the father has no involvement in her becoming pregnant. She becomes with child, but not within the marriage. The moral issue therefore is that she becomes a mother outside of her marriage and in that way that thus breaches the commitment of the exclusive gift of herself to her husband. Her capacity to be come with child is part of the gift that she gave exclusively to him.

The central issue is that her capacity to become with child is not something that she is free to give outside of the marriage.

One of the conceptual difficulties we have with all this is the way in which the technology separates the different aspects of parenthood: genetic, gestational and nurturing, social or adoptive parenthood.

Normally a couple become a mother and a father in a way which links all these roles as part of the sacred unity. We used to refer to a woman conceiving a child. Now a child can come to be as an embryo in the laboratory with no-one actually conceiving and we have to distinguish between fertilization and the later step in which a woman may become pregnant. The single event of conception has been in a sense split into two events fertilization and becoming pregnant. This separates and attenuates the parental roles and also leaves the child without the direct connectedness that he or she would normally have to both parents through coming to be within their union and as a result of their love.

"Pre-natal adoption" is a misnomer for a woman to become pregnant is not merely adoption, rather it involves a fundamental change to who she is. Adoption is a social solution to a problem in which others substitute for his or her parents, and for the sake of the child's security the law gives them the same social status as the natural parents. Of course the legal reality of adoption cannot change the natural reality that an adopted child still has a mother who conceived and gave birth and a father who was at some stage united with her in the marital act.

In becoming pregnant outside of marriage a woman forms a very different relationship to the child than an adoptive mother can ever have to the child. In becoming pregnant she becomes the mother of the child and forms that unique unity with the child. She will remain forever the child's mother even though her own eggs are not involved.

From the perspective of the marriage "prenatal adoption" and adoption are very different because the latter does not involve either adoptive mother or adoptive father having that bond with the child. There is no exclusive and unique bond formed as there is in natural motherhood. There is no sense in which adoption violates the bond of marriage. The relationship that they have with the child comes after gestation and after the period when the child needs such a close intimate bond with his or her mother.