

# **The Least of My Brethren**

The Ethics of Heterologous Embryo Transfer

Father Thomas D. Williams, L.C., S.T.D., Ph.L.

Many good people experience a natural repugnance toward the idea of surgically implanting cryogenically preserved embryos into the wombs of women who are not their mothers. This process, called heterologous embryo transfer, strikes men and women of good will as an aberration far removed from right reason and God's plan for human procreation. Taken as a whole, the proposal of creating human embryos, freezing them, and later implanting them in the wombs of sterile women merits total and unconditional condemnation from moral theologians and ethicists.

The manipulation of the human reproductive process, made possible by advances in medical and genetic sciences, has created situations that ought never to have existed. Hundreds of thousands of human embryos have been "manufactured" through the artificial union of the male and female gametes, and subsequently preserved cryogenically with the intention of storing them for possible implantation in the future. Moralists now find themselves in the unpleasant position of having to offer a separate ethical judgment regarding the final step of this morally censurable project once the first steps have been carried out. From a moral perspective, this act must be evaluated in isolation from the acts that preceded it since it bears no inherent relation to them.<sup>1</sup> What can and should be done with these embryos? I would argue that the implantation of these embryos in their genetic mothers may be morally obligatory and their implantation in women other than their genetic mothers may at times be morally permissible and even praiseworthy.

## **The ontological status of cryogenically preserved embryos**

---

<sup>1</sup> It is for this reason that Mary Geach's arguments comparing surrogate motherhood to embryo rescue (or adoption) do not obtain. Surrogacy involves direct, formal complicity in the entire process of bringing a child into existence through artificial insemination, whereas embryo rescue implies no such formal cooperation in evil. See 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 Bioethics*, ed. Luke Gormally (London: The Linacre Centre, 1999), pp. 342-343.

The first essential question to be posed when confronting the possibility of embryo adoption concerns the ontological status of cryogenically preserved embryos. What sort of being are we dealing with? Catholic moral theology is personalistic, in that moral criteria always bear a relationship to personal being. All beings are either persons or non-persons, to be treated as ends or means.<sup>2</sup> Moreover, personhood is a binary function, meaning that a given being either is or is not a person. From a Catholic perspective, there is no such thing as partial persons, part *something* and part *someone*. Are human embryos things or persons? If frozen embryos are things, rather than persons, they possess no inherent dignity and therefore may be used for the sake of morally relevant beings, that is, persons. If frozen embryos *are* human persons then they do possess dignity and must be treated as ends in themselves, for their own sake. Considerations of utility do not obtain in the case of personal being, and therefore the possible positive and negative consequences of doing good to these persons cannot determine the morality of the act itself.

Science no longer entertains serious doubts that upon conception a new human life, separate from that of the mother, comes into being. The question arises as to whether this distinct new human being is necessarily a human person, with the ethical ramifications stemming from this ontological status. From a Catholic perspective every human being, including an embryo, is to be treated as a person. The document *Donum vitae* from the Congregation for the Doctrine of the Faith teaches that

no experimental datum can be in itself sufficient to bring us to the recognition of a spiritual soul; nevertheless, the conclusions of science regarding the human embryo provide a valuable indication for discerning by the use of reason a personal presence at the moment of this first appearance of a human life: how could a human individual not be a human person?<sup>3</sup>

The document goes on to draw the following ethical conclusion: “the human being is to be respected and treated as a person from the moment of conception and therefore

---

<sup>2</sup> In distinguishing the world of persons from the world of things, Karol Wojtyła includes animals in the latter category. Although we would hesitate to call an animal a “thing,” he writes, nonetheless “no one can speak with any conviction about an animal as a person” (Karol Wojtyła, *Love and Responsibility*, tr. H. T. Willetts [New York: Farrar, Straus, and Giroux, 1995], 21.

<sup>3</sup> Congregation for the Doctrine of the Faith, *Donum vitae* (“Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation: Replies to Certain Questions of the Day”), February 22, 1987, 5.I.1. par. 3.

from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life.”<sup>4</sup>

Catholic anthropology and moral theology understands every human being to bear an equal ontological dignity. Therefore a human being still in the embryonic stage must be treated with the same care and attention accorded to children, adults and the elderly. In this regard *Donum vitae* continues: “This doctrinal reminder provides the fundamental criterion for the solution of the various problems posed by the development of the biomedical sciences in this field: since the embryo must be treated as a person, it must also be defended in its integrity, tended and cared for, to the extent possible, in the same way as any other human being as far as medical assistance is concerned.”<sup>5</sup>

From the foregoing consideration we can conclude that (1) the embryo is fully a human being, and (2) should be respected and cared for as we would for any other human person. To avoid the temptation of considering human embryos to be ontologically inferior to fully developed human persons, throughout this paper I will refer to them as persons.

## **1. The Proper Moral Categories for this Discussion**

Since the question at hand refers to how a specific group of human persons are to be treated, we must frame our discussion around the ethical categories of justice and charity, which guide and govern interpersonal relations. I would argue that embryo adoption or rescue is not essentially a question of marital ethics, nor indeed of sexual ethics.

Church teaching regarding marital fidelity is twofold. Marriage is a communion of life and love, at the heart of which is the one flesh union of the spouses. Marital fidelity refers first and foremost to the exclusive gift of self to one’s spouse in the context of sexual intimacy. Sexual infidelity, or adultery, involves engaging in sexual relations with a person other than one’s spouse. More recently, marital fidelity has been seen to entail a second, closely related dimension, that of becoming a parent only together with one’s spouse. The relevant text comes once again from the 1987 instruction from the Congregation for the Doctrine of the Faith, *Donum vitae*:

---

<sup>4</sup> *Donum vitae*, 5.I.1, par. 4.

<sup>5</sup> *ibid.*

For human procreation has specific characteristics by virtue of the personal dignity of the parents and of the children: the procreation of a new person, whereby the man and the woman collaborate with the power of the Creator, must be the fruit and the sign of the mutual self-giving of the spouses, of their love and of their fidelity.(34) 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.

From the perspective of marital ethics, therefore, it will be necessary to demonstrate that HET does not violate spousal rights to become a father or mother except with each other. I will endeavor to do this later on. More importantly, however, any case made against embryo adoption grounded in the nature of the spousal relationship between husband and wife cannot reach the core ethical issue in play since an unmarried woman is equally capable of accepting a human embryo into her womb with none of the ethical issues regarding spousal fidelity.

Yet nor is the core issue at hand a question of sexual ethics. If an unmarried woman were to accept the implantation of an unborn child into her womb for the purpose of saving the child's life, there could be no question of a misuse of the woman's sexuality, as argued, among others by Mary Geach.<sup>6</sup> Though implantation directly involves the woman's reproductive system, rather than, say, her circulatory or nervous system, such involvement does not imply a sexual act any more than lactation, also a part of the reproductive system, is a sexual act. The act of generation involves a relationship between two people, a husband and wife. The act of receiving and gestating an embryo, however, involves two different people, a woman and a child, with the instrumental intervention of medical personnel.<sup>7</sup> The relationship between a husband and wife in procreating a child is sexual; the relationship between a woman and a child gestating in her womb is not a sexual relationship but one of nurturing. It would be absurd to claim, for example, that a young woman adopting an embryo had lost her virginity or had engaged in a sin against chastity. The woman's *generative* capacity is not involved in HET, since generation means the bringing into existence of a new human being, whereas

---

<sup>6</sup> See especially 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?", pp. 341-346 and "Rescuing Frozen Embryos," in *What Is Man, O Lord?*, pp. 217-230.

<sup>7</sup> I would thus disagree with Nicholas Tonti-Filippini, in his assertion that within marriage, the union between mother and child "is not separate from, but an extension and embodiment of the union between the woman and her husband" ("The Embryo Rescue Debate: Impregnating Women, Ectogenesis, and Restoration from Suspended Animation," *The National Catholic Bioethics Quarterly* [Spring 2003], p. 120). Though the union between mother and child experienced during pregnancy is normally and properly the fruit of the one-flesh union of husband and wife, it is not a continuation of this union but an essentially different relationship. Tonti-Filippini's further contention that "heterologous embryo transfer may be an infidelity to the marriage" (*ibid.*) cannot be defended on this ground.

embryo adoption applies to the implantation of an already existing human person into a woman's womb.<sup>8</sup>

## **2. How Are Frozen Human Embryos to Be Cared for?**

Having established, at least tentatively, the ethical framework within which HET is to be considered, what are the requirements of justice and charity in dealing with these persons? "Doing good" to these frozen human persons in an embryonic stage requires a discernment of their biological needs in the first place so as to secure their inviolable right to life, prerequisite for the satisfaction of all their other rights. In order to grow and develop, indeed to survive, these persons require a specific environment and physical nourishment. In the present state of the biomedical sciences, this environment can only be provided by the womb of a human female. If any other means were available, such as an artificial womb or a special incubator, the parameters of the question would perhaps change considerably.

From the perspectives of both natural law and Catholic moral theology I would unhesitatingly assert that the human embryo has a fundamental right to gestation. This normal process by which a human baby is nourished, shaped and protected is essential for his wellbeing and must be considered to be part of the ordinary care that should never be denied to a human person. The fact that a child, through no fault of his own, has been deprived of gestation in the first days of his existence in no way lessens society's duty to secure this necessary good for him quickly and effectively. I have spoken here of the demands of justice and charity. Being a fundamental right, I would place gestation squarely in the domain of justice: the rendering of what is due to another. Gestation is not a gratuitous gift, superadded to what a person could and should reasonably expect from his fellows. The corresponding duty to secure this due good to the child would devolve first and foremost upon the child's own parents. In the case of impossibility or impracticality on the part of the child's mother, it falls to the entire human community to seek to provide for this need. I speak of charity because no other woman can be said to bear the duty to gestate a child that is not her own, but nor should she be denied this

---

<sup>8</sup> Tonti-Filippini's argument that "heterologous embryo transfer may be akin to adultery" is indefensible (Nicholas Tonti-Filippini, "The Embryo Rescue Debate," p. 124).

possibility if she feels so inclined, any more than we would deny adoptive parents the privilege of caring for an abandoned child left on the doorstep of the local hospital.

In his 1981 apostolic exhortation *Familiaris consortio*, Pope John Paul II emphasized the need to be especially attentive to the rights of the most helpless of children:

In the family, which is a community of persons, special attention must be devoted to the children by developing a profound esteem for their personal dignity, and a great respect and generous concern for their rights. This is true for every child, but it becomes all the more urgent the smaller the child is and the more it is in need of everything, when it is sick, suffering or handicapped.<sup>9</sup>

He adds to this the following consideration:

Concern for the child, even before birth, *from the first moment of conception* and then throughout the years of infancy and youth, is the primary and fundamental test of the relationship of one human being to another.<sup>10</sup>

The intimate care entailed by embryo adoption implies real human sacrifices but violates no human good. As it stands, Catholic morality has always been prepared to go to extremes for the good of another, especially when a fundamental good such as life is at stake. Perhaps the most striking example of this is the case of organ donation. During the 1940s organ transplants became medically possible. Moral theologians and ethicists debated the issue for decades and only recently has the Catholic papal Magisterium pronounced authoritatively on the subject, since neither Pius XII, John XXIII or Paul VI issued any substantive or definitive statement in this area. The 1992 Catechism of the Catholic Church sums up magisterial teaching with the simple expression: “Organ transplants are in conformity with the moral law if the physical and psychological dangers and risks incurred by the donor are proportionate to the good sought for the recipient.”<sup>11</sup> What could seem evident to us now proved a source of great vexation and discussion for moral theologians of the time.

The development of the arguments leading to the present teaching of the Church can prove especially illuminating in the matter of embryo adoption because of the parallels between the two cases. Mutilation of the human body, especially when causing irreparable damage to the organism, constitutes an evil to be avoided. Corporal

---

<sup>9</sup> Pope John Paul II, apostolic exhortation *Familiaris consortio* (November 22, 1981), no. 26.

<sup>10</sup> *ibid.* emphasis added.

<sup>11</sup> *Catechism of the Catholic Church*, no. 2296.

mutilation refers to any procedure that temporarily or permanently impairs the natural and complete integrity of the body or its functions.”<sup>12</sup> Mutilation can at times be permitted, however, as a means to a greater good. Catholic medical ethics has traditionally explained the moral possibility of the amputation of limbs to save a life through the “principle of totality.”<sup>13</sup> By this principle, the part only exists for the sake of the whole and thus can be sacrificed when absolutely necessary for the good of the whole. The point of reference here is the person himself and his life, not the arm, the leg, or any other member. This applies both in the case of amputation of diseased limbs and in the case of the removal of *healthy* body parts for the sake of preserving life, such as when a person cuts off a healthy foot stuck in a railway track in order to escape from an oncoming train.<sup>14</sup>

Formulations of this principle always specify that such mutilations are licit only when the good end sought is unattainable by other means. For example, Pius XII stated that one may destroy or mutilate parts of the body “when and in the measure which is necessary for the good of the being as a whole, to assure his existence, or to avoid or repair grave and lasting damage which cannot in any other way be avoided or repaired.”<sup>15</sup>

Catholic ethics ran up against tremendous hurdles, however, when attempting to apply the principle of totality to the case of what we could now call heterologous organ transplants (to distinguish from homologous organ transplant in the case of say, moving a piece of healthy flesh from the buttocks to the face in the case of burn victims). Strictly speaking the procedure of heterologous transplanting of organs is not therapeutic, in the sense that the mutilation does not benefit the donor undergoing it. The principle of totality cannot be ethically applied because the relationship of one person to another or even to the community is not that of a part to the whole. One person does not exist for the sake of another, but each possesses an inviolable dignity as an end in himself.

---

<sup>12</sup> J. J. Lynch, “mutilation,” in *The New Catholic Encyclopedia*, Vol. X, p. 145.

<sup>13</sup> Pope Pius XII coined the expression in an address to the First International Congress on the Histopathology of the Nervous System in 1952 (*Acta Apostolicae Sedis [AAS]* 44 [1952]:779-89, esp. 782). Under a different name, this same principle was discussed by Saint Thomas Aquinas regarding mutilation and amputation of members and cited by moralists with little modification of Aquinas’ arguments. See *Summa Theologiae*, II, 65, 1.

<sup>14</sup> See, for example, C.-R. Billuart, *Summa Sancti Thomae Hodiernis Academicarum Moribus Accomodata*, Paris, 1870, Vol. IV, dissert. X, art. IX, n. 1.

<sup>15</sup> Pope Pius XII, *AAS* 44 (1952) 782.

An early defense of the morality of heterologous organ transplants came from Bert J. Cunningham in his doctoral dissertation at Catholic University in 1944.<sup>16</sup> In this work Cunningham argues that what is permitted to do for the good of oneself one may also do for the good of another. He points out that the members of one's own body are directed not only to one's own good but in a certain way to the good of others. If the individual himself is ordered not only to his own good but to the good of others, then the parts of the individual are also ordered to the good of others. Since according to Catholic morality one may and indeed should sometimes risk one's life for another, for certain very serious needs of others one should be able to undergo the lesser evil of mutilation, Cunningham concludes.

A statement by Pope Pius XII in 1958 opened the door for applying the principle of totality to heterologous organ transplants. "To the subordination of particular organs to the organism and to its own finality," he wrote, "is added the spiritual finality of the individual himself."<sup>17</sup> Not only are members subordinated to the good of the body, but a person's corporal good does not exhaust his comprehensive good, which includes his spiritual good. Pius' words were later applied by ethicists to the case of organ transplants from live donors in that the spiritual good of self-giving toward one's neighbor justified what would otherwise have been illicit because such an act, though harming corporal integrity, contributes to the moral and spiritual good of the donor himself. In this way, and assuming the voluntary nature of the donor's gift, one person is not instrumentalized for the good of another, but integrates his self-sacrificing act of charity into his overall end as a spiritual being.

Though considerable differences exist between the ethical circumstances surrounding organ donation and those of HET, I have devoted space to the consideration of organ transplants and the history of the ethical debates that led to its acceptance to illustrate the lengths that Catholic moral theology is willing to go for the sake of saving human life. If ethicists are willing to sanction the physical evil of corporal mutilation resulting in real damage to the physical integrity of the organ donor in order to save another human life, how could we fail to accept the implantation of embryos necessary for their survival, when such a procedure causes no permanent damage to the gestating woman?

---

<sup>16</sup> For the following synthesis I rely on John Gallagher, CSB in his essay "The Principle of Totality: Man's Stewardship of his Body," in *Moral Theology Today: Certitudes and Doubts*, Saint Louis: The Pope John Center, 1984: 217-42. Gallagher in turn refers to Bert J. Cunningham, *The Morality of Organ Transplantation*, (Washington D.C.: Catholic University of America Press, 1944).

<sup>17</sup> AAS 50 (1958): 693-4.

### 3. Procreation, Motherhood and Fatherhood

Some ethicists have argued against HET on the grounds that it violates the intrinsic structure of human procreation. From his reading of certain magisterial texts, for example, Father Tadeusz Pacholczyk infers that papal teaching understands procreation to include the entire period from conception to birth. Basing himself on passages from *Casti Connubii*, *Gaudium et spes* and *Familiaris consortio* regarding the purposes of marriage and of the marital act, Pacholczyk arrives at the significant assertion that “implicit in the basic formulation is the idea that whatever precedes the education of children (beginning formally at birth) would be ‘procreative’ in character. *Birth seems to be the significant threshold where procreation ends and education begins.*”<sup>18</sup> Yet none of the documents cited makes this claim. Nowhere in the referenced magisterial texts is there any suggestion that procreation and education refer to collectively exhaustive *chronological periods*; the texts rather treat procreation and education together as the primary *end* of marriage, a fundamentally different notion. The papal Magisterium has never taught that these two terms comprise the entire realm of responsible parenthood, which likewise includes nurturing and nourishing, which are realized both pre- and post-natally, though in different ways. Is feeding one’s child an act of procreation or education, or neither? Where does this essential parental obligation fit into a human timeline wherein the entire role of motherhood and fatherhood vis-à-vis their children are subsumed under the categories of procreation and education?

Though Catholics understand procreation and the education of offspring to be the primary end of marriage, education in reality is a *subset* (albeit the most important) of the more general category of care for offspring, which includes attention to all the needs of the child from shelter and food to clothing and instruction. If we were to insist on distinguishing chronological periods in the relationship between parents and offspring, the first would be the punctual moment of procreation followed by the more general category of responsible care for the well-being of a child, which comprises manifold expressions and spans the period from gestation all the way to the wise counsel given by parents in old age to their adult children. Yet even if one were to insist on the

---

<sup>18</sup> Father Tadeusz Pacholczyk, *On the Objectionability of Embryo Adoption*, manuscript in press: Proceedings – Fellowship of Catholic Scholars Meeting, 2003.

corporately exhaustive nature of the categories of procreation and education, the gestation period would have to be considered a part of education rather than procreation. This is the perspective offered by Pope John Paul in his 1994 *Letter to Families*: “The first months of the child’s presence in the mother’s womb bring about a particular bond which already possesses an educational significance of its own. The mother, even before giving birth, *does not only give shape to the child’s body, but also, in an indirect way, to the child’s whole personality.*”<sup>19</sup>

“Begetting” and “procreating” are coterminous. Yet begetting and procreating children refer to something that cannot, as some assert, extend beyond the generation of an embryonic human. Begetting a child refers to an act of sexual union resulting in the generation of a new human being. In its exact sense procreation must be a punctual event. Otherwise we would find ourselves in the absurd situation of speaking of partially procreated children. The binary nature of personhood and non-personhood, itself a particular manifestation of the metaphysical distinction between being and non-being, precludes this possibility. Thus, to describe the activity of an expectant mother by saying “She is procreating” would be to fundamentally misrepresent what is really going on.

Though in a broader sense creation continues throughout our lives, in that God’s creative will sustains us in existence by continually communicating to us a share of his own being, in a more precise sense creation refers to the punctual act of bringing something or someone into existence that did not exist before. Procreation differs from God’s initial creation of the world in two essential ways. First, God’s original *creatio ex nihilo* brought the material and spiritual world into existence out of nothing, whereas procreation implies the preexistence of both material and spiritual realities and the coming into being of a new, distinct human substance from these realities. Secondly, while God created the world independently, procreation entails the cooperation of human agency, and thus procreation is also a form of co-creation between God and parents. Yet the passage from non-being to being is common to both creation and procreation. Since being and nonbeing are mutually exclusive realities, procreation is necessarily and essentially punctual in time and cannot be thought of as a gradual coming into being.

I would add to the coterminous expressions of “begetting” and “procreating” a further synonym often adopted in papal teaching, namely “becoming a mother” and

---

<sup>19</sup> Pope John Paul II, *Letter to Families* (February 2, 1994), no. 16, emphasis in original.

“becoming a father.” This is pertinent to arguments similar to Pacholczyk’s that see motherhood in a broad sense, as Pacholczyk sees procreation. Here again we return to the relevant passage from *Donum vitae*: “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.” In his objection to HET, ethicist Christopher Oleson affirms that natural motherhood transcends conception and encompasses a larger unity which inseparably comprises conception, bearing, and birth.<sup>20</sup> He sees the principle invoked by *Donum vitae* as having a relevant application to embryo adoption, in that bearing a child would have a specifically maternal significance, and thus should be actualized only within the marriage covenant. Similar arguments are employed by Nicholas Tonti-Filippini, who asserts that impregnating a woman through embryo transfer “makes her the child’s mother.”<sup>21</sup>

Here I think we must insist on the essential difference between *being* a mother and *becoming* a mother. *Being* a mother is a lifelong project describing a relationship of maternity-filiation involving numerous manifestations, including those enumerated by Oleson. I would also agree that these various component elements of motherhood should not be separated. Yet in the case of cryogenically preserved embryos, this separation has already occurred. Becoming a mother, on the other hand, does not have the temporally extensive character of motherhood. When, in fact, does a woman become a mother? When does a man become a father? A woman is a mother in the very moment that her offspring comes into being. In the most precise sense, a woman becomes a mother in the moment when her sexual act bears the fruit of the conception of a new human being. From that moment on she is truly a mother and her husband is a father. With the passage of time she does not become “more” a mother. The punctual nature of becoming a parent is especially evident in the case of a father. He “fathers” a child through a life-giving act of sexual intercourse and becomes fully a father through that punctual act. His later acts of responsible fatherhood, such as the affection, protection and education offered to his offspring, are merely an ongoing, consistent living out of his paternal role.

---

<sup>20</sup> See unpublished manuscript: Christopher Oleson, “The Immorality of Heterologous Embryo Transfer: On the Maternal, and thus Moral, Significance of Being ‘with Child.’”

<sup>21</sup> The full citation reads as follows: “In embryo rescue, the woman who enters the scene as a potential ‘rescuer’ is not yet the child’s mother. Impregnating her makes her the child’s mother, it is the bringing about of a change to her being, by establishing the physiological union of her with the child in that unique way. Embryo rescue is not a matter of sustaining an established relationship, but bringing about an ontological change in which a new relationship is created, the relationship of motherhood” (Nicholas Tonti-Filippini, “The Embryo Rescue Debate,” p. 122). Although a new and intensely intimate bond is indeed created though embryo transfer, Tonti-Filippini’s use of the term “ontological change” is improper.

We call a pregnant woman an “expectant mother,” not in the sense that she is expecting or waiting to become a mother, but because she is a mother expecting the birth of the child she already bears within her.

Oleson is right in affirming that expectant mothers “do not experience the period of pregnancy or the place of their womb as merely a post-maternal means of providing a safe and nurturing environment for the new life within them... Their *bearing* their child in their womb is experienced as an inherent aspect of their motherhood.”<sup>22</sup> It is right and good that it should be so. It is also right and good that adoptive mothers experience their love and care for their children as motherhood, and that they treat their adoptive children as their own. The greater the affective bond between them, the better an adoptive mother will live out her role. Yet “becoming a mother” speaks of a fundamentally different reality, that of bringing a child into existence.<sup>23</sup>

Pope John Paul II, in his *Letter to Families*, speaks of the nature and punctuality of the generative act in the clearest of terms:

In particular, responsible fatherhood and motherhood directly concern the moment in which a man and a woman, uniting themselves “in one flesh”, can become parents. This is a moment of special value both for their interpersonal relationship and for their service to life: they can become parents—father and mother—by communicating life to a new human being.<sup>24</sup>

A little further along he adds:

All married life is a gift; but this becomes most evident when the spouses, in giving themselves to each other in love, bring about that encounter which makes them “one flesh” (*Gen 2:24*). *They then experience a moment of special responsibility*, which is also the result of the procreative potential linked to the conjugal act. At that moment,

---

<sup>22</sup> *ibid.*

<sup>23</sup> Once again I must take issue with Nicholas Tonti-Filippini’s contention that “[t]o conceive literally means to be “with child” or to “become pregnant” (Nicholas Tonti-Filippini, “The Embryo Rescue Debate,” p. 122). This statement is evidently false. Conception does not describe a change in the state of the woman but is a transitive term that refers to the bringing into existence of a distinct human being. His later claim that “IVF divides the notion of conception into these two events, the conception of the embryo and the later conception of the embryo by a woman” (*ibid.*, p. 129), as if the same child could be conceived twice, twists the sense of the term beyond recognition.

<sup>24</sup> Pope John Paul II, *Letter to Families* (February 2, 1994), no. 12.

the spouses can become father and mother, initiating the process of a new human life, which will then develop in the woman's womb.<sup>25</sup>

Distinctions of genetic, sexual, gestational and social motherhood provide an interesting linguistic clarification of some of the ways the term motherhood is employed, but we must remember that these are analogical uses of the term. Adoptive motherhood, be it gestational or social, will never make a woman the mother of the child in a technical sense, since she did not beget the child but rather assumes responsibility for and nourishes a pre-existing human being. Since becoming a mother and becoming a father refers specifically to a generative act resulting in the existence of a new human being, I would tentatively suggest that a child manufactured by IVF in a sense has no mother and father. A certain woman and a certain man furnished the biological material necessary for the production of a new human being, but they did not engage in a generative act resulting in the fruit of a new human life. It was not their act, but the act of another, that resulted in another human coming into being. The closest thing that child will have to a father is the Frankensteinian figure of the lab technician that united the two gametes that produced the child. Herein lies the deep tragedy of IVF: that children are produced without a mother and a father. Not that they will never know their mother and father, or that their mother and father died, but that they never *had* a mother or a father in a full sense.

All of this leads me to the necessary conclusion that a woman who chooses to welcome an embryo into her womb provides safe harbor and nutrition for the child but does not become the child's mother. Therefore *Donum vitae*'s teaching that the bond existing between husband and wife accords the spouses the exclusive right to become mother and father solely through each other is fully respected in the case of embryo adoption.<sup>26</sup>

## Conclusion

---

<sup>25</sup> *ibid.* Emphasis in original.

<sup>26</sup> See Congregation for the Doctrine of the Faith, *Donum vitae* ("Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation: Replies to Certain Questions of the Day"), February 22, 1987, 5.II.A.2.

From the foregoing discussion I would propose that the adoption or rescue of human embryos does not violate any fundamental human goods but rather constitutes a sometimes heroic act of kindness toward extremely needy members of the human community. Fertile women are uniquely suited to provide these unfortunate persons with the only sort of care that can meet their specific needs, and indeed allow them to live. The sacrifice implied and the myriad other circumstances coming into play preclude the possibility that heterologous embryo adoption could ever be considered a universal moral obligation. Like organ donation, it will always be an instance of moral heroism for those who find themselves so disposed and inspired. But nor should ethicists rule out such heroism as morally acceptable and indeed commendable, since it satisfies for the child a basic human right.

The prudential ramifications of this basic moral evaluation will require considerable discussion, analysis and debate. While not affecting the substantial moral judgment of the process, the consequences of overt support for embryo adoption will invariably condition the way such support is communicated as well as the eventual regulation and limitation of the procedure. Given that human lives themselves are at stake, I would not rule out the moral possibility of allowing unmarried women to engage in HET.<sup>27</sup> While we do not allow single men or women to adopt children, we would undoubtedly do so if their survival depended upon it. It would not be the best option, but it would clearly beat the alternatives.

---

<sup>27</sup> I would therefore reject the position of Helen Watt and John Berkman who defend embryo “adoption” while rejecting embryo “rescue” by unmarried women, because they are not capable of giving the child the home to which it has a right. See especially Helen Watt, “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 Bioethics*, pp. 347-352; John Berkman, “Gestating the Embryos of Others: Surrogacy? Adoption? Rescue?” *National Catholic Bioethics Quarterly* 3.2 (2003), pp. 309-330; “John Berkman Replies” in the Colloquy section of *National Catholic Bioethics Quarterly* 4.1 (2004), pp. 12-13.