

IS IT LICIT FOR A WOMAN TO 'ADOPT' A FROZEN EMBRYO?

Q. Is it licit for a woman to 'adopt' a frozen human embryo by allowing its implantation in her womb that it may have the necessary nourishment as it grows during gestation so as to be delivered at term as a normal baby?

A. No.

Summary

- i) The frozen human embryo exists as the result of actions which constitute serial breaches of the moral law committed by well meaning (perhaps!) but misguided, and morally inept, scientists with the formal cooperation of the father and mother.
- ii) For a woman to submit to the procedures involved in a proposed 'adoption' involves her in a breach of the moral law as well as formal cooperation in the evil actions already committed.

Argument

1. It is not licit to do evil that good may come of it. This principle applies regardless of how great the prospective good may be, even if it is objectively infinite as is the case with the human embryo.

2. The contrivance of the existence *in vitro* of the human embryo and its preservation in frozen form is morally illicit because it involves interference in the natural order of human generation, an order established by Almighty God. Both father and mother cooperate in a manner which is morally illicit so as to assist physicians in achieving conception of the embryo artificially and removed from the setting naturally ordained for its nourishment and gestation. The evil lies in their cooperating to separate the *finis operantis* of the procreative act from the *finis operis*, the *intended* from the *natural* end.

The general moral prohibition covering the issues was stated by Pius XII in 1948:

"...God alone is the lord of man's life and bodily integrity, his organs and members and faculties, those in particular which are instruments associated with the work of creation. Neither parents, nor husband or wife, nor even the very person concerned, can do with these as he pleases...¹

The Pope elaborated on this some years later:

"...The greatness of a human act consists precisely in its going beyond the moment itself at which the act is posited to consider the entire orientation of a life, and to bring it into relation with the absolute...

"...The means by which one tends toward the production of a new life take on an essential human significance inseparable from the desired end and susceptible of causing grave harm to this very end if these means are not conformable to reality and to the laws inscribed in the nature of things.

¹ Pius XII, *Allocutio to the Fourth International Congress of Surgeons*, May 20, 1948.

“...On the subject of the experiments in artificial human fecundation “in vitro”, let it suffice for Us to observe that they must be rejected as immoral and absolutely illicit....

“Artificial fecundation exceeds the limits of the right which spouses have acquired by the matrimonial contract, namely, that of fully exercising their natural sexual capacity in the natural accomplishment of the marital act... The matrimonial contract does not give [the right to a child] because it has for its object not the ‘child’, but the ‘natural acts’ which are capable of engendering new life and destined to this end. It must likewise be said that artificial fecundation violates the natural law and is contrary to justice and morality...²

3. The frozen embryo exists, then, as an effect of morally illicit behaviour. Its very existence as such is illicit. This judgement does not, of course, entail an adverse reflection on the innocent life involved.

4. No woman may licitly allow the surgical invasion of her body without adequate reason. She may not allow this in respect of her own life or the life of her unborn child or in anticipation that such intervention will assist in the conception of a child unless there be a proportionate and adequate reason consistent with moral principle.

5. It follows that no woman may, without adequate reason, licitly allow the invasion of her body by the introduction of a foreign substance. *A fortiori*, she may not licitly allow the introduction into her womb of the ovum of another woman, whether fertilised or not.

6. Should a woman allow the introduction into her womb of the fertilised ovum of another woman she would become a formal co-operator in the morally illicit actions of all involved in producing the fertilised ovum artificially. By providing a specific end among the raft of intended ends (*finis operantes*) these agents have illicitly exposed, she would assist in completing their actions. The *Congregation for the Doctrine of the Faith* confirms this in *Donum Vitae* (Instruction on Respect for Human Life, 22nd February, 1987; II, 3, 5-8).

7. It is morally impossible for the frozen embryo to reach maturity. It follows that the only licit answer to the moral dilemma put in place by those who have acted immorally, is for the embryo to be allowed to die naturally.

Criticism of Donum Vitae

Nowhere in this document is there an adequate criticism of the illicitness of production of embryos *in vitro*. The teaching in *Donum Vitae* I, 5—“It is... not in conformity with the moral law deliberately to expose to death human embryos obtained in vitro”—is, with respect, flawed. The argument advanced—“Just as the Church condemns induced abortion, so she also forbids acts against the life of [human embryos in obtained *in vitro*]—fails to take account of the breach of principle *which has already occurred* in the production of the embryo *in vitro*. This failure is

² Pius XII, *Allocutio to the Second World Congress on Fertility and Sterility*, May 19, 1956.

consistent with the failure of the authors of the document to address the liminal question.

The two cases—the life of the unborn child threatened by induced abortion and the the life of the embryo obtained *in vitro*—are readily distinguished. In the case of abortion, the embryo is in the course of nourishment and gestation *en ventre sa mère*. The embryo has been produced licitly (in the sense of it being so in accordance with the natural law. As to whether this production has occurred in the course of a lawful marriage is not to the point). The evil of abortion lies in the interference with its development in its natural setting, the violent removal from the womb of its mother.

In the case of the embryo produced *in vitro*, the evil lies *in the very method of its production*. It having been produced illicitly, it is morally impossible for it to achieve maturity. God does not command the impossible. It would seem, then, that the only appropriate course to follow is to limit the evil and to allow the embryo produced *in vitro* to die. The sooner this occurs the sooner will the greater evil of its continued existence without hope of normal development to maturity, its enslavement, be terminated.

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