

The Linacre Quarterly

Volume 55 | Number 1

Article 6

February 1988

An Introduction to the Vatican Instruction on Reproductive Technologies

Joseph Boyle

Follow this and additional works at: <http://epublications.marquette.edu/lnq>

Recommended Citation

Boyle, Joseph (1988) "An Introduction to the Vatican Instruction on Reproductive Technologies," *The Linacre Quarterly*: Vol. 55: No. 1, Article 6.

Available at: <http://epublications.marquette.edu/lnq/vol55/iss1/6>

An Introduction to the Vatican Instruction on Reproductive Technologies

Joseph Boyle

*Professor Boyle, a newly-appointed member of the **Linacre Quarterly** editorial advisory board and likewise, newly-named book review editor, is a professor of philosophy at St. Michael's College, University of Toronto.*

I. The Purpose of the Instruction

On Feb. 22, 1987, the Sacred Congregation for the Doctrine of the Faith issued a moral evaluation of various widely discussed reproductive procedures and related activities. The name of this document is "*Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation: Replies to Certain Questions of the Day*". This Instruction is often referred to by the first two words in the official Latin text, "*Donum Vitae*", gift of life.

As its title suggests, the purpose of the Instruction is to answer certain "questions of the day" concerning such matters as in vitro fertilization, artificial insemination, and the medical treatment of the unborn. Thus, the instruction is not concerned directly with questions of science, nor even with the underlying technological possibilities created by the developments of modern biological science, but is concerned with certain human actions — those in which scientific knowledge and technological possibilities are used to solve problems of infertility, treat the diseases of the unborn, and so on. Such uses of scientific knowledge and technology raise serious moral questions, as virtually everyone admits. It is these moral questions which the Instruction addresses.

In fact, the Instruction exhibits a welcoming and grateful attitude not only toward the great advances in scientific understanding of human beings, but also toward the technological potential which these advances create. Properly used, this technology can be a great help to human beings in carrying out their vocations in this world. So there is no suspicion of the technological or the artificial, just as such, and no nostalgia for natural ways of, say, reproduction, just because they are natural. If certain medical procedures are evaluated negatively, it is not because they are artificial, but

because they fail to properly respect all the persons and human goods involved.

Moral evaluation of the kind found in the Instruction is common enough in human life. When carried out by the authorized teachers of the Church, it has the distinctive character of Christian moral teaching. As teaching by those especially empowered by Christ to teach, it differs from ordinary moral evaluation in being more than simply the opinion of one person or group to be accepted only on the basis of one's estimate of the merits of the arguments presented. Still, Christian moral teaching is teaching. It is not giving orders or handing down decrees. It is not, in other words, like the exercise of legitimate political or legal authority in which legislators or judges make decisions which others have some duty to obey. In the case of such decisions, which must be made within the Church as well as in political society, the issue is not the truth of the decision, but its wisdom and legitimacy. In the case of moral teaching, by contrast, the issue is fundamentally one of truth.

That is why the authors of the Instruction proceed as they do. Like Christian teachers generally, they do not simply issue edicts, but present moral reasons. They appeal to the vision of human life which is found in the Scriptures and has been constantly taught within the Church, and apply it to questions which trouble the faithful and people generally. This application involves highlighting especially relevant aspects of this vision, and considering carefully how certain human actions are to be evaluated in light of them.

So the Instruction is literally that: *instruction*, teaching. Contrary to the impressions created by the way the media often characterize Church teaching, especially about moral questions, the Instruction is not upholding a ban or issuing a condemnation, but providing a reasoned evaluation. As such, it is meant to invite reflection. Indeed, in its closing paragraphs, the Instruction makes explicit this invitation. Proper orders are to be obeyed, but teaching is to be pondered, understood, and personally appropriated.

II. The Principles Underlying the Instruction's Teaching

The elements of the Christian vision of human life highlighted in the Instruction are those relating to the conception of the human person, the nature of marriage and sexuality, and the sacredness of human life. The most important of these can be expressed as five propositions which function as principles for the evaluation of the particular concerns of the Instruction. First, God makes human individuals in His own image and likeness, and He is directly involved in the coming-to-be of each new person. Second, the human person is one being, bodily as well as spiritual, so bodily life and sexuality may not be treated as mere means to more fundamental purposes. Third, every living human individual, from the moment of conception, should be treated with the full respect due a person and so is inviolable. A human being is always a he or a she, an I or a you,

never an object, a mere something. Fourth, sexual activity and procreation can be morally good only if they are part of marital intercourse. Fifth, in marital intercourse, love-making and life-giving should not be separated.

These principles underlie the Church's teaching concerning all the issues in sexual morality, bioethics, and respect for human life. Not surprisingly, therefore, the moral outlook of the Instruction is identical to that of "Humanae Vitae," the "Decree on Procured Abortion" and "Familiaris Consortio". In fact, the Instruction explicitly relies on these and other recent magisterial statements, especially those of John Paul II and Pius XII. All the principles used in the Instruction are to be found in these earlier magisterial statements where they are much more fully articulated and defended.

What is distinctive about the Instruction is that it applies these principles to a related set of current questions which have not been evaluated before in a systematic and unified manner. Thus, the Instruction makes use of these principles, but generally does not seek to establish their truth or demonstrate their special place within the Christian view of human life. Rather, their truth is reasonably taken for granted as fixed within the teaching of the Church, knowable by the natural moral law, and amply explained and defended in recent Church teaching.

It is a mistake, therefore, to suppose that one can find in the Instruction an attempt to persuade those who reject its principles. Since dissenting theologians and many outside the Church reject at least some of these principles, it is not surprising that the Instruction has been found unpersuasive by many. But that is no criticism of the Instruction. Its task is to deal with certain questions of the day, not defend, from the ground up, the entire fabric of Christian ethics as understood within the Church. A fairer question, then, is whether the Instruction's evaluation of various procedures is justified by these principles, and by the larger vision of human life of which they are part. As will become clear, even in this short overview of the Instruction, the Instruction's evaluations clearly are justified by this standard.

This is not to suggest that there are no difficulties in understanding the precise ways in which these principles are applied to the specific actions evaluated. For example, there is considerable unclarity about how the principle of the inseparability of the love-making and life-giving aspects of marital intercourse actually applies to such things as artificial insemination by husband and in vitro fertilization within marriage.

Further, the Instruction does contain some argumentation in support of at least some of its principles, in particular the principle requiring that all living human individuals be treated as persons from the moment of conception. The Instruction's argument emphasizes the continuity of the development of human life from the moment of conception, and, while recognizing that science cannot by itself resolve all the problems in this area, and that purely speculative questions about the moment of ensoulment cannot be definitively settled, concludes that there is an

indefeasible presumption in favor of the personhood of every living individual. "How could a human individual not be a human person?"

This argumentation seems sound as far as it goes, but given the importance of this principle, not only for the Church's overall sanctity of life stance, but also for the immediately relevant question of the status of the embryo immediately after conception, one might reasonably expect a more extended and analytical treatment. It seems to me that the following considerations might reasonably be added to what the Instruction actually says. First, the only thing all those whom we consider persons have in common is that they are all human individuals. By what non-arbitrary criterion could the newly conceived human individual be excluded from personal status? Second, there is no doubt that the newly conceived is a human individual. The possibilities of twinning and mosaics do not show that the individuals who can divide or combine are not living human individuals. Third, medieval theorizing about the beginning of life supposed that life came from non-living materials. Unhindered by this false view, we have no such reason for thinking that the developing individual cannot be a person from the outset.

III. Acts Judged Morally Permissible

The Instruction considers carefully a number of perplexing questions concerning the treatment of the unborn. The basic principle used to evaluate these matters is that as persons, the unborn deserve the same moral consideration as other persons. Thus prenatal diagnosis and treatment, including experimental treatment if that is the best one can do, are permissible if done for the child's benefit under the same conditions as would apply for children already born. Likewise, research, (that is, observation), upon the unborn is permissible if it is harmless and done with parental consent.

The same principle is extended to deal with the question of the handling of the corpses of the unborn. They are to be treated with the same respect due any human corpse. Thus, experimentation upon the corpses of the unborn may be permissible, although under stringent conditions. Experimentation may be permissible upon the corpses of those deliberately aborted if the conditions are met. Those conditions are the following: first, that one be certain that the individual is dead — that it is a corpse and not a living person; second, that the consent of the parents or at least the mother be obtained; third, that there be no complicity in deliberate abortion; fourth, that scandal be avoided; and fifth, that human remains not be bought and sold.

Closely related to the questions of the treatment of the unborn are attempts to influence inheritance. Such efforts are justified if done for therapeutic benefit of the person treated, if the usual conditions for therapy apply, and if the special character of the risks is properly taken into account.

The Instruction also deals with technical interventions in the reproductive process. It finds some of the most familiar of these unacceptable, but judges morally acceptable those interventions which facilitate the performance of the marital act and those which enable the marital act to be fruitful. The Instruction does not say exactly what these procedures are, but the general idea is both important and clear: interventions which do not replace or substitute for the marital act as the human activity which brings forth new life, but assist the act in having this result, are morally permissible. How this distinction is to be applied to such procedures as Gamete Interfallopian Transfer (GIFT), or Tubal Ovum Transfer (TOT) is not addressed in the Instruction and is in dispute among moralists who accept its teaching.

IV. Acts Judged Morally Impermissible

Experimentation upon the unborn, at any stage of development, is categorically rejected. "Experimentation", here, refers to nontherapeutic experimentation, and seems to include any kind of research which has even slightly adverse effects on the subject. I say "seems", because the explanation of the distinction between experimentation and research is perhaps the least perspicuous explanation in the Instruction. The Instruction's concern, however, is in no way obscure. No human being is to be treated as if he/she were a mere means for the satisfaction of the needs of others. Every person is to be loved and respected for his or her own sake.

Similarly rejected as incompatible with the human dignity of the unborn is the production of embryos to be used as experimental materials, or to be wasted incidentally to in vitro fertilization.

A variety of other techniques, actual and possible, are also rejected, both because they fail to respect the personal dignity of the subject, and because they fail to respect every person's right to be born in and from marriage. Thus, asexual reproduction, combining human and animal gametes, the gestation of humans in animal or artificial uteruses, the freezing of human embryos, even to save their lives, and non-therapeutic attempts to influence inheritance are all rejected as immoral. The Instruction's treatment of these questions is very brief, and will, no doubt, have to be spelled out as these procedures become more available.

The freezing of embryos is already being done, so it is worth considering the Instruction's briefly stated reason for rejecting it. This procedure is wrong because it exposes the embryo to grave risks of death and bodily harm as well as placing it in a situation in which further manipulation and offense is possible. It also deprives the embryo of maternal shelter and gestation. This account needs amplification. Clearly it shows that it is absolutely wrong to bring a person into existence with the intention of freezing him/her. But once the individual is brought into being outside his/her mother's body, the risk to life and health of not freezing may be as great as that of freezing, and the mother's womb may be simply unavailable. Amplification of the argument is needed to show that in this

situation the threat of future offense and manipulation is sufficient to absolutely exclude freezing.

The Instruction's concern that very young and vulnerable individuals not be put unreasonably at risk, manipulated, abused or "wasted", underlies its specific judgment on the morality of in vitro fertilization. As actually practiced, IVF involves all of these harms to the embryo. All of them are made possible by the fact that the embryo comes to be and lives for a time outside of his or her mother's body.

But the Instruction's evaluation of IVF and other technological interventions used to cope with infertility is not based on concerns about the welfare of the newly conceived individual. Concerns about the relationship between procreation, marriage and the marital act are also operative. These two types of concern are closely connected. The Church's conviction that procreation should take place within marriage is based on the belief that the family provides the only context within which a child can come to be and develop in a way compatible with his or her human dignity. The unity and fidelity of husband and wife are essential for the communion of the family, and have their special character because of the family's orientation toward procreation and the nurturing of children. The goods of marriage, the goods of spouses and their children, are inextricably woven together. Acts which seek some of these goods outside marriage, or seek some of them while disregarding others, cannot, in the end, fail to harm them all. That is at least part of the sense of the principle of the inseparability of the various meanings of the marital act.

Thus the Instruction rejects all extramarital uses of procedures like IVF and artificial insemination, simply because they are extramarital. The clearest examples of such uses are those in which non-married people use them to have children outside the context of marriage. The most notorious are the well known, if misnamed, cases of surrogate motherhood in which a woman conceives and carries a child for a couple whose husband provides the sperm. The commonest are those in which sperm is obtained from a donor for use by way of artificial insemination. A similar situation would arise if ova were donated for use by way of in vitro fertilization.

The degree and character of the separation of procreation and marriage vary considerably among these procedures. But they are all extramarital in the relevant sense, for even in those cases in which the reproductive activities take place within the context of marriage, the child does not come to be *from* the marriage. When third parties provide the gametes, it is impossible to meet what the Instruction regards as a necessary condition for responsible procreation — that the child be "the fruit and the sign of the mutual self-giving of the spouses, of their love, and of their fidelity" (Section II, A).

Many balk at this reason. They note that in many cases the use of donor sperm, for example, is done for the most loving of motives. The very fact that a couple is willing to undertake such measures shows real love and self-giving. The Instruction does not deny this. Its point is more precise. It

is pretense to tell oneself that reproduction using donated gametes is literally the fruit of a couple's marital acts. It is, strictly speaking, the result of the technological intervention in which the donor's gametes are joined to those of one of the spouses.

Many, however, do not see why this should be morally objectionable. Why should procreation be so tightly tied to marital intercourse as the quoted condition requires? The Instruction's emphasis on the inseparability of the unitive and procreative meanings of the marital act is not sufficient to answer this question because, in effect, it asks for the rationale behind this principle's application to reproductive technologies. The reason seems to lie in a conviction which is stated in the Instruction, but does not emerge as a full-fledged argument — namely, that in reproductive activities which do not meet its condition, the child in its coming-to-be is treated as an object, a thing and not a person.

The sign and the fruit of an action of mutual self-giving are not products made, but are a gift and blessing welcomed. By contrast, the results of productive activities cannot but be regarded as things having a status inferior to those who make them. The communion of the family must always be a communion among persons, all of whose equal personal dignity is to be respected. It hardly needs saying, therefore, that the babies brought into being by procedures rejected by the Instruction are in no way condemned or disvalued. It is because these procedures require that the babies be treated in a way incompatible with their true human status that the procedures must be rejected.

The Instruction provides, therefore, a rationale for excluding not only the separation of procreation from marriage by the use of donor gametes, but also the kind of separation of procreation from marital intercourse which occurs even within marriage when the gametes of the spouses are joined by technological procedures which replace the marital act. These activities are excluded, in other words, not only because in IVF they place the newly conceived individual at risk, and because in IVF and artificial insemination using the husband's sperm they involve masturbation to obtain the sperm, but because they separate procreation from marital intercourse. The masturbation, as the Instruction observes, is a sign of this separation.

V. Implications of These Judgments for Various Persons

The substantive moral judgments of the Instruction have implications for various persons having diverse responsibilities. The implications for infertile couples and those who advise and assist them are plain. They may, of course, seek legitimate therapies to overcome infertility, but they must recognize that no one has a right to a child. A child is a person, not a thing, and one cannot have rights to persons. One may desire a child as one desires a blessing or a gift; one does not have a right to a blessing. Sterility, therefore, is a cross, often a terrible one, which some people must bear, and others must help them bear.

It seems to me that the alternative to this understanding of sterility is to suppose that couples may do anything to have a child, but the willingness to do anything to have a child suggests a possessiveness altogether at odds with the attitude of service required of those who would be good parents. Supporting possessive desires towards other persons hardly qualifies as Christian compassion.

The desire of a couple to have children is natural. It can be quite exigent and can cause terrible suffering if unfulfilled. Yet there is no desire which an upright person will not carefully scrutinize, particularly when its fulfillment affects central human relationships. The desire to have children is, therefore, not beyond moral scrutiny. Indeed, human life abounds with examples in which it provided unworthy motivation, for example, cases in which people seek children simply to continue a dynasty or family name, or cases in which people seek children simply as an insurance policy for old age. The Instruction, in effect, asks us to consider the motivations behind decisions to use artificial insemination and in vitro fertilization, and in particular, to ask whether the child so desperately wanted is desired simply to fulfill the couple's emotional needs. If that is why they want a child, then it is hard to see the difference between wanting a child and wanting a thing one finds very desirable. But children are not things, and being a parent is not having possession, but serving life, cooperating with God in a marvelous activity which is profaned by reduction to the categories of production and desire satisfaction.

The special implications of the Instruction's judgments for physicians are closely related: the basis for medical ethics should be service to people's lives and health, and respect for the values of human sexuality. Thus, physicians have no business disposing of people, and they should not take over the reproductive function. Catholic physicians, scientists and health care facilities should bear witness by carefully observing the relevant norms. The Instruction acknowledges the great good which has been accomplished by scientific and medical efforts to deal with infertility. Physicians and scientists are urgently requested to continue this work to find ways of dealing with infertility which are both effective and fully respectful of the dignity of marriage, of spouses and of their offspring.

The implications of the Instruction's judgments for legislators and civil authorities are based on the principle that civil law should protect human rights, in particular the right of every person to life from the moment of conception, and should protect the family and marriage. Thus, there should be laws forbidding all killing of innocent human beings, all genesis of human life in which the materials are not from a married couple, surrogate motherhood, embryo banks, and post-mortem insemination. The Instruction does not say that all its moral judgments should be legally enforced.

The Instruction closes with a plea for further study of the issues it considers, especially by moralists. This plea is not a suggestion that its specific conclusions are tentative or revisable, but rather is a recognition of

how difficult these issues are, and how hard it is to adequately understand them. This reflection is called for because of the importance of correctly understanding the reasons for and the validity of the Instruction's teaching. It is to be carried out "in unrenounceable fidelity to the teaching of the Church".

REPRINTS

Reprints of any article which has appeared in the LINACRE QUARTERLY, beginning with the 1966 issues (Vol. 33) are now available in either (a) full-sized copy or (b) microfilm, through UNIVERSITY MICROFILMS, INC., 300 N. Zeeb Rd., Ann Arbor, MI 48106.

Full sized reprints of articles are available at \$3.00 for the first copy, plus 50¢ for each additional copy ordered. This includes first class postage and handling charges. Quantity discounts are also available. For information on the cost of microfilm copies, please contact UNIVERSITY MICROFILMS, INC.

* * * * *

To order Full Sized Reprints, please return the order directly to UNIVERSITY MICROFILMS, INC., 300 N. Zeeb Rd., Ann Arbor, MI 48106.

TITLE OF PUBLICATION: Linacre Quarterly

TITLE OF ARTICLE _____

DATE OF ISSUE _____ VOL. NUMBER _____

INCLUSIVE PAGES TO BE COPIED _____ THROUGH _____

NUMBER OF COPIES OF THE ARTICLE NEEDED _____

(Cost is \$17.50 minimum fee, for one copy of a complete article, or portion of the article. Additional copies of the same article are \$2.25 each. **Full remittance must accompany this order.** Please write for further information on deposit accounts and quantity discounts. Allow two weeks for delivery.)

YOUR NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____