

are and remain subjects of essential rights and should therefore be protected by law as human persons." He appealed to the conscience of the world's scientific authorities and in particular to doctors, that the production of human embryos be halted. He also called on all jurists to work "so that States and international institutions will legally recognize the natural rights of the very origin of human life and will likewise defend the inalienable rights which these thousands of 'frozen' embryos have intrinsically acquired from the moment of fertilization." The Pope recognized the many complications inherent in trying to right such a tangled situation. He maintained that the production of human embryos must be stopped, and the right to life of those embryos that have been created must be protected.

1 *Donum Vitae*, part 1, no. 5. How are we to understand this passage? Moral theologian Msgr. William B. Smith argues that this passage provides a "first principled insight indicating that this volunteer 'rescue' is not a licit option." (See Msgr. William B. Smith, "Rescue the Frozen?" *Homiletic and Pastoral Review* 96.1 [October, 1995], 72-74, quoted in William E. May, *Catholic Bioethics and the Gift of Human Life* [Our Sunday Visitor, 2000]) Moral theologians Germain Grisez, Geoffrey Surtees, and William E. May disagree with Msgr. Smith's conclusion, saying he takes the passage out of its proper context. (See Grisez's answer to "Should a woman try to bear her dead sister's frozen embryo?" in his *The Way of the Lord Jesus*, Vol. 3, *Difficult Moral Questions*. See also Geoffrey Surtees, "Adoption of a Frozen Embryo" in *Homiletic and Pastoral Review* 96 [August-September 1996], 8-9. Additionally, Grisez and Surtees are cited in May's *Catholic Bioethics and the Gift of Human Life*.)

2 Msgr. Smith and Fr. Tadeusz Pacholczyk argue that this is the case. See Msgr. Smith, "Rescue the Frozen?" 72-74; "Response," *Homiletic and Pastoral Review*, 96:11-12 (August-September, 1996), 16-17; and Fr. Pacholczyk, "Frozen Embryos Adoptions Are Morally Objectionable," in *The Catholic as Citizen: Debating the Issues of Justice. Proceedings from the 26th Annual Conference of Catholic Scholars*, ed. Kenneth Whitehead (St. Augustine's Press, 2004)

3 Nicholas Tonti-Filippini examines this question in his article "The Embryo Rescue Debate: Impregnating Women, Ectogenesis, and Restoration from Suspended Animation."

4 Some moral theologians and ethicists have speculated whether baptizing the embryos and allowing them to thaw (and therefore die) is an acceptable solution. Fr. Pacholczyk, for example, suggests that this is not a true solution, as the act of thawing "is the direct and primary cause of death" ("Frozen Embryo Adoptions Are Morally Objectionable"). Tonti-Filippini, on the other hand, suggests that it is acceptable to allow the embryos to be thawed and "restored to their natural dynamic state, a state more fitting their sacredness as human beings than the state of frozen and anhydrous suspended animation," knowing that the embryos would then die ("The Embryo Rescue Debate: Impregnating Women, Ectogenesis, and Restoration from Suspended Animation").

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Pamphlet 129

Frozen Embryos and Embryo Adoption

Issue: What should be done with frozen embryos, which are the result of *in vitro* fertilization (IVF)? Is "embryo adoption" a morally acceptable solution?

Response: Frozen embryos are produced using immoral means (IVF). Yet by the fact of their existence, these tiny human beings have the right to life. They cannot be destroyed or experimented on, nor can they be left frozen. While moral theologians work on a solution, faithful Catholics are free to propose possible solutions within the moral framework provided by the Church.

Some moral theologians and ethicists have proposed embryo adoption, whereby the frozen embryo is implanted in an adoptive mother's womb. However, embryo adoption is not a simple solution, and requires answers to several significant moral questions.

Pope John Paul II recognized that these embryos exist due to a series of violations of the moral law and that finding a solution presents many complications. He advocated not only that the lives of the existing embryos must be protected, but that the very production of these embryos must be halted.

Discussion: In order to carry out *in vitro* fertilization (IVF), doctors obtain ova from the mother and sperm cells from the father and cause their fusion in a petri dish outside the bodies of the spouses. One of the resulting embryos is transferred to the mother's uterus. If all goes well, the embryo will mature normally within the mother's womb. Typically, technicians cause the fertilization of several ova, choose the embryo they think has the best chance of survival, and freeze the rest (by cryopreservation). After successful implantation of an embryo occurs, the remaining embryos are discarded.

The Church has already declared IVF, cryopreservation, and the destruction of embryos to be morally wrong. IVF is morally wrong because it separates the unitive and procreative dimensions of the conjugal act. The embryo created becomes a commodity instead of the fruit and blessing of the married life. The freezing and later killing of the "surplus" embryos violates the right to life. The Church instructs:

*The freezing of embryos, even when carried out in order to preserve the life of an embryo . . . constitutes an offense against the respect due to human beings by exposing them to grave risks of death or harm to their physical integrity and depriving them, at least temporarily, of maternal shelter and gestation, thus placing them in a situation in which further offenses and manipulation are possible. (Sacred Congregation for the Doctrine of the Faith, *Donum Vitae*, 1987, part 1, no. 6, emphasis in original).*

Even though they have been created through immoral means, these tiny embryos are human beings. As such, they have the right to be treated with the dignity due all human persons. "The human being is to be respected and treated as a person from the moment of conception; and therefore 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" (*Donum Vitae*, part 1, no. 1). For this reason, the embryos *may not* be destroyed or experimented on. Nor may they be simply left frozen, because doing so leaves open the question of what should be done and leads to certain death for the embryo.

Given these difficulties, what can be done with the already existing frozen embryos? How can their lives be preserved through moral means? While the Church has yet to determine a morally acceptable solution, she has provided a framework for discerning the morality of human acts. Within this framework, faithful Catholics are free to propose possible solutions. That framework consists of the object chosen, the intention, and the circumstances of the

action (cf. *Catechism of the Catholic Church*, no. 1750).

Embryo Adoption

Some moral theologians and ethicists advocate a sort of "pre-natal adoption," that is, the transfer and implantation of the embryo into either the mother or a woman other than the mother. This process is also termed "embryo adoption." Embryo adoption both removes the frozen embryos from "storage" and provides them a chance at life. However, such a solution is not without its problems and challenges. Below are some of the significant moral questions that moral theologians and ethicists must answer in evaluating the morality of embryo adoption. (Note that this is an overview of the major points; for in-depth treatments of the subject, see "For Further Reading" below.)

- While *Donum Vitae* does not *explicitly* prohibit embryo adoption, does it *implicitly* prohibit embryo adoption? The following passage is particularly noted: "In consequence of the fact that they have been produced *in vitro*, those embryos which are not transferred into the body of the mother and are called 'spare' are exposed to an absurd fate, with no possibility of their being offered safe means of survival which can be licitly pursued."¹
- Is embryo adoption a form of cooperation with the immoral IVF process? Is the entire IVF process intrinsically immoral, or only the creation of new life outside the conjugal act?
- Is embryo adoption a form of surrogacy, which the Church teaches is immoral?²
- Does embryo adoption violate the unity of marriage, the dignity of the spouses, and their fidelity to each other? Though the "adoptive" parents have the best of intentions, could embryo adoption be considered a form of adultery?³
- Is the necessity of prolonged cryopreservation (while waiting for the adoptive mother to reach a fertile period so

that the embryo can be implanted) a further affront to the embryo's dignity?

- Is the cryopreservation of these embryos "extraordinary means" (cf. *Catechism*, no. 2278)? In other words, does there exist a moral obligation to keep the embryos frozen—which in and of itself is a violation of their dignity—until a moral solution is found?⁴

Catholic moral theologians and ethicists who adhere to the Church's teachings have different answers to these questions. All recognize that this is a complicated moral issue with no simple answer, since it arises from a series of immoral actions. None of those taking part in the debate question the good intentions of those wishing to adopt. Nor do they deny the dire circumstance the embryos are in. What they are questioning is whether the object chosen—transferring the embryo from the freezer to a woman's womb—is a morally acceptable solution to the problem. Are the means (embryo transfer) to the end (saving a human life) justifiable?

Even if the Church were to declare the adoption of frozen embryos morally licit, other questions arise. Would approval of embryo adoption be seen as approval of IVF? Could it be used to justify overproduction and freezing of human embryos? Is it possible to monitor and regulate the relationship between those centers which illicitly produce embryos and those centers which licitly transfer them into adoptive mothers? Who would be eligible to adopt these embryos: married couples only, singles, heterosexuals, lesbian unions, or the whole myriad of possible partnerships?

The dilemma of what to do with the frozen embryos stems from a series of violations of the moral law—from the creation of the embryos outside of the conjugal act, to their freezing, to the very real danger of their destruction. In an address to the 1996 Symposium on "*Evangelium Vitae* and Law," Pope John Paul II stated that "there seems to be no morally licit solution regarding the human destiny of the thousands and thousands of 'frozen' embryos which