

1. Infertility in Marriage and Assisting Reproduction

1.2 Guiding Values and Principles

The Vatican Congregation for the Doctrine of the Faith has written two documents setting out principles for distinguishing morally permissible from morally impermissible means of assisting reproduction: *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation* (also known by its Latin title *Donum Vitae*), released in 1987 (1); and the *Instruction Dignitas Personae On Certain Bioethical Questions*, released in 2008. (2) The principles presented in these Vatican documents are reiterated in the *Ethical and Religious Directives for Catholic Health Care Services* from the United States Conference of Catholic Bishops. (3) The principles embody core values which the Catholic tradition brings to the moral assessment of methods of assisting reproduction:

- *the sanctity of human life: the right to life and to physical integrity of every human being from conception to natural death.*
- *the unity of marriage*
- *respect for the natural connection between the creation of human life and marital intimacy.* (4)

These values underlie the specific principles the Catholic tradition uses to assess particular methods of assisting reproduction.

The Sanctity of Human Life

The Catholic Church regards human life as beginning at the time of conception. This view is based on biological evidence. Conception marks the beginning of a continuous process of development of a being distinct from the mother and the father. The genetic instructions for a new individual –its genome-- are put together at conception. These instructions bring about the development of a *human* being rather than some other type of animal or plant, and underlie at least some of the *individual characteristics* this person will have. (5)

As stated in the Vatican *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, the new human being must be respected as a person from conception, and his or her life must be protected:

Thus the fruit of human generation, from the first moment of its existence, that is to say from the moment the zygote is formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality. 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.

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 care for, to the extent possible, in the same way as any other human being as far as medical assistance is concerned. (6)

The sanctity of human life from conception provides the foundation for a principle for evaluating methods of assisting reproduction:

From the time of conception, the life of the new human being must be safeguarded. Methods of reproduction may not be used which involve the deliberate destruction or wastage of embryos. (7)

Destroying a zygote or embryo is not morally permissible because it is intentionally killing a human being. It is the equivalent of abortion. (8) It is not morally permissible to create a number of embryos to try to achieve a pregnancy when it is unlikely that all of the embryos will implant in the woman's uterus and develop. (9) When someone knows in advance that some embryos will be wasted in the procedure, he or she knowingly engages in an action bringing about the death of the embryos.

The Unity of Marriage

The unity of marriage underlies another moral principle for using methods of assisting reproduction:

Using sperm or ova from a person outside the marriage to conceive a child is never permissible. (10)

When a man and a woman marry, they give themselves exclusively to each other. The selves they give are sexual and procreative beings. A husband and wife violate their marital commitment if they give themselves to another in sexual union. Similarly, they dishonor their marital covenant if they choose to exercise their procreative powers with someone other than their spouse. (11) Thus using donor sperm or ova to conceive a child violates the unity of the marriage. (12)

Respect for the Natural Connection between the Creation of Human Life and Marital Intimacy

Catholic moral theology works within the framework of *natural law*, which relates rightness and wrongness of action to human nature and to the flourishing of that nature. "According to this view, the natural, biological functions of the human organism have definite purposes" which set moral limits on human activity. (13)

An act of sexual intercourse is an expression of love between husband and wife. It is a way of strengthening the bond between them. At the same time, sexual intercourse is the means by which children are conceived. Thus the act of sexual intercourse has both a *unitive* purpose and a *procreative* purpose. These *two purposes* are naturally found in *the same act*. Methods of bringing about the conception of a child apart from a personal act of sexual intercourse violate our God-given human nature. (14) Methods of assisting reproduction must respect the inseparability of the creation of a child from interpersonal sexual intercourse. (15)

Thus consideration of our human reproductive nature yields both positive and negative moral principles:

A married couple may use methods of assisting reproduction which facilitate an act of sexual intercourse or which assist the act to achieve its objective of conceiving a child once the act has been naturally performed. (16)

The conception of a child should not occur as the direct result of a technological process which replaces the interpersonal act of sexual intercourse. (17)

In an address at the University of Chicago, the late Joseph Cardinal Bernardin noted that human sexual activity, unlike the sexual activity of animals, is part of *human intimacy*. In other words, human sexual activity is part of our ability and our desire to enter into *relationships* with other people. (18) This dimension of human sexuality is taken away when purely technological procedures are used to have a child. Consider the comments of one couple who used a reproductive technology to have a child:

...few, I believe, would have qualms about the sort of artificial insemination that Lisa and I have undertaken and yet perhaps the most difficult part of AIH for us has been the struggle to maintain a degree of intimacy in the process of reproduction in the midst of a clinical environment designed to achieve results. ...the ideology of technology that fuels this commodification...is a way of thinking of ourselves and our world in “mechanical, industrial terms,” terms that are incompatible with intimacy. Interestingly, the Roman Catholic Church has rejected AIH precisely because it separates procreation from sexual intercourse and the expression of love manifest in the conjugal act. ...there is an insight here that should not be overlooked. Once procreation is separated from sexual intercourse, it is difficult not to treat the process of procreation as the production of an object to which one has a right as a producer. It is also difficult under these circumstances not to place the end above the means; effectiveness in accomplishing one’s goal can easily become the sole criterion by which decisions are made.

This, anyway, has been my experience. Although Lisa and I tried for a time to maintain a degree of intimacy during the process of AIH by remaining together during all phases of the procedure as well as after the insemination, we quickly abandoned this as a charade. The system neither encourages nor facilitates intimacy. ...A conception, if it takes place, will not be the result of an act of bodily lovemaking, but a result of

technology. We have come to accept this. Yet, such acceptance comes at a price, for our experience of reproduction is discontinuous. A child conceived by this method is lovingly willed into existence, but it is not conceived through a loving, bodily act. (19)

Regarding the Catholic Church's rejection of certain reproductive technologies, Cardinal Bernardin pointed out that the Church "speaks against these procedures not because it is opposed to the generation of life or to scientific knowledge and application, but because it seeks to protect what it sees as an essential connection between the creation of life and faithful, committed marital intimacy." (20)

The strong emphasis that the Catholic tradition places on the *dignity of the human person* also supports the Church's rejection of reproductive technologies which make the conception of a child into a laboratory procedure totally separate from an interpersonal act of sexual intercourse. This is because the laboratory generation of human life can easily turn babies into *commodities*. This was noted by the couple who used artificial insemination: "Once procreation is separated from sexual intercourse, it is difficult not to treat the process of procreation as the production of an object to which one has a right as a producer." In the opinion of theologian William May, "the most straightforward argument against resorting to the laboratory generation of human life" is the fact that "bringing new human life into being in the laboratory is a form of production and depersonalizes human life by treating it as if it were a product...". (21) Making a child into an "object of production" does not respect the "personal dignity of the child, who is just as equally a person as are his or her parents." (22)

Guiding Principles

Thus there are four basic principles for judging the moral permissibility of methods of assisting reproduction for couples experiencing infertility:

- 1) From the time of conception, the life of the new human being must be safeguarded. Methods of reproduction may not be used which involve the deliberate destruction or wastage of embryos.**
- 2) Using sperm or ova from a person outside the marriage to conceive a child is never permissible.**
- 3) A married couple may use methods of assisting reproduction which facilitate an act of sexual intercourse or which assist the act to achieve its objective of conceiving a child once the act has been naturally performed.**
- 4) The conception of a child should not occur as the direct result of a technological process which replaces the interpersonal act of sexual intercourse.**

Notes

1. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation (Donum Vitae)*. 1987. Available at <http://w2.vatican.va> > English > Roman Curia > Congregations > Doctrine of the Faith > Documents. Accessed 2018.
2. Congregation for the Doctrine of the Faith, *Instruction Dignitas Personae On Certain Bioethical Questions*. 2008. Available at <http://w2.vatican.va> > English > Roman Curia > Congregations > Doctrine of the Faith > Documents. Accessed 2018.
3. United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, 5th ed., Part Four (2009). Available at <http://www.usccb.org/about/doctrine/ethical-and-religious-directives>. Accessed 2018.
4. Cf. Congregation for the Doctrine of the Faith, *Dignitas Personae*, no. 12.
5. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, I.1.
6. *Ibid.* The first paragraph of the quoted text is repeated in Congregation for the Doctrine of the Faith, *Dignitas Personae*, no. 4.
7. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, I.1.; United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, no. 39.
8. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, II.5.
9. United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, no. 39.
10. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, II.2.
11. William E. May, “*Donum Vitae: Catholic Teaching Concerning Homologous In Vitro Fertilization*” in Kevin William Wildes, S.J., *Infertility: A Crossroad of Faith, Medicine, and Technology* (Boston: Kluwer, 1997), p. 74.
12. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, II.2.

13. Jean Porter, "Human Need and Natural Law?" in Kevin William Wildes, S.J., *Infertility: A Crossroad of Faith, Medicine, and Technology* (Boston: Kluwer, 1997), p. 96.
14. *Ibid.*, pp. 96-7.
15. *Ibid.*, p. 96.
16. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, II.6. Reiterated in Congregation for the Doctrine of the Faith, *Dignitas Personae*, no. 12.
17. Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, II.4. Reiterated in Congregation for the Doctrine of the Faith, *Dignitas Personae*, no. 12. See also the United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services* no. 38
18. Joseph Cardinal Bernardin, "Science and the Creation of Human Life," *Origins* 17/2 (May 28, 1987): 21, 23-6 at 24.
19. Paul Lauritzen, "What Price Parenthood?" *Hastings Center Report* 20/2 (March/April 1990): 38-46 at 43.
20. Bernardin, "Science and the Creation of Human Life," p. 24.
21. May, "Donum Vitae," p. 77.
22. *Ibid.*, p. 76. See also Congregation for the Doctrine of the Faith, *Instruction on Respect for Human Life in its Origin and On the Dignity of Procreation*, II.4.c.