

Human Assisted Reproductive Technologies and The Catholic Moral Tradition

***“Science asks, ‘Can we?’
Law asks, ‘May we?’
Morality asks, ‘Should we?’”***

Curtis Harris

John Kleinsman

What is ethics about?

What is bioethics?

“Our attempt to know & understand how we are to live and what we are to do (or not to do) to be (or not to be) ...” E. Dunn

... particularly in regard to ...

... guiding moral choices in a medical context and in providing principles by which conflicts in the decision-making process may be resolved.

“The fundamental moral questions are the questions of what we ought to be as persons and communities.”

C. Kammer

Proverbs 29:18

“Where there is no vision, the people wander.”

(Where there is no vision the people perish.)

WORLDVIEW

We are, each of us, in the grasp of a particular worldview or narrative:

- **The interpretative process we use to make sense of things**
- **Gives us a compelling description of the situation we find ourselves in according to certain ideas about what is most valuable**
- **Offers a morally defensible option for our responses**

"Every culture carries with it one or more basic ways of interpreting the world, of saying what is important in life, what questions are the most urgent, what values are paramount. From this ... background, we come to the exploration of [issues] with a certain agenda, a certain list of priorities, a certain number of already formed convictions ..."

Aidan Nichols.

“Human nature ... is open. There is always a tension between what [humankind] is at a given moment in history and what may be possible tomorrow.”

Neil Brown

We believe that all human beings have a role as co-creators with God, and as participants in the evolutionary process.

**New Zealand Catholic Bishops' Conference
Submission to the Royal Commission on Genetic
Modification, October 2000**

Pre-implantation Genetic Diagnosis

NZ Guidelines released by NECAHR in May 2005

“The technology is a remarkable advance that gives people with genetic disorders the opportunity to have children who are free of conditions that have devastated generations” NZ Herald

“It’s a terrifying thought that people out there believe my life isn’t worth living, isn’t worth replicating – so they would try to breed it out.”

Paul Gibson, Policy Manager, CCS⁹

WHAT HAS CHANGED IN HUMAN REPRODUCTION?

50 years ago ...

- ***Whether*** and ***when*** a child was conceived was largely a matter of chance
- ***Where it was conceived*** was always in a woman's body.
- ***How life was transmitted*** to the child was through sexual reproduction.

*Material sourced from Margaret Somerville –
Biotechnology and the Human Spirit*

WHAT HAS CHANGED IN HUMAN REPRODUCTION?

Now ...

- **When human life is conceived** can be controlled through contraception.
- **Where it is conceived**; In vitro fertilization (IVF) now allows the creation of embryos outside the body of a woman.
- **How it is transmitted** is no longer limited to sexual reproduction: cloning is asexual replication; in the future, embryos may be created from the union of two ova, two sperm, or, possibly, from the individual genes that make up a living human.

Dana Wensley

In general terms, procreation was in past times seen as an act of acceptance of the children which fate bestowed

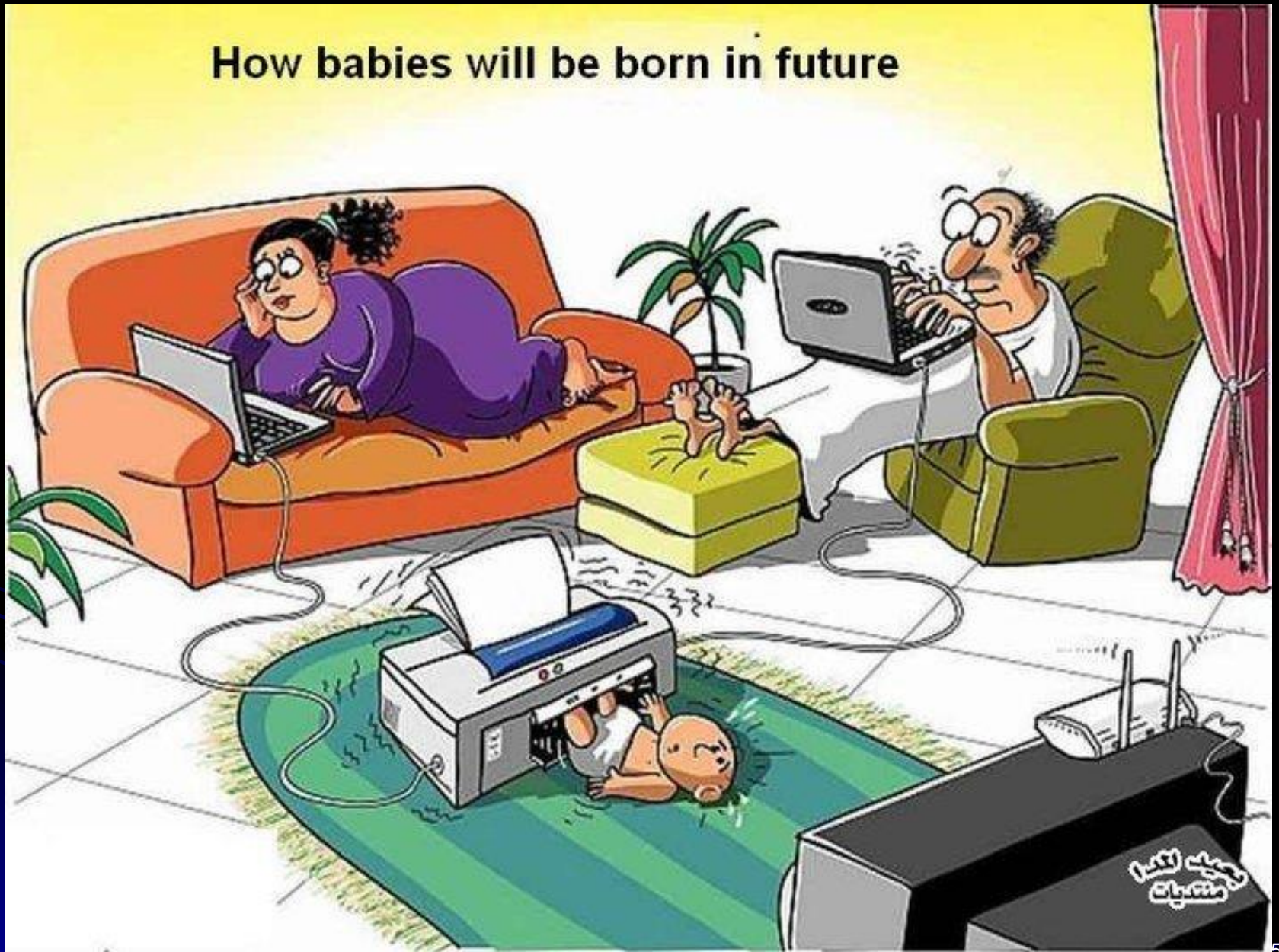
(Choosing genes for future children, 2006, p. 165).

Dana Wensley

Procreation is now perceived in a radically different way. It is no longer seen as primarily an act of acceptance of the children bestowed by fate. Children are now able to be shaped and selected so as to *meet* the desires and wants of parents.

(2006, p. 165).

How babies will be born in future



The inclinations ‘to shoot’ and ‘not to shoot’ betray two fundamentally different approaches to decision making

These two approaches are underpinned by quite different assumptions about

**the human person,
human nature ... and
God.**

The key differences between the approaches are captured by the following questions?

- **What place for God/gods?**
- **Are persons fundamentally “good” or fundamentally “flawed”?**
- **What place for creative human input/personal responsibility?**

(The extent of personal discretion with respect to rules & norms of behaviour)

Each of the methods leads to one of two extreme positions:

Legalism
Relativism

Mystical - Plato

- All goodness comes from above
- The world is fraught with error
- Human nature is corrupt
- Human institutions are corrupt
- Ethical standards are best decided by the god's
- “What is the will of the gods?”
- Morality & Rules are imposed from outside human nature

Mystical Approach continued

AUTHORITY:

belongs to the hierarchy
Authority is external

PRIMARY VIRTUE:

Obedience to rules & laws

LAW:

Law is followed in every circumstance without question. Certain ways of acting are always wrong no matter the consequences.

Mystical Approach continued

REASON:

The use of human reason is restricted to finding the right rule or principle and applying it to the particular situation.

Little room or place for personal discretion.

“Faith” trumps “Reason”

Situational - Protagoras

- **The gods don't really care for us**
- **There are no eternal standards**
- **The business of ethics involves us making up our own minds**
- **Only humans can decide what is right or wrong for us**
- **We are being duped if we hand over the business of ethics to others who claim to know better**
- **Morality/rules come from within**

Situational Approach continued

AUTHORITY:

It is up to each person / group to make up their own mind about right and wrong

PRIMARY VIRTUE:

Applied Reason

LAW:

**'Right' & wrong' cannot be decided in advance – outcomes are absolute.
Validity of law = by consequences**

Situational Approach continued

REASON:

Moral choices depend almost solely upon the exercising of individual moral autonomy.

Reason involves weighing up of particular circumstances and intention

Maximum room for use of personal discretion

Maximising the good *in this particular situation.*

“Reason” trumps “Faith”

Situational Approach

Doing what is the most loving thing *in this particular situation.*

Emphasis is on consequences and outcomes ... the question of HOW we get there is generally considered irrelevant – the end is all important – “the end justifies the means”

Different Questions

“What possible business is it of any ethics committee? Why should they have to apply to a bunch of interfering medicos for permission”?

Michael Laws commenting on request by gay couple to be surrogate parents

‘If the Church teaches that it is wrong to use IVF, then people should just accept that. There is nothing to debate!’

Current Context

- **Greater focus on 'reason' since the Enlightenment**
- **The rise of individualism (the notion of the person as a separated 'subject')**
- **Sense of separation between humankind and nature (including our own bodies)**
- **Desire to take control over the randomness of nature**
- **Loss of respect for authority**
- **The individual is seen as the locus of decision making – importance of choice**
- **'Outcomes' matter**

In a world in which we have come to see ourselves as separate from nature, and in which nature has come to be regarded as ‘other’ – essentially as a ‘brute amoral force’ – it follows that nature is something to be tamed and controlled.

The need to exert control becomes to be seen as a significant expression of what it means to act virtuously

Irish Catholic Bishops

“In every action I say something about the kind of person I want to be ... In every action I say something about how I regard the people most directly involved – as people whose dignity is equal to my own, or as beings I may use or manipulate.”

Central question

**Does it matter
HOW we come to
be born?**

Donum Vitae

Every new human being is always to be accepted as a gift and blessing of God. *Part II, A, 1*

[Even if] the manner in which human conception is achieved ... cannot be approved, every child which comes into the world must in any case be accepted as a living gift of the divine Goodness ... *Part II, B, 5*

Donum Vitae n.4

Physical life, with which the course of human life in the world begins, certainly does not itself contain the whole of a person's value ... However it does constitute in a certain way the "fundamental " value of life, precisely because upon this physical life all the *other values* of the person are based and developed.(

“From a theological perspective it is not enough to simply generate life. It is necessary to love it because only love gives life.”

Cardinal Dias

Donum Vitae on IVF

These interventions are not to be rejected on the grounds that they are artificial ... *Introduction n. 3*

... Fertilization achieved outside the bodies of the couple remains by this very fact deprived of the meanings and the values which are expressed in the language of the body and in the union of human persons.

Part II, B, 4b

Donum Vitae

... the conjugal act preserves in its fullness the sense of true mutual love and its ordination towards the exalted vocation to parenthood ...

Part II, B, 4a

This establishes natural procreation as morally normative ...

What is the Meaning of Sexual Intercourse?

- **Actions have a human significance that goes beyond the physical and biological functions of an act**
- **As persons we need **life** and **love** – it is not enough to give life ...**
- **Does Sexual intercourse make some sort of normative claim over us?**

Understanding the Conjugal Act

... a richly symbolic action that establishes and reinforces specific and underlying meanings and truths about what it is to be human?

Donum Vitae

Human procreation requires on the part of the spouses responsible collaboration with the fruitful love of God ... *Introduction, n. 5*

Mulieris Dignitatem

“Parents must “seek in God the absolute model of all ‘generation’ among human beings.” *n. 8*

Mulieris Dignitatem

“The responsible transmission of human life may be judged according to the way in which it conforms to the notion of the sincere gift of self ...” n. 18

“The generation of a child must be the fruit of the mutual giving of the couple *which is realised in the conjugal act*

Jurgen Habermas

“To impose your preferences upon a potential person, is to treat that person as an object, a thing made, rather than to treat as a subject, an autonomous individual. To impose upon another a decision about his genetic composition according to your own preferences is to *treat a person as a creature of your preferences, and to constrain that person’s ability to self-actualize.* It is to adopt an attitude of domination, of instrumentalizing ...

Jurgen Habermas continued

... [from the programmed person's perspective] A person who becomes aware of his programmed genetic nature will feel less free and less authentic. Instead of being able to distinguish between what I am given and what I make of it, even what I make of it is to some extent given ... I will confront in my being "the programmers' sedimented intentions."

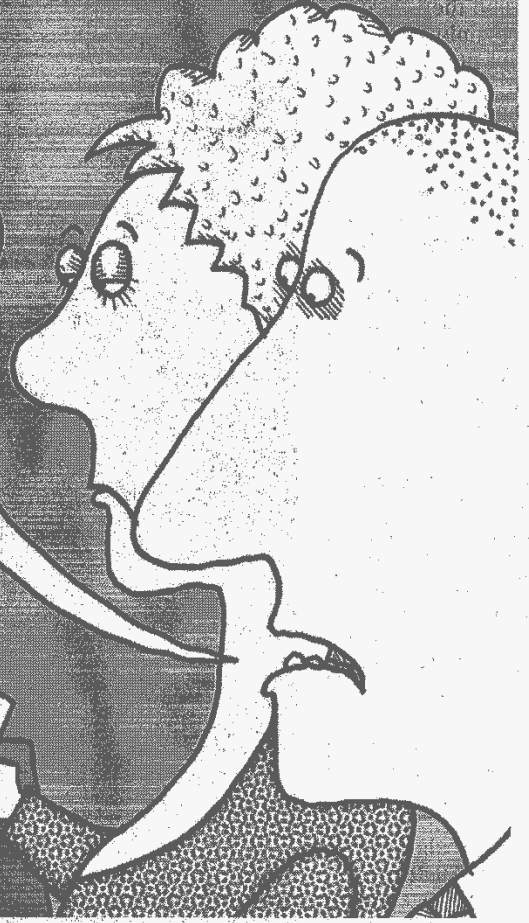
Habermas expresses doubt that under such circumstances the persons themselves could consider themselves members of an inclusive community of peers owed equal respect

DESIGNER BABIES OR PRE-IMPLANTATION GENETIC DIAGNOSIS...

BROMHEAD

WE'D ALSO LIKE THE
FOETUS MODIFIED SO
HE BECOMES A RICH
AND SUCCESSFUL
ROCK STAR...

A BOY FOR
'FAMILY
BALANCING'



Act of LOVE or PRODUCTION?

“In ‘making love’, husband and wife are giving love and sometimes life as well to each other. But their action is essentially one of doing, not making. In making something, attention is focussed on the thing made; in doing, eg: dancing, what is done is seen as a quality or perfection of the actor or dancer. The act of sexual intercourse within marriage is always an act of doing something which builds up the lovers and their love; the child which they sometimes make is not a product but much more a gift and embodiment of their love ... [rather than] a process in which the spouses ‘produce’ genetic material for others to manipulate.”

Donum Vitae on IVF

The use of IVF subjects the child to **standards of control and dominion** which is equivalent to reducing the child to an **object** of scientific technology ...

... which is to distort the parent-child RELATIONSHIP ... and potentially destroy the critical link between LIFE and LOVE

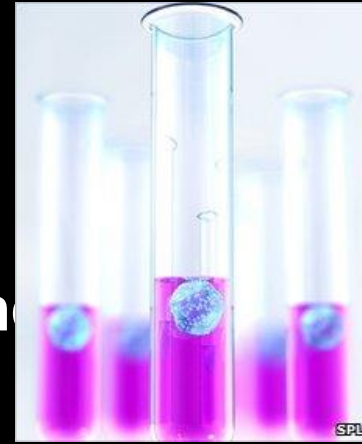
“Made in India”

India's "reproductive tourism" industry is growing rapidly, and is now a \$450 million/year industry that operates in a legal vacuum.

Indian surrogates are making decisions under financial duress - the money surrogates receive allows them to buy a house or to afford an education for their children.



Women freeze eggs to wait for 'Mr Right'



A study of women at a Belgian clinic found half wanted to freeze their eggs to take the pressure off finding a partner, a fertility conference heard.

A third were also having eggs frozen as an "insurance policy" against infertility.

- Many students would also consider the procedure to focus on a career before motherhood ... eight in 10 doing a medical degree would freeze their eggs to delay starting a family. Among sports and education students half said they would consider it.**

Woman from India is oldest to give birth to triplets at 66

21 June 2010 - By Harriet Vickers

Appeared in BioNews 563

Mrs Bhateri Devi, 66, from India has become the oldest woman to give birth to triplets. The children are Mrs Devi's first ... The two boys and a girl are being kept in intensive care as they are dangerously underweight.

Mrs Devi's husband of 44 years said he was ecstatic at becoming a father for the first time. 'Bhateri has fulfilled my dream of having a child and gave my family an heir', he said. In India, being unable to have children throughout married life can stigmatise women.



World's Oldest Mother Dies at 69 From Cancer

Maria Carmen del Bousada died in July 2009, leaving two and a half year old twins, Christian and Pau without a family, raising controversy over whether any woman can decide to have a baby just because she wants one or whether the rights of the child should be considered too.



“Ex stole my sperm ...”

A man who had his sperm frozen in case he became infertile was astonished to learn that his ex-wife had tricked an IVF clinic into twice making her pregnant.

He then had to pay £100,000 towards the upbringing of the son and daughter he had known nothing about.

The father, a 57-year-old retired haulier, is now demanding a change in the law to ensure no other parents go through his torment.

Read more: <http://www.dailymail.co.uk/news/article-1392045/Man-ordered-pay-100-000-children-ex-wife-tricks-clinic-using-frozen-sperm.html#ixzz1OXFrgv5t>

Mail Online



Should we take eggs from aborted babies?

by BEEZY MARSH and JAMES CHAPMAN, Daily Mail

Comments (0) | Share

Scientists are ready to plunder the ovaries of aborted babies for eggs to use in IVF treatment. Experiments have taken the process almost to completion, it emerged yesterday.

They raise the nightmare prospect of a child whose biological mother has never been

Aborted fetus eggs to help

infertile women. United Press International

MADRID, Jun 30, 2003

An Israeli researcher, Dr. Tal Biron-Shental, says eggs from aborted fetuses might be used to help infertile women. "I'm fully aware of the controversy about this -- but probably, in some place, it will be ethically acceptable."

The idea has been suggested as one solution to a world-wide shortage of women prepared to donate their eggs. A research group from Israel & the Netherlands discovered ovarian tissues taken from 2nd & 3rd trimester fetuses could be kept alive and would eventually mature to release eggs in a grown woman.

Beautifulpeople.com

Beautifulpeople.com is taking the game to a whole new level using its online dating service as a vehicle for people to find sperm from attractive donors ...

The company has launched a fertility introduction service to help members and non-members alike to procreate. **“There are no financial benefits for us in doing so - we are simply responding to a demand for attractive donors.**

Risks of Biotechnology

Those relating directly to the environment and/or to human health

Those risks relating to the way we understand and see ourselves, that is to our sense of community and our personal and communal welfare.

This isn't what we ordered - I want a refund! Let me talk to your boss!

Life was so much easier before designer babies...



Human Assisted Reproduction

“The issues raised by artificial reproduction are complex and difficult and have the potential for transforming the most basic of **human relationships. Thus there is a genuine need for a careful examination of these technologies.”**

Thomas A. Shannon

Autonomy & Consent

“An over emphasis on the sufficiency of individual informed consent, as has been exemplified by a number of commentators with respect to recent debates in the bioethical area, reflects a failure to acknowledge the wider impact of technological interventions.”

NZCBC Submission, HART Bill

No one step in scientific developments may in itself be unacceptable. What is of concern is whether a particular way of using knowledge is based in wonder and respect for that which is 'other' – the non-human world, other people and our own bodies – or whether the direction in which it is moving our relationships is towards further reducing the world to something we can control, manipulate and use as a means to an end.

Barbera Nicholas (abridged) Otago Bioethics Report

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"I ALWAYS BACK UP EVERYTHING."