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Theological Debate Over Embryo Adoption

by

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The Magisterium has not formulated a position on the adoption of frozen embryos. The unsettling nature of embryonic stem cell research has thrust this option into the limelight and generated a great deal of public discourse about the ethical management of embryos created and stored, unused, through in vitro fertilization (IVF) procedures.

The Catholic Church does have a settled position on the issue of IVF and other methods of reproductive technologies. In *Donum Vitae* (1987), and on other occasions, the Holy See has strongly condemned the ongoing practice of creating embryos. These embryos are left to “an absurd fate, with no possibility of their being offered safe means of survival which can be licitly pursued.” (D.V. 1-5).

This clause has been interpreted in varying ways by a number of Catholic moral theologians. Some claim that it is limited specifically to research and experimentation on human embryos, while others see it in a broader context that sets forth essential principles that can settle the adoption question. I will attempt to outline the substance of these positions, while reminding the reader that this question remains unresolved by the Magisterium.

Favorable Arguments

Some theologians (P. Cataldo, E. Furton, G. Grisez, among others) have supported the adoption of frozen embryos in light of the fact that these tiny human lives might otherwise suffer the unfortunate fate of destruction or exposure to experimentation. They argue that, unlike those who pursue IVF, adoptive parents are seeking to “rescue” those embryos already considered

“spare” for whom the transfer to the biological mother’s womb is not an option. According to these theologians, because these human lives already exist, the prohibition against their artificial manufacture becomes moot, and their safeguarding and care take precedence. These theologians argue that the dignity of human life demands that the embryos be offered a chance for survival in a welcoming adoptive mother’s womb.

The framework for discerning the morality of human acts consists of the following: the object chosen, the end in view or the intention, and the circumstances of the action (see *Catechism of the Catholic Church*, no. 1750). Those ethicists who would support the adoption of frozen embryos argue that the object of the adoptive parents’ actions, the transfer of the embryo from the frozen storage into the adoptive mother’s womb, is fundamentally different from the object of the IVF couple, which is to produce a child by illicit means. The object, as these ethicists see it, is the transfer of the embryo from the deep freeze into a nurturing womb of an adoptive mother.

The end in view is to save the life of this tiny human being. They would characterize the intentions of the two couples (the adoptive couple vs. the original IVF couple) as radically different: one couple would intend to avail themselves of a child by illicit means, while the other couple would intend to save the life of an at-risk embryo. One might also add that one couple would consider having a child to be a *right*, while the other couple would be considering the *child’s rights*, which would include the right to a nurturing womb and loving parents.

The circumstances surrounding this adoption (or “rescue”) of a frozen embryo are the many risks of destruction or abuse by experimentation if left as “spare” by the original IVF couple.

Serious Moral Questions

Every pro-life Catholic would agree that the intention to save these abandoned embryos from certain destruction or abuse is laudable. However, without dismissing this intention, another group of ethicists (W. Smith, M. Geach, among others) do not see the end as justifying the means. The principle which these ethicists employ is: “it is better to suffer an evil than to commit one.” The evil to be suffered here is great, the death of these embryos, while the evil to be avoided concerns the means employed, characterized here as “rescue” of embryonic human life at risk.

These theologians consider the adoption of frozen embryos to be a more complex theological moral problem than the adoption of “already born” children, if you will excuse the awkwardness of the term. The unfortunate situation created by the reproductive technology industry is the dubious fate of probably tens of thousands of frozen human embryos. The

destruction of these embryos would be both tragic and repugnant to those on both sides of the adoption issue. *Donum Vitae* specifically addresses the issue of cryopreservation of embryos: “even when carried out in order to preserve the life of an embryo ...[it] constitutes an offense against the respect due to human beings...” (D.V. 1-6).

The dilemma is complex: to save the embryo in the process of IVF the child must be cryopreserved, yet this process is itself an offense against human dignity, and for that reason it is condemned. The fact that these embryos are even available for the possibility of adoption confirms the preexisting offense against the respect they are due both in their creation and their preservation.

Embryo adoption typically involves embryos that are already frozen, but if these were to be transferred to the womb of a woman they would have no biological relation to the adoptive “mother.” The resulting pregnancy would be produced without the very actions which God has ordained for generation of a new human life, that is, new life as the fruit of the intimate sexual union of a man and woman in a permanent and loving relationship. In embryo transfer, the pregnancy results from the actions and interventions of a laboratory technician.

The right of the child to be conceived and born as fruit of a loving union underlies the Catholic Church’s understanding of the evil of IVF. Further, the fact that the beginning of this embryonic life has occurred without the benefit of this loving union would in no way be rectified by the transfer procedure proposed here. Does this render the offense against this life’s origins moot? Some would argue yes, while others would argue that the ongoing interventions of the kind required to store and transfer the embryo only serve to add to the insult against human dignity. Some would go so far as to call the use of such techniques intrinsically evil. Hence the “absurd fate” which leaves them with no safe means of survival *which can be licitly pursued*.

Neither side of the Catholic ethical debate regarding embryo adoption would characterize as diminished the infinite worth and sanctity of the tiny embryonic human life, regardless of its origins, nor would either side call into question the worthiness of the intention to save this life. What remains at stake ethically is whether the means to this end are justifiable. In the case of embryo adoption and transfer the resulting pregnancy would be considered by some theologians to be essentially equivalent to “surrogacy,” which is clearly illicit (see *D.V. II-A3*). That is, the adoptive mother would be serving as a surrogate for the nine months of pregnancy until the child was born, at which time he or she would be adopted.

Some ethicists seek to circumvent the surrogacy issue by asserting that the “adoptive” mother who agrees to the transfer of an embryo is morally obligated to the loving care and education of the child

upon its birth. Some could even support the possibility that pro-life single women could perform this service for their own siblings who have died or who have otherwise abandoned their embryos, then offering the child to an intact adoptive family upon its birth. At least one theologian (G. Grisez) is willing to entertain the possibility that this could be a moral obligation of an able sibling (under the “Good Samaritan” rule), barring any unreasonable risks or costs.

Issues Related to Adoption

Considering the cultural and legal chaos of our times, one could imagine the very real possibility that an entirely new market could be engendered by the offering of frozen embryos for adoption. The question arises of who would be eligible to adopt these embryos: married couples only, singles, heterosexuals, lesbian unions, or the whole myriad of possible combinations? Then there is the question of the financial arrangements between the laboratory, the IVF couple (who have, after all, invested a considerable amount of time and money in the production and freezing of these embryos), and the “adopting” agent who stands to benefit from the prior financial investment, even though we *currently* characterize this role as “rescuer.” It is likely that this billion dollar technological industry, which has profited from the commercialization of the human being as a commodity, will also find a way to profit from the marketing of “spare” frozen embryos under their power by exploiting those desperate infertile couples who have been unreceptive to their first line of services.

The reproductive technology industry has been vigorously promoting an understanding of reproduction which is both sterile and asexual, and strangely this has received a relatively uncritical acceptance even among Catholics. Christianity does not immunize against popular opinion in this area. We would be naïve to expect that by merely preventing the federal funding of experimentation on these frozen embryos we have resolved their “absurd” status. The pro-life “solution” may require that we retrace our steps back to the beginning. That is why the Holy Father has repeatedly urged the immediate cessation of the artificial production of human embryos.
