

The Freezing, Implantation, and Adoption of Embryos

Text translated from French by Kevin O'Keefe

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Is it acceptable to freeze human embryos?

We began freezing human embryos in order to augment the efficiency of the diverse methods of medically assisted reproduction. In this way we do not have to 'oblige' women to be subjected to repeated ovary sampling, either in the case where a first implantation is not successful or when a new fertilization is desired.

If we consider these embryonic cells as merely biological material or a potential embryo, freezing only poses technical or juridical problems (e.g., to whom belong these embryos entrusted to the clinic, abandoned or forgotten in a hospital?). On the other hand, if we consider that it is necessary to respect the human being from its conception, then freezing an embryo is unacceptable. It is morally illicit. In fact, we must ask ourselves what gives us the right to plunge an embryonic child into a 'cold prison?' In 1987 *Donum vitae* addressed the issue as follows: "The freezing of embryos, even when carried out in order to preserve the life of an embryo—cryopreservation—constitutes an offence 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 offences and manipulation are possible" (I, 6).

Couples in ever greater numbers are confronted with sterility and have recourse to medically assisted pregnancies. What is their responsibility in this domain?

Above all it is necessary to recall the illicit—that is to say immoral—character of medically assisted pregnancies. We must keep from judging the people and at the same time recognize in truth the illicit nature of what they have done, at times in good faith. All of this is to say that in our efforts to inform their consciences, we must protect their dignity with love and respect.

Parents have the right to know the bio-medical conditions associated with any procedure they are involved in. If this information is not made readily available to them, then they are obliged to ask for it. In particular, what is their actual responsibility vis-à-vis their frozen embryonic children? What papers have they signed? They are the first and last ones responsible on this earth for their embryonic children.

It so happens that in certain family situations the State releases parents from their parental responsibility, but does it have the right to do so in this case, particularly when it concerns the very origins of life? Will the State be the ultimate owner of these embryos? It doesn't seem very likely. Fertility clinics generally have parents sign off on certain documents. This signature is a civil agreement: it does not always correspond with the law written on the hearts of men. For example, even as parents, they cannot morally sign 'a complete release' of the embryos issued from their bodies and from their persons. The parents have on the one hand a 'first right,' but not an absolute right over their children. Thus for embryonic children, parents are not authorized to give them away as 'objects' and release them. It is naturally and morally good that parents of these embryos take care of them. There

is a connection uniting them. A decision must be made, and it will be up to them to make it. They cannot relinquish the responsibility that they have taken on in conceiving these embryos, even if it was with the help of doctors.

Then what can they do?

The existence of their embryonic children is an irreversible fact. If they considered the status and dignity of these children, they would do all that is in their power to respect them and give them the possibility to continue to live. The following seems to me an important consideration for parents: they should bring their embryonic children back to the dimension of time and take them out of their frozen state. It is in their hands to avoid adding one evil on top of another: to create a surplus of embryos and freeze them is one evil, to keep them in this state is another. To decide to make them material for science is also an evil. Parents must be vigilant in protecting the dignity of these frozen embryonic children. Their connection to their embryonic children cannot be dissolved. But are they to be expected to implant every embryonic child in the body of its mother in view of bringing it into the world? I don't think this should be a 'moral obligation' for them. At best they should fulfill their responsibility for the generation of life to the very end. They should entrust their embryonic children to the goodness of God after having delivered them from their cold prison.

Who is implicated in this problem?

The question takes on a global dimension, for the production and cryogenic conservation of human embryos is not a localized phenomenon. The number of frozen human embryos in the world is not precisely known, but it increases every day and by the thousands. In the United States, we count 400,000 frozen embryos of which 11,000 surplus embryos no longer make up part of any parental procedure. In France, there are around 80,000, in Belgium, 24,000. The juridical, scientific and ethical questions do nothing but intensify the problem. For the human conscience open with respect to the origins of human life, the question is not easily settled.

You speak of origins. According to you, what are the key points to this problem?

The embryonic child has the right to be respected for that which it is and that which it can become. In a frozen state, it is in a state of dependence and suffering. Its development is arrested. We are denying the frozen embryonic child a quality inherent to its being: temporality, becoming. It runs a real risk of dying, both in remaining frozen and in being unfrozen. It is, so to speak, 'removed' from the entire relational universe and from every symbolic human effort: it could be implanted some day; it could be used as material for biological research; it could be 'thrown into the garbage.' It is in the hypothetical. Its status, by nature 'fragile,' is fixed in fragility.

The facts and figures are there. What can we actually do to rescue the frozen embryos?

The only possibility open to them is implantation and gestation in the uterus of a woman. This possibility moreover does not automatically assure their survival. Injured in the freezing process, injured by the de-freezing process, many embryonic children can no longer be implanted and develop normally. Implantation remains problematic and risky: the frozen embryonic child can die in the process. After the implantation, the development itself is not always crowned with success. Attempts to construct an artificial uterus (ectogenesis)

exist, but research has advanced very little in this domain. An ethical question remains to be addressed concerning these projects themselves.

Could we envisage, therefore, the ‘adoption’ of embryonic children as an ethical solution?

Ethical, is that to say good and licit? What is more, can we really speak of adoption in a strict sense? It is a delicate problem. I do not believe that this would be a realistic ‘response,’ because the continual production and freezing of embryos is a continuing process. Such a process takes on proportions at once inhuman and absurd, because it exceeds the possible effectiveness of proposed initiatives such as protection and rescue by adoption. It would be best to confront this question at the root. Certain moralists consider that adopting embryonic children merely consists in moving a piece of a complex and absurd puzzle within a system that does not respect the origin of human life. It is a delicate question of a material cooperation with a technique which, in itself, is a means disrespectful of man. Others think that a massive and visible adoption of these embryonic children would testify to the respect we owe them and would favor, in the long run, a recognition of the evil that has been done to them and thus of the deadly character of these diverse techniques. But other arguments must be considered as well: the common agreement of the spouses; the status of woman’s body; the right of the embryo to be conceived, carried and brought into the world by its mother and the love of its parents *et cetera*.

Could you clarify your position?

First of all, let us distinguish two modalities of the act we are trying to morally qualify. For some, the object of the act consists in saving the life of a frozen embryo by giving it the possibility of gestation in the bosom of a woman’s uterus until it is viable. For others, the object of the act consists in the true adoption of an embryonic child: a couple wants to adopt into its family an embryo or several frozen embryos or several children in the first stages of life. The husband and wife (in common accord) want them to be carried in the womb, brought in the world and welcomed as their own children. In the first case, the act could be posed by a woman alone. In the second case, it involves a couple whom we suppose to be married and stable (however a single woman might desire such an adoption).

Some moralists envisage then either the ‘rescue of an embryo,’ or the ‘adoption of an embryo.’ From the point of view of the embryo, it always involves giving it the possibility to pursue its development and therefore its existence on the earth. From the point of view of the means, it is the body of the woman (her uterus) which is the instrument of the rescue operation. The personal conditions of the latter—her condition as a woman, as a mother, as a spouse—seem little considered. With the ‘rescue’ option, the ethical illusion is profound: a sign of this is that even outside of the conjugal connection, the body of the woman can serve to this end.

Doesn’t the adoption of embryos implicate, at least in a tacit manner, the approbation of the process by which these embryos came into life?

No. On the personal level, a couple who adopts a child coming from an *in vitro* fertilization is not necessarily complicit and responsible for the act which permitted this conception. If a couple adopts a child conceived in rape, they do not approve of this act on the whole and are not complicit in it. From the point of view of personal conscience, it is truly possible to distinguish these acts.

Do society and Christians in particular concern themselves enough with these frozen embryos?

I repeat: from the moment we recognize their status as embryonic children, we must seek to respect them for that which they are. This situation is an ‘ethical call.’ Every human being has an intrinsic dignity which it is necessary for us to recognize and that invites us to treat it with respect according to the measure of our ability and our means. That good which we can do for these embryonic children by licit means we must do. Adoption-gestation does not seem to me to be a respectful means. Besides, is it an ‘adoption?’ It does not arrive at the perfection of a morally good act. The intention is generous, but the object of the act contradicts the respect that is due to every human being, particularly to a woman.

What about this argument concerning the woman who generously presents herself to adopt a frozen embryonic child?

Let us not call into question the generous intention of these women or the desire of a couple to do well in adopting a frozen embryo. Meanwhile, we have to consider the act in itself and not simply the good intention. Beyond this personal intention, we are called to reflect upon the symbolic itself that is here engaged. Is there not an ‘inescapable unity’ between conception and gestation? The doctrinal reflection of the Church has already committed itself in response to this question. A woman cannot welcome into the most intimate part of herself the fruit of a conception which is not made of her husband and herself. *Donum vitae* tells us ‘surrogate’ motherhood is not morally licit. It is contrary “to the unity of marriage and to the dignity of the procreation of the human person” (II, A, 3).

But this does not involve a surrogate mother, it is much more a case of a substitute: the child in any case is already there, already available to be ‘adopted’ and anxious to be rescued from freezing.

It is true that the woman who ‘adopts’ receives the child in order to carry it and bring it into the world. This embryo, who is genetically a stranger to her, ‘coming from outside,’ cannot be ‘carried’ by or for another woman. It is ‘welcomed’ for itself. It is not exactly the same case as that of a ‘surrogate’ mother. She is not, on the level of intention, one of these ‘carrier mothers’ who carry the child for another, for money, or for a member of the family. But the term of ‘substitution’ must not become a distraction and make us lose sight of the ‘objective and personal’ character of the act of a woman who accepts this kind of maternity. It is a child issued from another ‘relation’ that she accepts in the intimacy of her body.

The perfection of welcoming a child is written in the heart of the conjugal act, in the setting of conjugal fidelity and of responsible motherhood. *Donum vitae* tells us that every child has the right “to be conceived and brought into the world in marriage and from marriage” (II, A, 2). What’s more, when this Instruction denies ‘surrogate’ motherhood, it affirms that the right “to be conceived, carried in the womb, brought into the world and brought up by his own parents” is tied to the dignity of the child (II, A, 3 - emphasis mine). We enter the moral aspect and theological development when we note that here the Instruction admits as well of a participation of the father in the gestation and the bringing of the child into the world... This signifies that the parental and conjugal values are tied to one another. At the horizon of this problematic is found ever and always this new and exigent understanding of the “indissoluble link between the two significations of the conjugal act.” This moral and spiritual exigency is not always understood or lived in the receiving of a child. But that which is missing from the reception of a child because of events or a lack of

conscience or love from its parents, must not be provoked under the appearance of a good to be obtained.

Isn't the issue more on the level of paternity/maternity and the signification of the term 'procreation?'

According to some, the right of spouses "to become a father and a mother only through each other," only concerns the act of procreating a new human being (*Donum vitae* II, A, 2). This 'law,' they say, as described by the Instruction, does not concern the reception of a child who already exists. It is quite clear that the adoption of a child is a positive act in itself. The question is whether or not the 'invasive' method that consists in the placing of frozen embryos in the body of a woman could be qualified as an act of adoption. A phenomenological comparison indicates that this is not the case. The relation to the body in the case of a woman (mother) and in the case of a man is not the same. What is it to be a father and a mother if not to cooperate not only in body, but also in heart, in the advent of the existence of a new being, to receive it and carry it such that it will be born into life and into the True life? If we restrict fatherhood or motherhood to a purely punctual act, we do not give a full account of the whole of catholic tradition regarding the *bonum prolis et educationis* or the *finis procreationis et educationis*. Motherhood involves the body, not only in the moment of the conjugal act, but in pregnancy, giving birth, and education. Fatherhood is equally associated in this process by virtue of the conjugal act. It is the unity of the couple, the "one flesh," which welcomes together the gift of God which is every child (Gn 2:24). The engagement of the parents, the one vis-à-vis the other, consists in conceiving, carrying, and bringing of a child into the world. This engagement assumes the child in the 'full term.' We cannot speak of adoption, i.e., of parental substitution, until after the child is born.

You seem to give a lot of importance to the woman and to her body: can't she engage herself according to her liberty in such a positive act as the fully conscious and well desired rescue of these frozen children?

How are we to save these children? At what price? I hear the question clearly. One can give his life for others and for God: death in such a case is not suicide. It is a gift of self that appears necessary, just and good. Heroic situations have always existed in the life of men and in the history of the Church. But what we are discussing is the full significance of an act to be promoted or not in the life of a couple and more particularly in the life of a woman. We are called to take care of our neighbor and to save him according to the measure in which we are capable: but always by an act of the gift of self which must be good, dignified, and just. Does the adoption of these children correspond to the good will of God? Ought we to promote this act? Should we say that it is morally 'good?' Can we ask of or propose to women the 'sacrifice' of carrying an embryonic child in order to save it?

A woman, even more so when she is married, does not have the absolute right over her body. No one among us is an exception to this. Her being is essentially personal—body, mind and heart. This personal unity cannot become a mere 'instrument' for the 'survival of a frozen embryo.' The body of a woman, in its personal unity, cannot be a 'medical solution' to a delicate question. I am not in favor of ectogenesis, but I note this paradox: in so far as an 'artificial uterus' does not exist, scientific rationale and sincere generosity accommodate themselves quickly or easily to a solution that 'instrumentalises' a woman, regardless of whether or not she wants to be made into such an instrument. The anthropological cradle of every human being is the conjugal act which permits him, in the unifying expression of his parents, to come into existence and there to take his first steps. The conjugal act is the corporal and potent symbol of that which supports every embryonic child in being. The

connection of every embryonic child with the conjugal body of its mother, of its parents, belongs to the dignity of its being. We cannot 'replace' it; we cannot provide something else there instead. Corporally, the woman who receives a frozen embryonic child within her poses an act which is not hers: it is the act of another, of a couple. This act cannot be delegated.

You seem to condemn the adoption of embryos: isn't that incoherent with the message of the Church concerning the respect for life and its sanctity?

I do not condemn anyone. I am trying to rationally evaluate the moral signification of such an act and to precisely recognize its valor, without judging people. It does not involve condemning people, but why promote an unjust practice? Why search for substitute mothers through websites and enter into an inappropriate militancy? In the United States, these programs are quite developed: there are Christian websites promoting the adoption of embryonic children. There is nothing free or anonymous about this kind of adoption. What is the meaning of this promotion?

Our life—every human life—is in the hands of God. The sanctity of life springs from the immediate relation that every creature has, effectively and in act, with its Creator. Keep in mind that this 'sanctity' remains a moral imperative in every circumstance. No man is called to put himself in the place of God and to become the savior of others. The admission of a human impotency is not always a 'weakness' or a 'sin' or a 'lack of generosity': it can be the sign of a true humility. Such is the humility which looks to find the truth of every life and to respect God's plan in history. We will never save every child who dies in its mother's womb, nor will we save every frozen embryonic child. The true 'sanctity' of the life of every human person is presented in the manifestation and recognition of its eternal destiny.

Shouldn't we leave them in the cold as 'witnesses' to the criminal and absurd ways of our societies?

I have heard certain personalities reflect upon and extol the virtues of this attitude. For those who are opposed to methods of assisted procreation, the accumulation of these frozen embryos is a sign of the absurdity of these techniques and of these ethical options. Keeping the embryos in the cold, since we are at an impasse, will at least make a memorial of and keep in memory the 'non-sense' of all of this. We could keep them as witnesses, imploring us to no longer commit the acts which are at the origin of so much moral upheaval and such evils. This position has a certain nobility. It represents, for certain humanists or religious, an 'ethical call' addressed to every man of good will and to our societies. It does not seem to me to fully respect the frozen embryos nor to offer them the peace which is due them.

If the door to adoption seems neither 'good' nor to be promoted, what can we actually propose as another solution?

It remains for us to do the good possible, taking responsibility for the absurd condition in which these frozen embryos find themselves. I recommend that we take them out of the 'cold' where they are imprisoned, bring them back to the temporal conditions which rightly belong to them, not use disproportionate means to save them (the teaching of the Magisterium on the subject of the refusal of extraordinary means takes on a new relevance here), nor the means which respect neither their dignity nor the dignity of those who wish to help them. To do this is not to kill them: it does not involve some kind of euthanasia, but rather the refusal to take any extraordinary and ill-adapted means to try to

make them survive. They would die! Of course, as believers, we think that they will pass on to the true life. Death will permit them to rejoin their Creator and their Savior. We should let these children rejoin the heart of Him who is their Creator and their Father.