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Justice for the Orphan: the Ethics of "Embryo Adoption"

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THE SAINT PAUL SEMINARY SCHOOL OF DIVINITY
UNIVERSITY OF ST. THOMAS

Justice for the Orphan: the Ethics of “Embryo Adoption”

A THESIS

Submitted to the Faculty of the School of Divinity

Of the University of St. Thomas
In Partial Fulfillment of the Requirements
For the Degree
Master of Arts in Theology

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Whitney Anderson

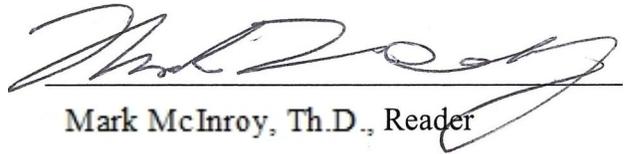
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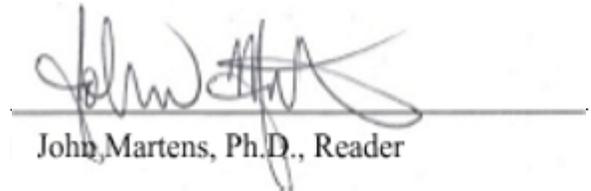
This thesis by Whitney Anderson fulfills the thesis requirement for the Master of Arts degree in Theology approved by Paul Wojda, Ph.D., as Thesis Advisor, and by Mark McInroy, Th.D., and by John Martens, Ph.D., as Readers.



Paul Wojda, Ph.D., Thesis Advisor



Mark McInroy, Th.D., Reader



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As the Epistle of James stated in the earliest days of Christianity, “Religion that God our Father accepts as pure and faultless is this: to look after orphans and widows in their distress.”¹ Christians have historically held a reputation for being the champions of the downtrodden, marginalized and oppressed. In the 20th century, Roman Catholic doctrinal statements including *Castii Conuubii* (1930), *Humanae vitae* (1968), *Donum vitae* (1987), and *Dignitas personae* (2008), represent a continuation of this tradition by looking to safeguard some of the most vulnerable members of our society—the unborn.

Controversy surrounding conception has existed throughout human history, but modern technological advancements in both fertility treatments and contraception have incited debate like never before. Especially pertinent to the discussion of “embryo adoption” is the advent of *in vitro fertilization* (IVF) technology². IVF was popularized in the late 1970s by the first successful IVF pregnancy and subsequent birth of Louise Brown in 1978. In this increasingly common procedure, a woman seeking to conceive receives hormone treatments to increase the number of eggs (oocytes) released in ovulation. Several oocytes are harvested and combined with sperm from either the woman’s partner or a donor in a petri dish. After being fertilized, multiple embryos are then reinserted into the uterus. If the procedure is successful, the number of embryos in the womb may be selectively decreased. Importantly, additional embryos not

¹ James 1:27, NIV.

² Note: This document uses a number of abbreviations for medical procedures and ecclesial documents:

IVF: *in vitro* fertilization

ARTs: assistive reproductive technologies

DV: *Donum Vitae* (1987)

DP: *Dignitas Personae* (2008)

HET: Heterologous embryo transfer

ANT-OAR: altered nuclear transfer-oocyte assisted reprogramming

inserted are preserved by freezing (cryopreservation) in case the initial procedure is unsuccessful.

IVF raised a number of questions, including whether the act of fertilizing oocytes in such a lab setting is morally licit, whether the method of collecting the eggs and sperm is moral or immoral, and whether the termination of “extra” implanted embryos is moral or immoral. However, one question continues to remain unresolved in theological discourse: How should we respond to the situation of the thousands of cryopreserved³ embryos?

One answer to this question is heterologous embryo transfer (HET), popularly known as “embryo adoption” (though this terminology is challenged by opponents). Seen by its proponents as a “rescue” of abandoned frozen embryos, HET has been embraced by a number of couples. They have sought to have one or more embryos implanted into the woman’s uterus in the hopes the embryo or embryos will survive to term; the couple then adopts and raises the child alongside their other adopted or biological children. HET as “embryo adoption” is not without its critics and controversy; however, HET has not been formally condemned by the Roman Catholic Church, leaving the debate surrounding this procedure open.

As a result of my study of the ecclesial documents and scholarly discussion outlined below, I have concluded that HET is not only a moral practice for Catholic Christians, but can even be a praiseworthy one in certain circumstances. My position is also a reflection of the core importance of adoption, both in Scripture and in the lived witness of Christians throughout

³ Cryopreservation is the freezing of embryos to stave off cell death. An in-depth technical discussion of embryo cryopreservation can be found in Konc, Janos, et al. “Cryopreservation of Embryos and Oocytes in Human Assisted Reproduction.” *BioMed Research International*, vol. 2014 (2014): 307268. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3980916/>

history. I believe that examining HET in the context of adoption deepens and clarifies the conversation surrounding the practice. To give context to the debate and my position, it is necessary to first examine the underlying principles in key doctrinal documents released by the Catholic Church and their reception by the academic community.

Section I: The Context of the Debate

FOUNDATIONAL ECCLESIAL DOCUMENTS

Two landmark ecclesial documents on marriage and procreation, *Casti connubii* (1930) and *Humanae vitae* (1968), lay the groundwork for the debate surrounding embryo adoption and other biomedical beginning-of-life issues. *Casti connubii* importantly re-affirmed that procreation is one of the ends of marriage (paragraph 11) and that marital fidelity and the exclusivity of spousal love is fundamentally justice rendered to God and one's spouse (paragraph 18). *Humanae vitae*, the controversial ecclesial document addressing procreation and contraception, collected Catholic statements and teachings on beginning-of-life issues in one document for the first time. *Humanae Vitae* also affirmed the Church's right to make pronouncements on moral issues and stated clearly that mothers and fathers collaborate with God in creating a new human life through the conjugal act. In addition, *Humanae vitae* restates the traditional key realities of sacramental marriage as a total, faithful, exclusive, and fruitful union of a man and a woman, principles with ramifications for the controversy surrounding embryo adoption.

DONUM VITAE

As IVF became popular as a "solution" to infertility throughout the 1980s, the Congregation for the Doctrine of the Faith responded to some of the myriad questions raised by IVF and other

new biomedical technologies in the Instruction *Donum Vitae* (DV) in 1987. Stéphane Bauzon points out in “Catholic Reflections for an Updated *Donum Vitae Instruction*” that DV “does not intend to repeat all the Church’s teaching on the dignity of human life as it originates and on procreation. Instead, it offers...some specific replies to the main questions being asked in this regard.”⁴

The document rests on the fundamental principle laid down by *Castii Connubii* and *Humanae Vitae* that respect for goods of marriage, human life, and the dignity of the human person must inform any decisions made regarding the first stages of human life. DV affirms that technology must be viewed as at the service of all human life, not vice versa, and that human beings must be recognized as more than their biological reality: human beings are body and soul, and the whole person must be taken into consideration in any bioethical dilemma. DV presents three key criteria for assessing individual assisted reproductive technologies (ARTs):

- 1) Must consider “the respect, defense and promotion of man, his ‘primary and fundamental right’ to life, his dignity as a person who is endowed with a spiritual soul and with moral responsibility and who is called to beatific communion with God”⁵
- 2) Must be evaluated in terms of the life of the human being conceived
- 3) Must respect the “special nature of the transmission of human life in marriage”⁶

The first part of DV concerns the treatment of embryos and fetuses, and declares that both are truly human beings and must be treated with the same respect and as having the same rights as other humans. Procedures performed on embryos and fetuses must therefore always be

⁴ Stéphane Bauzon, “Catholic Reflections for an Updated *Donum Vitae Instruction*.” *Christian Bioethics*, 14:1. Oxford University Press, 2008. 42-57.

⁵ *Donum vitae* I. 1.

⁶ *Donum vitae* I. 4.

therapeutic, must not present undue risks to the health of the child, and must be performed with the informed consent of the parents. Fetal remains must also be treated with the respect and dignity due to human bodies. IVF is absolutely condemned as illicit—by artificially intervening to create embryos, the technician (and the parents) are usurping God’s prerogative to choose to create a human being. (Objections based on the fundamental principles laid out by DV above). The manipulation, freezing, and destroying of embryos is also morally unacceptable, according to DV.

Following these indispensable principles, DV provides an extended question-and-answer series addressing particular issues in the second part. Most importantly for a discussion of embryo adoption, DV discusses the procedure of implanting fertilized embryos not biologically related to one parent or the other and surrogate motherhood. DV states:

By the term *heterologous artificial fertilization or procreation*, the Instruction means techniques used to obtain a human conception artificially by the use of gametes coming from at least one donor other than the spouses who are joined in marriage...*Heterologous IVF and ET*: the technique used to obtain a human conception through the meeting *in vitro* of gametes taken from at least one donor other than the two spouses joined in marriage.⁷

In other words, DV is addressing the entire procedure of creating embryos using donor eggs and/or sperm with the intent of implanting them in the uterus of a woman who may not be the genetic mother of the embryo. The embryo may thus be genetically related to neither the woman being made pregnant, nor her partner, or may be genetically related to only one of them. Underlying DV’s condemnation of IVF is the assumption that the couple is unable to conceive naturally and is willingly participating in the entire IVF process (with all its morally problematic elements.) DV does *not* address a couple

⁷ *Donum vitae* II.1.

seeking to remove an already conceived (and abandoned) embryo from cryopreservation and then implant it in the wife's uterus in hopes of carrying the child to birth, and also raising that child, as in a traditional postnatal adoption.

DV also offers a definition (and condemnation) of surrogate motherhood, which it states is, either

- a) the woman who carries in pregnancy an embryo implanted in her uterus and who is genetically a stranger to the embryo because it has been obtained through the union of the gametes of "donors". She carries the pregnancy with a pledge to surrender the baby once it is born to the party who commissioned or made the agreement for the pregnancy.
- b) the woman who carries in pregnancy an embryo to whose procreation she has contributed the donation of her own ovum, fertilized through insemination with the sperm of a man other than her husband. She carries the pregnancy with a pledge to surrender the child once it is born to the party who commissioned or made the agreement for the pregnancy.⁸

Crucial for this discussion of embryo adoption, DV is addressing a woman who accepts an embryo who is genetically unrelated *with the intent not to raise the child after giving birth*. In an embryo adoption scenario, a woman would accept an embryo with the opposite intent, i.e., to raise the child as her own after birth.

DV makes two further statements that might seem to rule out HET as embryo adoption. First, in section I, paragraph 5, the document states, "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." Second, DV states, "Respect for the unity of marriage and for conjugal fidelity demands that the child be conceived in marriage; the bond existing

⁸ *Donum vitae* II.3.

between husband and wife accords the spouses, in an objective and inalienable manner, the exclusive right to become father and mother solely through each other.”⁹ These statements will be addressed below, in the third section of this thesis.

Bauzon summarizes DV’s argument behind these condemnations by stating, “at the center of human procreation, there ought to be the recognition that human life is a Divine gift, a symbol of God’s divine love, as underlying human love.”¹⁰ Essentially, DV argues that, in regard to procreation, couples seeking to be parents must open-handedly give of themselves to each other and to God and not seek to grasp at having a genetically-related child as a right.

RECEPTION OF *DONUM VITAE*

While DV was appreciated by Catholic bioethicists and medical professionals as an update to *Humanae Vitae*, it still left unanswered questions for many, especially as medical technology advanced and raised additional questions. DV did not address a number of these more recent bioethical dilemmas, including the exact moment in fertilization when human life begins, creating embryos for genetic material to cure their sick siblings, embryonic stem cell research, intracytoplasmic sperm injection of eggs (ICSI), and preimplantation genetic diagnosis.

More pertinent to the discussion of embryo adoption, DV left matters somewhat ambiguous. Does it address only men and women struggling with infertility, looking to new ARTs as a means to having a child at any cost? When DV addresses and condemns HET, does it condemn the procedure itself or only the use of HET by people with immoral motives? These considerations will be further explored below.

⁹ *Donum vitae* I. 2.

¹⁰ Bauzon, “Catholic Reflections,” 45.

DIGNITAS PERSONAE

As a result of unanswered questions such as those above, the Magisterium crafted and promulgated *Dignitas Personae* (DP) in 2008 to update the still-valid teachings of *Donum Vitae* (DV) in respect to new medical technologies and bioethical issues which have arisen since DV's release in 1987. In the last twenty-one years, reproductive and genetic technologies have frequently advanced so quickly that bioethicists are hard-pressed to present timely reviews of the procedures' ethical status. At the time of DP's writing, questions bioethicists grappled with included the beginning of human personhood, the prevalence of in vitro fertilization, new assisted reproductive techniques that seemed to fit in loopholes found in DV, "adoption" of unwanted cryopreserved embryos, human cloning, genetic engineering, and prenatal diagnosis, among other topics noted below. Additionally, there have been many legal and political changes in regard to bioethical issues, such as changing laws and policies regulating embryonic stem cell research. The CDF had been preparing the document for several years before its release in September 2008, consulting with the Pontifical Academy for Life, scientists, doctors, and theologians, as well as considering modern issues in light of the encyclicals *Evangelium vitae* (1995) and *Veritatis splendor* (1993).¹¹

The document begins with the firm affirmation that "the dignity of a person must be recognized in every human being from conception to natural death."¹² This uncompromising declaration colors the whole of the document, and all the particular questions dealt with in DP are answered in light of this fundamental teaching. Once again, the CDF affirms the reasoning behind the Church's commentary on scientific and medical topics: Catholic Christianity "draws

¹¹ "Summary of Dignitas Personae." *Catholic News Agency*. Accessed November 27, 2019. <http://www.catholicnewsagency.com/document.php?n=784>

¹² *Dignitas Personae* 1.

upon the light of both reason and faith and seeks to set forth an integral vision of man and his vocation.”¹³ The Church rejoices that there are many scientists, medical professionals, and philosophers who are faithful to the traditional Hippocratic Oath, seeking to utilize new technologies for the flourishing of humankind and the remedying of disease. Nevertheless, *DP* argues that there is also a pervasive “eugenic mentality” in the field of medicine and biology which does not properly recognize the dignity of the individual human person. As a result, the instruction is addressed not only to the Catholic faithful, but also to “all who seek the truth.”¹⁴

In the first main section of the document, the CDF explores questions of an anthropological, theological, and ethical nature that are raised by technological interventions in human procreation. Inasmuch as these technologies advance the natural functioning of human reproduction and remedy pathologies, they are good and to be encouraged. However, any developments that disregard the dignity of the human person or destroy human life are unable to be used with a clear conscience. To assist in making this distinction, the instruction presents a “fundamental ethical criterion” first formulated in *Donum vitae*: “the fruit of human generation, from the first moment of its existence, that is to say, from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality.”¹⁵ Additionally, the instruction chooses to address a question left open by *DV*: should the human embryo be identified as a human person from the moment of fertilization or “conception”? As a theological text, *DP* does not go so far as to equate a biological event, conception, with the beginning of philosophical/ontological personhood. However, its emphasis that the embryo is human and therefore has “the dignity proper to a person” from the beginning

¹³ *Dignitas personae* 3.

¹⁴ *Dignitas personae* 3.

¹⁵ *Dignitas personae* 4.

of its existence seems to essentially link personhood to conception.¹⁶ As a result of this fundamental dignity, the conjugal union of a husband and wife is the proper context in which a human being comes into existence. The Church recognizes the natural good of spousal communion, and through the sacrament of matrimony, God elevates it to the point that “the acts that permit a new human being to come into existence, in which a man and a woman give themselves to each other, are a reflection of Trinitarian love.”¹⁷

Moving forward from these more abstract considerations, the instruction turns to practical applications of these principles in the second part, addressing new solutions to the age-old problem of infertility, IVF (and the destruction of embryos), intracytoplasmic sperm injection (ISCI), freezing embryos, freezing oocytes, embryo reduction, preimplantation diagnosis, and interceptive and contragestational technologies. In addressing medical techniques to remedy infertility, *DP* asserts that each technique must be evaluated in light of its conformity with three foundational goods that must be respected:

- a) the right to life and to physical integrity of every human being from conception to natural death; b) the unity of marriage, which means reciprocal respect for the right within marriage to become a father or mother only together with the other spouse; c) the specifically human values of sexuality that require ‘that the procreation of a human person be brought about as the fruit of the conjugal act specific to the love between spouses.’¹⁸

This paragraph of *DP* expands on and further specifies the foundational principles of *DV* outlined above. One key point of specificity is *DP*’s declaration that the value and goodness of human sexuality is such that the procreation of every human being should take place within the loving sexual union of husband and wife. In addition, the instruction distinguishes between

¹⁶ *Dignitas personae* 5.

¹⁷ *Dignitas personae* 7-8.

¹⁸ *Dignitas personae* 12.

technologies and treatments that *assist* the fruitfulness of the conjugal act and those that *substitute for* that action.

Under the category of “substitution,” *DP* firmly opposes IVF and also objects to the disregard for the dignity of individual human embryos, the incredibly high number of embryos willingly sacrificed in pursuit of a pregnancy (which would not be allowed in any other healthcare situation), and the eugenic tendency to destroy embryos that are genetically “defective,” the wrong sex, or simply not needed. Intracytoplasmic sperm injection (ICSI) is likewise deemed illicit because of the disassociation between the conjugal act and procreation, as fertilization occurs in a lab setting. Another element of these techniques is the freezing of extra embryos which is condemned as “incompatible with the respect owed to human embryos” since there is a high risk of death for them and they are cut off from the shelter of their mothers’ womb.¹⁹ Similarly, unfertilized oocytes should not be frozen to be used in IVF or ICSI or similar procedures. The instruction also very briefly touches on the problem of the numerous embryos already in cryopreservation—it is morally unacceptable to experiment on them, but it is also unacceptable for infertile couples to “use” them because of the preexisting prohibitions on artificial heterologous reproduction and surrogate motherhood. After this very brief consideration, *DP* concludes that there is no solution to this situation. Techniques involving implantation of multiple embryos frequently include the choice to “reduce” the number of implanted embryos to increase the survival rates of one; the document identifies this as an “intentional selective abortion,” gravely offensive, for, “the decision to eliminate human lives, given that it was a human life that was desired in the first place, represents a contradiction.”²⁰

¹⁹ *Dignitas personae* 18.

²⁰ *Dignitas personae* 21.

Similarly, the choice to utilize a pre-implantation diagnosis to pick and choose among multiple embryos wrongly “measure the value of a human life only within the parameters of ‘normality’ and physical well-being.”²¹ Finally, *DP* addresses new forms of contraception that prevent the embryo from implanting in the uterine wall or if they expel an implanted embryo—both techniques constitute a direct abortion and are gravely immoral.

In the third part, *Dignitas Personae* considers gene therapy, human cloning, stem cells, hybridization, and the use of biological material of questionable origin. Gene therapy has two varieties: somatic cell gene therapy, which attempts to restore anomalies in damaged genes in a single individual, and germ line cell therapy, which aims to correct genetic defects “with the purpose of transmitting the therapeutic effects to the offspring of the individual.”²² Somatic cell therapy is licit, because it focuses on the healing of the particular patient, and the risks included in the procedures are limited to him or her alone; in contrast, germ line therapy is illicit since harm may come to the person’s children and there is often a eugenic desire to craft a “better” kind of human. Next, *DP* condemns human cloning, whether for reproduction, research, or attempts at the healing of disease. Because cloning for reproduction arrogates to a human “the right to determine arbitrarily the genetic characteristics of another” it “represents a grave offense to the dignity of that person as well as to the fundamental equality of all people.”²³ Additionally, cloning divorces procreation from spousal communion even more radically than techniques such as IVF because there is absolutely no link to human sexuality. Cloning for experimental or even therapeutic purposes is likewise condemned, for, “to create embryos with the intention of destroying them, even with the intention of helping the sick, is completely incompatible with

²¹ *Dignitas personae* 22.

²² *Dignitas personae* 25-27.

²³ *Dignitas personae* 28.

human dignity, because it makes the existence of a human being at the embryonic stage nothing more than a means to be used and destroyed.”²⁴

In terms of the issue of embryonic stem cell research, the instruction distinguishes between embryonic stem cells, fetal stem cells, stem cells in umbilical cord blood, and adult stem cells. *DP* strongly encourages the use of non-embryonic stem cells because there are essentially no ethical issues with their use (provided they are harvested with minimal risk to the consenting donor). On the other hand, the use of embryonic stem cells is morally wrong since attaining them requires the destruction of the embryo itself. Likewise, current research into the mixing of human and animal oocytes in hybridization to create stem cells is wrong because of its potential to fracture the unique identity of humans among other creatures and also the unknown risks associated with using cells containing animal genes. Finally, the section treats the responsibilities of scientists who may encounter biological material whose origin is unclear. The document lays down some general guidelines, affirming the duty of researchers to both avoid direct cooperation with evil actions and also to be cautious about causing scandal by the appearance of cooperation. It is immoral to directly experiment on embryos and/or fetuses, and any procedure involving embryos or fetuses who have died of natural causes must respect their human dignity. Additionally, *DP* calls for a clear separation between those who have destroyed or frozen the embryos and those who may encounter them in their research. However, this responsibility is tempered by the fact that the choice to obtain and use this material may not lie with the individual scientist, and in that sense, responsibility is limited to their normal course of professional work.

²⁴ *Dignitas personae* 30.

Dignitas personae concludes by noting that the point of the instruction is not to create an elaborate set of rules to hinder the progression of biomedical research, but rather to uphold the universal dignity of human beings from the first moment of their existence. This conviction requires the Church to speak out in favor of some of the most defenseless members of the human family—the newly conceived.

RECEPTION OF *DIGNITAS PERSONAE*

DP received a myriad of responses when it was released in 2008, both positive and negative. Theologians were grateful for the update of *DV*, but had hoped for a more clearly explicated response to current controversies, particularly the question of personhood, embryo adoption, newer assisted reproductive technologies such as gamete intrafallopian tube transfer (GIFT), and some particular considerations in genetic engineering.

In his article, “The Dignity of the Person,” Dr. Mark Latkovic comments that *DP* is “not as well organized” as *DV*; Christopher Kaczor agrees that the document lacks a “philosophical rigor” in its arguments.²⁵ Regarding the concept of personhood, Latkovic believes the document effectively indicated that personhood begins at conception. In his critique, “What *Dignitas personae* Does Not Say,” Dr. Jason Eberl points out that *DP* does not address alternative theories of personhood as it considers the question of human ensoulment and the inception of personhood, approaching the question solely from an Aristotelian-Thomistic perspective.

Debate and discussion regarding *DP* is ongoing, but the most significant responses for a consideration of “embryo adoption” can be found in the essays collected by Rev. Thomas Berg

²⁵ Mark Latkovic, quoted in Christian Brugger, ed. “Symposium on *Dignitas personae*.” *National Catholic Bioethics Quarterly*, 9, no. 3 (2009): 466.

and Edward Furton in *Human Embryo Adoption: Biotechnology, Marriage, and the Right to Life*.²⁶

In their arguments in this book, bioethicists such as Luke Gormally and Christian Brugger agree that DP's consideration of the situation of unwanted cryopreserved embryos was too cursory. Eberl lays out the current options for the future of cryopreserved embryos: allow them to die, keep them frozen, or allow them to be "adopted." Latkovic raises the question that perhaps this frozen state could be seen as an extraordinary form of life support, and it would be moral to simply disconnect it and allow the embryos to die naturally. Eberl points out that by discouraging embryo adoption, the CDF "is taking a laudably strong stance against any further creation of embryos who will end up in cryopreservation...prenatal adoption should not be conceptualized as a moral escape route for those who wish to continue creating and freezing embryos for in vitro fertilization or any other purpose."²⁷ However, Eberl goes on to note that those who engage in illicit reproductive technologies and embryonic research are unlikely to either stop their actions or speed them up if the unwanted embryos are "adopted." Rather, he proposes a new argument that "the risk of scandal is perhaps greater in rendering a negative judgment on prenatal adoption" since the Church would be both stressing the fundamental human dignity and rights of embryos while at the same time not allowing them to be "saved" from suspended animation in cryopreservation through embryo adoption.²⁸ Although *DP* uses the spouses' right to parenthood only through each other as an argument against embryo adoption, this "right" appears to be negated by traditional post-partum adoption, which the

²⁶ Thomas V. Berg and Edward J. Furton, *Human Embryo Adoption: Biotechnology, Marriage, and the Right of Life*. Philadelphia, PA: National Catholic Bioethics Center, 2006.

²⁷ Jason Eberl, "What *Dignitas personae* Does Not Say." *National Catholic Bioethics Quarterly*, 10, no. 2 (2010): 94.

²⁸ Eberl 94.

Church has lauded since its earliest days. *DP* also fails to take into account a repentant genetic mother wishing to take her own offspring out of cryopreservation in hopes of bringing them to term.

In the discussion of interceptive or contra-gestative measures, Latkovic points out the document's silence on therapeutic use of salpingostomy or methotrexate for ectopic pregnancies. Both Eberl and Reverend Peter F. Ryan desire greater discussion of the use of emergency contraceptives in cases of rape, arguing that what needs clarification is "whether one's purpose of preventing the completion of the unjust act of sexual violence by trying to prevent ovulation justifies" the risk of an embryo's existence and subsequent abortion.²⁹

William E. May argues that one of the key deficiencies of *DP* is its "lack of clarity in discussing ANT-OAR [altered nuclear transfer-oocyte assisted reprogramming]."³⁰ According to Eberl, *DP* also leaves out a crucial note on ANT and OAR, particularly since it does not address whether the product gained in the procedure is merely embryo-like or is in actuality a disabled embryo. The former argument, which would make ANT-OAR morally licit, has been satisfactorily defended from an Aristotelian-Thomistic perspective. Several critics also point out that its treatment of genetic engineering, reproductive cloning, and adult stem cells could have been longer and "more sophisticated."³¹ According to Eberl, the instruction's stance on reproductive cloning even falls into a genetic determinism, seeming to believe that "a person's genetic identity determines to a great extent...his or her future traits" without adequately

²⁹ Ryan, qtd. In Brugger, 470. Eberl 97.

³⁰ Latkovic, Mark. "The Dignity of the Person: an Overview and Commentary on *Dignitas Personae*." *National Catholic Bioethics Quarterly*, 10, no. 2 (2010): 302.

³¹ Latkovic 299.

considering environment, upbringing, etc.³² In essence, “the stated reasons appear insufficient on their own to demonstrate the intrinsic wrongness of cloning by not fully explicating the exact harm that accrues to either a clone or her progenitor through the possession of a shared genotype.”³³

In a similar vein, Eberl believes *DP*'s discussion of alternative stem cells leaves out a critical discussion of induced pluripotent stem cells (taken from the patients themselves, rather than harvested through the destruction of embryos). Likewise, in Eberl's opinion, the treatment of hybridization should have been more extensive. He notes that as long as cells are licitly obtained, both the Pontifical Academy for Life and the International Association of Catholic Bioethicists have in theory accepted the creation of animal-human chimeras as a source of transplantable organs and as research models. (The chimeras in these cases have a very minimal number of human cells grafted into them). “The CDF's foundational moral principle may be interpreted narrowly to restrict any form of animal-human genetic combination,” Eberl admits, but “on the other hand, it may be interpreted more widely to allow” such chimeras.³⁴ In short, Eberl concludes that Catholic bioethics needs a “more explicitly detailed ethical analysis” from the CDF as well as from the Pontifical Academy of Sciences and the Pontifical Academy for Life.³⁵

FURTHER STATEMENTS FROM THE USCCB

In 2009, the United States Conference of Catholic Bishops released a statement further explicating Catholic teaching on ARTs in “Life-Giving Love in an Age of Technology.”³⁶ The

³² Eberl 99.

³³ Eberl 100.

³⁴ Eberl 107.

³⁵ Eberl 109.

³⁶ U.S. Conference of Catholic Bishops, “Life-Giving Love in an Age of Technology.” Nov. 17, 2009. www.usccb.org/upload/lifegiving-love-age-technology-2009.pdf

document restates key principles from *Donum vitae* and *Dignitas personae* and answers questions about specific ARTs as well. Like *Castii connubi*, the bishops are concerned about the ramifications for marriage presented by ARTs; they affirm that married love expressed through sexual intercourse is both unitive and procreative, building on *Castii connubii*'s statements. "Life-Giving Love" begins by contrasting a Catholic view of procreation with an American cultural perspective. While a Catholic view of procreation sees the unitive and procreative ends of sex as fundamentally united, these ends are often separated in a secular worldview. Catholic married love is open to children, is a permanent commitment, cooperates with God, sees a child as a gift, and accepts patiently the suffering of infertility. In contrast, a cultural view of marriage and sex separates conception of children from the act itself, has a closed/contraceptive mentality, sees marriage as an impermanent commitment, and perceives having a child as a "right," for which the ends justify the means used to conceive. Nevertheless, the document states, "Many couples are tempted to resort to reproductive technologies because they do love each other and want to share this love with their own biological child. However, here, as in other areas of life, a good end does not justify every possible means."³⁷

"Life-Giving Love" also reaffirms DV and DP's condemnation of conceiving through donors or resorting to surrogacy, since in these choices the father and mother "delegate part of their role to others."³⁸ IVF is also strongly condemned, for it "further depersonalizes the act of generating a child, turning it into a technical process in a laboratory."³⁹ High numbers of embryo deaths, the problems with cryopreserving embryos, and the possibility of selecting the genetically "best" embryo are also cited as evils connected with IVF.

³⁷ U.S. Conference of Catholic Bishops, "Life-Giving Love."

³⁸ USCCB, "Life-Giving Love," 5.

³⁹ USCCB, "Life-Giving Love," 6.

To assist couples struggling with infertility and the confusing options for ARTs available, the USCCB has provided a list of approved, condemned, and under-discussion choices for Catholics. (IVF, ICSI, ZIFT, artificial insemination in all forms, ovum donation, and surrogacy are not permitted, while GIFT and Intrauterine Insemination are “under discussion” as long as the semen is not obtained by masturbation).

Importantly for this discussion, the USCCB does not directly condemn embryo adoption. “Life-Giving Love” spends several paragraphs praising traditional postnatal adoption for its truly Christian compassion for orphans and its benefit for society as a whole. The USCCB then has this to say about embryo adoption:

“Embryo adoption” refers to having an abandoned embryo transferred to the uterus of a woman willing to gestate this child to save his or her life. Many have asked whether this might be a legitimate way for conscientious couples to respond, in a potentially life-affirming way, to the terrible problem of thousands of abandoned embryos at IVF clinics in the United States. However, serious moral concerns have been raised about embryo adoption, particularly as it requires the wife in the adopting couple to receive into her womb an embryonic child who was not conceived through her bodily union with her husband. The Church’s teaching authority has acknowledged the moral concerns associated with this practice. The terrible plight of abandoned frozen embryos underscores the need for our society to end practices such as IVF that regularly produce so many “spare” or unwanted human beings.⁴⁰

Here, the bishops seem to be walking a fine line between condemning and affirming embryo adoption, and focus on addressing the serious moral issues that arise in connection with it.

However, the choice to shift the discussion to condemning the evil of cryopreserving embryos conceived through IVF instead of condemning the practice of embryo adoption itself seems to leave the door open to more discussion.

Section II: The Scope of the Debate

⁴⁰ USCCB, “Life-Giving Love,” 12.

KEY MAGISTERIAL PASSAGES

The debate itself leads observers and participants alike to consider the limits of interpretation of Magisterial teaching, the room within Catholic bioethics for competing viewpoints, and, in a debate defined by a number of different "goods" at stake, which ones take precedence when push comes to shove. Differing interpretations of three key passages in two Magisterial documents (*Donum Vitae* and *Dignitas Personae*) underpin the current debate concerning HET. First, *DV* states, "Respect for the unity of marriage and for conjugal fidelity demands that the child be conceived in marriage; the bond existing between husband and wife accords the spouses, in an objective and inalienable manner, the exclusive right to become father and mother solely through each other."⁴¹ Secondly, *DV* noted, "In consequence of the fact that they have been produced in vitro, these 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."⁴² Thirdly, *DP* states in paragraph 19,

With regard to the large number of *frozen embryos already in existence*, the question becomes: what to do with them?...it has also been proposed, **solely to allow human beings to be born who are otherwise condemned to destruction** that there could be a form of 'prenatal adoption.' This proposal, praiseworthy with regard to the intention of respecting and defending human life, presents however various problems not dissimilar to those mentioned above.⁴³

Both in the documents' initial reception and also as technology continued to progress and the number of cryopreserved embryos rose, Catholic theologians have asked a number of key questions about these passages: Do these statements mean that true motherhood and fatherhood comes about only in relation to children born within marriage? What about postnatal adoption—

⁴¹ *Donum Vitae*, II:A, 2.

⁴² *Donum Vitae* I: A, 5.

⁴³ *Dignitas Personae*, 19. Italics original, bolded text emphasis mine.

are adoptive parents "real" mothers and fathers since they are not their adopted child's biological parents? Is it *only* the biological phenomenon of becoming pregnant that makes a woman a mother? Is the biological aspect of procreation the primary definition of parenthood? In addition, many theologians questioned whether these passages are applicable to HET and embryo adoption. Rather than discuss HET as the rescue of abandoned embryos the document addresses it in the context of an infertile couple seeking to conceive with donor eggs, sperm, or both.

Bioethicists are currently sparring over DP's apparent equivocation of HET as a rescue of abandoned embryos created during IVF procedures with surrogate motherhood or heterologous artificial fertilization. For some, DV and DP's statements definitively condemn embryo rescue and adoption, but others see a loophole in that HET is not out rightly condemned with the same language as immoral techniques such as selective reduction of embryos ("a grave moral disorder") or cryopreservation of oocytes for IVF ("morally unacceptable") where HET is merely problematic.

Currently, all of the prominent voices in the debate agree on five starting assumptions, the first four of which William E. May delineated in his article, "The Object of the Acting Woman in Embryo Rescue."⁴⁴ First, *conceiving* a child through any means other than sexual intercourse between a husband and wife is immoral. Second, according to DV, each spouse has the exclusive right through the marriage covenant to make their spouse a parent. Third, surrogate motherhood is intrinsically evil because it makes the child a commodity to be produced and reduces a woman to her gestational capacity. Fourth, consensual sex is licit only within a valid marriage, and then only in alignment with the threefold purposes of union, fidelity, and

⁴⁴ William E. May, "The Object of the Acting Woman in Embryo Rescue," in Berg, 139.

procreation.⁴⁵ A fifth and final key affirmation shared by all the voices in the debate is that the embryo is a human person and thus has a dignity and rights which must be upheld.

The agreements above set the bounds of the theological playing field on which the moral questions raised by *DV* and *DP* play out. Three broad types of positions have emerged: an unconditional condemnation of HET as morally illicit, a conditional acceptance of HET within certain parameters, and an unconditional approval of HET for “embryo rescue.”

OPPOSITION TO HET AS EITHER A RESCUE OR ADOPTION OF EMBRYOS

Msgr. William Smith first engaged the questions above in his article, "Rescue the Frozen?" in which he argues that embryo adoption is prohibited by *DV*'s statements above.⁴⁶ Since that initial proposition and *DP*'s apparent confirmation of it, other bioethicists including Tadeusz Pacholczyk, Nicholas Tonti-Filippini, Nicanor Austriaco, and Christopher Oleson have also objected to HET as rescue or adoption of abandoned embryos. In addition to interpreting the documents' statements in a very strict literal sense, these authors argue that HET is a violation of the good of marital fidelity. In particular, they focus on *DV*'s description of the husband and wife's right to become parents only with each other and object to HET because they argue it violates the unique prerogative of the husband to make his wife pregnant. A number of these authors also see pregnancy as a part of the exclusive mutual self-gift of husband and wife in the marital act.

Pacholczyk, for instance, views procreation not simply as the moment of conceiving a child through the marital act, but rather as a process encompassing everything from intercourse through the baby's birth.⁴⁷ Pregnancy is an inextricable part of that process, and since

⁴⁵ May in Berg, 139.

⁴⁶ Msgr. William B Smith, "Rescue the Frozen?" *Homiletic and Pastoral Review* 96.1 (October 1995), 72-74.

⁴⁷ Rev. Tadeusz Pacholczyk, "Some Moral Contraindications to Embryo Adoption," in Berg, 37-55.

procreation is intended to take place within the context of marriage, pregnancy itself is bounded by the same laws as marital fidelity—the only people involved should be the husband, wife, and their biological child. Any other individuals who are interjected into process of sex, conception, and pregnancy thus violate that marital exclusivity. Pacholczyk roots his arguments in *Humanae Vitae*'s strong connection of the unitive and procreative meaning of sex; he objects to HET because he sees it as a woman using her procreative power without sharing a unitive act with her husband and without his procreative power being actualized. Because of this viewpoint, Pacholczyk sees HET as a further illicit interruption of a holistic operation initially disrupted by fertilization *in vitro*; he even condemns homologous embryo transfer because of its disruption of the good natural order of procreation. For Pacholczyk, true parenthood is only realized when this entire process is rightly ordered; HET therefore is closely tied to both the moral stipulations of the marriage covenant and the ethics of sexuality.

Tonti-Filippini likewise views HET through the lens of marital and sexual morality and the rights of husband and wife in marriage. Tonti-Filippini affirms that pregnancy is a unique physical union that is not of the same kind as postnatal adoption.⁴⁸ For him, HET is essentially a woman's consent to becoming pregnant through someone other than her husband, which effectively constitutes marital infidelity. "A woman is not free to give herself to be impregnated with a child from outside marriage," Tonti-Filippini argues. Like Pacholczyk, Tonti-Filippini affirms that a woman's ability to gestate a child, "her generative capacity...*belongs to the marital union* and hence may not be given outside marriage."⁴⁹ In embryo adoption, he says, a woman becomes pregnant outside her marital relationship with her husband, excluding him from

⁴⁸ Nicolas Tonti-Filippini, "The Embryo Rescue Debate: Impregnating Women, Ectogenesis, and Restoration from Suspended Animation," in Berg, 91.

⁴⁹ *Ibid.*

procreation and parenthood. Since HET is ruled out and the cryopreservation of embryos is contrary to their human dignity, the only course of action remaining is to thaw them and permit them to die.

Austriaco agrees with Tonti-Filippini that a woman breaks her marriage covenant through consenting to HET, but frames his objection in terms of the husband's particular right to become a father through making his wife pregnant, and she, likewise, has a right to become a mother solely through her husband's action. He sums up his argument as follows: "...embryo rescue, also known as heterologous embryo transfer (HET), is morally illicit because it attacks the unitive good of marriage by undermining the integrity of the one-flesh union that defines conjugal love."⁵⁰ Austriaco points out that procreation (including pregnancy) is the "*telos*" of the marital union, so pregnancy should only occur as a result of that union—the husband has the exclusive right of "establishing a pregnancy in his wife."⁵¹ *Homologous* embryo transfer, to Austriaco, is acceptable because the embryo (though conceived illicitly) is the child of them both, so the husband is still the one causing his wife to be pregnant (though in a fragmented way). Austriaco upholds this principle so strongly that he prefers even a theoretical mechanical intervention to save embryos over HET (for instance, highly sophisticated incubators capable of nurturing embryos until "birth.")

Oleson similarly objects to HET because of the question of the husband's place in his wife's pregnancy through HET. In his article "The Nuptial Womb: the Moral Significance of Being 'With Child,'" Oleson argues that if a woman chooses to accept an embryo into her body, she essentially becomes a mother without her husband becoming a father, violating *DV*'s precept that

⁵⁰ Nicanor Austriaco, O.P., "Conjugal Love and Embryo Transfer," in Berg, 117.

⁵¹ Austriaco in Berg, 118.

man and woman are to become father and mother only through each other.⁵² Key to Oleson's perspective is his assertion that a woman consenting to HET is "doing something qualitatively more than simply making a safe environment for an embryo to develop in."⁵³

Along this same line of reasoning, Mary Geach famously defines the woman's action in procreation as permitting "an intromission of an impregnating kind" from her husband.⁵⁴ That intromission, for Geach, is the core of the woman's part in the marital act, which she should only allow in from her husband in that particular context; HET is thus a defective and immoral version of it. As a result, pregnancy (at least in its early stages) is part of the woman's marriage act itself, not simply a result of it. Therefore, HET fractures the wholeness of the marriage act and interposes outside parties into an exclusive relationship between husband and wife.

Overall, in this discussion of competing goods, theologians opposed to HET object to it because of its violation of one or more goods of marriage and, in particular, the rights of the husband and his role in procreation. They also share a tendency to see pregnancy as an extension of the marital act, not simply a result of it.

PROPOSERS OF HET WITH LIMITATIONS

Standing in the gap between Catholic opponents and supporters of HET, both Helen Watt and John Berkman notably support HET but with several conditions.

Watt, who initially supported HET unconditionally, proposes in her more recent article, "Becoming Pregnant or Becoming a Mother? Embryo Transfer With and Without a Prior Maternal Relationship," that HET is a morally neutral medical procedure, not intrinsically evil.⁵⁵

⁵² Christopher Oleson, "The Nuptial Womb: On the Moral Significance of Being 'With Child,'" in Berg, 181.

⁵³ Ibid.

⁵⁴ Mary Geach, "The Female Act of Allowing an Intromission of an Impregnating Kind," in Berg, 261.

⁵⁵ Helen Watt, "Becoming Pregnant or Becoming a Mother? Embryo Transfer With and Without a Prior Maternal Relationship." 57.

Nevertheless, it is only morally acceptable when the mother has frozen embryos from an IVF procedure, regrets her choice to participate in it, and now wishes to carry as many of the "spare" embryos to term as possible. Watt states, "There is...a significant difference between becoming a mother in a way not appropriately referring to the father and acting as a mother as best as one can to one's existing child. Embryo transfer can wrongly make one a mother; it can also help an existing mother to nurture her embryo."⁵⁶ Watt would also allow homologous embryo transfer or to save an ectopic pregnancy. In fact, she goes so far as to say the mother has a "duty to her child" to attempt to save them from an uncertain fate and defines embryo transfer as a "medical treatment required for the embryo to be nurtured."⁵⁷ For Watt, becoming a mother is linked inextricably to an act involving a woman's body, and thus becoming a mother ought to be fundamentally connected to a sexually exclusive relationship with her child's father. Homologous embryo transfer is thus acceptable, because the child already conceived is the child of the woman's husband; heterologous transfer is not acceptable because the child is not her husband's child.

Berkman disagrees with the authors above that HET violates the marriage covenant; for him, embryo transfer is an altogether different kind of act than sexual intercourse. However, Berkman does not support HET unconditionally—while the procedure is licit when the woman volunteering to gestate the embryo plans to also adopt and raise the child, it is morally unacceptable to imitate parenthood by becoming pregnant through HET when intending to give the child up for adoption upon birth. He goes so far as to argue that "the rescuer—to put it bluntly—intends premeditated child abandonment."⁵⁸ Berkman sees this as a fragmenting of the

⁵⁶ Watt, 66.

⁵⁷ Helen Watt, "Becoming Pregnant or Becoming a Mother?" in Berg, 57.

⁵⁸ John Berkman, "Virtuous Parenting and Orphaned Embryos," in Berg, 29, 32

different dimensions of parenthood, and argues that genetic, gestational, and social parenthood are intended to be provided by the same man and woman throughout a child's whole life. An adopted or rescued embryo has already experienced a rupture in this holistic relationship by being gestated by a biologically unrelated woman—to then be given up for adoption is a bridge too far. Berkman argues, “What makes a parent, morally speaking, is the *permanent* commitment to unconditionally love one's child.”⁵⁹

SUPPORTERS OF EMBRYO RESCUE AND ADOPTION

Proponents of an unconditional approval of HET to save abandoned embryos include Germain Grisez, William E. May, Christian Brugger, Thomas Williams, Peter Ryan, and Monica Lopez Barahona, Ramon Lucas Lucas, and Salvador Antuñano Alea. Each of these theologians takes on a different objection to HET and offers a rationale for their promotion of the technique to save embryos, without regard to whether the woman volunteering to gestate the child adopts and raises him or her after birth.

Germain Grisez was one of the first to respond to Msgr. Smith's condemnation of HET. Grisez argues that “parenthood is far more a moral than a biological relationship: its essence is...in readiness to accept the gift of life, commitment to nurture it, and faithful fulfillment of that commitment through many years.”⁶⁰ Grisez argues that a husband and wife truly become parents together via postnatal adoption of a genetically unrelated child—adoptive parents are true parents. As a result, he disagrees with the theory that HET is violating either the sanctity of marriage or the nature of parenthood spelled out in *DV*. Grisez underlines that what is at stake is

⁵⁹ Berkman, 24.

⁶⁰ Germain Grisez, *The Way of the Lord Jesus*, vol. 2, *Living a Christian Life* (Quincy, IL: Franciscan Press, 1993), 689.

a woman's (or a couple's) good desire to save the life of an abandoned child by nurturing it in her womb.⁶¹

In William E. May's article, "The Object of the Acting Woman in Embryo Rescue," May contends that the question is best approached from the perspective of the acting person (as Pope St. John Paul II promoted in his encyclical *Veritatis Splendor*).⁶² According to May, the *object* and intention of HET by the woman accepting the embryo is to save an embryonic human's life and *not* to conceive a child through artificial means or to violate a marriage covenant (though it may outwardly appear exactly the same as an HET as part of heterologous artificial fertilization to overcome infertility). Crucially, May notes, "Although it is intrinsically evil to *generate* human life by means other than the conjugal act, it is *not* intrinsically evil for a woman to allow herself to become pregnant by means other than the conjugal act."⁶³ In other words, pregnancy can follow an illicit act without being illicit in itself—to say so would be to say that being pregnant is itself morally wrong when a woman conceived in a morally wrong act (even one she had no complicity in, such as rape). Such a proposition is untenable.

Likewise, Brugger identifies *pregnancy*, not the act of HET, as the means to the end of saving the embryo's life in "Defense by Analogy of Heterologous Embryo Transfer." In defense of this statement, Brugger argues that sex does not always result in pregnancy, and the Church has even noted that spouses "can intend intercourse without intending pregnancy" (in the case of NFP, for example—the stipulation is that they do not directly prevent conception).⁶⁴ Following from this course of argumentation, he comments that if it is intrinsically evil to *become pregnant* outside of marriage (vs. to be sexually intimate), men and women engaging in fornication or adultery

⁶¹ Germain Grisez, *The Way of the Lord Jesus*, vol. 3, *Difficult Moral Questions* <http://www.twotlj.org/G-3-51.html>

⁶² May, in Berg 135-164.

⁶³ May in Berg, 140.

⁶⁴ Christian Brugger, "A Defense by Analogy of Heterologous Embryo Transfer," in Berg, 212.

would be morally compelled to take contraceptive measures. For Brugger, HET is essentially analogous to foster parenting, which nurtures a child either until adulthood or temporarily because of the inability or unwillingness of the biological parent(s) to fulfill their duties.

In “Heterologous Embryo Transfer and the Meaning of ‘Becoming a Mother,’” Williams expands on these concepts by arguing that the broad concept known as embryo adoption must be evaluated in terms of its constituent elements: the illicit conception of the child outside the conjugal act, the subsequent intention of a woman (and her husband) to rescue the embryo, the medical procedure to implant the embryo in the woman's womb, and its growth and development through her nurture in pregnancy.⁶⁵ The first step is the only one in the process that relates to sexual ethics, because it is a question of the relationship between a man and a woman that generates a child. The morality of adopting the child generated in an illicit act is outside the field of sexual or marital ethics; pregnancy, according to Williams, is not part of procreation, but is rather the process following that definitive moment wherein a new life comes into existence. Williams points out that the act of generation directly concerns a husband and wife and is sexual in nature, while gestation most directly concerns a woman and her child, a relationship that is decidedly not sexual, but is rather a nurturing maternal relationship. Williams also argues that pregnancy is not wholly contained in procreation. He states, “Begetting a child refers to an act of sexual union resulting in the generation of a new human being. In this exact sense, procreation must be a punctual event, an event that occurs at a point in time. Otherwise, we would find ourselves in the absurd situation of speaking of partially procreated children.”⁶⁶ By changing the terms of the discussion in this manner, Williams allows the focus of the discussion to shift from sexual morality within marriage to an embryonic human's right to

⁶⁵ Brugger in Berg, 212.

⁶⁶ Thomas D. Williams, L.C., “The Meaning of Becoming a Mother,” in Berg, 243.

gestation and the duty of an adoptive mother and society as a whole to care for a child who has essentially been orphaned by his or her genetic parents' recourse to IVF.

Carrying this thought forward, Ryan's article, "Our Moral Obligation to the Abandoned Embryo," points out that *DV* only condemned embryo transfer *when it formed a constituent part of IVF* but that it does not necessarily exist solely as a part of that process. Rather, a mother who utilized IVF and allowed embryos to be created and frozen from her oocytes may even be morally obligated to have at least some of them transferred back into her womb to be brought to term. Why then, Ryan asks, do some bioethicists condemn the actions of another woman taking the place of a mother unwilling to rescue her own embryos? Nurturing these children and saving them from suspended animation in cryopreservation is a good to be encouraged whether the woman chooses to adopt the child herself after their birth or surrender him or her to the care of another couple to be raised.

Monica Barahona and her colleagues Lucas and Alea succinctly address many of the most prevalent objections to embryo rescue and adoption in their paper, "The Moral Licitness of Adopting Frozen Embryos, with Answers to Objections."⁶⁷ Like the authors above, they highlight that the evil act of disassociating conception and the conjugal act has already occurred—the only course of action remaining for people of good will is to attempt to save the innocent lives at risk. Though some argue that permitting embryo rescue without an obligation to adopt and raise the child after birth fragments the holistic process of parenting into its genetic, gestational, and affective/relational elements, Barahona, Lucas, and Alea argue that this fracture has *already occurred*; HET is an attempt to heal that rupture by providing an orphan with either gestational and adoptive parents or at least adoptive parents and a chance to develop beyond the

⁶⁷ Mónica López Barahona, Rev. Ramón Lucas Lucas, L.C., and Salvador Antuñano Alea, "Our Moral Obligation to the Abandoned Embryo," in Berg, 297-326.

developmental stage in which they are currently frozen. Additionally, simply allowing embryos to thaw and die is a deliberate killing act in Barahona and her colleagues' eyes, for cryopreservation is not an extraordinary or disproportionate means to saving embryonic humans' lives, but is rather the only way to preserve them. The authors admit that HET is not a complete solution to the problems created by the prevalence of IVF, but if every human life is valuable for his or her own sake, even saving a single embryo through HET would be worth the choice.

Overall, arguments in favor of HET (with both stricter and more limited conditions) tend to view pregnancy as a separate reality from its cause and differentiate the kind of relationship a woman has with the person who makes her pregnant than the kind of relationship she has with the child she is pregnant with.

After a survey of the debate surrounding embryo transfer and embryo adoption, I believe it is possible to set aside objections regarding the external similarity between surrogate motherhood and embryo transfer (one of the initial objections) and instead to focus on the tension between the spousal rights of a husband and the human rights of a cryopreserved embryo. In the following section, I will address what constitutes procreation, how parenthood and spousal rights in marriage are connected, and how precisely pregnancy and procreation are connected.

Section III: Refocusing the Debate Through the Lens of Adoption

ANSWERING OBJECTIONS TO HET

After a consideration of the ecclesial documents pertaining to the discussion of embryo adoption and a survey of theological opinions on the matter, I have concluded that the embryo transfer procedure is a morally neutral act, which may be permissible in certain circumstances, whether the woman accepting the embryo is its genetic mother or not. The long-held Christian

encouragement of and respect for adoption can help us understand that both homologous embryo transfer and heterologous embryo transfer are licit under certain circumstances and do comply with the non-negotiables laid out in magisterial teaching.

First, a recapitulation of what those “non-negotiables” are according to DV and DP:

1. From the moment of the zygote, the embryo must be respected as a human individual, with a fundamental dignity and right to life. (And it is contrary to his/her dignity to be commodified, created outside the context of marital union, and exposed to an “absurd fate” by being abandoned in cryopreservation after being conceived in vitro.)
2. The divinely intended “context” for the procreation of a human being is a marriage, that is, a total, faithful, fruitful, and free self-giving sexual union between a husband and wife.
3. A husband and wife have the right to become father and mother only through each other.
4. Cryopreserved embryos should not be seen as a solution to infertility.

Taking these statements at face value, one might assume the question of “adopting” embryos is thoroughly settled with a firm, “no.” However, these statements are not as clear as they appear. Theological disagreement regarding “embryo adoption” stems from different ways of interpreting these non-negotiables. So what is the accurate meaning of the teaching in DV and DP and how *should* we interpret it? If the process of creating and transferring embryos as a whole process is condemned, does it follow that every individual procedure within that process is intrinsically evil? Most importantly for this discussion, can embryo transfer be morally permissible if the intents and circumstances are significantly different?

THE ECCLESIAL DOCUMENTS ON HET

What DV and DP say about HET is eclipsed by what is left unsaid. In DV, for example, embryo transfer is only addressed in the midst of a prohibition of IVF using donor gametes. As quoted above, DV states:

By the term *heterologous artificial fertilization or procreation*, the Instruction means techniques used to obtain a human conception artificially by the use of gametes coming from at least one donor other than the spouses who are joined in marriage...*Heterologous IVF and ET*: the technique used to obtain a human conception through the meeting *in vitro* of gametes taken from at least one donor other than the two spouses joined in marriage.⁶⁸

However, DV does not address embryo transfer in the context of a couple intending to “adopt” a cryopreserved embryo that is genetically unrelated to them, much less the transfer of genetically related embryo.

In other words, heterologous artificial embryo transfer is only considered and condemned as part of the broader IVF procedure (which is, for reasons already mentioned, prohibited). But what about embryo transfer itself? Is there a circumstance or circumstances in which embryo transfer could be permitted, particularly a homologous (genetically related) embryo transfer?

Helen Watt supports homologous embryo transfer to “rescue” one’s own children, and in fact argues that a mother has a “duty to her child” to nurture and protect it. Embryo transfer then becomes a medical procedure used with the intent to nurture the embryo and bring him/her to the safety of the mother’s womb. Watt proposes that a woman has already become a mother by conceiving *in vitro*, and that transferring the embryo in a sense continuing a process that was interrupted by creating the embryo. “Embryo transfer is...one of the good things, not the bad,

⁶⁸ *Donum vitae* II.1.

things an IVF doctor does, such that to request it for one's own genetic child is in principle acceptable."⁶⁹

Consider the couple who have chosen to go through the IVF process to have a child. Perhaps they went through the process successfully and have had one or more children, but still have more embryos cryopreserved. They now realize that their choice to participate in IVF was immoral, but recognize that those embryos are also their children, to whom they have a responsibilities as parents.

At this point, the morally wrong act of creating the embryo *in vitro* has already been completed. And the wrongness of the act, according to the Magisterial documents, is that it is contrary to the human dignity of those embryos to be abandoned in cryopreservation. This couple ought to become mother and father only through each other, and they have, to their children outside the womb, but also to these embryos. They are not commodifying the embryos as a solution to infertility—they already have other children. And while it is a risky procedure with no guarantee of success, it is acceptable in Catholic moral teaching to choose to undergo a potentially dangerous medical procedure if there is reasonable hope of success. This scenario seems to fit within the non-negotiable principles outlined above. Therefore, if homologous embryo transfer is permissible, the process of embryo transfer as an isolated procedure cannot be intrinsically evil since there is a circumstance under which the embryo transfer procedure is morally right. Thus, embryo transfer as a procedure *can* be isolated from prohibited practices such as IVF and surrogacy. Therefore, I argue that embryo transfer is a morally indifferent medical procedure which becomes moral or immoral depending on intentions and circumstances.

⁶⁹ Watt, 57.

Objection to Heterologous Artificial Embryo Transfer

Nevertheless, there remain several serious objections transferring already-created cryopreserved embryos to the womb of a woman who is not the genetic mother of the embryo. One major objection is accusations that by becoming pregnant with a child not genetically related to her or her spouse, such a woman is committing an adulterous act. Austraico and others propose that a husband has the unique right of “establishing a pregnancy in his wife.”⁷⁰

Austraico’s objection is not without foundation, and finds confirmation in the personal testimony of Catholics like “Anthony” (name changed to protect privacy). Anthony argues that his participation in procreation, his “becoming a father,” is his exclusive right to bring his wife’s body to the fullness of its reproductive power. And that doesn’t simply include conceiving a child, but his wife’s total wellbeing through the full use of her body during her pregnancy. If she becomes pregnant without his involvement, he’s not able to fulfill the fullness of his participation.⁷¹

In answer to this objection, I propose that we consider the example of the Holy Family. Mary consented to conceiving Christ without the involvement of her spouse, Joseph. Though they were not yet living together, under Jewish law, Mary and Joseph were already considered husband and wife. If becoming pregnant with a child that is only genetically related to you and not your husband is an act of adultery, and a violation of the husband’s rights, we must condemn both Mary’s consent and God’s request as immoral, which is completely contrary to the view held by

⁷⁰ Austraico, 117.

⁷¹ The personal testimonies of “Anthony” and “Cate” in this section were shared in a casual conversations via video call in February 2019. I found their insights to be thought-provoking and important considerations as I researched and wrote this thesis.

Christians throughout history, namely, that Jesus Christ's conception was a miraculous and holy event. Granted, it was also an exceptional, once-in-history event—but the Church has used the exceptional, once-in-history events of Christ's entire human life as foundational principles from which to establish rules for moral behavior.

But in the Gospel narrative, neither Joseph's fatherhood nor his true marriage to Mary are ever in question. When Joseph is visited by an angel (after Mary has already consented to be Jesus' mother without consulting Joseph, her betrothed) the angel affirms the supernatural nature of her becoming pregnant and also validates that Mary is Joseph's wife. In Matthew's gospel, the annunciation to Joseph is recorded thus:

Behold, the angel of the Lord appeared to him in a dream and said, "Joseph, son of David, do not be afraid to take Mary *your wife* into your home. For it is through the holy Spirit that this child has been conceived in her. She will bear a son and you are to name him Jesus, because he will save his people from their sins."⁷²

Joseph is referred to as Jesus' father throughout all the other Gospels as well, both by Mary (Luke 2) and by relatives and friends (Matthew 13). Of course, Jesus' identity as the Son of God the Father is fully affirmed in the Gospels as well, but Joseph's fatherhood in a human sense is not presented in conflict with that divine fatherhood of God.

This opens the door to the possibility of multiple persons simultaneously fulfilling the role of father or mother in an individual's life (as opposed to, for example, an adoptive father "taking over" for a deceased father or an absent father). This points to a concept of parenthood that is not diminished by being shared. An adoptive father and a biological father aren't two halves of one

⁷² Matthew 1:20, emphasis mine.

whole father but have each uniquely contributed to nurturing a child in a fatherly way that is real and concrete. Christian teaching from the beginning has also spoken about spiritual fatherhood and motherhood, from Paul's letters⁷³ to the founders of religious orders to contemporary laypeople who support and nurture a Christian's faith. Biological parents do not see themselves in competition with godparents for a majority percentage of their child's parentage; they contribute to the child's nurturing in different ways.

HET AND ADULTERY

Another major objection to heterologous embryo transfer is that it constitutes an adulterous act. Pacholczyk, for example, argues that a married woman choosing to become pregnant with the child of a man not her husband is equated to sexual infidelity. He states that any other individuals who are interjected into the process of sex, conception, and pregnancy violate marital exclusivity. For Pacholczyk, those individuals include the genetic parents of the embryo (specifically the father), and the doctor or technician who injects the embryo.

This argument is flawed for a number of reasons. First of all, it equates the act of becoming pregnant with the sexual act. While pregnancy follows from sexual intercourse in some cases, not every sexual act results in conception. And while becoming pregnant from an adulterous act is not uncommon, becoming pregnant is not the root of the problem—the sin of adultery is defined in the catechism as sexual intimacy with a person other than one's spouse.⁷⁴ Those opposed to HET make a false equivocation between embryo transfer and sexual intercourse, and between receiving an already-conceived embryo and breaking a marriage covenant.

⁷³ 1 Corinthians 4:15, Philipians 2:22.

⁷⁴ *Catechism of the Catholic Church*, paragraph 2380.

Moreover, a couple choosing to “adopt” an embryo makes the choice together, and both husband and wife consent to it, rather than one partner being left in the dark while the other is unfaithful. (Though, returning to the example of Mary and Joseph above, it is interesting to note that Mary consents to pregnancy without consulting Joseph or seeking his consent. Joseph is only informed after Mary has conceived.) In addition, Williams reasons that the relationship at stake is not the marriage, but the mother-child bond, which is not sexual in nature and therefore cannot violate any sexual or marital ethics.

May also highlights that the object of a faithful Catholic woman's act in choosing HET is not an intention to commit adultery or violate moral laws--it is to save a human life. As Barahona et. al. argue, the gravely illicit action, conceiving a child in vitro, has already occurred—embryo rescue is a separate, morally permissible act, chosen for the good of a human being. Returning to Pacholczyk’s argument, the idea that only a married couple should be involved in conception and pregnancy runs into more difficulties. While the only people involved in a sexual act should be husband and wife, pregnancy can really involve many people: grandparents, doctors, friends, etc. Thus, a woman consenting to have an embryo implanted and to become pregnant is not breaking her marriage vows.

EMBRYO ADOPTION AND SURROGACY

Another argument against HET is that it is the same as surrogacy. But equating altruistic HET to save the life of a cryopreserved embryo with surrogate motherhood for commercial benefit or in cooperation with illicit ARTs is a faulty line of reasoning. In surrogacy, there is some sort of compensation in exchange for gestating a child. In contrast, an embryo rescue or adoption is done in charity without any promise of compensation and actually entails taking on more costs

and sacrifices—medical bills for doctor’s visits, the intense physical sacrifices and struggles pregnancy brings, etc.

Nevertheless, some essentially compare apples to oranges in equating HET with surrogacy. Pacholczyk, for example, limits his discussion to a couple conceiving through HET with the worst of motives: a grabby reach for a child at any cost. He seems to compare the worst of one group with the best of another, comparing overreaching infertile people with properly disposed parents. Certainly, there are many couples who conceive for the wrong reasons or with less-than-praiseworthy motives. Consider a couple who contracepts regularly until they decide it’s the “right time” to have a child. Perhaps they have put off having children in order to have more time and money for themselves. Maybe they are envious of friends who have children or are seeking to pacify their parents’ desire for grandchildren. It is most reasonable to compare “grabby” infertile couples with “grabby” fertile couples, and to compare well-disposed, discerning, virtuous couples who prayerfully, thoughtfully consider HET to well-disposed, discerning, virtuous couples who prayerfully, thoughtfully, responsibly consider when it is best to be intimate knowing they may very likely become pregnant.

THE MEANING OF “PROCREATION”

A fundamental disagreement behind the discussion on embryo transfer is the attempt to define a theological concept with words from reproductive biology. While DV and DP refer to procreation as the conception of a human being, that definition becomes ambiguous as reproductive biologists have specified distinctive moments in embryonic development from fertilization onward. Some argue that procreation entails every stage of the prenatal

development process from conception through birth, while others limit it to just the moment of fertilization.

The problem with the former argument was immediately apparent to a nurse practitioner, “Cate” (name changed to protect privacy), who noted that if procreation continues through pregnancy, we could say that humanity or personhood of embryo/fetus is still in development as well. If an embryo/fetus is not fully a human or fully a person, perhaps aborting that not-quite-human is acceptable after all. Church teaching, however, prohibits procured abortion.⁷⁵

Procreation must then be a definitive event. As Williams states, “Begetting a child refers to an act of sexual union resulting in the generation of a new human being. In this exact sense, procreation must be a punctual event, an event that occurs at a point in time. Otherwise, we would find ourselves in the absurd situation of speaking of partially procreated children.”⁷⁶

For this reason, Williams argues that from the moment of conception (specifically the zygote), an individual’s genetic code has been determined, and those cells are human and are oriented to developing not only throughout pregnancy, but as the child is born and grows up. There is a definitive difference between being pregnant and not being pregnant—something has occurred that changes both the man and woman who had sex into a father and a mother, and that transforms an oocyte and sperm cell into a human being into the first stage of its development. Human cells are transformed into a human being, and, according to the Church, that definitive change is linked to the specific biological moment of conception.

⁷⁵ *Catechism of the Catholic Church*, paragraphs 2270-72.

⁷⁶ Thomas D. Williams, L.C., “The Meaning of Becoming a Mother,” in Berg, 243.

Perhaps we could consider the transubstantiation of the Eucharist as an analogy. There is a definitive moment which the bread and wine are transubstantiated into the Body and Blood of Christ (even though they don't look like it). In the western Church, the exact moment that the "switch" from bread and wine to Body and Blood occurs is linked to a particular time in the Liturgy, the repetition of Christ's words instituting the Eucharist. We don't speak of the elements as being in a process of transubstantiation from the time the words of institution are spoken until they are received by the communicant (or even the priest). It is a definitive ontological change that occurs at a single moment in time, though it is necessarily preceded by a series of events and processes in the liturgy. And it is also necessary that the Eucharist be received (at least by the priest) in order to fulfill the dictate of Christ at the Last Supper. But within the entire process of the Mass and Eucharistic liturgy, transubstantiation is a definitive moment.

Using this analogy, I propose that we consider the moment of fertilization (clearly defined in DV and DP) as the definitive moment of procreation. While there is an obvious process that is required to conceive (sexual intercourse), and a process that follows it (pregnancy), I argue that we can consider fertilization to be the definitive, defining "moment" of procreation.

This brings us to the larger circumstances surrounding the procreation of a human being. Here, I think it is not just helpful, but necessary, to draw a distinction between "the way things ought to be" and "the way things are." DV and DP demonstrate the divine plan for procreation: it is fitting for a human person's life/existence to begin within the context of a loving union of his/her parents. However, because of the Fall and original sin, many humans' lives begin in less than perfect ways. In every ecclesial document concerning marriage and procreation, the ideal is presented: a sacramentally married man and woman, open to cooperating with God's creative

work, conceive a child in a free, loving sexual act. However, in the midst of messy human reality, this perfect scenario is often not the context of procreation; conception follows rape, adultery, fornication, contraception failure, etc. And while the circumstances of a person's procreation vary, all humans are affirmed to have been procreated—their genetic parents cooperated with God in their creation, whether wittingly or unwittingly, willingly, or unwillingly.

Opponents of HET as “embryo adoption” argue that a couple choosing it are formally cooperating with the sins of another. Since IVF is morally wrong by its object, embryo transfer by another couple could be considered an assent to that immoral act, formal cooperation in another's sin; using the embryo could also be considered direct material cooperation in another's sin. But if adoptive parents are culpable for biological parents' sins, there are serious ramifications for traditional adoption. To claim that a couple who adopts a child conceived by an immoral sexual act is somehow cooperating in that sin is absurd. Instead, the Church has continually affirmed both the goodness and dignity of the child conceived *and* the charity of a couple who adopts and raises that child.

ADOPTION AND THE NATURE OF PARENTHOOD

We can now ask what characteristics of familiar, post-birth adoption support a case for HET used as “embryo adoption.” Comparing biological parenthood and adoptive parenthood can answer other objections to HET.

One such argument against HET is the magisterial teaching that husband and wife have the right to become father and mother only through each other. What does “becoming father or

mother” truly mean? Simply biological parenthood? I believe that biological definition of “father” or “mother” is too narrow.

Consider a couple who have just adopted a child and who do not have other biological children. Through the long and in-depth adoption process, the couple must truly collaborate with each other to become parents together. They have definitively chosen to open their home and themselves to another person in a unique and permanent way, and have a new relationship to the child and each other. While the couple themselves and their family and friends obviously know they are not the biological mother and father, no would tell them that they are not the adopted child’s “real” mother and father. As the child grows up, they do the work of loving and caring for that child’s needs, that is, the *parenting*: being a mother and being a father.

It can be helpful to draw technical distinctions between the people involved in a person’s conception, birth, and rearing. In most cases, all three of these roles are filled by a single couple. With the advent of IVF and other ART’s, as well as a rise in divorce and remarriage, there are now four general categories to consider: genetic/biological mother and/or father, gestational mother, adoptive mother and/or father, and step-mother/father. Though all these individuals are parents of a child in a particular sense, the titles “Mom” and “Dad” tend to go to the people who are most involved with raising that child, regardless of biological relation.

Berkman similarly asserts that parenthood is much less about the biological/genetic identity of the child and more about the people who are actively engaged with raising the child and making necessary day-to-day sacrifices on his or her behalf. While Tonti-Filippini and Pacholczyk refuse to take into account the possibility of different elements of motherhood and fatherhood being fulfilled by different people, practically speaking, this is the case. Though there

is goodness and beauty in seeing procreation as a holistic developmental process that integrates the marital act with conception, pregnancy, and parenting, it is crucial to acknowledge that in a fallen world, some Christians are called to step in and take over the roles of mother and father when a biological mother and/or father cannot. In a sinless world, Pacholczyk's vision would be normative, and perhaps can be realized in a rightly ordered Catholic marriage, but humans will not always be able to fulfill that original ideal. And when a human life is at stake, it seems almost pharisaical to demand a such a rigid standard.

Furthermore, the argument that adoptive parents are not "real parents" (which many opponents of HET hint at in their arguments that embryo adoption violates man and woman's rights to parenthood through each other) has problems with broader Christian theology. From the lips of Jesus to the pen of Paul, the radical notion that God adopts us as true sons and daughters through baptism has been a core belief.⁷⁷ Affirming that Christians truly become part of the family of God has massive repercussions for how we see ourselves and others, how we behave, what we believe about who God is. That affirmation exists alongside the firm declaration that Christ is God's Son in a unique and unrepeatable way; but Christ as the only-begotten of God the Father is never presented in such a way as to minimize the "realness" of God's Fatherhood for all believers.

Christ reveals God as *the* Father. In every single human being's conception, God is directly involved, uniquely and particularly creating each unique, unrepeatable soul. (And I think it would not go too far to say He is directly involved in willing the combination of physical, psychological, and spiritual characteristics each human has, some of which come from our

⁷⁷ See Matthew 6:9-13 and Romans 8:15.

biology, some of which come from our personality.) God's spiritual adoption of Christians through baptism is central to the Christian faith—but if we reduce “true” or “real” fatherhood to merely biological fatherhood, we must significantly water down the pivotal theological truths that stem from the reality of becoming part of God's family. If Christians are not “really” children of God, do we truly receive the inheritance of Heaven? Why would God “introduce” Himself as our Father (through the teachings of Christ) only to remind us that He is not “really” our father. Additionally, since God is the “original” in whose image humans are made, it follows that His Fatherhood is the most true and most real kind of “being father” that there is. That “being Father” is primarily about compassion, fidelity, constant forgiveness, and sacrificial love, not about biology or genetics.

In a similar way, for women, motherhood may involve many kinds of nurturing, but those key realities of being a parent are the same. A woman physically nurtures a child through pregnancy and nursing, but the most impactful and essential part of “mothering” is that same selfless love and constant care embodied in God's Fatherhood.

Watt argues that embryo adoption and postnatal adoption are fundamentally different, stating, “the prenatal phase of human life is unique, in that only biological parents, and, perhaps, their spouses) can have genuine parental responsibilities to the unborn child.”⁷⁸ But one significant part of being a parent is providing for the material needs of your child. While a mother does this in pregnancy, I argue that this is only one of the many ways she and the father together carry out parental responsibilities to that child. Both she and the father begin preparing a space for a new child in their home, whether biological or adopted, everything from buying a crib, baby clothes

⁷⁸ Watt in Berg, 66.

and diapers to saving money for medical expenses or education to educating themselves on caring for a child. While these things have sometimes historically been seen as primarily the mother's responsibilities, it is now more widely acknowledged that parenthood is a team effort shared by both husband and wife throughout pregnancy, infancy, childhood, and beyond. When a child is given up for adoption, the biological mother has fulfilled a crucial nurturing role by gestating the him or her, but the child's adoptive parents begin to fulfill those other key parental responsibilities even before the child is born.

In these examples, the reality of being a parent is more than providing the genetic/biological material to make a baby. Therefore, the spouses' right to become father and mother is not taken away or diminished through embryo adoption—embryo adoption makes them true parents together. The link between parenthood and biological begetting are, as argued above, technical, and primarily used to clarify and distinguish, not to define the reality of being a parent to a child. This is most clearly reflected in the way we commonly talk about families with biological and adopted children—all the children are truly siblings and truly their parents' children. The technical details of their genetic origin may differ, but the reality of their family life is simple and unified.

ADDITIONAL CONSIDERATIONS

All this being said, a couple's choice to open their family to adopt an orphaned embryonic human must not be made lightly. Though I believe that it is acceptable for a woman to consent to gestating an embryo to birth utilizing HET, I strongly believe that the choice to enter into HET should involve careful consideration of a number of factors—since HET has been shown to be a morally indifferent procedure, it is the circumstances that determine its moral rightness.

For example, the most ideal circumstances for HET would probably be a married couple, either infertile or who have other biological and/or adopted children, who prayerfully discern together that they ought to rescue a cryopreserved embryo through HET and raise the child as their own after his or her birth. This requires a consideration of the financial, physical, psychological, and emotional weight of adopting a child, but the fragmentation of parental roles is even lesser than in a traditional post-natal adoption.

An unmarried woman considering rescuing an embryo through HET is a more complicated situation. Though the intention to save the child's life is good, it would be irresponsible to enter into pregnancy without seriously considering the child's future. If she intends to raise the child to adulthood, he or she may lack a paternal influence in his or her life. Single parenthood is also more emotionally, financially, and socially challenging than parenting as a couple. Furthermore, if HET is a morally indifferent procedure and the human embryo's life and wellbeing are at risk with each additional day in cryopreservation, should women attempt to "adopt" embryos without any intention of raising the child? Does the good of saving the embryo's life from indefinite cryopreservation outweigh these concerns? If a "rescue only" mother gives the child up for adoption, it seems that it would be best to be in connection with potential adoptive parents perhaps even before the HET procedure, so that a stable upbringing is guaranteed as much as possible. This seems to me to be the least ideal circumstance for HET, and would, in my opinion, require the most thought and planning to ensure a responsible decision.

CONCLUSION

In the end, my conviction that HET is morally permissible, even praiseworthy, under the circumstances detailed above flows from a certainty that what is most significant in this

discussion is the priceless human lives at stake and our responsibility as both the people of God and as fellow humans to do what is right for them. As Berkman says, “One has at least to acknowledge that these orphans have some claim on us as a society. Where is the sense of justice and what is owed to these orphans?” Utilizing HET to adopt abandoned embryos is an permissible first step to fulfilling this responsibility.

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