In all the news coverage on embryonic stem cell research, little has been said regarding an equally and perhaps more grave moral matter. If it is wrong to use human embryos for experimental research, then what is to be done with these often-unwanted frozen children?

The Catholic Church teaches that life begins at conception. The embryo is therefore a person, and there are thousands of them in fertilization clinics all over the world. Can their lives be saved when we know that the only way to do so is by implanting them in a woman's womb, an act condemned as immoral by the Catholic Church?

The quandary began in England in 1978 when scientists were able, by a process
known as in vitro fertilization (IVF), to produce a human being in a laboratory petri dish. (*In vitro* in Latin means literally *in glass.*). Since then, thousands of babies have been born utilizing this method of genetic manipulation, many of them to couples and even single people who could conceive no other way. Consequently, IVF has been applauded in the media.

But rarely until recently have we been told of the horrors that also result from IVF. If, for example, a poll were taken regarding the fate of frozen embryos—those "spares" unwanted by their own parents—one would find there is much confusion about the issue. Some believe there should be no question that they should be saved using any means available. How could it not be right to do so?

**What Is the Church's Position?**

The Congregation for the Doctrine of the Faith (CDF), having been approached for moral clarity concerning the latest biomedical technology and its intervention in the initial stages of human life, in 1987 issued the *Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation (Donum Vitae)*. This document is arguably the Catholic Church's controlling statement on the dignity and respect due to the human embryo. *Donum Vitae* reasserts the sacredness of human life "from the moment of conception," meaning that the human embryo must be respected and treated as a person recognized to have, above all, the right to life. In addition, it must be defended in its integrity and tended and cared for, to the extent possible, in the same way as any other human being (DV 1:1).

In light of this teaching, can it be morally permissible to freeze or keep frozen a human being, even with the purpose of preserving his life? The CDF's answer is negative: "Freezing of embryos (cryopreservation) constitutes an offense against the respect due to human beings by exposing them to grave risks of death or harm to their physical integrity and depriving them, at least temporarily, of maternal shelter and gestation, thus placing them in a situation in which further offenses and manipulation are possible" (DV 1:6).

Equally clear, though tragic, is the statement that "in consequence of the fact that they have been produced in vitro, those embryos that 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" (DV 1:5). In other words, none of the options available for saving the life of these embryos can be said to be morally permissible and in conformity with the plan of God for human procreation. One might think that the issue would end there. But it has not.
Because the matter is so pressing, moral theologians are debating what has been termed the "rescue" of frozen embryos. The magisterium has not issued a specific judgment on this, and there is a division of opinion among theologians who firmly assent to the teaching of *Donum Vitae*. Some argue that "rescuing" frozen embryos is intrinsically immoral; others argue it is not. Though members of the latter group give different arguments to support their position, they all hold that it is morally licit for a woman to volunteer to have an embryo transferred into her womb in order to protect its life.

In expressing the fear that "rescuing" frozen embryos by "adopting" them prenatally could lead to bad consequences, Bishop Elio Sgreccia, vice president of the Pontifical Academy for Life, said, "The idea of a systematic organization of prenatal adoption of frozen embryos would, in fact, end up by legitimizing the practice which is substantially at the root of the whole problem" (*The London Tablet* August 10, 1996). He stated in an recent address titled "The Embryo: A Sign of Contradiction" that, "in order to investigate this subject, the Academy for Life has set up a multidisciplinary task force which will study all the aspects of the whole question and then publish a work on the subject" (Zenit news service, July 7, 2001). In the meantime, the debate over prenatal adoption continues.

We will summarize the arguments below, keeping in mind that all theologians mentioned who are parties to the dispute accept the Church’s teaching on the subject: "Techniques which entail the dissociation of husband and wife by the intrusion of a person other than the couple are gravely immoral. These techniques infringe the child’s right to be born of a father and mother known to him and bound to each other by marriage" (*Catechism of the Catholic Church* 2376).

**The Debate among Theologians**

An interview I conducted with noted Catholic moral theologian Dr. William E. May of the John Paul II Institute for Studies on Marriage and Family in Washington, D.C., has helped me greatly in recognizing how grave and controversial this topic is. In his latest book, *Catholic Bioethics and the Gift of Human Life*, May undertakes a thorough and well-organized analysis of the positions held on this crucial issue by some of today’s leading moral theologians and philosophers. Based on a study of these, his conclusion is that it can be allowed morally to adopt prenatally a frozen embryo in order to rescue it from certain death and give it a chance at life.

The space available in this article for a complete discussion of all the arguments is limited. Therefore, in considering both sides of this debate and because we want to come to a clearer understanding of the teaching of the Catholic Church, we will simply discuss the major positions and how they are related to the teaching
Monsignor William B. Smith, professor of moral theology at St. Joseph’s Seminary in Dunwoodie, New York, believes that a key passage from Donum Vitae quoted earlier clearly excludes rescue attempts: "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" (DV 1:5). In defending his view, Msgr. Smith writes, "No safe means that can be licitly pursued! Perhaps the CDF did not intend to address this precise case, but I read here a first principled insight indicating that this volunteer ‘rescue’ is not a licit option" ("Rescue the Frozen?" Homiletic and Pastoral Review, October 1995).

Other theologians—among them May, Germain Grisez, and Geoffrey Surtees—maintain that Msgr. Smith has taken this passage out of context. It refers, they say, not to those who attempt to rescue a child but rather to those who have been involved in IVF for the purpose of using embryos for experimental research. They believe this based on the fact that it occurs in a section of the document that deals with the moral evaluation of this type of research.

Smith holds that a woman seeking to rescue a frozen embryo would be acting as a surrogate mother, and Donum Vitae teaches clearly that this is intrinsically immoral. Dr. Edmund Pellegrino of the Center Clinical Bioethics at Georgetown University Medical Center also expressed this view in a recent television interview on EWTN’s World Over Live.

But May, Grisez, Surtees, and others argue that a surrogate mother is one who agrees to bear a child in her womb for the benefit of another woman and usually for money. By contrast, a woman who rescues a frozen embryo is bearing the child in her womb for the benefit of the child and hence is not serving as a surrogate mother as defined by Donum Vitae.

Another argument against rescuing frozen embryos is that a woman who allows the frozen embryo to be implanted in her womb is violating the integrity of marriage. A woman should allow herself to become pregnant only by being inseminated by her own husband in the marital act. This argument is advanced vigorously by the British Catholic philosopher Mary Geach.

In response to this argument, other Catholic writers—among them May, Grisez, Surtees, and another British philosopher, Helen Watt—argue that a woman who rescues a frozen embryo is not making herself pregnant by being inseminated outside of marriage. Here the attention shifts its focus to the morality of human acts.
We know that every human act has three elements: the object (that which we freely choose to do), the end in view (intention), and the circumstances. The Church teaches that in order for any human act to be morally good and thus permissible, all three of these elements must be good; and that some objects are in and of themselves morally evil and therefore can never be judged as good, no matter the intention or circumstances (CCC 1755).

So the object has to be a good one. But what is the object of rescuing a frozen embryo? It is evident that the disagreement among Catholic theologians focuses on this issue. Smith, Geach, and others who judge this rescuing to be intrinsically immoral believe that the object of the act is to become pregnant outside of marriage and/or serve as a surrogate mother.

May, Grisez, Surtees, and Watt differ among themselves in identifying precisely the object of the act. Surtees and Watt argue that the object is to adopt the child prenatally, giving it a home first in the womb of the wife and then in the home provided by her and her husband. For them, a woman should be married if she is to volunteer to rescue the child. (Surtees is not as clear on this as is Watt.) But May and Grisez hold that the object is to transfer the frozen embryo, a child orphaned before its birth, to the woman’s womb in order to protect its life. By this reasoning, a single woman could choose to do this and, after the child’s delivery, offer it for adoption to a married couple.

Concerns

With regard to intrinsically evil acts, Pope John Paul II’s encyclical Veritatis Splendor quotes Pope Paul VI as teaching that “though it is true that sometimes it is lawful to tolerate a lesser moral evil in order to avoid a greater evil or in order to promote a greater good, it is never lawful, even for the gravest reasons, to do evil that good may come of it (cf. Rom. 3:8)—in other words, to intend directly something which of its very nature contradicts the moral order and which must therefore be judged unworthy of man, even though the intention is to protect or
promote the welfare of an individual, of a family, or of society in general" (VS 80). Although God can bring good from evil, recognizing this is quite distinct from doing evil in order to bring about good.

Let us ask then: Is embryo transfer from the freezer of a fertilization clinic to the womb of any woman, mother or not, a morally permissible act in accordance with the Church’s teaching (based on divine law) regarding procreation? As *Donum Vitae* reminds us, "Transmission of human life is entrusted by nature to a personal and conscious act and as such is subject to the all-holy laws of God; immutable and inviolable laws which must be recognized and observed" and that "what is technically possible is not for that very reason morally permissible" (Introduction 4).

Msgr. Smith’s position seems to hold that the rescuing of a frozen embryo cannot be morally licit because it is not procreation of the kind that respects both the bond uniting the procreative and unitive elements of the conjugal act and the unity and dignity of the human person. All agree that procreation should take place this way, but not all believe that a woman who wishes simply to rescue a child already in existence is violating this dictum. For these people, placing a human embryo that was procreated outside the mother’s body into another woman’s womb is sometimes wrong and sometimes right, depending on why it is done. Here one can see how difficult it can be to identify accurately the object of a human act. The intention or end may be good, but is the object (that which we freely choose to do) good? Is it in the plan of God for us?

Pope John Paul II has appealed for an end to the production of human embryos in vitro. Meanwhile, there are equally pressing moral issues resulting from the advances in biotechnology that must be addressed by the magisterium. It could be a significant number of years before we receive more precise guidance on this particular issue, and many innocent babies will die. Already there are numerous legal disputes before the courts wherein people are fighting over frozen children. We see that science is not always at the service of man.

In the end, it will be the Church’s magisterium, as the only authentic and authoritative interpreter of the word of God in matters of faith and morals, that will decide what is to be done regarding this grave moral issue. It is important to keep in mind that persons on both sides of this debate are pro-life and that the answer will come ultimately from God.

Our Holy Father reminds us that "man’s life comes from God; it is his gift, his image and imprint, a sharing in his breath of life. God therefore is the sole Lord of this life: Man cannot do with it as he wills. Human life and death are thus in the hands of God, in his power. He alone can say: ‘It is I who bring both death and life’ (Deut.
32:39)" (Evangelium Vitae 39).

We must recognize the right of God alone to give life and to take it. It has been one of humanity’s great tragedies that many innocent ones have to die before we are able to see that truth.