Reproductive Ethics Annotated Bibliography

Issues:
Reproductive Ethics

The following sources do not necessarily reflect the Center's positions or values. These sources, however, are excellent resources for familiarizing oneself with the all sides of the issue.


This book by a philosophy professor examines the moral, legal, psychological, and sociological impact of reproductive technologies from an orthodox Roman Catholic perspective. Definitions of and positions on marriage and parenthood, procreation, the family, specific assisted reproductive technologies (ARTs), and surrogate motherhood are based primarily on teachings and principles contained in the papal encyclical *Humanae Vitae* (Encyclical of Pope Paul VI on the Regulation of Birth, July 25, 1968), the Vatican pastoral paper *Donum Vitae* (Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation: Replies to Certain Questions of the Day, 1987), and Pope John Paul II's "Theology of the Body" (expressed in papal addresses given from September 1979 through November 1984). Given their high costs and high failure rates, ARTs also raise issues of social justice and possibly exploitation, asserts DeMarco. A 13-page index facilitates the location of arguments pertaining to specific techniques and doctrines.

Nuances in the debate over whether particular ARTs are acceptable depend on adherence to the bedrock principle, expressed in *Humanae Vitae*, that there is an "inseparable connection, willed by God and unable to be broken by man on his own initiative, between the procreative and the unitive meanings of the marital act." In brief, this assertion holds that bringing new human persons into being outside the marital embrace is immoral and a violation of their dignity as persons. A distinction is sometimes made in Roman Catholic statements between assisted insemination (found acceptable by Pope Pius XII) and artificial insemination. DeMarco makes the case for "the meaning and normalcy of marriage and parenthood" (title of chapter 1) and
examines social and cultural trends that undermine it, such as the politicization of motherhood, self-insemination and "the expendability of men," and feminist ideology advocating reproductive freedom without restraint.

DeMarco's view of specific practices and issues associated with IVF (in vitro fertilization) and related ARTs includes close scrutiny of some inaccurate, misleading, and occasionally unintended ironic terminology and names of programs. DeMarco also finds language confusion in the whole surrogacy concept (specifically in the "Baby M" case) and presents arguments against surrogate motherhood. Readers looking to understand debate within Catholic circles can turn to a separate chapter on new ARTs and Church teaching, which outlines and critically assesses the divergent views of specific theologians and others on approaches such as GIFT (gamete intrafallopian transfer), LTOT (low tubal ovum transfer), TOT (tubal ovum transfer), TOTS (tubal ovum transport with sperm), and IVC (intravaginal culture). In the absence of a Church consensus, individual Catholic doctors are asked to rely on their "informed conscience" in deciding whether to use a particular technique.


In this book, an educator and writer offering Christian perspectives on reproductive health and family wellness provides a critical overview of biotechnological research and trends and their impact on women. Citing various references, author Debra Evans argues that a "revolution" successfully manipulated and exploited by medicine has led to unregulated human experimentation and rapid proliferation of assisted reproductive technologies (ARTs). This trend in medical practice is marked by the utilitarian manipulation of human life in its earliest stages, reliance upon drugs and medical technology, and the use of invasive techniques to redirect and control natural life processes related to human reproduction--all of which are fostered by materialistic values that regard self-interest as paramount. In contrast, Evans believes that the natural design of normal reproductive experience is worth protecting and preserving.

Questioning the picture of infertility sold to the public, the book recounts human interest experiences behind the scenes in early experiments with IVF (in vitro fertilization), selective abortion, embryo transplants through franchised medical clinics (short-term surrogacy arrangements), and a host of other "cattle breeding techniques." Points to consider are succinctly presented in bulleted lists. In sum, IVF technologies are not possible

- without extensive embryo research
- commercialize human reproduction
- frequently involve preimplantation diagnosis and the disposal of unwanted human embryos
- pose potential health risks to women and children
- significantly increase the likelihood of multiple conception and directly
- promote selective abortion
- create "surplus" embryos who must eventually be destroyed or donated to research programs if they are not implanted in women's wombs
- increasingly use anonymous donors to obtain results
- AID (artificial insemination by donor--nonmarital) commercializes and dehumanizes the
father's role in procreation

- is largely practiced without legal limits or reasonable consumer protections
- fosters the eugenic "enhancement" of human offspring
- fractures family bonds
- often results in deception about one's origins
- splits the couple in two from the moment of conception

A glossary, index, and endnotes permit the book to be used as a reference tool. Two appendices provide practical support for decision-making: "The Vatican Statement on Noncoital Reproduction" (English language text of Instruction on Respect for Human Life in Its Origins and the Dignity of Procreation: Replies to Certain Questions of the Day, February 22, 1987) and "A Christ-Centered Approach to Infertility" (biblical framework for considering ARTs and alternatives). While presenting Christian perspectives in the book, the author maintains in an "Afterword" that her thinking on the bioethics of genetic counseling and prenatal screening was shaped largely by Leon Kass's Toward a More Natural Science (1985). This early formation sustained her once the theoretical became real, when prenatal screening revealed that her granddaughter had spina bifida. She gives a personal account of how the experience of welcoming her granddaughter into the family was integrated into her husband's full-time professional work in the mental disability field.


This book brings together 14 contributions from an international group of scholars and researchers with diverse perspectives and writing styles, all of which address different aspects of the interface between reproductive choice and public regulation. Disciplines and frameworks represented include medicine, philosophy, sociology, history, and religion.

Chapter 1, written by collection co-editor John Harris, critically assesses the ethical arguments mounted against new assisted reproductive technologies (ARTs) and defends a radical interpretation of reproductive autonomy. This line of philosophical argument is extended in chapter 2 by another author, who clarifies ways of classifying stages of early human life and challenges the concept that human life begins at conception. Chapter 3, authored by a professor of medical ethics, explores ways that the Nazi analogy can and cannot be used in ethics. He asserts that the Nazi analogy is not applicable to euthanasia, but holds lessons for the issue of state control of reproduction. He rejects as "a repugnant idea" the notion that decisions about the kind of children to be born may be based on general social utility. Chapters 5 and 6, anchored in a feminist perspective, critically examine the rhetoric claiming to support women's reproductive rights and "a woman's right to choose." Both point out the possible result of constraining, rather than liberating, women and of inviting competing rights claims on behalf of others (such as embryos/fetuses or male partners). Chapter 6 offers a sociological analysis of a French court case regarding the use of embryos after the male partner's death to illustrate how the embryo is embedded and constructed in the social debate. The editors highlight this chapter's assertion that the current lack of public consensus regarding the status of the embryo will have crucial consequences for ultimate moral and legal definitions depending on which interest group is most
Chapter 7, written by a medicine, law, and bioethics researcher and lecturer in politics, draws on Ronald Dworkin's theory of distributive justice to make the case that society has an obligation to pay for infertility services. Chapter 8 critically examines a court case seeking to determine whether sperm can be regarded as property and calls for a new way of addressing this question, based not on the notion of property but rather on what may permissibly be done with sperm. This calls into question the arguments used against permitting sperm to be bequeathed for reproductive purposes. Chapter 9, authored by an applied philosophy professor, finds that use of ovarian tissue from aborted fetuses or from women who are legally dead raises the same issues of consent that arise whenever reproductive choices are imposed on those who cannot consent.

In chapter 10, co-editor Soren Holm reviews the ethical issues of preimplantation diagnosis, finding them not much different from those of prenatal diagnosis. Holm does not believe that this technology warrants restriction if one accepts the position that human zygotes at the 4- or 8-cell stage have no moral status and thus can be killed. Chapter 11, written by a professor of obstetrics and gynecology, provides an overview of Muslim perspectives on reproductive choice, specific ARTs, and research. The three final chapters examine postmenopausal pregnancy, challenging arguments for prohibition or restriction based on the popular concept that it is "unnatural" and thus also "unethical." The third of these chapters, a letter from a postmenopausal mother to her daughter upon her 18th birthday, expresses "no regrets."


This early book from a Church of England clergyman presents lectures delivered as part of the 1983 London Lectures in Contemporary Christianity series. Oliver O'Donovan developed his thinking on the issues surrounding IVF (in vitro fertilization) in the midst of heated debate and anticipation of the final report from Dame Mary Warnock's Government Committee of Inquiry into Human Fertilisation and Embryology (published in the U.K. in 1984). O'Donovan notes that while the original IVF technique was not discussed extensively in most Christian churches, artificial insemination by donor did arouse common concerns (voiced alike by Christians and Jews, proponents and opponents) about the impact of technology on our self-understanding as human beings.

In five chapters--"Medicine and the Liberal Revolution," "Sex by Artifice," "Procreation by Donor," "And Who is a Person?" and "In a Glass Darkly"--O'Donovan offers non-theologians critical analysis from a Christian perspective of the reasoning and terminology supporting specific positions. He defends the concept that procreation is bound to the relational union established by the sexual bond in marriage, but he critiques the Roman Catholic Church's "strict act analysis" of contraception and IVF, which holds that every single instance of intercourse should be open to serving both the procreational and the relational goods, in contrast to an approach looking at the totality of the married couple's sexual life.

O'Donovan challenges the justifications or disavowals of the connection between IVF and research on early human embryos and asserts that "self-transcendence by experimental knowledge" is not a proper goal of human existence and that the requisite experimentation is not
"something that is fit to be done to human beings." If our own generation were to be charged with crimes against humanity due to engaging in such research, "the crime should not be the old-fashioned crime of killing babies, but the new and subtle crime of making babies to be ambiguously human, of presenting to us members of our own species who are doubtfully proper objects of compassion and love." That which is made rather than begotten, he explains, "becomes something that we have at our disposal, not someone with whom we can engage in brotherly fellowship." Setting out a futuristic scenario, O'Donovan warns of a possible paradigm shift that would hold the doctor (as the child's creator) responsible for his or her well-being, thereby opening the door to possible lawsuits and blame depending upon how the "made" child fared. In conclusion, though, he confesses as a matter of Christian faith that he believes "in another and unique Creator who will not relinquish to others his place as the maker and preserver of mankind."


In this book, a professor of biblical studies and Christian ethics provides a practical overview of reproductive technologies (RTs) designed to help those personally struggling with infertility as well as their clinicians, clergy, counselors, and friends. Drawing on his own experience with delayed fertility, Rae starts and ends the book with a hypothetical profile of a couple's many efforts and ultimate failure to overcome infertility. He also presents other hypothetical and real legal cases to illustrate issues encountered in specific situations and with particular technologies. An index permits selective use and review of the issues, doctrines, and main authorities presented.

From the perspective of an evangelical theology of the family, Rae critically compares and appraises the reasoning in Roman Catholic natural law tradition on procreation (both Vatican doctrine and dissent) and the western legal tradition of procreative liberty for each of the RTs. These include artificial insemination (husband and donor), egg donation, GIFT (gamete intrafallopian transfer), IVF (in vitro fertilization), embryo transfer, ZIFT (zygote intrafallopian transfer), surrogate motherhood, cloning, prenatal genetic testing, and micromanipulation-sperm injection. Reviewing the moral status of fetuses and embryos as the key philosophical issue underlying the debate in reproductive ethics, Rae holds that both philosophical reason and scriptural testimony suggest that the unborn fetus is a person from the point of conception with all the attendant rights to life. Rae distinguishes where biblical teaching is clear and where it is ambiguous or not known. For instance, he observes that "though Scripture does not place a blanket prohibition on the use of donor sperm and eggs, it is skeptical about their use." In addressing maternal-fetal conflicts, he warns against turning a woman's moral obligation into a legal obligation through policies such as forced C-section.

In a concluding "Pastoral Word to Infertile Couples," Rae advises husbands and wives to:

- Admit that infertility produces real and deep pain
- Share your feelings about your struggle with infertility openly with your partner
- Resist the urge to focus on the question "why?"
- Be careful that desperation does not cloud your judgment
Set a limit on how much reproductive technology you will pursue

Since there is a tendency to become more desperate as one gets further into the process, couples should set boundaries based on biblical moral parameters and practical considerations at the outset.


Scott Rae here critically reviews alternative rationales advanced by proponents of surrogate motherhood and presents a moral analysis of current surrogacy law (15 states at the time of publication), focusing on fee payment, contract enforceability, and criteria for determining parental rights. He rejects all of the pro-surrogacy rationales, maintaining that commercial, contractually enforced surrogate motherhood is inconsistent with widely accepted moral principles and should therefore be legally prohibited.

Rae asserts that gestation should be the determining factor in assigning parental rights. While a surrogate is free to waive parental rights (as birth mothers commonly do in the adoption process), the right of a mother to raise and otherwise associate with her child is a fundamental right that cannot be revoked against her will. This means that any surrogacy contract containing a pre-birth waiver of maternal rights is voidable and cannot be enforced should the surrogate wish to retain maternal rights to the child. Custody disputes between the natural (genetic) mother and the natural father should be decided on the basis of a dual standard: (1) the best interest of the child (looking for clear preference of one parent over another) and, when that first standard is not conclusive, (2) the comparative strength of the competing parental claims. Taking this approach suggests that adoption law is a more appropriate guideline for surrogacy than contract law. The author therefore concludes with a legislative proposal for surrogate motherhood that is consistent with most state adoption laws. The sample statute prohibits commercial surrogacy while allowing for altruistic surrogacy, with the contract voidable and unenforceable in both types of surrogacy should the surrogate change her mind and decide to keep the child. The statute contains a statement of purpose and sections on definitions (compensation, intended parents, surrogate, participating parties, commercial surrogacy contract, non-commercial surrogacy contract, genetic surrogacy, gestational surrogacy), commercial surrogacy contracts, parental rights, privacy rights of the surrogate, and penalties.

Drawing upon a broad feminist perspective, her own experience with infertility, and Roman Catholic concepts of social justice and the common good, the author makes the case for establishing support for assisted reproductive technologies (ARTs) in a "temperate, affordable, sustainable, and equitable" health care system. Six chapters consider assisted reproduction in light of the economics of infertility, the ethics of ART, the goals of medicine, procreative liberty, access to health care, and faith and infertility.

Misconceptions behind current strategies for containing social costs or avoiding the social burden of ART "not only fail to be effective but have their own ethical consequences," asserts Ryan, who warns that trying to defer social debate over the value of ART will be both unsuccessful and costly. Removing it from the category of luxury or consumer good will make ART amenable to questions of medical appropriateness and social responsibility. Ryan shares many feminists' concerns about the harm to women posed by the medicalization of reproduction, but she disagrees with those who support a legislative ban on access to ARTs. Her advocacy of modest support of ART rests on a view of rights as "shares" in the minimum conditions of human well-being in society. Ryan concludes that more work needs to be done to develop a "compassionate spirituality for the infertile," drawing a parallel to the obligations of a caring community which have been defined in the context of the assisted suicide debate.


This book by a Christian social ethics professor shows how Christian theological convictions may be used to construct moral arguments, and it calls upon readers to contribute their own theologically informed deliberations on questions raised by reproductive technology (RT). Such contributions can help improve the quality of the current debate, which has generally been limited to focusing on safety, efficacy, and access issues. The author discloses his own preferred approach of procreative stewardship and demonstrates how to apply this approach to specific issues.

Chapter 1, "Reproductive Options," traces an increasing "medicalization" of reproduction as humans exert greater control over the reproductive process, displacing a sense of mystery with one of mastery. According to Waters, the fragmentation of procreation and child-rearing into a series of "tasks" reflects the moral presuppositions of procreative liberty, which tends to advocate for few restrictions so as to give all persons their rights to pursue techniques that work best for achieving their reproductive interests. Chapter 2, "Theological Themes," elaborates four themes as a theological foundation for the alternative "stewardship" framework: (1) Life is a gift and loan from God, and humans are creatures bearing God's image and likeness and thus should not treat themselves or others as possessions or property; (2) a dualistic understanding of persons that splits body and soul is incompatible with our status as embodied souls and ensouled bodies; our life as persons unfolds within and through covenants formed by both biological and social bonds; (3) marriage provides a normative foundation for a familial covenant of mutual love and fidelity oriented toward the procreation and rearing of children; children do not "belong to" their parents but rather are entrusted to their care by God; and (4) the moral ordering of procreation and child-rearing requires a stewardship of the familial covenant; RTs may thus be assessed by whether
they enable or disable this stewardship.

Chapter 3, "Childlessness and Parenthood," reviews biblical and historical sources and compares contemporary positions on the extent to which the parent-child relationship is defined by a biological bond (which Waters believes is a significant but not overriding factor). Chapter 4, "Preventing and Assisting Reproduction," considers the extent to which humans may intervene in natural processes, with a focus on contraception, artificial insemination, donated gametes, in vitro fertilization, and surrogacy. Waters contends that these techniques (except for donated gametes) do not sufficiently distort the embodied or covenantal qualities of procreation so as to forbid their use. Chapter 5, "Quality Control and Experimentation," addresses unanswered questions about controlling outcomes, such as preventing the birth of a child with a severely harmful disease or disability or using embryos in scientific research. While the author maintains that "routine employment of quality-control techniques" would jeopardize the unconditional familial covenant of care, he would permit preventing the birth of a child with a "severely deleterious disease or disability" as well as experimentation on affected embryos provided that the goal is to develop therapies for the condition at stake. The threshold criteria for justifying such actions are not defined. In conclusion, the author's chief concerns about RTs lie not in the technologies per se but in the cumulative effect of these developments, which he asserts should prompt fresh theological explorations and fundamental moral debate.