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William E. May

Introduction

THE TITLE of this paper—“Begotten, Not Made”—is familiar to all Christians. These words were chosen by the Fathers of the Council of Nicea in A.D. 325 to express unequivocally their belief that the eternal and uncreated Word of God the Father was indeed, like the Father, Himself, true God. This Word, who personally became true man in Jesus Christ while remaining true God, was not inferior to the Father; He was not a product of the Father’s will, a being made by the Father and subordinate in dignity to Him. Rather, the Word was one in being with the Father and was hence, like the Father, true God. The Word, the Father’s Son, was not made; rather He was begotten eternally of the Father by an immanent act of personal love. Thus the teaching of the Council of Nicea.¹

I believe (because of my Christian faith) that a human being can properly be said to be a “created word” of the Father. We human beings are the “created words” that the Uncreated Word became and is,² precisely so that we can truly be, like Him, children of the Father and members of the divine family. My claim is that a human being, a created word of the Father, ought to be

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begotten in an act of personal love, just as was the Uncreated Word. My further claim is that a human being ought not to be made, that is, ought not to be the product of human will and the end result of a series of transitive human actions. Although ultimately, as the foregoing indicates, these claims are made on the basis of my religious faith,³ I will argue that they are required by good moral reasoning.

The subtitle of this paper—"Further Reflections on the Laboratory Generation of Human Life"—signifies that I have previously reflected on this subject. Those reflections were published in a 1983 essay in which I argued that the laboratory generation of human life is, in principle, nonmarital and therefore is not morally choiceworthy as a way to generate human life.⁴ This argument will later be taken up and defended.

My procedure will be the following: (1) a brief description of in vitro fertilization as the paradigmatic instance of the laboratory generation of human life, its varied possibilities, and its human significance; (2) a brief comment on the nature of the being brought into existence by this process and the moral significance of this; (3) an examination of the relationship between marriage, the marital act, and the generation of human life; and (4) an assessment of the morality of in vitro fertilization and other ways of generating human life outside the marital act.

1. In Vitro Fertilization: Its Nature, Possible Combinations, and Significance

In vitro fertilization is the process of generating human life in the laboratory by fertilizing a human ovum, taken from the body of a woman by laparoscopy, with human sperm. The being thus generated can then be nurtured in the laboratory until it reaches the stage of development when it can be implanted in a human womb, there to develop further until birth.

At present the procedure is used principally as a way to help married couples have "a child of their own" (an expression that will be given closer scrutiny later) when they are not able to have one because of the wife's blocked Fallopian tubes. When in vitro fertili-

zation is done for this purpose, the ovum to be fertilized is ordinarily removed from the body of the wife and the sperm used to fertilize it are usually provided by her husband (ordinarily by masturbation).

Frequently, when it is done for this purpose, hyperovulation is induced in the wife so that more than one ovum can be harvested and fertilized. If the procedure is regarded as a technological process for coping with a problem that needs to be solved—and this in fact is an accurate way of regarding it—this is quite sensible. Two principal criteria regulating technological processes, after all, are those of efficiency and utility.⁵ Harvesting several ova and fertilizing all of them increases the probability that the entire enterprise will be successful. First of all, one can then select, from among the many organisms brought into being through fertilization, the one judged most likely to implant successfully and develop normally in the womb. Moreover, by putting at last some of the remaining organisms in cold storage it will be possible later on to use one or more for subsequent efforts at implantation and gestation should the first attempt(s) prove futile.

There are additional possibilities with *in vitro* fertilization. The ovum or ova fertilized could be provided by a woman other than the wife and the sperm used for fertilization could come from a male other than her husband. Using gametic materials from persons other than the spouses would seem indicated by the criteria of efficiency and usefulness if it were known that the spouses were the carriers of some seriously genetically induced malady (for example, Tay Sachs disease) and one wished to avoid the chance of generating a child who might be handicapped by this malady. In brief, with the use of *in vitro* fertilization, different women could (a) provide the ovum, (b) nurture the developing life within the womb, and (c) act as sociological mother after birth; and the sperm could come from a male other than the husband of the woman from whom the ovum is taken or the woman (or women) who could bear and/or raise the child once born.

In vitro fertilization also makes possible the beginning of human life without the intent of implanting such life in a womb

but simply for the sake of carrying out scientific research (such indeed was the proposal for which the late Pierre Soupart sought federal funding). It likewise allows single women to have "children of their own" by providing ova, having the developing life implanted in their own or other women's wombs, and raising the children once born.

In what follows, I will not consider the serious moral and social issues raised by these possibilities in order to focus attention on the critical questions raised by this procedure when used by a married couple to alleviate infertility, with the wife providing only one ovum and her husband the sperm. But it is worth noting here that most of these possible uses of in vitro fertilization have already been carried out and are currently being done; indeed, the logic of in vitro fertilization as a technique for finding useful solutions to human problems inclines one to use it for these purposes.

What is most significant about in vitro fertilization is that it marks the first time in history that new human life can originate outside the body of a person, that is, the mother. New human life can now come to be in the laboratory.⁶ Artificial insemination, whether by husband or vendor,⁷ had already separated the generation of human life from the act of sexual intercourse, and in vitro fertilization necessarily requires this separation, the significance of which will occupy us later. But, with artificial insemination, the life generated still comes to be in the body of the woman, and some "mystery" still shrouds its inception and development. With the advent of in vitro fertilization, however, there has been, as it were, a "demystification" of the inception of human life. The contingencies beyond human control affecting its origin have been significantly reduced. The origin and early development of new human life have now been brought, to considerable degree, under the control of human will and planning. We can now literally "make" babies.⁸ The beginning of human life has now become a "problem" that can be managed by technical means; it is no longer a "mystery" whose advent is the occasion of wondering awe.⁹

In vitro fertilization, in short, changes the nature of the act generating human life. It now becomes an act of reproduction, not one of procreation.¹⁰ In order properly to understand what this means, it is first necessary to grasp the difference between two modes of human activity. In one mode—making—the action proceeds from the agent or agents to something produced in the external world. Autoworkers, for instance, produce a car, or a cook bakes a cake. Such action is transitive in that it passes from the acting subject(s) to an object fashioned by him or her (them). In this kind of activity, governed by the rules of art, interest centers on the product made (and those that do not measure up to standard are discarded). In another mode of activity—doing—the action abides in the acting subject(s). The action is immanent and is governed by the requirements of prudence and not by the rules of art. If the action is good, it perfects the agent(s); if bad, it degrades and dehumanizes them.¹¹

When human life is given through an act of marital union (the meaning of nonmarital sexual acts that generate human life will be considered later), it comes, even when ardently desired, as a “gift” crowning the act itself. The marital act is not an act of making; it is not a transitive act issuing from the spouses and terminating in some object distinct from them. Rather, it is an act freely chosen by them to express their shared life and their marital commitment. As such, it is perfective of them as spouses, ennobling and enriching their marital life, the life of which they are co-subjects, just as they are the co-subjects of the marital act itself. Even when they choose the marital act with the hope that, through it, new human life will come to be, the life begotten is not the product of their art but is “a gift supervening on and giving permanent embodiment to” the marital act itself.¹² Thus, when human life comes to be through the marital act, we can rightly say that the spouses are procreating or begetting. We can say that the act in which they share life intimately with one another is at the same time an act in which they share life with a new human being, an incarnate expression of their marital love and life. Moreover, the act they choose is and remains an immanent act, not a transitive one.

But when human life comes to be as a result of in vitro fertilization, it is the end product of a series of actions, transitive in nature, undertaken by different persons. As a result of this process, as the authors of a report commissioned by the Catholic Bishops of Great Britain note, the "child comes into existence, not as a gift supervening on an act expressive of the marital union . . . but rather in the manner of a product of a making (and, typically, as the end product of a process managed and carried out by persons other than his parents)."¹³

Such is the nature, the possibilities, and the significance of in vitro fertilization.

2. The Nature of the Being Generated by In Vitro Fertilization and the Moral Significance of Its Nature

What sort of being comes into existence in the laboratory when a human sperm fertilizes a human ovum? Leon Kass has rightly said that once "fertilization is *complete* (his emphasis), there exists a new individual, with its unique genetic identity, *fully potent* (my emphasis) for the self-initiated development into a mature human being, if circumstances are cooperative."¹⁴ Although Kass is himself unwilling to call the being thus generated—while in its very early developmental stages—a human being in the "full" sense or a person,¹⁵ he is compelled by a respect for truth to recognize that the being in question is already a new individual of the human species and that it is "fully potent for the self-initiated development into a mature human being," a human being in the full sense or person.

I suggest that the being in question is indeed an individual human being, an individual member of the human species.¹⁶ It is not a potential human being but really is a human being with potential.¹⁷ Whether or not it is a person or "human being in a full sense" depends, of course, on one's definition of person. The difficulty here is that different philosophers define person in different ways. Some contemporaries, for instance Michael Tooley, believe that the term "person" should be restricted to those and only those entities that "possess the concept of a self as a continuing subject of experiences and other mental states" and

believe that they are themselves such continuing entities.¹⁸ Evidently, on this understanding of "person," the being generated in the laboratory is not a person. But, on this understanding, neither a newborn child nor an individual suffering from Alzheimer's disease is a person.

But, according to the ancient definition of person offered centuries ago by Boethius, a "person is an individual substance of a rational (that is, intelligent nature)." If this be so, then I think it follows that every individual member of the human species is a person. Every individual member of this species is an individual substance, and the nature of that being—what makes it to be what it is and what makes it to be a species member—is human nature, the kind of nature that is intelligent or rational. Every member of this species has the radical capacity, one rooted in its being, to judge the truth of propositions and to make free choices, even if some individual members may not as yet have the developed capacity to do so.

My intent here is not to urge adoption of Boethius' definition over Tooley's or that of other philosophers. Rather my point is that the being brought into existence through in vitro fertilization is a fellow member of the human species. It is indubitably a living being that differs in kind from sub-human animals in that its nature is human, not simian or bovine or equine or what-have-you. The nature of this being is the same as the nature of the woman from whom the ovum was taken and of the male who provided the sperm that fertilized the ovum.¹⁹

Moreover, the intent in using in vitro fertilization to help a couple "have a child of their own" is precisely that, namely, to help them have a child. Now a child is surely the same sort of being that its parents are. A child is not an object or product inferior in dignity to its producers and subordinate to their interests; rather it is a being equal in dignity to its progenitors. Its life is just as human in kind as is theirs, and it has the same intrinsic worth as theirs.

What is the moral significance of this? We rightly regard human life—the life that makes us to be the kind of beings we are²⁰ and not

cats or fish or apes—as a good. It is not the greatest good or *Summum Bonum*, but our life, like a friend or the ravishing experience of something beautiful, is something really good. Our life, human life, is moreover inescapably bodily, and we understand that our life, even at its biological level, is something truly good. Indeed we rightly regard it as a good to be prized, not priced. To use the language of older philosophers, human life, like other basic goods of human existence, is a *bonum honestum* or noble good, a good *of* persons, not *for* persons.

I am not here arguing that human life is something sacred, although I believe that it is.²¹ I am simply affirming that human life is a basic good of human existence and, even at its biological level, a good intrinsic to human beings and, as such, something good in itself and not merely something useful, that is, good only as a condition for the “real” goods of human beings, goods like knowledge or friendship or beauty. Some people today—as in times past—deny that bodily life is good in this sense and hold that it is good only instrumentally, “good” only insofar as it serves what they choose to regard as “higher” or “personal” goods. But this dualistic view, one predicated on the assumption that human beings are subjects really distinct from the bodies that they inhabit, is false.²² Moreover, even the dualist will say that he injured himself when he breaks his arm; he does not say, as he should if he is to be a consistent dualist, that he damaged his property.

My point is that human life, which we know to be a bodily kind of life (although, of course, it includes more than the bodily), is understood by us to be a true good of human existence, an integral component of the full human good, a constitutive aspect of human flourishing. It is not the only good of human existence. Among others we would surely include the goods of knowledge, beauty, friendship, integrity, and practical reasonableness.²³ But, like them, human life is truly a good of human existence, something to be prized and cherished.

Now as persons, as beings capable of determining our own lives by our own free choices,²⁴ we give to ourselves our moral identity in and through the choices we make. Through these

choices—the ones we make every day when we choose to do something—we relate ourselves as moral beings to the various goods of human existence and to the persons in whom these goods are meant to flourish. The deeds we choose to do, in short, are immanent acts that abide within us. They reveal who we are as moral persons, and, through them, we freely give to ourselves the identity of such and such kind of persons. We choose well and make ourselves to be morally upright persons when, in and through our choices, we respond adequately to these goods and to the persons in whom they are to flourish. We do not respond “adequately” to these goods (a) when we choose freely and of set purpose (directly) to damage, destroy, or impede them in ourselves or in others, either out of hostility to them or because we unreasonably subordinate one or more of them to other goods of human existence that we arbitrarily erect as “higher,” for the goods in question are simply incommensurable.²⁵ Nor do we respond “adequately” to them (b) when we choose to act in ways that are negligent of them, unfair, or reckless.²⁶

In summary, human life is a basic good of human beings. We are to honor and respect this good, as we are required to honor and respect other goods of human existence. And we are required, by the basic good of practical reasonableness itself,²⁷ to avoid choosing in such a way that we set ourselves against the good of human life or other goods of human existence or in such a way that we neglect these goods, deal recklessly with them, unfairly appropriate them for ourselves and our friends, and so forth.

The issue before us is whether the generation of human life in the laboratory, as paradigmatically illustrated by *in vitro* fertilization, constitutes a choice that is inimical to the good of human life itself. To determine this, I propose first to examine in some detail the relationship between marriage, the marital act, and the generation of human life. I do so because I believe that this analysis will show us that the human reality of marriage and all that it entails is itself a great human good and a reality necessary for the adequate protection of the good of human life, especially in human life's coming-to-be.

3. Marriage, the Marital Act, and the Generation of New Human Life

"Not uniqueness establishes the marriage, but marriage establishes the uniqueness."²⁸ These words of the German Protestant theologian Helmut Thielicke are full of meaning. They express the truth that an individual man and woman, prior to marriage, are separate individuals, free to go their respective ways. No matter how tenderly they may regard one another, they have not yet made each other to be absolutely unique and irreplaceable in their lives. A man and a woman do this, that is, make each other absolutely unique, when they "give" themselves unconditionally to one another in marriage. When a man and a woman give marital consent, that is, when they choose each other as husband and wife, they not only bring marriage into being but give to themselves a new identity. Through the act of marital consent,²⁹ the man gives to himself the identity of this particular woman's husband and the woman gives to herself the identity of this particular man's wife, and together they give to themselves the identity of spouses. Through their own free choice they have established one another as absolutely unique in their lives, as irreplaceable and nonsubstitutable spouses.

Moreover, in and through the choice that makes them to be husband and wife, a man and a woman give to themselves new capacities and new rights, and they freely take upon themselves new responsibilities. They are now able to do things that non-married persons simply cannot do. Because they have, by their own free choice, capacitated themselves to do what nonmarried persons cannot do, they have also acquired rights that nonmarried persons do not have, rights that society has an obligation to recognize and respect.³⁰ They are now able to give themselves to one another bodily in the marital act, to be literally one flesh; and they are now able, through their one-flesh unity, to give human life procreatively.

Here it is essential to be clear about the meaning of the marital act. It is not simply an act of sexual congress between individuals who just happen to be married. Rather, the marital act is the act of *marital* union, the act that inwardly participates in the marital

covenant itself and the "goods" of marriage. It is the act that exhibits, symbolizes, and manifests the exclusive nature of marital love, and it does so because it is both a communion in being (conjugal love as unitive) and the sort or kind of act in and through which the spouses open themselves to the good of human life in its transmission, to the blessing of fertility (conjugal love as procreative).

The marital act is unitive, that is, a communion in being or an intimate, exclusive sharing of personal life because, through it and in it, husband and wife come to know each other in a unique and unforgettable way, revealing themselves to one another as unique and irreplaceable persons. In and through this act, they become personally one, renewing the covenant they made with one another when they gave themselves to each other in marriage. In the marital act, they "give" themselves to one another, the husband giving himself to his wife in a receiving sort of way and the wife receiving him in a giving sort of way.³¹ And they are able to give themselves to one another in this way only because they have already "given" themselves to one another irrevocably in and through the act that made them to be husband and wife.

From this description of the marital act, we can see that not every genital act between individuals who happen to be married can "count" as a marital act. If one of the spouses forces a sexual act on the other against the other's reasonable desires and wishes, the act in question is indeed genital, but it is not marital. Rather, it violates the marital covenant and amounts to an act of spousal abuse (for example, if a husband is drunk, comes home, and uses his wife merely as a way of gratifying his sexual appetite).³² In order for a genital act between spouses to be marital, it must participate in the covenant of marriage itself, honoring the personhood and irreplaceability of the spouses.

The marital act, moreover, honors the procreative good of marriage. The marital community is a procreative community, called to give human life to new human beings. In addition, the marital act is the sort of act that is, of its own inner nature, open to the transmission of human life, because it is the kind of act

upon which the blessing of fertility can descend and through which new human life can be given. In my judgment—although this is not the place to pursue the issue—contraceptive intercourse between spouses is not truly marital insofar as it is an act purposely opposed to the procreative good.³³ But prescinding from the issue of contraception, it must be acknowledged that the genital act (and the marital act is genital—it is not merely so, however) is a procreative sort of act or the sort of act through which new human life can be given. Were it not this sort of act, in fact, no one would practice contraception, because one contracepts only when one chooses (a) to engage in the sort of act one thinks, quite reasonably, to be the sort of act open to the transmission of human life and (b) to make this chosen act be the sort of act that, because of one's free and purposeful choice, is not open to the transmission of human life.

But here my point is that married persons have capacitated themselves, through the act of marital consent, to engage in the marital act and, through this act, to give human life in a truly procreative way. For when they give new life through this act they are in a position to welcome it and give it the home that it needs to take root and grow as it should. Through their marriage they have capacitated themselves not only to engage in the marital act but also to give life through an intimate, personal, immanent act of marital love, to welcome the life their marital embrace can generate, and care for it in a way that respects its uniqueness and irreplaceability.

Nonmarried persons, of course, can—and unfortunately do—choose to engage in genital acts, the sort of acts inwardly open to the goods of marriage. But nonmarried individuals, tragically, have not capacitated themselves to respect these goods and to pursue them. When they copulate, the act of genital sex does not unite two irreplaceable and nonsubstitutable persons; rather, it simply joins two individuals who are in principle replaceable and substitutable, in short, disposable. Thus, when nonmarried persons have sex, they dishonor the great human good of friendship (it is not for nothing that nonmarital genital sex is called fornication).

tion or adultery). Moreover, when nonmarried individuals have sex, they can, sadly, generate new human life; for after all they have freely chosen to engage in the kind of act open to the transmission of human life. The life thus generated is, of course, as is all human life, irreplaceable and precious and therefore *ought* to be welcomed and wanted (not aborted or abandoned). But those who have chosen, willy nilly, to generate human life outside of marriage have acted irresponsibly and contrary to the requirements of practical reasonableness, for they have chosen to generate human life in circumstances that are inimical to its well-being and its full human flourishing.

In summary, then, it can be seen that marriage, the marital act, and the generation of human life are realities that go together and are meant to go together. When a married man and woman speak of having "a child of their own," their desire, as Leon Kass has so well put it, is "to embody, out of the conjugal union of their separate bodies, a child who is flesh of their separate flesh made one."³⁴ A married couple have, through their choice to marry, capacitated themselves to do things nonmarried persons cannot do. They have capacitated themselves to engage in the marital act and, through it, to give life procreatively, that is, in a way that respects the uniqueness and irreplaceability of the life given. Their child is truly a gift crowning their act of marital union. But married persons, like all persons, do not have a right to a child. No person has rights to other persons, for a person is *sui juris*, a being of incalculable dignity and value, not a thing. Thus a married couple have the right to engage in the marital act, the sort of act in and through which human life can be given, but a married couple do not have a right to a child or to actions that are productive and not procreative in nature.

4. A Moral Assessment of In Vitro Fertilization and Other Modes of Generating Human Life Nonmaritally

The argument that I have been developing can, I believe, be set forth in a syllogism, which I offer for consideration. It is as follows:

Any act of generating human life that is nonmarital is irre-

sponsible and violates the respect due to human life in its generation.

But in vitro fertilization and other forms of laboratory generation of human life, including artificial insemination, are non-marital.

Therefore, these modes of generating human life are irresponsible and violate the respect due to human life in its generation.

The minor premise of this syllogism does not require, in my judgement, extensive discussion, although my claim here has been challenged.³⁵ Artificial insemination by a vendor is obviously not marital, and the same is certainly true of in vitro fertilization involving the use of ova and/or sperm from persons who are not married to one another. Moreover, artificial insemination by a husband and in vitro fertilization in which an ovum taken from the wife is fertilized by sperm provided by her husband are also not marital in nature, even though married persons have collaborated in the venture. The procedures are nonmarital because the marital status of the man and woman participating in them is accidental and not essential. Not only are the procedures ones that can in principle be carried out by nonmarried individuals, they are also procedures in which the marital character of spouses who may happen to be involved in them is totally irrelevant as such. What makes the husband and wife capable of taking part in the venture is not their marital union and the act (the marital act) that participates in their marital union and is made possible only by virtue of it. To the contrary, they are able to take part in the venture simply because they are the producers of gametic cells, ova and sperm, that other individuals then use to produce new human life.

Just as spouses do not generate human life maritally when new human life is initiated through an act of spousal abuse, so they do not generate new human life maritally when they simply provide other persons with gametic cells that can be united by those persons' transitive acts.

The foregoing reflections should suffice to clarify the meaning of the minor premise of the syllogism and to establish its truth.

The material from the previous section, on the relationship between marriage, the marital act, and the generation of new human life, supports the major premise of the argument. Some years ago the "earlier" and in my opinion "wiser" Leon Kass asked rhetorically: "Is there possibly some wisdom in the mystery of nature which joins the pleasure of sex, the communication of love, and the desire for children in the very activity by which we continue the chain of human existence? Is biological parenthood a built-in 'device' selected to promote adequate caring for posterity?"³⁶ The answer to this question, as I have tried to show in the material in the previous section, is definitely yes.

Indeed, it is principally and precisely because life is begotten nonmaritally when generated by nonmarried persons in acts of exploitative copulation and by married persons in acts of spousal lust and abuse that society regards, and rightly so, such modes of generating human life as irresponsible and reprehensible. In such acts, human life does not come as a gift crowning an act of spousal love.

I realize that a married couple, desperate to "have a child of their own," would indeed welcome—or be inclined to welcome—the new human life that might come to be in the laboratory and nurtured in the wife's womb. I admit, too, that they would be able to give this new life the home it deserves if it is to take root and grow. But what if the child generated is "defective"? Would they not be terribly tempted to "terminate" the process of its development in the womb by abortion if the "defect" were discovered in time? Would they not also be terribly tempted to practice infanticide by "benign neglect" should the child survive the womb and shortly after birth be threatened lethally by an ailment readily curable and unrelated to its "defect"? After all, the process they have freely chosen to generate the child is not the act of marital love, the immanent and interpersonal spousal act that inwardly participates in and bodily symbolizes their marital union. Rather, they have freely chosen to generate "their child" by a series of

transitive acts of making, by a technological procedure inwardly governed by the requirements of efficiency and utility. They have chosen to have their child not by "doing" a deed expressive of their one-flesh unity and inwardly open to the gift of life; rather they have chosen to have it by having it "made" through a technological process in which their role is to supply the raw materials for the product to be made. As a "making," its inner logic inclines those who resort to it to regard the entity made as a product, and indeed as a product subject to quality controls. It is viewed initially as a product and only later, when it emerges from the process as a well-crafted one, as a human being. The entity thus brought into being is not viewed as it rightly ought to be viewed, namely, as an individual member of the human species whose life, intrinsically, is just as dignified and valuable as the life of those responsible for its coming-into-being.

The bonds uniting marriage, the marital act, and the generation of human life are, in my judgment, intended as an indispensable and necessary means for properly respecting human life. They safeguard respect for the irreplaceable goodness of the lives of the spouses, because these bonds come into existence only by virtue of the spouses' free choice to give themselves to one another in marriage. They likewise safeguard the irreplaceable goodness of any new human life to whom the spouses, in the act expressive of their marital covenant, might give life.

Human life, in other words, is to be begotten, not made. It is begotten, and well begotten, in the marital act. It is "made" in the laboratory and in other nonmarital acts.

Postscript

Some may think that the position taken here is heartless and unconcerned with the anguish experienced by married couples who ardently desire a child of their own and must suffer disappointment because of a pathological condition. I do not believe that it is. Although their desire for a child of their own is understandable, it needs to be correctly interpreted (and an interpretation of this expression has been offered previously). The moral issue concerns not the legitimacy of their desire but the human

deeds they freely choose in order to satisfy it. An authentically human ethics is one that is just as concerned with means as it is with ends, because it is through the means chosen that we give to ourselves a moral identity, both as individual persons and as a society. And we can, unfortunately, choose to do some dreadful deeds with the noblest of intentions.

Moreover, married couples with the dilemma of those who cannot have a child of their own because of the wife's blocked Fallopian tubes have other alternatives that are morally legitimate. Surgical reconstruction of the Fallopian tubes is currently possible in approximately thirty percent of cases—a far higher success rate than efforts to “produce” children through in vitro fertilization. And these procedures surely will improve if more energy is expended in perfecting them. Such procedures, moreover, will cure the underlying pathology, the blocked tubes, which in vitro fertilization leaves untouched. It is also possible, so I have been informed, to remove an ovum from an ovary, implant it, unfertilized, in the tube below the point of blockage, and have the married couple engage in the marital act with the possibility of new life being given. It may also be feasible to implant Fallopian tubes from fresh cadavers, as we now implant kidneys and livers and hearts, and if this is done the underlying pathology is cured and the couple can have children as a crowning gift to their act of marital union. All this suggests that medical science should seek to heal pathologies and leave off attempting to alleviate every human desire.

I do not claim that those advocating the laboratory generation of human beings are insensitive to mystery and to the dignity of human life. They are not necessarily malicious, Faustian-like individuals seeking “to play God.” But I think that they lack practical insight or phronesis, and I think that they fail to honor the requirements of practical reasonableness. As a perceptive observer of the human scene once said, “Folly is much harder to detect than wickedness.”³⁷ In my view, the laboratory generation of human beings is foolish because it changes the engendering of human life from an act of marital life-giving love to one of

technical reproduction. It makes rather than begets human life. And "created words," like the Uncreated Word who became a created word, are to be begotten, not made.

Notes

- 1 Here see the remarks of Oliver O'Donovan, *Begotten or Made?* (Oxford: Oxford University Press, 1983), p. 1.
- 2 Here it is necessary to stress that Christian faith proclaims that the Word Incarnate is still a human being. Christian faith rejects docetism, the doctrine that the Uncreated Word only seemed to become human and ceased appearing human after the Resurrection.
- 3 The Catholic Church clearly teaches that the laboratory generation of human life is wrong and that human life ought to be given only in the marital act. For instance, see the following: Pope Pius XII, "To Catholic Doctors: An Address by His Holiness to the Fourth International Convention of Catholic Doctors, Castelfondolfo, Italy, September 29, 1949," *Catholic Mind* 48 (1950) 250-253; Pope Pius XII, "Apostolate of the Midwives: An Address by His Holiness to the Italian Catholic Union of Midwives, October 29, 1951," *Catholic Mind* 50 (1952) 61. Moreover, in *Humanae Vitae*, n. 14, Pope Paul VI insisted that there is "an inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning." Obviously this "inseparable connection" is severed by the laboratory generation of human life. It is instructive to note that the first child conceived in the laboratory and brought successfully to term, Louise Brown, was born on July 25, 1978, the tenth anniversary of Pope Paul's encyclical.
- 4 See my "'Begotten, Not Made': Reflections on the Laboratory Generation of Human Life," in *Pope John Paul II Lecture Series in Bioethics*, ed. Francis J. Lescoe and David Q. Liptak, vol. 1, *Perspectives in Bioethics* (Cromwell, CT: Pope John Paul II Bioethics Center, 1983), pp. 31-60.
- 5 On this see Carlo Caffarra, "La Fecundazione in Vitro: Considerazioni Antropologiche ed Etiche," *Anthropos: Rivista di Studi sulla Persona e la Famiglia* 1.1 (1985) 109-118, at 111-112.
- 6 This point is stressed by many writers. E.g., O'Donovan, *Begotten or Made?*, p. 71ff.; Caffarra, "La Fecundazione in Vitro," p. 111. The same point was made much earlier by Leon Kass, "Making Babies: The New Biology and the 'Old' Morality," *The Public Interest* 26 (Winter, 1972) 28-56; reprinted under the title "New Beginnings in Life," in *The New Genetics and the Future of Man*, ed. William Hamilton (Grand Rapids, MI: Eerdmans, 1972), pp. 15-63 (I shall use this source); and by Paul Ramsey, "Shall We 'Reproduce'? I. The Medical Ethics of In Vitro Fertilization," *Journal of the American Medical Association* 220.10 (1972) 1346-1350 and "Shall We 'Reproduce'? II. Rejoinders and Future Forecasts," *ibid.* 220.11 (1972) 1480-1485.
- 7 I use the term "vendor" advisedly. George J. Annas has noted that the term "donor" is a misnomer and that those males who provide sperm to inseminate women whom they do not even know are more truthfully described as "vendors." See his "Artificial Insemination: Beyond the Best Interests of the Donor," *Hastings Center Report* 9.4 (August, 1979) 14-15, 43.
- 8 Some people, of course, laud this development. Among the most ardent champions of "making" babies in the laboratory is Joseph Fletcher, who wrote: "Man is a maker and a selector and a designer, and the more rationally contrived and de-

liberate anything is, the more human it is. Any attempt to set up an antinomy between natural reproduction, on the one hand, and artificial or designed reproduction, on the other, is absurd. The real difference is between accidental or random reproduction and rationally willed or chosen reproduction. . . . If it (the latter) is 'unnatural,' it can only be so in the sense that all medicine is. . . . It seems to me that laboratory reproduction is radically human compared to conception by ordinary heterosexual intercourse. It is willed, chosen, purposed, and controlled, and surely these are among the traits that distinguish homo sapiens from others in the animal genus. . . . Genital reproduction is, therefore, less human than laboratory reproduction, more fun, to be sure, but with our separation of baby making from love making, both become more human because they are matters of choice, not chance." "Ethical Aspects of Genetic Controls: Designed Genetic Changes in Man," *New England Journal of Medicine* 285 (1971) 776-783, at 781-782. For a critique of Fletcher's superficial analysis see my "'Begotten, Not Made': Reflections on the Laboratory Generation of Human Life," pp. 36-37.

- 9 O'Donovan stresses the contingency of generation of new human life through the marital act and its significance. Thus he writes: "The element of chance is one of the factors which most distinguishes the act of begetting from the act of technique. In allowing something to randomness we confess that, though we might, from a purely technical point of view, direct events, it is beyond our influence to direct them well. We commit ourselves to divine providence because we have reached the point at which we know we must stop making and simply be." See *Begotten or Made?*, pp. 71-72. Caffarra stresses the difference between regarding the generation of human life as a mystery and regarding it as a problem to be solved. His comments on this difference are most worthwhile. See his "La Fecundazione in Vitro," 112-113.
- 10 This point is stressed by Kass, Ramsey, Caffarra and others.
- 11 Classic sources for the difference between transitive and immanent activity and the significance of this difference are: Aristotle, *Metaphysics*, Bk. 9, c. 8 1050a 23-1050b 1; St. Thomas Aquinas, *In IX Metaphysicorum*, Lect. 8, n. 1865; *Summa Theologiae*, 1, 14, 2, ad 2; 1, 14, 5, ad 1; 1, 18, 1. See Caffarra, "La Fecundazione in Vitro," 111-112 for a useful summary.
- 12 Catholic Bishops' Committee on Bio-Ethical Issues, *In Vitro Fertilization: Morality and Public Policy* (London: Catholic Information Services, 1983), n. 23.
- 13 *Ibid.*, n. 24.
- 14 Leon Kass, "'Making Babies' Revisited," *The Public Interest* 54 (Winter, 1979) 32-60, at 37. In this more recent article Kass, who had previously rejected in vitro fertilization as dehumanizing (in his "Making Babies" essay), accepts it as a way of alleviating infertility for married couples. A perceptive comment on his position concerning the status of the life brought into existence by the procedure is offered by Ellen Wilson, "Men of Feeling," *The Human Life Review* 5.1 (Winter, 1979), pp. 51-60, at pp. 54-57.
- 15 Kass, "'Making Babies' Revisited," 37. Kass provides no indication of the criteria that he thinks are necessary for the being in question to become "fully human" or personal.
- 16 Here it must be noted that some authors claim that individual human life does not exist until after implantation because of the phenomenon of twinning. This phenomenon, however, can be explained most plausibly on scientific grounds as a form of cloning; in this case an individual human being was in existence from conception/fertilization, and from this one individual human being either two new ones arise, or the one remains and gives rise to a new one that is identical in genetic makeup.

- 17 On this see, among many possible sources, Francis Wade, "The Beginning of Individual Human Life from a Philosophical Perspective," in *Human Life and Health Care Ethics*, ed. James Bopp, Volume Two of the Horatio B. Storer Series in Ethics, Law, and Medicine (Frederick, MD: University Publications of America, 1985), pp. 22-34.
- 18 Michael Tooley, "Abortion and Infanticide," *Philosophy and Public Affairs* 2.1 (Fall, 1972) 37-65. See also Tooley's book of the same title (Oxford: Oxford University Press, 1983), pp. 123-145.
- 19 On this matter it is worth consulting Mortimer Adler, *The Difference of Man and the Difference It Makes* (Cleveland: Meridian, 1968).
- 20 St. Thomas, *Summa Theologiae*, 1, 18, 2.
- 21 Most of us, I think, would echo in our own hearts the sentiments of the Psalmist, who acknowledges that he has been "fearfully and wonderfully made," and made, too, "in secret" (Cf. Ps 119.14, 15).
- 22 On the significance of bodily life as integral to the human person and on the falsity of dualism see Germain G. Grisez and Joseph M. Boyle, Jr., *Life and Death with Liberty and Justice: A Contribution to the Euthanasia Debate* (Notre Dame, IN: University of Notre Dame Press, 1978), pp. 372-380. It is appropriate to note here that one of the most ardent champions of in vitro fertilization, Joseph Fletcher, is quite clearly a dualist. In one of his major works he wrote: "Physical nature—the body and its members, our organs and their functions—all of these *things* are a part of 'what is over against us,' and if we live by the rules and conditions set in physiology or any other *it* we are not *thou*." *Morals and Medicine* (Boston: Beacon Press, 1960), p. 211, emphasis in the original. An excellent critique of dualism is also given by Hans Jonas, *Philosophical Ethics: From Ancient Creed to Technological Man* (Englewood Cliffs, NJ: Prentice-Hall, 1974).
- 23 Here I am attempting to summarize briefly the "natural law" position rooted in the thought of St. Thomas and developed today by such writers as Germain G. Grisez and John M. Finnis. Finnis' one page summary of the view may be cited here to indicate its basic framework: "There is (i) a set of basic practical principles which indicate the basic forms of human flourishing as goods to be pursued and realized, and which are in one way or another used by everyone who considers what to do, however unsound his conclusions; and (ii) a set of basic methodological requirements of practical reasonableness (itself one of the basic forms of human flourishing) which distinguish sound from unsound practical thinking and which, when all brought to bear, provide the criteria for distinguishing between acts that (always or in particular circumstances) are reasonable-all-things-considered (and not merely relative to a particular purpose) and acts that are unreasonable-all-things-considered, i.e., between ways of acting that are morally right or morally wrong—thus enabling one to formulate (iii) a set of general moral standards." *Natural Law and Natural Rights* (Oxford: Oxford University Press, 1980), p. 23. For a development of the position see *ibid.*, chs. 3-5, pp. 59-133; Grisez, *The Way of Our Lord Jesus Christ*, vol. 1, *Christian Moral Principles* (Chicago: Franciscan Herald Press, 1984), chs. 5-8, pp. 115-228.

I am not attempting here to make a taxative list of the "basic human goods." Human life is surely one, and among others are those of friendship, knowledge, practical reasonableness, the experience of beauty.
- 24 On the central meaning of freedom of choice and its significance, see Grisez, *Christian Moral Principles*, ch. 2, pp. 41-72.
- 25 On the incommensurability of human goods, see Grisez, "Against consequentialism," *American Journal of Jurisprudence* 23 (1978) 21-72; Grisez, *Christian Moral Principles*, pp. 145-150; Finnis, *Natural Law and Natural Rights*, pp. 114-118;

Finnis, *Fundamentals of Ethics* (Washington, D.C.: Georgetown University Press, 1984), pp. 86-93.

On the requirement that we ought not, of set purpose, set ourselves against any of the basic goods, i.e., deliberately set out to damage, destroy, or impede them in ourselves or in others, see Finnis, *Natural Law and Natural Rights*, pp. 118-125; Grisez, *Christian Moral Principles*, ch. 8, pp. 215-228.

- 26 In addition to the requirement that we not choose in such a way that we set ourselves against the basic goods, other modes of responsibility or requirements of practical reason oblige us to avoid ways of acting that violate fairness, justice, commitment, etc. On this see Finnis, *Natural Law and Natural Rights*, pp. 100-118, 125-127; Grisez, *Christian Moral Principles*, ch. 8, pp. 205-215.
- 27 On the good of practical reasonableness itself, see Finnis, *Natural Law and Natural Rights*, pp. 85-90, 100-103; *Fundamentals of Ethics*, pp. 70-74, 120-121, 151-152.
- 28 Helmut Thielicke, *The Ethics of Sex* (New York: Harper & Row, 1963), p. 95.
- 29 On this see Vatican Council II, *Gaudium et Spes*, n. 48; see also John Lucas, "The 'Vinculum Conjugale': A Moral Bond," *Theology* 78 (1975) 226-230.
- 30 This is well brought out by Paul Ramsey in his superb critique of the 1976 Supreme Court decision in *Danforth v. Planned Parenthood*, when a Missouri statute requiring spousal consent for abortion was set aside. The Court, in its reasoning, ignored marriage as a freely chosen union giving to the spouses rights that the state is to recognize. Rather, the Court, adopting a Hobbesian type of individualism, left married persons isolated subjects whose act of marrying had not effected any real bonds between them or given them any rights not possessed by others. See Ramsey, *Ethics at the Edges of Life and Death* (New Haven: Yale University Press, 1978), ch. 2.
- 31 On this see my *Sex, Marriage, and Chastity: Reflections of a Catholic Layman, Spouse, and Parent* (Chicago: Franciscan Herald Press, 1981), pp. 12-15; see also Robert Joyce, *Human Sexual Ecology* (Washington, D.C.: University Press of America, 1980), pp. 35-50.
- 32 Here it is instructive to note the wise words of Paul VI in *Humanae Vitae*: "It is in fact justly observed that a conjugal act (using the expression in a material sense to designate a genital act between spouses) imposed upon one's partner without regard for his or her condition and lawful desires is not a true act of love, and therefore denies an exigency of the right moral order in the relationship between husband and wife" (n. 13).
- 33 On contraception see Elizabeth Anscombe, *Contraception and Chastity* (London: Catholic Truth Society, 1977); Germain G. Grisez, *Contraception and the Natural Law* (Milwaukee: Bruce Publishing Co., 1964); William E. May, *Contraception and Catholicism* (Front Royal, VA: Christendom Publications, 1983); Ronald E. Lawler, Joseph M. Boyle, Jr., and William E. May, *Catholic Sexual Ethics* (Huntington, IN: Our Sunday Visitor Press, 1985), ch. 7.
- 34 Kass, "Making Babies' Revisited," p. 44.
- 35 Richard A. McCormick, commenting on my earlier essay (cf. note 4) claims that he finds the meaning of the term "nonmarital" in the minor premise "impenetrable." He writes: "In his own definition, it refers to an action of which a couple is 'capable' only by being spouses. But what is such an action? Surely not sexual union. For we could reword May as follows: 'What makes husband and wife capable of participating in such activities (sexual acts) is not their spousal union but the simple fact that they are beings who have sexual organs.'" "Notes on Moral Theology," *Theological Studies* 45.1 (March 1984) 102. McCormick simply fails to pay attention to my careful description of the "marital act," of which spouses alone are capable. They are capable of "sexual acts" because they have sexual organs,

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but not all "sexual acts" between spouses are "marital acts." To be a marital act the act must respect the "goods" of marriage, and only spouses can do this.

36 Leon Kass, " 'Making Babies' " (the original article; cf. n. 6), p. 53.

37 Ibid., p. 39.