

Draft Human Tissue and Embryo Bill

Catholic Parliamentary Office

Consultation Response 15 June 2007

The Catholic Parliamentary Office is an agency of the Catholic Bishops' Conference of Scotland which advises on political matters and liaises with political institutions on behalf of the Conference. We are pleased to have the opportunity to respond to the issues raised in the consultation paper and the draft bill.

Generation of Human Life – Introductory Comments

1. Each human life is of inestimable worth. From the moment of fertilisation a unique human being comes in to existence. This new life is a gift which arises from the sexual union of a man and woman. The move towards intervening in the procreation of children is understandable in light of the natural desire for children and the fact that some couples are unable to conceive naturally. Such intervention, however, poses radical challenges to the understanding of human life which cannot but impact on the dignity of each person in society. Efforts to assist married couples who are having difficulty in conceiving are praiseworthy in so far as moral criteria are used to evaluate the extent to which intervention respects the dignity of human life and the nature of the procreative processes. This can be done within the limits of facilitating the conjugal act or enabling it to reach its objective once it has been normally performed. Procedures which create human life apart from normal sexual reproduction between spouses establish the dominion of technology over the origin and destiny of the human person. This is detrimental to all of society and to a correct understanding of human worth. A child obtained from IVF or embryo transfer has not been respected in his origin, nevertheless every individual no matter how created must be respected equally as a person and a gift from God.

2. The importance of the individual in respect of society must be acknowledged such that individual lives are not subject to domination by society. Human rights are not bestowed by society but rather society must recognise inherent rights and protect these. Individuals themselves must subordinate their specific interests to the common good of society but the fundamental good of human life can never be denied. From the moment of fertilisation a new human being exists and by fact of possessing a rational nature which is radically capable of knowing and choosing, each human being is a person. We are painfully aware of the tragedies in history when subgroups of humanity have been denied personhood in the eyes of the law.

3. That intervention in procreation beyond the limits stipulated above has a detrimental impact on the status of human dignity can be observed in the progressive instrumentalisation of human life in recent years. So called 'saviour siblings', sex-selection for 'family balancing', the increasingly eugenic practices of pre-implantation genetic diagnosis, pre-natal screening and embryo experimentation and destruction are a testimony to the attacks now facing human life at its earliest stages .

4. The creation of a regulator to regulate and control procedures relating to human tissue, reproductive technology and embryology is important due to the gravity of the issues and the potential impact on the life of individuals and society. However proposals to permit practices

which breach fundamental rights of the person and of the integrity of the family are unjust and should in no way be permitted. A regulatory body should exist to ensure that such practises are prohibited. The operations of the HFEA permitted a variety of fertility treatments and medical procedures which also failed to respect the origins of human life and the climate created by such practices can be seen to have had a deleterious impact on attitudes towards human life. The proposals within the draft paper propose to expand the variety of procedures permitted in creating human life, embryo experimentation and eugenic screening and undermine further the respect for the wellbeing of children brought in to the world in this way and especially those destroyed in the processes.

5. Scientific activities in the areas within the scope of the proposed legislation and the possibilities now open in this field, concern fundamental moral values and therefore require parliamentary control to safeguard the common good of society and to ensure adequate respect for individual rights. The extent to which the existing technologies and those which future developments may bring cannot be left simply to the conscience and self regulation of individual researchers. The state does not have to prohibit all morally illicit actions; it must sometimes tolerate things which it cannot forbid without greater evil resulting. However the inalienable rights of persons cannot be neglected by civil and political authority.¹ These rights are not granted by parents, individuals nor are they a concession made by the state but are inherent in every person from the first moment of life. The right to life and physical integrity; the rights of the family and of marriage as institution and the child's right to be brought into the world and brought up by his parents are fundamental to these rights.² It must be emphatically re-iterated that a human life is an end in and of itself; it can never be reduced merely to an end, as is the case when embryos are used in experimentation.

By permitting unjust and lethal interventions in human life, the bill does not provide adequate control of procedures relating to research and experimentation and in fact creates a structure of injustice. Parliament and the regulatory body can only retain an appropriate ethical framework to secure and maintain public confidence by upholding fundamental human rights and by respecting the common good which requires that science is at the service of society and of the person. It should not make human life the object of domination, control and quality assurance.

¹ *C.f. Donum Vitae, III*

² *Ibid*

Animal-Human Hybrids

6. The proposal of the Science and Technology Committee that the creation of "all types of human-animal chimera or hybrid embryos" for research be allowed, provides further evidence of the desensitisation of moral sensibilities caused by embarking on medical practices which fail to respect the dignity of the human person. This proposed practise is outlawed in Canada, Australia and many European countries and the Whitepaper proposals to implement such a ban should be retained. The current reversal of this policy to follow in part the suggestions of the Science and Technology Committee is a troubling development. The proposal extends beyond the limits of what may be regarded as reasonable dominion over nature and should not be permitted. Arguments focusing only on the technological capabilities or scientific potential of such proposals fail to fully explain the natural repugnance that it engenders. This may reflect a deeper human wisdom that transcends

scientific knowledge and which cannot and should not be dismissed or rationalised away.³

7. Public opinion is obviously important in regard to the fact that laws passed in a democratic society are promoted and upheld by those elected to serve the people. The people transfer the exercise of sovereignty to those whom it freely elects as its representatives, but retain the prerogative to assert this sovereignty in evaluating the work of those charged with governing.⁴ Those in political authority, on the other hand, have a duty to promote laws in keeping with the fundamental norms of the moral law in matters concerning human rights, human life and the institution of the family. Politicians must commit themselves, through their interventions upon public opinion, to securing in society the widest possible consensus on such essential points and to consolidating this consensus wherever it risks being weakened or is in danger of collapse.⁵

3 C.f. Wisdom of Repugnance, Leon Kass

4 Compendium of the Social Doctrine of the Church, 395

5 Donum Vitae, III

Embryo testing, selection and experimentation (Qs 10 -14)

8. Attempts to influence chromosomal or genetic inheritance which are not therapeutic but are aimed at producing human beings selected according to sex or other predetermined qualities cannot be justified on the grounds that they can bring future benefit to society. These manipulations are contrary to the personal dignity of the human being and his or her integrity and identity.⁶

9. Medical research must refrain from operations on live embryos, unless there is a moral certainty of not causing harm to the life or integrity of the unborn child and the mother, and on condition that the parents have given their free and informed consent to the procedure. It follows that all research, even when limited to the simple observation of the embryo, would become illicit were it to involve risk to the embryo's physical integrity or life by reason of the methods used or the effects induced.⁷

10. As regards experimentation, and presupposing the general distinction between experimentation for purposes which are not directly therapeutic and experimentation which is clearly therapeutic for the subject himself, in the case in point one must also distinguish between experimentation carried out on embryos which are still alive and experimentation carried out on embryos which are dead. If the embryos are living, whether viable or not, they must be respected just like any other human person; experimentation on embryos which is not directly therapeutic is illicit.⁸

11. No objective, even though noble in itself, such as a foreseeable advantage to science, to other human beings or to society, can in any way justify experimentation on living human embryos or fetuses, whether viable or not, either inside or outside the mother's womb. The informed consent ordinarily required for clinical experimentation on adults cannot be granted by the parents, who may not freely dispose of the physical integrity or life of the unborn child. Moreover, experimentation on embryos and fetuses always involves risk, and indeed in most cases it involves the certain expectation of harm to their physical integrity or even their

death.⁹

12. To use human embryos or fetuses as the object or instrument of experimentation constitutes a crime against their dignity as human beings having a right to the same respect that is due to the child already born and to every human person.

The freezing of embryos, even when carried out in order to preserve the life of an embryo 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.¹⁰

13. Because of the intrinsic link between procreation and the family, the donation of gametes and embryos raises concerns of its own, in regard to the link between procreation and the family. The concerns over homologous artificial fertilization are compounded with heterologous artificial fertilization and embryo donation. A child has the right to be conceived, carried in the womb, brought into the world and brought up within marriage: it is through the secure and recognized relationship to his own parents that the child can discover his own identity and achieve his own proper human development. This is undermined by breaking the natural link between parent and child and is an obstacle to maturing of an individual's personal identity. The psychological impact on children created in this way cannot be ignored and if the welfare of the child is truly of concern to legislators such scenarios should not be countenanced. Consent for such donation cannot rest just with the donors and prospective parents as their actions commit an injustice on the child that will be born. Proposals for the use of "artificial gametes" are even more reprehensible and unjustifiable.

6 Ibid

7 Ibid

8 Ibid

9 Ibid

10 Ibid

Children, Fatherhood and the Family Unit (Qs 12- 16)

14. The family is the first and fundamental unit of society and the importance of the family structure in relation to the welfare of children should not be overlooked. Recent sociological trends have made possible the analysis of the impact on children of being raised without a father. Whilst such situations may be on the increase and circumstances arise where the presence of a father in the family home is not possible it is irresponsible to ignore the objective reality that this is not conducive to achieving the best outcomes for children. The proposal to remove the requirement to take account of the need of a child for a father is contrary to the interests of the child and also undermines the unity of family life. This proposal can therefore not be justified since it denies a child the right to a father as does the proposal to permit post mortem insemination.

15. The subject of the importance of family life and its unity also can be considered in relation to surrogate motherhood in that the intrinsic maternal link imposes obligations on a

mother to care for her own child and respect the needs and rights of that child to be brought up by his own parents.¹¹ The welfare of a child is always to be considered and the fact, borne out by abundant sociological evidence, that children do best when born to a mother and father committed to each other in marriage should always be respected. In cases where this has not occurred, for whatever reason, a child has the right to know his parents and a register containing information on gamete donors should be available to a child so conceived.

11 C.f. Donum Vitae, II,3

Protecting Life from Conception (Qs 18 & 19)

16. Protection of life once it has been created should extend to ensuring the safety of the embryo and therefore transfer of embryos during treatment should be regulated.

17. The scope of the bill covers abortion and provides an opportunity to reverse the trend of increased abortion. The Catholic Church's view is well known, all elective abortion is an unjust attack on the life of an innocent person. In cases where an expectant mother is in need of medical intervention to save her life, where loss of the pregnancy is foreseen but not intended is licit.

18. There can be little doubt that abortion is being chosen mostly for social reasons on a scale not envisaged by the architects of the abortion bill. At the same time the humanity of the unborn child in the womb is increasingly recognised thanks to advances in technology which have made 2, 3 and 4 dimensional scanning more sophisticated and more widely used.

19. An increasing sensitivity to the needs of people with disability highlights the inconsistency of the abortion law as it presently stands which allows imperfect children to be detected and eradicated in the womb.

20. The psychological and physical impact of abortion on women is now more greatly understood and evidence confirms that women are often pressured in to having an abortion and that they are inadequately informed of the possible side effects in regard to their mental and physical health as well as the impact on future fertility.

Permitting abortion is in fact, of itself, a crime against humanity and measures should be taken to reduce and prevent abortions.

The bill must not be used to make abortion easier. The continuing rise in abortion will only be exacerbated should the criteria for obtaining an abortion be relaxed. Measures should rather look at informing women in more detail of the realities of abortion.

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