

S. THE HOLY BIBLE ON THE METHODS OF HUMAN REPRODUCTION

"The Lord God...made a woman, and brought her to the man....Adam said: 'This is finally bone-of-my-bone and flesh-of-my-flesh! She shall be called wom[b]-man - for she was taken out of man.' Therefore shall a man leave his father and his mother, and shall cleave to his wife so that the two of them shall become one flesh. Now both the man and his wife were naked but not ashamed.... So Adam started to have sexual relations with his wife Eve. Then she conceived, and afterwards she gave birth." - Genesis 2:22f & 4:1.

2185. Sacred Scripture authorizes human reproduction by way of sexual intercourse. As we approach this chapter, we first need to offer brief **definitions** of questionable procedures (either practised at the present or planned for the future) - toward trying to produce human children. We mean several highly-questionable procedures for human reproduction - such as cloning, *AID*, *AIH*, *SHW*, *IVF*, and *NWH*.

Various noncoital techniques of human reproduction

2186. By cloning animals or humans is meant the non-sexual **duplication**, from genetical material derived from the living source, of ectypes of the entire creature - very similar to the original. This is somewhat akin to asexual or vegetative reproduction in certain plants.
2187. By *AID* (or Artificial Insemination from Donor), we mean the deliberate but noncoital human insemination of a married woman with semen taken from a man or men other than her own husband. Better to preserve the anonymity of the donor(s) and also to enhance the woman's impregnability, this is sometimes done with a 'semen cocktail' mixed from the sperms of several different men.
2188. By *AIH* (or Artificial Insemination from Husband), we mean the deliberate but noncoital human insemination of a married woman with semen derived exclusively from her own husband. That semen and its sperm may, however, be treated chemically and boosted artificially with inorganic material before introduction into the woman - in order to enhance her impregnability.
2189. By *SHW* (or Surrogate Human Womb), we mean the utilization - whether by way of natural sexual intercourse, or by way of artificial insemination, or by way of embryo transplant - of a woman's fallopian tube(s) and/or womb to conceive and/or to bear a child or children not for herself but for somebody else. That somebody else may be a man not her own husband; or a woman other than the bearer herself.
2190. By *IVF* (or *In Vitro* Fertilization), in the case of human beings, we mean the deliberate but artificial and noncoital human fertilization outside the female body of a human egg-cell by a human sperm-cell in a petri dish or in a test-tube (alias *in vitro*). Here, the petri dish in effect functions as an *AFT* (or an Artificial Fallopian Tube) external to the woman's own body.
2191. By *NWH* (or Nonhuman Womb for Humans), we mean the deliberate and noncoital human utilization of the wombs of animals or of a man-made synthetic 'womb' to facilitate nidation and/or embryonization of human zygotes (in artificial *SHWs*). Several prominent women have expressed the desire thus to beget their own children - without the latter even for a second ever having lived inside of those women throughout the entire period of gestation.

2192. *AIA* (or Artificial Insemination of Animals), like *AIP* (or Artificial Insemination of Plants), involves the human introduction of non-human male seed into the female sexual parts of nonhuman creatures to induce fructification artificially. If done by using male and female materials from the same basic genus, it seems this technique does not meet with the disapproval of Almighty God. But that is not the case with *AID* and *AIH* - involving the reproduction of **humans** alias **images of God**. See: Genesis 1:28-30 & 2:15-20.

Questionable coital methods of reproducing also humans

2193. Wherever human attempts to raise new races of vegetation or animals are successful, it is because of man's scientific application of God-given laws (such as those discovered by the monk Gregor Johann Mendel). Such laws operate only within clearly-defined boundaries. *Cf.* Genesis 30:27-43.
2194. However, when human attempts to promote such nonhuman interbreeding are repeatedly unsuccessful, it is probable that man has either consciously or unconsciously attempted to exceed his divine mandate to subjugate the plants and the animals 'according to their kind.' See Genesis 1:11,12,21,24,25; Exodus 22:19; Leviticus 11:14-22; 19:19; Deuteronomy 22:9f.
2195. Indeed, precisely the **sterility** of very-truly '**man-made**' mules and ligers and doxes¹ - as opposed to the **fertility** of only-apparently 'man-made' mongrels and greyhounds and chihuahuas (*etc.*) - surely underlines this. Needless to say, then, all attempts to inseminate female monkeys with human seed (or to inseminate human females with animal seed) - are very strictly condemned. Genesis 1:11f,21,24f & 2:20-24 *cf.* Leviticus 18:22f & 20:15f.
2196. As regards *SHI* (alias Specifically-Human Insemination), we need to distinguish *CHI* or Coital Human Insemination - of which even *PAI* or Post-coital Assisted Impregnation is a variety - from *NHI* or Noncoital Human Insemination. *CHI* may be either 'within marriage' as *CHIWM* or extramarital as *CHIEM*. It is *CHIWM* when constituted by way of *CHIMH* alias Coital Human Insemination by Monogamous Husband (as in Genesis 2:22-25), by way of *CIL* alias Coital Insemination by Levirate (as in Genesis 38:8-10), or by way of *CIP* alias Coital Insemination by Polygamy (as in Exodus 21:10).
2197. Yet *CHI* alias Coital Human Insemination may also take place outside of marriage as *CHIEM* alias Coital Human Insemination Extra-Maritally - or even accidentally as *CIA* alias Coital Insemination by Accident (*cf.* Genesis 29:21-25). Likewise, there is also *CIF* alias Coital Insemination through Fornication - whether by way of seduction; or by way of mutually-agreeable premarital intercourse; or by way of concubinage; or by way of adultery. Last, there is *CIR* alias Coital Insemination through Rape.

Rare noncoital inseminations of human beings

2198. Yet *NCI*, alias Noncoital Insemination, is also possible. This must carefully be distinguished from *NHP* alias Noncoital Human Pregnancies. Technically, the latter are cases of impregnation rather than cases of insemination. It a divine *NHP*, by way of noncoital impregnation, which produced the immaculate conception of the Lord Jesus Christ - within the womb of the virgin Mary, without the

¹ A 'mule' is a sterile cross-breed between a horse and an ass; a 'liger' is a cross-breed between a lion and a tiger; a 'dox' is a cross-breed between a dog and a fox. All such cross-breeds are '**man-made**'; all are '**unnatural**'; all are **sterile** (not producing a viable new race); and all would disappear without man's ongoing agency in constantly re-producing them.

inseminatory agency of any human father.

2199. An interesting and disturbing case of *PNI* alias Providential Noncoital Impregnation is described in the *Talmud*. There, the latter discusses the situation of a virgin bathing in water containing fertile human semen - and in that way innocently getting impregnated.² However, such possible though highly-unlikely yet still-providential noncoital impregnations - have nothing to do with humanly-planned yet 'artificial' **inseminations** (which we believe to be impermissible in human beings).
2200. *NAI* (or Noncoital Artificial Insemination) by humans is always impermissible - whether by way of *AID* (alias Artificial Insemination from Donor), or whether by way of *AIH* (alias Artificial Insemination from Husband). *AIH*, however, should not to be confused with *PAI* (alias Postcoital Assisted Impregnation). It is certainly arguable that *PAI* is quite permissible - when carried out soon after *CIH* (or Coital Insemination by Husband), in those cases where repeated regular *CIH* by itself has constantly failed to produce impregnation. See, on the latter, especially paragraphs 2803f & 3799-3813.

Human Artificial Insemination - *AIH* (and *AAI* such as *AID* and *AIS*)

2201. *HAI* (alias Human Artificial Insemination) is somewhat similar in technique of execution to *AIA* (alias Artificial Insemination of Animals). Yet *HAI* is psychologically and theologically altogether different. This is so, because - unlike any animal - man and man alone is the very image of God. Genesis 1:26-28 & 9:1-7 and Psalm 8:4f and James 3:7-9 *etc.*
2202. By the technique of *HAI*, however - which (for reasons to be set out below) we ourselves regard as impermissible even when done only in respect of either human sperms or human egg-cells³ - is meant "the introduction of male semen into the vagina or uterus by means of instruments" (thus Rev. R.T. Missenden).⁴ This may occur by way of *AIH* (alias Artificial Insemination from Husband) - where the fertile husband may be so physically or psychologically paralyzed that he is unable to participate in normal *coitus*.⁵
2203. Alternatively, it could take place (as it far more usually does) by way of *AAI* (alias Alien Artificial Insemination). In *AAI* an infertile husband's fertile wife is artificially inseminated with fertile seed from another man. Or, though less frequently, the fertile seed of a man with an infertile wife is used artificially to inseminate another woman who is fertile - but who is also "alien to" that fertile husband, not being his wife.
2204. *AAI* (alias Alien Artificial Insemination) can be accomplished also by way of *AID* alias Artificial Insemination from Donor (where an alien male 'donates' his sperm) - or by way of Artificial Insemination into Donor (where an alien female 'donates' her womb). Here, the true 'donor' (*sic*) would need to be an **unpaid** male donor of alien semen or the unpaid female donor of an alien womb. However, *AAI* today usually takes place by way of what should be described as *AIS* (alias Artificial Insemination from or into Seller) - which is most usually, though quite incorrectly, misnamed: *AID*.

AID and *SHW* and 'semen cocktails' (for payments given) are prostitudinal

2. See paras. 2227 & 2533-36.

3. See para. 2187f & 2200.

4. R.T. Missenden: A Biblical Ethical Inquiry into Some Problems Relating to Human [Genetic] Engineering, Brisbane: Wilston Presb. Church, 1981, pg. 1 (1:1).

5. See ch. U below.

2205. Technically, *AIS* is a form of **prostitution**. For in *AIS*, a male "alien" does not donate but rather vends or **sells** his semen for artificial insemination into some woman not his wife. Or a female "alien" does not donate but vends or 'rents out' the use of her own womb for insemination by human seed not from her husband - and usually also further leases it out for occupancy by any resulting baby for a period of some nine months.
2206. Indeed, the expressions *AID* (alias Artificial Insemination from or into Donor) and/or *SHW* (alias Surrogate Human Womb) are today often used euphonicly to describe *AIS* (or Artificial Insemination by or into Seller). For now, many "semen studs" or men with marketable masturbated emissions and many "womb lessors" or women who market their uteruses actually sell or at least rent out their sexual body-parts to 'stud farms' or 'semen banks' or 'womb agencies' - and in some cases, many times over.
2207. Both *AID* and *AIS* are sometimes expedited by way of *AIMS* (alias Artificial Insemination from Multiple Sellers). In those cases, what Rev. Missenden calls⁶ a "semen cocktail" is prepared from a mixture of masturbated sperms from several approved 'donors' (or more usually 'sellers').
2208. The idea here, when it results in artificial impregnations from such a cocktail, is impersonally to try and obliterate the identity of the actual father of any child thus conceived. In some kinds of the *AIMS* cocktail - infertile or almost-infertile seed even from the husband himself may be included - in order to try and give him and/or his wife a greater degree of psychological comfort in accepting this obviously "alien" *AIS* procedure.

The history of Human Artificial Insemination

2209. The history of the practice of Human Artificial Insemination is known to cover a period of at least almost two centuries. Writes Rev. Missenden: "The first authenticated successful human insemination occurred in 1790 - when Dr. John Hunter so enabled the wife of a London linen merchant to have a child. The first American children conceived by artificial insemination were born in 1866. Today, the procedure is routinely done by hundreds of Gynaecologists and Human Fertility Specialists."⁷
2210. The above procedures successfully undertaken respectively in 1790 and 1866 were cases of *AIH* (alias Artificial Insemination from Husband). As far as the origin of *AID* (alias Artificial Insemination from Donor) is concerned - perhaps because of the generally-hostile legal and theological and psychological climate against it (especially until very recent times) - the exact history has remained rather obscure.
2211. The World's first recorded successful *AID*, took place in 1884. Many Protestant Theologians and also the Roman Catholic Pope condemned human artificial insemination especially in the middle of this present century.⁸ That condemnation clearly applies against *AID* (if not also against *AIH*).⁹

6. *Biblical Ethical Enquiry*, pg. 3 para. 2 & pg. 8d(i).

7. Missenden, R.T.: Artificial Insemination, Test-Tube Babies, Cloning, and Genetic Engineering, in Public Questions Committee Report to the Queensland State Assembly of the Presbyterian Church in Australia, in the Queensland State Assembly Whitebook, Brisbane, 1981, p. 113.

8. About three decades ago" (thus the Brisbane Catholic Bio-Ethics Centre's Dr. Regis Mary Dunne, in an interview with this author in July 1982). See too *Courier-Mail*, Brisbane, Sept. 11th 1984, p. 29.

9. However, some modern Roman Catholic Theologians argue that the previous papal condemnation of *HAI* (or Human Artificial Insemination) was intended to prohibit specifically *AID* rather than *HAI* in general and hence *AIH* as such. See paras. 2852-62 and 2915-19.

2212. Especially since the nineteen-forties, however, the history of human artificial insemination has been radicalized even more profoundly. During the Second World War not the Nazi Germans nor the Red Russians but Dr. John Rock of the U.S.A.'s Harvard made the first recorded attempt to produce a noncoital human *in vitro* fertilization - unsuccessfully, in 1944. In 1959, a monstrous human *IVF*-embryo was terminated in Italy. In 1971, a human *IVF*-embryo was implanted successfully into his or her non-mother in America - but later excided. And in 1978, a New York couple successfully sued their doctor for allowing the destruction of their *IVF*-embryo before implantation - just before the World's first full-term noncoital test-tube baby was born successfully in Britain.
2213. Since the nineteen-eighties, these noncoital human reproduction techniques have proliferated - and become even more nightmarish. Here we merely mention: noncoital births by lesbians (1981f); production of *AID* or *IVF* Coloured babies for White parents (1983); implantation of thawed-out pre-frozen human embryos (1983f); human *GIFT* alias Gamete Intra-Fallopian Transfer (1984f); human embryo transplants (1984f); *IVF*-children born to previously-sterilized women (1984f); births of previously flushed-out egg-donated babies (1984f); litigation about the inseminatability of a widow with semen from her dead husband (1984f) - and noncoital pregnancies from previously-frozen and thereafter-thawed-out human eggs (1985f).
2214. Even more recently, there have been further reports of: human males getting pregnant (1987f); embryo-transfer *SHW* lawsuits (1987f); human sperm micro-injections (1987f); noncoital impregnation of grandmothers with their daughters' embryos (1987f); the development of *TOT* or Tubal Ovum Transfer to supersede *GIFT* and *ZIFT* or Zygote Intra-Fallopian Transfer (1990); *AID* virgin conceptions (1991f); the noncoital reproduction of White babies from Black women (1993f); the cloning of tiny human embryos (1993); the birth of an *IVF*-child from twelve-year-old thawed-out pre-frozen semen (1994); the endorsement of ovary transplants from dead women (1994); advocating impregnation of human female-embryo ova (1994f); and the theft of *IVF* embryos (1995).
2215. Most of those post-World-War-II techniques will be described in subsequent chapters below. At the moment, however, we shall first concentrate on describing and evaluating earlier techniques of human reproduction.

The modern techniques of pre-*IVF* Human Artificial Insemination

2216. The still-used techniques of *HAI* developed before the advent of human *IVF*, are relatively the same - regardless as to whether performed by way of *AID*, by way of *AIH*, or by way of artificial insemination of a *SHW* (alias a Surrogate Human Womb). First the semen donor or vendor, whether the husband alone or whether some other person, is requested to masturbate.
2217. The thus-obtained sperms are then washed, selected, and treated in a special solution. (In Artificial Insemination from Multiple Donors or *AIMD*, the selection phase also involves "mixing" the sperms of more than one "donor.") The sperms are then either inseminated immediately, or otherwise stored under refrigeration until needed for subsequent insemination.
2218. When ready for use - normally just before the 'fruitful' middle-of-the-month period of the woman to be inseminated - the sperm is artificially and instrumentally inseminated into the cervical or upper portion of the woman's womb. The hope here is that at least one sperm will survive - to swim into the fallopian tube, and there impregnate a fertile egg-cell.

2219. In this chapter¹⁰ - it will be enough to state that also both *IVF* (alias *In Vitro* Fertilization) and *NWH* (or Nonhuman Wombs for Humans) - require masturbation with a view to promoting a noncoital human conception. As regards this objectionable feature, *IVF* and *NWH* share the same predicament with both *AID* and *AIH*. However, for yet other specifics of *IVF* and *NWHs* (which aggravate their objectionableness) - see chapters V and W.

Distinctions between natural and artificial human inseminations

2220. We must note if the human insemination concerned is natural - or, alternatively, artificial. Indeed, we must further distinguish whether it is the inseminator's own spouse or somebody else who thus gets inseminated.
2221. Between marriage partners, the insemination is usually by way of *NMI* (alias Natural Marital Insemination). This has three aspects, occurring in the course of one act. 1, *NSI* (or Natural Sexual Intercourse); 2, *NIH* (or Natural Insemination by Husband); 3, *NIW* (or Natural Insemination of Wife).
2222. *NSI* (or Natural Sexual Intercourse) alone, we feel, is truly normative. However, there is also the possibility - and indeed even within the marriage itself - of *AIH* (alias Artificial Insemination from Husband).
2223. *AIH* is the same as *AIW* (or Artificial Insemination of Wife). But that insemination is not by way of *NSI* (or Natural Sexual Intercourse). As such, it is really Artificial Insemination **from** Husband - and neither Artificial Insemination nor Natural Sexual Intercourse **by** that husband.
2224. We have something similar in *HIA* (Human Insemination from Alien). There too, we must distinguish between *NIA* (or Natural Insemination **by** Alien) alias 'physical adultery' - and *AAI* (or Alien Artificial Insemination or Artificial Insemination **from** Alien) alias 'technical adultery.'
2225. Below, we shall be arguing that *HAI* (or Human Artificial Insemination) is never permissible: whether from "donor" by way of *AID*; or from or into "seller" by way of *AIS*; from the husband by way of *AIH*. We shall be arguing thus, because many passages in the Holy Bible throw much light upon (and against) all *HAI* (or Human Artificial Insemination).

Adam and Eve foundational and normative for methods of human reproduction

2226. Our study of such passages in the Bible must start with the normative case of the very first insemination (of the historical Eve by the historical Adam). We note it took place by order of the **Trinity-in-community**, in strict compliance with His Ten Commandments. Next, we should carefully apply those same Ten Commandments of this Triune God *·Elohiym* - so as to evaluate unusual methods of insemination like *AID*, *AIS*, *AIH*, *IVF*, *SHW* and *NWHs*.
2227. Finally, we shall discuss the examples: of *NID* (alias Natural Insemination by Donor); of *SHWs* (or Surrogate Human Wombs); of *NIB* (alias Natural Insemination of Buyer) or *NIS* (alias Natural Insemination from Seller); of *ISI* (alias Interrupted Sexual Intercourse); of *ANE* (alias Automatic Nocturnal Emission); of *ENE* (alias Extra-Nuptial Emission); of *DNI* (or Divine Noncoital Impregnation);

¹⁰. We are not discussing an emergency life-saving transplant of an embryo or a human being conceived normally *in utero*, into an incubator (because of malfunction of the mother's womb or because of an intra-uterine threat to the life of her unborn baby).

and of *PNI* (alias Providential Noncoital Impregnation) according to the Talmudic comment on Leviticus 21:13. We now turn to the various relevant passages in the Holy Bible.

2228. Normatively, the semen in all cases of human fructification proceeds **from** the 'flesh' of the husband-inseminator and is to pass **only** and **directly into** the 'flesh' of the wife-inseminatee. As recorded right at the beginning of the Bible (and for ever thereafter), "the Triune God made man as His own image [to reflect Him even in mankind's sexual fellowship].... He created them male [alias *zaakaar* or 'piercer'] and female [alias *n^oqeebaah* or 'piercee']." This clearly indicates how He wants them to reproduce, precisely by way of marital **copulation**. He then "**blessed** them...and said to them: 'Be **fruitful**, and multiply, and fill the Earth!'" Genesis 1:26-28.
2229. The Persons of the Triune God had never been lonely or alone, but have always **communed** with One Another. That God said to His image: "It is not good that the man should be alone [as in masturbation]. I will make him a help 'meet' for him [or 'abreast of him]" - as in marital intercourse; but not in *AIH*, *AID*, *IVF*, *SHW* or *NWH*. "Then Adam said: 'This is now [finally] bone-of-my-bones and flesh-of-my-flesh! She shall be called "Wom[b]-an" - because she was taken from [the "womb"] of "man." So a "man shall leave his father and his mother, in order to **cleave** to his wife. And the **two** [not the one nor the three or more] of them, shall be[come] **one** flesh.
2230. "Now the man and his wife were **both** naked, but had no shame [also during sexual intercourse].... So Adam started to have **sexual relations with his wife Eve**. Then she **conceived**."¹¹ Also according to the testimony of the Saviour¹² - "the Lord...made...the **wife** and brought her **to** her **husband**" (and not to a clinic for *AID* or *AIH* or *IVF* or *NWH*).
2231. Indeed, this '**one-fleshedness** - achieved **only** during marital **intercourse** - is the indispensable precondition and simultaneous environment of **all** God-pleasing deliberate acts of human insemination ever referred to, explicitly or implicitly, in the Word of God. Compare Genesis 2:18-25 with Exodus 20:1-17 (the Ten Commandments).¹³ Compare too: Genesis 16:2-9; 29:23 to 30:23; 38:2-26; Deuteronomy 25:5-10; Ruth 4:1-13; Proverbs 5:2-20; 30:18-20 (see too paragraphs 2471f & 2495f); Song 7:1-10; Malachi 2:14-16; Matthew 19:4-6; First Corinthians 6:16; 7:1-5; and Ephesians 5:25-33.

The bearing of the Decalogue upon the methods of human reproduction

2232. We have already dealt¹⁴ with the normative passages at the very foundation of the God-given method of human reproduction: Genesis 1:26-28 & 2:22-25. These norms were written on the hearts even of our first parents. Ecclesiastes 7:29 & Romans 2:14f compare the *Westminster Confession of Faith* 20:1-2. Let us therefore now deal with the marital teaching of the Ten Commandments - but only to the extent that they either explicitly or implicitly presuppose human **insemination** (or impregnations subsequent to insemination).
2233. The Ten Commandments were and are imprinted into the conscience of the entire human race¹⁵ - starting with our first ancestors, and not finishing until the very end of World History. Genesis 2:17-25 *cf.* Romans 2:14-16 and Revelation 2:2-7 & 14:12f & 22:14f. Indeed, especially the practices of *AID* and *SHW* - and obliquely even the practices of *AIH* and *IVF* - are implicitly yet clearly precluded by the

11. Gen. 2:22-25 & 4:1.

12. Mt. 19:4-6.

13. See paras. 2233-70.

14. See paras. 101f (*cf.* 2521f).

15. See *W.C.F.* 19:1-3 & *W.L.C., Q. & A.* 17-20 & 91-152 and *cf.* paras. 551f & 1108f.

Decalogue.

2234. "What rules are to be observed for the right understanding of the Ten Commandments?" asks the *Westminster Larger Catechism*.¹⁶ It answers "that the Law is perfect, and bindeth every one to full conformity...so as to require the utmost perfection of every duty and to forbid the least degree of every sin. Psalm 19:7; James 2:10; Matthew 5:21f."¹⁷
2235. Moreover, God's Law "is spiritual and so reacheth the understanding, will, affections and all other powers of the soul - as well as words, works, and gestures. Romans 7:14; Deuteronomy 6:5; Matthew 22:37-39; 5:21f; 5:27f,33-39,43f."¹⁸
2236. Furthermore, "one and the same thing, in divers respects, is required or forbidden in several Commandments. Colossians 3:5; Amos 8:5; Proverbs 1:19; First Timothy 6:10."¹⁹ Indeed, "where a duty is commanded, the contrary sin is forbidden; and where a sin is forbidden, the contrary duty is commanded. Isaiah 58:13; Deuteronomy 6:13; Matthew 4:9f; 15:4-6; 5:21-25; Ephesians 4:28."²⁰
2237. Again: "what God forbids, is at no time to be done; what He commands, is always our duty. Job 13:7f; Romans 3:8; Job 26:21; Hebrews 11:25; Matthew 12:7."²¹ Once more: "under one sin or duty, all of the same kind are forbidden or commanded; together with all the causes, means, occasions, and appearances thereof and provocations thereunto. Matthew 5:21f,27f and 15:4-6; Hebrews 10:24; First Thessalonians 5:22f; Jude 23; Galatians 5:26; Colossians 3:21."²²
2238. However: "what is forbidden or commanded to ourselves, we are bound, according to our places, to endeavour that it may be avoided or performed by others, according to the duty of their places. Exodus 20:10; Leviticus 19:17; Genesis 18:19; Joshua 24:15; Deuteronomy 6:6f."²³
2239. Last: "in what is commanded to others we are bound, according to our places and callings, to be helpful to them; and to take heed of partaking with others in what is forbidden them. Second Corinthians 1:24; First Timothy 5:22; Ephesians 5:11."²⁴ For - explains the *Catechism*²⁵ - "we are to consider in the Ten Commandments: the preface; the substance of the Commandments themselves; and the several reasons annexed to some of them, the more to enforce them."

The bearing of the First Commandment on methods of human reproduction

2240. The First Commandment is: 'you shall have no other gods before Me!' Exodus 20:3. What God requires here, explains the *Catechism*, includes our "yielding all obedience and submission to Him with the whole man. Jeremiah 7:23 & James 4:7. It also includes our "being careful in all things to please Him. First John 3:3-22. And it further embraces our being "sorrowful when in anything He is offended. Psalm 119:136."

16. *W.L.C.*, Q. 99.

17. *Ib.*, A. 99.1.

18. *Ib.*, A. 99.2.

19. *Ib.*, A. 99.3.

20. *Ib.*, A. 99.4.

21. *Ib.*, A. 99.5.

22. *Ib.*, A. 99.6.

23. *Ib.*, A. 99.7.

24. *Ib.*, A. 99.8.

25. *Ib.*, Q. & A. 100.

2241. The sins forbidden here, include: "ignorance (Jeremiah 4:22 & Hosea 4:1,6)"; "misapprehensions (Acts 17:23,29)"; "false opinions (Isaiah 40:18)"; "bold and **curious searchings into His secrets** (Deuteronomy 29:29)"; "all profaneness (Titus 1:16 & Hebrews 12:16)"; "self-love (Second Timothy 3:2)"; "self-seeking (Philippians 2:21)"; "misbelief (Acts 26:9)"; "distrust (Psalm 78:22)"; "**despair** (Genesis 4:13)"; *etc.*
2242. The list then continues: "presumption (Psalm 19:13)"; "**using unlawful means** (Romans 3:8)"; "trusting in lawful means" (Jeremiah 17:5)"; and "**discontent and impatiences at His dispensations**" (Psalms 73:2f,13f,22 & Job 1:22)"; *etc.*²⁶ Let the reader of especially the words emphasized above, slowly and deliberately, now honestly and before God ask himself or herself whether - in the light of the above - even the very First Commandment is not at least indirectly to some extent transgressed by practices such as *AID, SHW, AIH, IVF, NHW* and *AWH* (alias 'Artificial Wombs for Humans').

The bearing of the Second Commandment on methods of human reproduction

2243. Disobeying the Second Commandment against image worship (Exodus 20:4), **invokes divine threats disadvantageous even to one's offspring**. This is surely relevant regarding certain highly-unusual procedures occasionally utilized to produce offspring - procedures such as *AID, SHW, AIH, IVF, and AWH*. For such procedures **are all engaged in - almost exclusively because of the frustration of a desire to acquire offspring in the natural way**.
2244. God then hastens to remind us: "I, the Lord your God, am a jealous God - **visiting the iniquity of the fathers upon the children** unto the third and fourth generation of them that hate Me, **and showing mercy unto thousands [of generations] of them that love Me and keep My Commandments!**" Exodus 20:5-6. Thus, God exercises His "sovereignty over us and propriety in us. Psalm 45:11 & Revelation 15:3-4." And He also vents "His revengeful indignation against all false worship, as being a spiritual whoredom. First Corinthians 10:20-22; Jeremiah 7:18-20; Ezekiel 16:26f; Deuteronomy 32:16-20."
2245. Moreover, God regards all breakers of this Commandment as those that "hate" Him. Accordingly, He keeps on "threatening to punish them unto divers [or several] generations. Hosea 2:2-4." On the other hand, the Lord "regards all keepers of this Commandment as those that love Him." God indeed loves those who "keep His Commandments." And He keeps on "promising mercy to them, unto many generations. Deuteronomy 5:29."²⁷

The bearing of the Third Commandment on methods of human reproduction

2246. The Third Commandment (Exodus 20:7), requiring the revering of God's name and works,²⁸ also seems to frown on practices like *AID* and *SHW* and *AIH*. For it prohibits all "**misapplying of God's decrees** (Romans 3:5,7 & 6:1-2) **and providences** (Ecclesiastes 8:11 & 9:3 & Psalm 39:1-13)."
2247. It also condemns all "**abusing...the creatures**" by resorting "to charms" - *cf.* Leah's 'love-apples' (Genesis 20:14-16). Indeed, it also precludes all "**sinful lusts and practices**. Second Timothy 4:3-4;

^{26.} *Ib.*, QQ. & AA. 104f.

^{27.} *Ib.*, Q. & A. 110.

^{28.} *Ib.*, Q. & A. 111.

Romans 13:13f; Jude 4.²⁹

The bearing of the Fourth Commandment on methods of human reproduction

2248. The Fourth Commandment requires man to labour in godly ways for six days a week, and to rest on the sabbath. Exodus 20:8-11. This means that "we are to prepare our hearts...with...foresight, diligence and moderation" for the sabbath.³⁰ Moreover, it also requires us to **avoid "doing that which is in itself sinful"** - both on the sabbath, and also on all of the other six days of the week.³¹
2249. The Fourth Commandment, says the great Polish Reformed Theologian Rev. Professor Dr. John Laski, teaches that man must not just keep the sabbath rest every seventh day. In addition, it also teaches that he "must work zealously for six days a week in a God-honouring occupation."³²
2250. Indeed, as the Dutch Ethicist Rev. Professor Dr. Willem Geesink explains,³³ "our 'internal' sabbath-keeping requires us to **rest from our own carnal works**" - from works such as *AID* and *SHW*. For we are to "die to them each day, always seeking the Kingdom of God and (with a clean conscience) praise and thank Him for everything - **both in adversity [including childlessness] and prosperity [including fruitfulness]**."
2251. "On the other hand," Geesink goes on, "the Commandment is transgressed whenever we perform our own carnal works and do not always mortify them through the Word of God - and whenever we bear the cross and adversity impatiently.... [For] the 'external' sabbath is broken or desecrated also whenever we spend time...in idleness, foolishness...and other works of the flesh."
2252. An example of such a carnal work, would surely be prostitution. That may very well be either traditional (such as servicing brothels) or sophisticated (such as offering services such as Artificial Insemination by Seller or Leasing Wombs or Semen-Studding or any other such activity than those "in agreement with the Word of God").

The bearing of the Fifth Commandment on methods of human reproduction

2253. The Fifth Commandment "honour your father and your mother!" (Exodus 20:12), has obvious implications for *AID*, *SHW* and *AIH* - and also for *IVF* and *AWH*. It requires fathers and mothers and other "Superiors, according to that power they receive from God and that relation wherein they stand - to love (Colossians 3:19 & Titus 2:4); pray for (First Samuel 12:23 & Job 1:5); and bless their Inferiors" (such as their own children). Moreover, **parents are to keep on "protecting and providing" for their children "all things necessary for soul and body.** Ephesians 6:4 & First Timothy 5:8."
2254. Indeed: "by grave, wise, holy and exemplary carriage" or behaviour, parents are "**to procure glory to God** (First Timothy 4:12 & Titus 2:3-5)" and "**honour to themselves** (First Kings 3:28)." Thus, they are "to preserve that authority which God hath put upon them. Titus 2:15."³⁴
2255. On the other hand, "the sins of Superiors are - besides the neglect of the duties required of them

29. *Ib.*, Q. & A. 113.

30. *Ib.*, Q. & A. 113.

31. *Ib.*, Q. & A. 119.

32. A. Kuyper: *John a Lasco* (II pp. 373-76), in Kuyper's *Collected Works*.

33. Geesink: *Ordinances*, III pp. 535f.....

34. *W.L.C.*, Q. & A. 129.

(Ezekiel 34:2-4) - an inordinate seeking of themselves (Philippians 2:21), of their own glory (John 5:44 & 7:18); or of their own "ease, profit or pleasure (Isaiah 66:10f & Deuteronomy 17:17)." Parents also sin by "commanding things unlawful (Daniel 3:4-6 & Acts 4:17f) or not in the power of Inferiors to perform (Exodus 5:10-18 & Matthew 23:2-4)."

2256. **Parents further sin against God to the detriment of their children by "carelessly exposing or leaving them to...danger** (Genesis 28:11,26 & Acts 18:17)" - such as in the case of unimplanted *IVF*-zygotes. Furthermore, parents also sin against their prenatal or postnatal children by "**provoking them to wrath** (Ephesians 6:4) or any way dishonouring themselves or **lessening** their authority by an...indiscreet...behaviour (Genesis 9:21 & First Kings 12:13-16 & First Kings 1:6 & First Samuel 2:29-31)."³⁵ Are not *AID* and *SHW* good examples of such "indiscreet behaviour" by parents?
2257. Indeed, the Fifth Commandment even condemns the sins of "envying the gifts (Acts 7:9 & Galatians 5:26)" or "**grieving at the advancement or prosperity one of another.**"³⁶ One example of such envy, is the way in which certain barren men or women sometimes envy fruitful men or women - sometimes tempting the former to *AID*, *AIH* and *IVF*. The Commandment also condemns "usurping preeminence one over another." This is seen in *SHW* cases like that of Sarah and Hagar, or cases like that of Leah and Rachel (and their handmaids). See Genesis chapters 16 & 21 & 29 & 30.

The bearing of the Sixth Commandment on methods of human reproduction

2258. The Sixth Commandment "you shall not murder!" (Exodus 20:13) clearly bears upon abortion. It also bears upon the omission to promote the development of unimplanted zygotes, in many *IVF* procedures. Where applicable, it also refers to abandoning or even slaughtering them. For the **Sixth Commandment requires all "lawful endeavours to preserve the life of...others.** First Kings 18:4." **It requires "resisting all...practices which tend to the unjust taking away the life of any.** Jeremiah 26:15f & Acts 23:12,16f,21,27." Indeed, it requires - **whenever God withholds children from marriages - a "patient bearing of the hand of God.** James 5:7-11 & Hebrews 12:9."³⁷
2259. Similarly, "**the sins forbidden in the Sixth Commandment" include "all taking away the life of ourselves or of others (Acts 16:28 & Genesis 9:6)"; and all "neglecting or withdrawing the lawful or necessary means of preservation of life (Matthew 25:42f & Jeremiah 2:15f & Ecclesiastes 6:1-2)." The latter text refers to those aborted or miscarried. Further, the Commandment also forbids all "distracting cares (Matthew 6:31,34)" - and "whatsoever else tends to the destruction of the life of any.** Exodus 21:18-36."³⁸

The bearing of the Seventh Commandment on methods of human reproduction

2260. Especially the Seventh Commandment - "you shall not commit adultery!" (Exodus 20:14) - seems to preclude *AID* and *SHW*. It requires "marriage by those that have not the gift of continency (First Corinthians 7:2f)," and "conjugal love (Proverbs 5:19f) and cohabitation (First Peter 3:7)." It also requires the "shunning of all occasions of uncleanness" and "resisting temptations thereunto (Proverbs 5:8 & Genesis 39:8-10)."³⁹

35. *W.L.C.* 130.

36. *W.L.C.* 132.

37. *W.L.C.* 135.

38. *W.L.C.* 136.

39. *W.L.C.* 138.

2261. Similarly, **"the sins forbidden in the Seventh Commandment**, beside the neglect of the duties required (Proverbs 5:7f), are: adultery [and fornication] (Hebrews 13:4 & Galatians 5:19)." Also: "rape [and] incest (Second Samuel 13:14 & First Corinthians 5:1)." Also: "sodomy and all unnatural lusts" such as lesbianism [and] bestiality "(Romans 1:24-27 & Leviticus 20:15f)" - **and all 'unnatural practices' such as AID and SHW?**
2262. It further **prohibits all "keeping of stews [or brothels]** and resorting to them (First Kings 15:12 & Second Kings 23:7 & Deuteronomy 23:17f & Leviticus 19:29 & Jeremiah 5:7 & Proverbs 7:24-27)" - **and all hiring out of semen studs and rent-a-womb services?** It forbids **all "having more wives or husbands than one at the same time.** Malachi 2:14f & Matthew 19:5." Indeed, it bans "all other provocations to, or acts of uncleanness - either in ourselves, or others. Second Kings 9:30 & 4:30 & Ezekiel 23:40."⁴⁰

The bearing of the Eighth Commandment on methods of human reproduction

2263. The Eighth Commandment ("you shall not steal!" (Exodus 20:15) seems to preclude all *AIS* services - whether in the selling of sperm by semen studs or in the hiring out of rent-a-womb facilities by surrogate mothers. For the Commandment requires "a lawful calling. First Corinthians 7:20 and Genesis 2:15 & 3:19." Indeed, it insists on "an endeavour by all just and **lawful means to procure...and to further the wealth** and outward estate of others as well as of our own. Leviticus 25:35; Deuteronomy 22:1-4; Exodus 23:4f; Genesis 47:14,20; Philippians 2:4; Matthew 22:29."⁴¹
2264. Conversely, the Commandment **forbids contraband professions or "unlawful callings.** Acts 19:19,24f." It also prohibits all "other unjust or sinful ways (such as by *SHW*) of taking or withholding from our neighbour what belongs to him, or enriching ourselves. Job 20:19; James 5:4; Proverbs 21:6."
2265. Indeed, it also prohibits all "covetousness (Luke 12:15)"; all "distrustful and distracting cares"; all "studies in getting" the "goods of others" (Matthew 6:25,31,34 & Ecclesiastes 5:12)"; and all **"envying at the prosperity" (and fruitfulness?) "of others.** Psalm 73:3 & 37:1,7."⁴²

The bearing of the Ninth Commandment on methods of human reproduction

2266. The Ninth Commandment against false witness (Exodus 20:16) seems to condemn *AID* and *SHW*. It **requires "the preserving and promoting of...the good name of our neighbour as well as our own.** Third John 12." It requires "love and care of our own good name, and defending it when need requireth. Proverbs 22:1 & John 8:49." It also requires the "studying and practising of whatsoever things are...lovely and of good report (Philippians 4:8)."⁴³
2267. The **sins forbidden here include "all prejudicing of...the good name of our neighbour as well as of our own.** First Samuel 17:28 and Second Samuel 16:3 & 1:9-16." Also: "calling evil good, and good evil (*cf.* Isaiah 5:20)"; "rewarding the wicked according to the work of the righteous...(Isaiah 5:23)"; and all "practising or not avoiding...or not hindering...such things as procure an ill name. Second Samuel 13:12f & Proverbs 5:8f & 6:33."⁴⁴

40. *W.L.C.*, Q. & A. 139.

41. *W.L.C.*, Q. & A. 141.

42. *W.L.C.*, Q. & A. 142.

43. *W.L.C.*, Q. & A. 144.

44. *W.L.C.*, Q. & A. 145.

The bearing of the Tenth Commandment on methods of human reproduction

2268. Last, the Tenth Commandment "you shall not covet!" (Exodus 20:17) condemns all enviously desiring for ourself the kind of child God has given to our neighbour - the kind of child He has not thus far been pleased to give, and may never give, to us ourselves. For the Comandment **requires "a full contentment with our own condition.** Hebrews 13:5 and First Timothy 6:6."⁴⁵
2269. Similarly, "**the sins forbidden in the Ten Commandment**" include all "**discontentment with our own estate.** First Kings 21:4 & Esther 5:13 & First Corinthians 10:10." To this must be added all "envying (Galatians 5:26 & James 3:14-16)." Indeed, we are also prohibited from "grieving at the good of our neighbour. Psalm 112:9f & Nehemiah 2:10."⁴⁶
2270. It is our own firm conviction - as will be pointed out in the following paragraphs - that the specific Biblical examples of this (in the area of childless marriages) **explicitly** condemn *NIA* (alias 'Natural Insemination from an Alien'), *SHW* (alias 'Surrogate Human Wombs'), *NIS* (alias 'Natural Insemination into a Seller'), *ISI* (alias 'Interrupted Sexual Insemination'), and *ENE* (alias 'Extra-Nuptial Emission'). Implicitly, they also condemn *AID* and *AIH* and *IVF*.

Genesis 16:2f - Hagar's *NIA* by Abraham and her *SHW* for Sarai

2271. We will now proceed to give specific Biblical examples of the histories of several initially-childless marriages. These explicitly condemn *NIA*, *SHW*, *NIS*, *ISI* and *ENE*. These examples do, we believe, also implicitly condemn even *AID* and *IVF*. Only in subsequent chapters, however, will we go on to give further Biblical evidence against specifically *IVF* and *NWHs* (alias 'Nonhuman Wombs for Humans').
2272. The first Biblical example of *NIA* (alias 'Natural Insemination by or from an Alien') and of *SHW* (alias a 'Surrogate Human Womb') is found in Genesis 16:2f. There, we read that the barren Sarai alias Sarah herself pleaded with her fertile husband Abram or Abraham - for him, with his wife's full permission, to inseminate her own slave-girl Hagar (to whom Abraham was not married). Sarah's motive here was **that not Hagar but Sarah herself "may obtain a child [or 'be built'] by her"** - alias 'be built' by and from Hagar.
2273. Unfortunately, "Abraham listened to the voice of Sarai" in this matter - and himself too went along with this shabby suggestion. "Sarai, Abram's wife, took Hagar her maid...and gave her to her [Sarai's] husband Abram.... So he had sexual intercourse with Hagar. Then she conceived. However, when she [Hagar] saw that she [herself] had conceived - her mistress [Sarah] became despicable in her eyes."
2274. Thereafter, Sarah soon began to admit her own wrong-doing in this matter. But it was too late. Friction increased, and led to much heartache for the entire household. See: Genesis 16:6-15; 17:15-21; 21:2-21. Indeed, God Himself voiced His Own disapproval of this whole train of events. See Genesis 21:9-21 and Galatians 4:22-31.
2275. Sexually, Hagar was "alien" to Abraham. This should be conceded by all who study the facts of that case. Consequently, it seems only those with a built-in prejudice in favour of the insemination of alien wombs

⁴⁵. *W.L.C.*, Q. & A. 147.

⁴⁶. *W.L.C.*, Q. & A. 148.

(as the 'female' counterpart of insemination from male donors) can fail to share God's own disapproval of such procedures.

Luther comments that Abraham and Sarah were tempted at Genesis 16:2f

2276. Rev. Dr. Martin Luther's discussion of this example of Sarah's surrogate motherhood by way of Abraham's impregnation of Hagar, is full of instruction. Observed Luther:⁴⁷ "The godly husband and wife [Abraham and Sarah] do not resort to these plans because they have been spurred on by lust. They succumb to temptation, both because they were concerned about offspring on account of the promise and because they were eagerly waiting for the Seed promised to Adam in Paradise [Genesis 3:15]....
2277. "Sarah herself intends to remain the mother and the mistress in the household. She herself intends to have the promised Seed - if not the natural one, still the legal one.... Note Sarah's temperate language: 'The Lord,' she says, 'has prevented me from bearing.' She does not indignantly blame Satan.... She acknowledges the act of God with humility, and says: 'So far it has not been the Lord's will that I should bear children'....
2278. "But this case should not be set up as a pattern, as though **we** were allowed to do the same things. For it is necessary to consider the circumstances. The promise of the Seed has not been made to us, as it was to Abraham; and no matter if your marriage is completely barren, there is no danger whatever from this source - even if your entire lineage should die out, if God so wills....
2279. "Abraham, however, not only had the promise of the Seed, but it was also an assured fact that Sarah was barren. These circumstances do not exist in your case. Therefore this unusual action of these spouses should in no wise be adduced as a pattern, especially not in the New Testament.... Moses states clearly that Abraham obeyed Sarah. He does not say that he was glad to do so. I for my part am completely convinced that he obeyed Sarah unwillingly. For he loved her very much.... He yielded to her reasons.... He does this in compliance with his wife's wish - not as the polygamists of the Old Testament were in the habit of doing." He obeyed Sarah - not God!

Calvin: Sarah sinned in yielding her conjugal rights to Hagar

2280. Calvin reflects on 'Natural Insemination from or into an Alien.' Says he:⁴⁸ "Sarai, through the impatience of long delay, resorted to a method of obtaining seed by her husband at variance with the Word of God. She saw that she was barren....
2281. Sarai, therefore, does not desire offspring [as is almost always the case] from a merely natural impulse. But she yields her conjugal rights to another - through a wish to obtain that benediction which she knew was divinely promised....
2282. "She was guilty of no light sin, by impatiently departing from the Word of God for the purpose of enjoying the effect of that Word.... However desperate the affair might be, still, she ought not to have attempted anything at variance with the will of God and the legitimate order of nature."
2283. Continues Calvin: "God designed that the human race should be propagated by sacred marriage.

^{47.} *Commentary on Genesis* (16:1-3).

^{48.} *Comm. on Gen.*, Gen. 16:1-3.

Sarai perverts the law of marriage, by defiling the conjugal bed which was appointed only for two persons. Nor is it an available excuse that she wished Abram to have a concubine and not a wife - since it ought to have been regarded as a settled point that the woman is joined to the man [so] that they two should be one flesh....

2284. "Nor was even Abram free from fault in following the foolish [or immoral] and preposterous counsel of his wife. Therefore, as the precipitancy of Sarai was culpable - so the facility with which Abram yielded to her wish, was worthy of reprehension.
2285. "The faith of both of them was defective...with regard to the **method** in which they proceeded...without observing the legitimate order of God.... Hagar is improperly called a 'wife' - because she was brought into another person's bed, against the Law of God. Therefore, let us know that this connection was so far illicit - as to be something between fornication and marriage. The same thing takes place with **all** those inventions which are appended to the Word of God."

Genesis 29:23's sins of Laban and Leah in the sexual deceit of Jacob

2286. The second set of Biblical examples of 'Natural Inseminations by or into Aliens' and of 'Surrogate Human Wombs' - is found in the household of Jacob. Right after his marriage to Rachel he was deceived by his own father-in-law Laban - into blindly sleeping with the latter's elder daughter Leah.
2287. In so doing, Jacob had sincerely though mistakenly believed her to be her younger sister (his beloved bride Rachel). It was Rachel alone that Jacob had wanted to marry. Indeed, it was with her alone he thought he was then consummating his marriage - prior to his reluctantly later taking also her elder sister Leah as his wife (as a result of Laban's deceit).

Luther on Genesis 29:23f: "guilt clings to the faithless Laban"

2288. Luther's comments on Genesis 29:23-25, are very helpful. "It is not said," observed Luther, "that Laban brought Leah to Jacob as his **wife**. No, he says: 'He [Laban] took his daughter Leah and brought her to Jacob'....
2289. Leah was certainly instructed by her father to be completely silent, or to speak softly.... Jacob's modesty must have been very great.... He neither spoke with her...but only embraced her with marital love out of exceedingly great joy....
2290. "Before that time, Jacob had not exchanged a single word with Leah about getting married [to her]. No love, no pledge, no agreement had intervened.... Without consent, agreements and discussion - the daughter is seized by the father and placed on the nuptial bed of Jacob....
2291. "Ask whether there was a true marriage that night between Leah and Jacob, I reply that there was not.... Jacob...is without guilt; but this guilt clings to faithless Laban....
2292. "This union of Jacob and Leah is not [yet] a marriage.... The deed *per se* is a defilement.... Leah is also excused, on the ground of the authority of her father.... No sin and guilt adheres to Jacob....
2293. "But **after** his complaint [to Laban] there will be a true marriage [to Leah], when God grants a dispensation for this union and confirms it by giving offspring.... It is neither a marriage nor adultery; it is simply a monstrosity. Nor should this example be imitated by us."

God graciously gave fruitfulness to polygamists in Genesis 29:28f

2294. After that traumatic experience, Jacob understandably still went ahead and slept also with his intended wife Rachel (as indeed he had previously contracted to do). Dr. Luther's *Commentary* on Genesis 29:28 asks "whether such [a practice]...is not condemned by the Law of Moses.... Indeed, the Law orders him to get rid of the one or the other...."
2295. "This example should not be taken as a precedent. Jacob keeps Leah and regards her as his lawful wife, although he would have been glad to forsake her." However, that led to Leah becoming the "hated" alias the **'less-respected'** of Jacob's two wives.
2296. In great compassion, God then gave Leah children - Reuben, and Simeon, and Levi, and Judah - by Jacob. See Genesis 29:16-35. As Martin Luther comments (Genesis 30:1), "in the [fallen] human race, there are few who regard a woman's fertility as a blessing. Indeed, there are many who have an aversion for it and regard sterility as a special blessing. Surely, [however,] this is also contrary to nature... Much less is it pious and saintly.
2297. "For this affection [to regard children as a blessing] has been implanted by God in man's nature, so that it desires increase and multiplication.... The saintly fathers...acknowledged a fruitful wife as a special blessing of God, and...regarded sterility as a curse. And this judgment flowed from the Word of God in Genesis 1:28, where He said: 'Be fruitful and multiply!' From this, they understood that children are a gift of God.... Hope! Pray! Believe! Just as Leah did. But **you** should not marry four wives - as Jacob did."

Unfruitful Rachel's envy when she herself bore no children

2298. When Rachel realized that she herself had borne no children at all to her husband Jacob, she broke the Tenth Commandment and envied her sister Leah. Frustrated, Rachel then also broke the Fifth and Sixth and Seventh Commandments, and said to her husband: "Give me children, or else I'll die!"
2299. Observe here how Rachel's clearly broke the Tenth Commandment: 'you shall not covet!' Observe further how that in turn further misled her to break also other Commandments of God's Decalogue.
2300. For in thought or word or deed, positively or negatively, she then went on to break the Fifth Commandment - and to dishonour her parents and her husband and her own later-to-be-born children. She implicitly broke the Sixth Commandment ('you shall not murder!') - by wishing that she herself was dead. Indeed, she even then started to break the Seventh Commandment ('you shall not commit adultery!') - by unrighteously rebuking her husband (and soon thereafter urging him to commit adultery with her own maid).

The important comments of Luther and Calvin on Genesis 30:1

2301. Comments Luther on Genesis (30:1): "'If I do not have children I shall die,' says Rachel. 'I prefer being without life, to being without children. But if my flesh is worn out and barren, nevertheless let my husband beget children from my maidservant!' ... Jacob undoubtedly proclaimed to both [Rachel and her maidservant] that he had the promise that the Blessed Seed would be born from him."
2302. Calvin comments: "We see what 'ambition' can do! For Rachel, in seeking preeminence, does not

spare even her own sister - and scarcely refrains from venting her anger against God for having honoured that sister with the gift of fruitfulness.... She envies her sister, who was contented with her [own] lot."

Jacob told Rachel not he but God gives fruitfulness (Gen. 30:2)

2303. In Genesis 30:1, Rachel had envied her fruitful sister and then demanded her own husband Jacob give her too children. Genesis 30:2 now continues: "Then Jacob became angry with Rachel, and said: 'Am I in the place of God Who has withheld the fruit of the womb from you?'"
2304. Here Luther commented: "Jacob is angry.... 'I am not at fault,' he says.... 'I am not God, Who could grant you fertility and the power to bear children'...."
2305. "The Holy Spirit...Himself has created the World. He has created male and female, and has blessed them that they might be fruitful.... He gives nourishment and provides milk for the mother to support and suckle her child. He does not disdain His work. Yet He does not regard celibacy reproachfully. For it too is a gift of God.... We do not praise marriage [in such a way]...that we disparage or reject celibacy...."
2306. "God delights in describing such lowly matters.... He does not despise, abhor, or withdraw from the management of a household; from a good husband; from a wife; and from children.... What better and more useful thing can be taught in the Church, than the example of a godly mother of a household who prays; sighs; cries out; gives thanks; rules the house; performs the function of sex; and desires offspring - with the greatest chastity, gratitude and godliness?"
2307. Luther continues: "The Holy Spirit...governs the saintly women in such a way that He gives evidence that they are His creation, and that He wants to rule them...also according to the flesh - in order that they may call upon and adore God; give thanks for their offspring; be obedient to their husband; *etc.* That is, to hand down these...things to the churches to be read - in order that God may show His magnificent and wonderful works in the Church.... He [the Lord God] works heavenly and spiritual things, in things [like marriage] that are...earthly...."
2308. "We should read Holy Scripture.... We should regard these 'insignificant' and completely 'carnal' matters not with the eyes of the flesh but with the eyes of the Spirit. Then we shall see wonderful counsels of the Holy Spirit in descriptions of this kind."
2309. Calvin has a curt comment on Genesis 30:2. He remarks: "Jacob is angry because his wife ascribes nothing to the providence of God and, by imagining that children are the offspring of chance, would deprive God of the care and government of mankind."
2310. Yet, at least at this point, Rachel's husband "Jacob maintained the honour due to God - while he corrected his wife and taught her that it was not without sufficient cause that she had hitherto been barren. For when he affirms that the Lord had shut her womb - he obliquely intimates that she ought more deeply to humble herself."

Rachel wrongly urges her husband to sleep with her maid Bilhah (Genesis 30:3)

2311. Rachel's sinful envy and commandment-breaking frustration is seen even more clearly in Genesis 30:3. Right after her husband Jacob had rightly told her that not he but only God could grant her the

fruit of the womb, she exploded. "She said: 'Look, have sexual intercourse with my maid Bilhah! **Then she shall bear a child upon my knees** [*'al-birkaiy*], so that **even I may get a son** [*w^e-ibaneh* or 'be built'] **from her!**"⁴⁹

2312. To her husband Jacob, explained Luther, Rachel "said: 'Here is my maid Bilhah. Go in to her, that she may bear upon my knees - so that I may have children through her!'
2313. Martin Luther explains: "To 'bear upon the knees' is a Hebrew expression, with which Rachel points out that she wants to become a mother.... With these words, she adopts the offspring from her maidservant."
2314. However, continues Calvin, "Rachel is not [to be] induced to flee to the Lord - but strives to gain a triumph by [way rather of] illicit arts. Therefore she hurries Jacob into a third 'marriage' [*viz.* with her own maid Bilhah]. Whence we infer that there is no end of sinning - when once the divine institution [of marriage] is treated with neglect....
2315. "Is his wife in the place of God, from Whom Alone the law of marriage proceeds? But to please his wife - or to yield to her importunity - he [Jacob] does not scruple to depart from the command of God! 'To bear upon the knees' is nothing more than to commit the child, when born, to another to be brought up." Compare *SHWS* (alias 'Surrogate Human Wombs').
2316. "Bilhah was a maid-servant, and therefore did not bear for herself but for her mistress [Rachel]. She, claiming the child as her own, thus procured the honour of a 'mother.' Therefore it is added [by Rachel], by way of explanation: 'I shall have children' [or 'I shall be built up'] 'by her'" - *viz.* by Bilhah. Indeed, the parallel here to *SHW* - if not even to *AID* - is almost exact.
2317. "Then Bilhah conceived," continues Calvin.⁵⁰ "It is wonderful that God should have deigned to honour an **adulterous** connection, with off-spring! But he does sometimes thus strive to overcome by kindness, the wickedness of men.... Moses shortly before called Bilhah a 'wife' - who might more properly have been called a '**harlot**'....
2318. "Although the compact into which the husband and wife sinfully entered against the divine counsel and sacred order of nature was void - it came to pass nevertheless, by special privilege, that the conjunction which in itself **was adulterous** - obtained honour." For "at length - Rachel begins to ascribe to God what is His Own."

Keil on Genesis 30:1-4 - the childless Rachel should have prayed

2319. To the above remarks of the 'Calvinist' or at least the Calvinian Calvin, we would also like to add the further comments of a fine 'Lutheran' Scholar. Rev. Professor Dr. C.F. Keil, in his famous *Commentary on Genesis*, observes⁵¹ that "when Rachel thought of her own barrenness, she became more and more envious of her sister who was blessed with sons." She **should**, instead, have **prayed!** And she

^{49.} Note that 30:3's expression '*al-birkaiy*' is used (in the phrase '*al-birkeey Yooseef*') also at Gen. 50:23, and again with substitutionary force: "Joseph saw Ephraim's children of the third [generation]: the children also of [his grandson] Machir the son of [Joseph's son] Manasseh were brought up [*yul^elduu* or 'were born'] upon Joseph's knees."

^{50.} *Comm.* on Gen. 30:5.

^{51.} *Ib.*, on Gen. 30:5.

^{51.} Keil & Delitzsch: *Pent.*, II pp. 287f (on Gen. 30:1-8).

should have done so "either directly - or through her husband (as Rebekah had done) - to Jehovah, Who had promised His favour to Jacob. Genesis 25:21f *cf.* 28:13f."

2320. This - **pray!** - is what barren wives and their husband should do, even today: rather than resort to *AID* or even to *AIH*. But instead, Rachel "said to Jacob, in passionate displeasure: 'Get me children - or I shall die!' To which he angrily replied: 'Am I in God's stead [*i.e.*, (am I) equal to God, or (am I) God (Himself)] Who has withheld from you the fruit of the womb?' That is: 'Can I, a powerless man, give you what the Almighty God has withheld?'
2321. "Jacob was certainly not Almighty, like God! But he also lacked the power which he might have possessed - the power of prayer, in firm reliance upon the promise of the Lord. Hence, he could neither help nor advise his beloved wife." Sadly, Jacob quite wrongly felt he could "only assent to her [sinful] proposal that he should beget children for her - through her maid Bilhah."

Bilhah's *SHW* for Rachel produced yet more rivalry with Leah (Genesis 30:4-13)

2322. The holy narrative next relates that Rachel gave to Jacob her husband "Bilhah her slave.... Then Jacob had sexual intercourse with her. And Bilhah conceived, and bore Jacob a son. Then Rachel...called his name Dan. Then Bilhah, Rachel's maid, conceived again, and bore Jacob a second son [Naphtali]. So Rachel said: 'With great wrestling I have wrestled with my sister [Leah], and I have prevailed!'" Genesis 30:4-8.
2323. This, however, only drove Leah to jealousy. For "when Leah saw that she herself had ceased bearing, she took Zilpah her maid, and gave her to Jacob.... Then Zilpah, Leah's maid, bore Jacob a son [Gad]. Thereafter, Leah's maid Zilpah bore Jacob a second son [Asher]." Genesis 30:9-12.
2324. The arrival of these children, born to Jacob from three different women, hardly improved his domestic tranquillity. Not only was the rift between Rachel and Leah now wider than ever before - and widened precisely by Jacob's resorting to the 'Surrogate Human Wombs' of Bilhah and Zilpah. But a further and a similar rift soon opened up between Leah and Bilhah on the one hand - and between Rachel and Bilhah on the other. Thus, Jacob now had two different families under one head yet increasingly ranged the one against the other. **So bigamy necessarily destroys the trinitarian unity of all families!**
2325. Indeed, yet another rift apparently soon opened up between Rachel and her own maid Bilhah - and, for all we know, a further rift also between Leah and her own maid Zilpah - thus forming four polygamous families under the same head yet increasingly ranged against one another. Very likely there were also yet further rifts - between Leah and Bilhah; between Zilpah and Bilhah; between Rachel and Zilpah; between each and all of their various sons; between those sons and their own 'stepmothers'; and between each and all of these women and their sons on the one hand, and Jacob on the other.
2326. Behold here the straining of true family life - both by polygamy and by concubinage! Indeed, Jacob's concubinages were but forms of *NIA* (or Natural Insemination of Aliens). Furthermore, they are examples also of Surrogate Human Wombs (in respect of Bilhah and Zilpah) - first for Rachel, and then also for Leah.

Leupold on Genesis 30:4-13 - not God but expediency trusted in

2327. Another faithful 'Lutheran' Scholar here well worth quoting - is the modern commentator Rev. Professor Dr. H.C. Leupold. In his celebrated *Exposition of Genesis*, Leupold remarks⁵² that Bilhah's being commanded "to 'bear children upon the knees' of Rachel...is simply another way of saying that Rachel will take the children her maid bears and set them upon her own knees and treat them as her own."
2328. However, explains Leupold, "it may also be that **setting the children upon the knee**" - or even **getting the children to be conceived within and/or born from the maid while she rests on top of her mistress's knees?** - **"was a formal mode of the adoption of such children."** Compare the modern phenomena of *SHWs* (alias 'Surrogate Human Wombs').
2329. Continues Professor Leupold: "It is no credit to either Jacob or Rachel that this device is resorted to. God's institution of the order of marriage was ignored [*cf.* Genesis 2:22-25]. The lesson taught to Abraham [*cf.* Genesis 16:1 to 21:10f] was not heeded. Human expedients were trusted in, rather than God's blessing."
2330. Rev. Dr. Leupold goes on:⁵³ "Rivalry and jealousy in [Jacob] the bigamist's household continue, even though the two wives are sisters. On the human level, petty jealousies and the natural longing for offspring are the things that are chiefly in evidence."

For love-apples Rachel sells the sexual use of her husband to Leah

2331. In course of time, Leah's son Reuben (while apparently yet a small boy) found some love-apples in the field. These were either aphrodisiac; or promotive of fertility; or both. See: Song of Solomon 7:8-13. So the still-barren Rachel now harangued Leah: "Give me some of your son's love-apples!" But Leah replied: "Do you think it's a **small** thing that you have **taken** my husband? And now, do you intend to take my son's love-apples **too?**"
2332. Then Rachel said: "Let Jacob **lie** with **you** tonight, in **exchange** for your son's **love-apples**" - which Rachel then wanted to use for herself. Here, the similarities with *AID* or rather *AIS* (alias 'Artificial Insemination by Seller') are striking.
2333. For in the above ancient transaction, Rachel sells the sexual use of her own husband Jacob - as a 'semen stud' to inseminate another woman (her own sister Leah). Indeed, Leah - herself desiring to get pregnant - as it were 'purchases' the 'semen' required, by bribing the semen-supplier's own wife Rachel into become agreeable to this sordid sleeze.
2334. This is *NIB* (alias 'Natural Insemination into Buyer'). *NIB* is the counterpart of *NIS* (alias 'Natural Insemination into Seller'). In *NIS*, the female inseminatee or prostitute is **paid** for "vending" or selling her body to a male buyer. See Genesis 28:12-30. In *NIB*, the female inseminatee (or her agent) **herself pays** the semen-donor alias the semen-seller (or his agent) - for the semen-seller to prostitute himself. This is seen in *AID* (or, rather more accurately, in *AIS* alias 'Artificial Insemination from Seller').
2335. So, when Jacob came home from the fields that evening, Leah went out to meet him and said: "Come and have sexual intercourse with me! For surely, I have **hired** you - in **exchange** for my son's love-

⁵² H.C. Leupold: *Exposition of Genesis*, Grand Rapids: Baker, rep. 1968, II pp. 806f.

⁵³ *Ib.*, pp. 811f (on Gen. 30:14f).

apples." So Jacob lay with Leah that night, and she conceived her fifth son (Issachar) - and later yet her sixth son (Zebulun), and thereafter her daughter (Dinah). Then God remembered Rachel [too]. So God heard her, and opened her womb. Then she conceived, and bare a son [Joseph] and said: "God has taken away my reproach!" Genesis 30:14-23.

Calvin on Leah's purchase of Jacob from his wife for one night

2336. The unfruitful Rachel had sinned grievously against God - especially: in her envy of her fruitful sister; in her rebuking of her husband for not getting her pregnant; and in her urging her husband to sleep with her own maid. "Yet Leah," Calvin goes on,⁵⁴ "sins still more grievously - by using wicked and unjust arts in the contest.... In obtruding, therefore, her maid - she gave proof not only of impatience, but also of distrust...."
2337. "Then [Leah's son] Reuben...brought home...fruit out of the fields and presented it to his mother. Thereby she '**purchased**' from her sister 'one night' with her [sister's] husband." Compare here our modern *A/S*, alias "Artificial Insemination by Seller."
2338. Calvin goes on: "Leah speaks haughtily, because her mind had long been so exasperated that she could not address herself mildly and courteously to her sister. Perhaps the sisters were not thus contentious by nature. But God suffered them to contend with each other - [so] that the **punishment of polygamy** might be exhibited to posterity...."
2339. "This domestic private quarrel - yes, hostile dissension - brought great grief and torment to the holy man [Jacob]. But the reason why he found himself thus distracted by opposite parties was that - against all right - he had broken the unity of the conjugal bond."
2340. "Who would have thought," continues Calvin,⁵⁵ "that while Leah was hatefully denying to her sister the fruits gathered by her boy [Reuben] - and was 'purchasing' by the price of those fruits 'a night' with her husband - there would be any place for prayers?"
2341. It was bad enough when, on a previous occasion - observes Calvin - "Leah ignorantly boasted that her son was given to her as a reward for her sin." *Cf.* Genesis 29:23-32.
2342. But now, at Genesis 30:9-13, Leah even further "violated the fidelity of holy wedlock - when she introduced a fresh concubine to oppose her sister.... Truly, she is...far from the confession of her fault.... She proclaims her own merit!" Thus Calvin.

Leupold on Rachel's purchase of fertility-promoting mandrakes

2343. Prof. Leupold comments⁵⁶ on the above: "Reuben...gathers...the yellow berries of the 'mandrake' [or 'love-apples'].... The ancients and perhaps the early Hebrews too regarded this fruit as an aphrodisiac and as promoting fertility. Had that thought not been involved here, this...episode could hardly have given rise to such a clash between the sisters."
2344. "Reuben, as little children will, presents the mandrakes to his mother. Rachel, present at the time -

^{54.} *Ib.*, on Gen. 30:9-15.

^{55.} *Ib.*, on Gen. 30:17.

^{56.} *Commentary on Genesis*, 30:14-23 (pp. 811-15).

and much concerned, as usual, about her sterility - thinks to resort to this traditional means of relieving the disability, and asks for 'some of the mandrakes'.... Leah bitterly upbraids her.... But she [Leah] petulantly adds [that] Rachel even wants to get the 'mandrakes' from Leah's son Reuben."

2345. Prof. Dr. Leupold goes on: "Rachel desires to preserve peace in the household." Consequently, she "concedes to 'yield' the husband to her sister for 'the night' - in return for the 'mandrakes' which she...purposes to eat. The frank narrative of the Scriptures on this point, makes us blush with shame at the indelicate bargaining [compare *AID* or rather *AIS*]....
2346. "Jacob's lot cannot have been a very happy one. To an extent, he was shuttled back and forth between two wives and even their handmaids. Almost a certain shamelessness has taken possession of Jacob's wives in their intense rivalry."

Genesis 30:17f's heartache caused by Jacob's 'children of rivalry'

2347. Even after all the above unhappiness, the fierce rivalry between Leah and Rachel to get children by Jacob continued unabated. "God hearkened to Leah, and she conceived - and [later] bore Jacob the fifth son. Then Leah said, 'God has given me my hire, because I have given my maid to my husband': and she called his name Issachar." Genesis 30:17f.
2348. "Then Leah conceived again, and bore Jacob the sixth son. And Leah said, 'God has endured me with a good dowry. Now my husband will keep on dwelling with me, because I have born him six sons': and she called his name Zebulun. Then, afterwards, she bore a daughter - and called her name Dinah." Genesis 30:20f.
2349. Some time later, however, "God remembered Rachel. And God hearkened to her, and opened her womb. Then she conceived and bore a son." Genesis 30:22.
2350. As Leupold here comments: "By this statement ['God remembered'], the author indicates that Rachel's **conception was not due to the mandrakes but to the omnipotent power of God**.... Quite humbly, Rachel...now gives God the glory, and rejoices that He 'has taken away' her 'reproach.'"
2351. O, that even today's barren wives would abandon their trust in devices like *AID* and even *AIH*! O, that they too (as Rachel **finally** did), might trust in God Alone to open their wombs - or to keep them closed - **whichever** He Alone sovereignly decrees!
2352. Still later, an impious alien seduced Leah's daughter Dinah. This very soon led to much heartache, and even to bloodshed. Genesis 34:1f. Nevertheless, in his own comment on those events, Luther clearly demanded⁵⁷ a mandatory death penalty for the "capital offence" and "capital crime" of "rape...in that whole area...by all law, divine and civil" - in "all ages."
2353. This also shows the dangers of sexual intercourse between the godly and aliens - and, by implication, also the dangers of *AID* or *AIS* and *IVF* fructification of the ova of the godly by the seed of the ungodly (or *vice-versa*). Ezra 9:1-3f; Nehemiah 9:2 & 13:23f; First Corinthians 7:14.

The dangers of incest highlighted in Genesis 35:22f & 38:2f & 49:1f

⁵⁷. *Comm. on Genesis* (34:7,17), in his *Works*, St. Louis: Concordia, 1961, VI

2354. It will be recalled that Leah's son Reuben, when still a little boy, had supplied the fertility-promoting mandrakes which had led to his own mother disgracefully "buying" the "semen" of Rachel's husband Jacob (for 'the night'). That same Reuben, when he had grown up, went and himself lay with Rachel's servant and his own father Jacob's concubine Bilhah. Genesis 35:22.
2355. This, comments Rev. Professor Dr. John Calvin, is "a sad and even tragic history...concerning the incestuous intercourse of Reuben." Significantly, Bilhah's own previous 'Insemination by Donor' (namely by Jacob as sexually 'donated' to her by her owner and mistress Rachel) - just like some cases of *AID* today - had now finally resulted even in **incest** (during the **following** generation).
2356. Thus, still later, Jacob called his sons and said: "Reuben, you are my firstborn.... [But] you shall not excel - because you went up onto your father's bed, and defiled it." Genesis 49:1-4.
2357. Similar cases of incest (whether deliberate or accidental) will more and more occur also in our own day - as *AID* (alias 'Artificial Insemination from Donor') progressively infects mankind and ultimately even the very covenant people of Almighty God Himself. In reproductive matters too, people reap just what they sow. Indeed, when people sow in the wind they often reap a whirlwind (even in the later sexual actions of their own children).

Tamar's ungodly but fruitful incest after fruitless marriages

2358. Another terrible case of incest and of *NIA* (alias 'Natural Insemination from or into Alien') and *NIS* (alias 'Natural Insemination into Seller') occurred in respect of Jacob's other son. For Judah unwittingly inseminated and also impregnated even his own daughter-in-law Tamar - who knowingly and incestuously seduced him, in order to conceive by him. Genesis 38:2-30.
2359. The above narrative contains many points of great importance for the formulation of norms for Biblical reproduction. *Seriatim* such points include: the sin of sexual liaisons between God's covenant people and sexually-immoral infidels; the unproductive sexual gluttony of many unbelievers even within marriage; the deliberately-unproductive frustration of levirate marriages; and the explicit sin of regularly-interrupted marital intercourse (or rather sexual semi-intercourse) in order to prevent reproduction.
2360. The narrative also contains many implicit condemnation of several other sins. Such include: auto-sexual erotic masturbation; noncoital masturbation for purposes of artificial impregnation; breach of promise to betroth; prostitution; fornication; adulterous breach of an engagement; and the phenomenon of incest. *Seriatim*, we now deal with many of these points in considerable detail - inasmuch as they bear upon the normativity of human reproduction solely by sexual intercourse within marriage alone; and not by way of *AID*, nor *AIH*, nor any other noncoital methods such as *IVF* or cloning *etc.*

The non-reproductive sexual gluttony of the pagan Canaanites

2361. Previously, Judah had disgraced his father by marrying and then repeatedly impregnating a daughter of the sexually-immoral Canaanites. Thus Genesis 38:2-12 *cf.* 26:34f & 27:46 & 28:6-9.
2362. Judah's ungodly half-Canaanite children by that marriage, Er and Onan, after growing up and getting married themselves, apparently both became sexual gluttons - wallowing in lust, while yet spurning to reproduce. For, although apparently practising perhaps even excessive sexual intercourse within their

marriages, each nevertheless deliberately refused to father any children at all by his frustrated wife.

2363. That wife, Tamar, was married first to Er. After his death, she entered into a levirate marriage with his brother Onan - chiefly for the purpose of then reproducing from him children who could inherit the estate of the deceased Er. But Onan too, through regularly practising *ISI* (alias 'Interrupted Sexual Intercourse') with her, stubbornly refused to impregnate her. After he too died, in desperation the still-childless Tamar then seduced and got herself impregnated by her own father-in-law Judah.
2364. The Canaanitish sexual practice probably of Er and certainly of Onan with their own wife Tamar represents the classic example in Scripture of non-inseminatory *ISI* (or 'Interrupted Sexual Intercourse'). In Onan's case, this was an unacceptable kind of sexual intercourse - a regularly-repeated withdrawal from his wife to ejaculate outside of her body, lest she should get pregnant and thus bear children to inherit his dead brother's estate.
2365. This was particularly vile of Onan. He had undertaken to enter into a marriage with his deceased brother's wife Tamar - chiefly in order to beget children as heirs for the estate of his dead brother Er. Once married, Onan apparently insisted on perhaps even excessive sexual intercourse with his wife (who yearned to get impregnated). Nevertheless, he constantly denied his own previously-made undertakings and her ongoing yearnings to bear children. For by way of *coitus interruptus* he consistently frustrated their frequent acts of sexual intercourse, by ejaculating outside of her - in his own sinful determination not to inseminate her and get her pregnant.
2366. It is true that the chief sin in all of this, was Onan's breach of his own levirate vow - to beget and to raise up children for his dead brother Er. Nevertheless, the unacceptable sexual activity in this special case does also seem to have indirect application even to certain other somewhat similar sexual practices - however much they might differ from 'onanism' as regards technique and especially motivation.
2367. This and other sexual malpractices were epidemic among the lascivious Ancient Canaanites - and intimately interconnected with their meretricious paganism. Such somewhat similar sexual practices include: *CIH* (or '*Coitus Interruptus* by Husband'); *ANM* (or 'Autosexual Noncoital Masturbation'); and *MAI* (or 'Masturbation for Artificial Impregnation') whether intended for *AID* or for *AIH* or even for *IVF*. Accordingly, let us now give this whole sad sexual history of Judah-Er-Onan-Tamar - the most careful scrutiny.

Er: the sexually-dry copulator or sterile mingler of Genesis 38:3f

2368. According to Genesis 38:2-11, when "Judah saw...a daughter of a certain Canaanite[!] named Shua [meaning 'prosperous' and perhaps even 'luxurious']...he took her and had sexual intercourse with her. Then she conceived - and bore [him] a son whom **he** [Judah] called Er."
2369. The very word 'Er' (apparently a nickname) - perhaps means: 'he who watches out to remain a sexually-dry copulator or a sterile mingler.'⁵⁸ The account of Judah's wife, the daughter the Canaanite Shua, then continues: "Then she conceived again, bore another son, and **she** [Judah's wife the **Canaanitess**] called his name Onan."

⁵⁸. The name '*Eer*' (the meaning of which is often given as 'Watcher') seems to have been derived from '*aarab*' ("to be arid").

Onan: the strongly-wicked and erotically-vigorous sexual athlete

2370. 'Onan' is apparently a **Canaanite** name. It was no doubt given to him as Er's brother, by their same Canaanitish mother. The name 'Onan' probably means 'strongly wicked' or 'sexually vigorous' - thus denoting a 'sexual athlete' (or one with great 'sexual strength').⁵⁹
2371. The name 'Onan' seems to be a nickname. It implies that his Canaanitish mother - the daughter of Shuah the Canaanite - had herself very effectively taught her son the notoriously-immoral sexual practices of her people the Canaanites.

Shelah (the 'withdrawer') and Tamar ('the fruitful palm-tree')

2372. "Then she again conceived, and bore a son. She called his name Shelah" (perhaps meaning: 'the drawn-out one' or 'the one who withdraws'). Shelah's parents were in the Canaanite city of Chezib - which Young's *Concordance* suggests means 'deceitful' - when his mother bore him.⁶⁰
2373. "Then Judah took a [Canaanite?] wife named Tamar - for Er his firstborn." Genesis 38:6. Judah had himself previously married a Canaanitess - the daughter of Shuah the Canaanite. She bore him three sons - Er, Onan, and Shelah. True to form, it would seem the backslidden Judah later encouraged also his son Er to marry a woman who seems to have been a Canaanitess just like his mother. Indeed, Er's wife's very name - Tamar - rather seems to mean 'erect and fruitful palm-tree'.⁶¹ See Song of Solomon 7:7f.

"Er...was [sexually] wicked in the sight of the Lord" (Genesis 38:7f)

2374. "But Er, Judah's firstborn, was wicked in the sight of the Lord." Apparently, he became "wicked" - alias 'raging and hurtful' - especially **to his wife**. For, like his brother Onan, also Er seems to have been a **sexual glutton** - who incontinently abused his wife.
2375. Nevertheless, Er too absolutely **refused to impregnate** his wife (even though she yearned for children). Indeed, Er refused to father any offspring.⁶² He just did not want children at all.

^{59.} The name '*Oonaan* (Davidson: "strongly wicked") seems to be derived from the verb '*uun* (which latter means: "to be vigorously manly" (thus Brown-Driver-Briggs). Dr. Gesenius suggests its related noun '*Oon* means "*Zeugungskraft*" alias 'reproductive power.' His English Translation here remarks that it means "strength" and is used "specially of virile and genital power."

^{60.} Gesenius suggests that the noun *Sheelaah* is derived from the verb *shaalaah*, meaning: "to draw out" (even from a person's body). Gesenius's original German here gives: *herausziehen* and *vom Herausziehen des Fleisches* and hence *Nachgeburt* and *als nach der Geburt herausgezogen* (respectively "to draw out" and "from the drawing out of the flesh" and "afterbirth" and "as that which is drawn out after birth"). Davidson, however, regards the noun *Sheelaah* as an abbreviation of *Sh^eeelaah* - which he derives from the verb *shaa'al* (meaning "to ask" even for a loan) - so that *Sheelaah* could then mean the one "asked on loan" (*viz.* the one requested and borrowed levirately to impregnate his dead brother's childless wife).

^{61.} Hebrew: *Thaamaar* ('an erect palmtree'). Gesenius derives this from the unused verb *thamar*, which in turn he further derives from an Arabic root meaning "quickly to get an erection of the male sexual organ" (*riguit hasta...membrum virile*).

^{62.} Er was probably slain precisely because of his ragingly "wicked" sexual gluttony with Tamar. See Gesenius: *op. cit.* (under *ra'* and *raa'a*). This seems so, for the following reasons. First, Er's nickname (Gen. 38:3) probably means "sterile sexual mingler" (see para. 2369 at n. 58 above). Second, right after being told that Er got **married**, we read he was so "wicked" that "the Lord slew him" (Gen. 38:6f). Third, after his brother Onan's

2376. Yet it not just in the eyes of his wife that Er was wicked. Er is said to be "wicked in the sight of the Lord" in particular. Indeed, this was so - precisely because, though a sexual glutton, Er absolutely refused to generate any babies. "So the Lord slew him."⁶³

Onan displeased God by spilling his semen on ground (Genesis 38:9f)

2377. "Then Judah said to Onan [his secondborn son]: '**Go to your [dead] brother's wife and marry her, and raise up children for your brother**' [so you can "erect seed" for your brother]!"⁶⁴ But Onan knew the children would not be his. So it came to pass, that **whenever** he had sexual relations with his [dead] brother's wife" with whom he had now made a levirate marriage, "**he spilled his own seed on the ground lest he should give it to his brother.**"⁶⁵

2378. "What he did, however, was bad in the eyes of the Lord. Therefore **He slew him too.**"⁶⁶

2379. "Then Judah said to Tamar his daughter-in-law, 'Remain a widow at your father's house till my [remaining] son Shelah has grown up!' Judah said this, **lest perhaps even Shelah too** should die **in the same way** his brothers had done" - namely, by **immaturely** and **gluttonously** engaging in sexual activity **while refusing to father any children.**"

Genesis 38:11f - Tamar's incestuous and meretricious behaviour

2380. "So Tamar went and lived in her father's house."⁶⁷ There she waited for Shelah to grow up to sexual maturity - and then to come and marry her levirate, and to impregnate her on behalf of her dead husband(s).

2381. "Then, after very many days,"⁶⁸ continues the account, "Judah's wife died.... When this was told to Tamar...she took off her widow's clothes and covered herself with a veil and disguised herself and sat in a public place" like a prostitute. "For she saw **that Shelah had grown up, but that she had not**

subsequent marriage to the dead Er's widow, "He slew him also" (where the word "also" in Gen. 38:10 implies that the Lord slew Onan for probably the same reason for which He had slain Er). Fourth, from the facts that Onan "spilled" his seed "on the ground lest he should give children to his brother" the dead Er and that "the thing which he did displeased the Lord so that He slew him also" - it seems to follow that the Lord had previously slain also Er because he also had been a sexual glutton who too had spilled his seed on the ground because he also had refused to father any children at all (Gen. 38:6-10). Fifth, the fact that Judah did not want also the still-immature Shelah to die in the same way as his elder brothers Er and Onan had done (Gen. 38:11) - again suggests that Er too had been killed for the same reason as had Onan - namely for being a "sexual glutton" who nevertheless refused to father any children at all.

63. Gen. 38:7. Heb.: *Wayhiy 'Eer b^echoor J^ehuudaah ra' b^eeeyneey J^ehoovaah. Waymitheehuu J^ehoovaah.*

64. Gen. 38:8. Heb.: *W^eyabeem 'oothaah.* Here, *w^eyaveem* is a *Pi'e*l verb, meaning: "to marry one's brother-in-law" (from the noun *yaavaam*, meaning "a brother-in-law").

65. Gen. 38:9. Heb.: *Way-yeeda' 'Oonaan kiy lo' loo yihyeh haz-zaara' w^ehaayaah 'im-baa' 'el- eesheth' aachiyv w^eshicheeth artsaah l^ebilthiy n^ethaan-zera' l^eaachiyv.*

66. Gen. 38:10. Heb.: *Way-yeera' b^eeeyneey J^ehoovaah a:sher 'aasaah, way-yameth gam- oothoo.*

67. Gen. 38:11. Heb.: *Way-yo mer J^ehuudaah l^eThaamaar kallaathoo: "Sh^eviy' almaanaah beyth- 'aabiych, 'ad-yigdaal Sheelaach b^eniy!" Kiy'aamar: "Pen-yaamuuth gam-huu' k^eechaayv!" Wath-theelech Thaamaar wath-theeshev beyth- 'aabiycha.*

68. Gen. 38:12.

been given to him as his wife.⁶⁹

2382. "Now when Judah saw her, he thought her to be a harlot, because she had covered her face."⁷⁰ Not recognizing her, he promised to pay her for having sexual intercourse with him.⁷¹
2383. "So he [Judah] had sexual intercourse with her. And she conceived by him."⁷² This was *NIS* (alias Natural Insemination into Seller) - and indeed also with her deliberate desire not just to get inseminated but also thus to get impregnated. Moreover, the act also involved deliberate incest on her part. For she had knowingly sold Judah, her own father-in-law, the sexual use of her own body.
2384. Though Judah had not intended to commit incest, he had certainly intended to fornicate with a prostitute. So, also as far as he was concerned, the act was one of deliberate insemination of someone thus selling him her body for that very purpose.

Genesis 38:26f - Judah's later repentance to right this wrong

2385. Only later did Judah discover it was his own daughter-in-law he had inseminated - and that she had become pregnant as a result.⁷³ Judah then acknowledged his own share of the blame - because he "had not given her to Shelah" his third son, to become the latter's wife.⁷⁴
2386. Understandably, under these sad circumstances, Judah "never again had sexual intercourse with her."⁷⁵ However, when she came to give birth - "look, twins were in her womb!"⁷⁶ And when they were born, because the midwife said to the older of the twins: "How [powerfully] you have broken through!" - his name was called Perez [meaning 'Breakthrough'].⁷⁷ But his younger brother was called Zarah [meaning 'Sprout'].⁷⁸

Luther: Onan's Canaanite mother and wife and their abominations

2387. Here, Rev. Dr. Martin Luther observes in his *Commentary on Genesis* (38:1-26) that "Judah already had a wife and three sons before Joseph was led away into Egypt.... Judah, moreover, took up his sojourn...around Adullam.... There, he saw the daughter of a certain Canaanite man and married her.... The words of the text almost seem to sound as if he did so without consulting his parent.... He contracted a marriage [not with a pious Israelitess, but] with a **Canaanite woman**....
2388. Judah's wife...conceives and gives birth to her firstborn son, whom his father calls Er. The [**Canaanite**] **mother** names the two other [later-born] sons Onan and Shelah.... The last part of the text [Genesis 38:5 - that] 'she was in Chezib when she born him' [Er] - is rendered by Jerome to mean: 'when he was born, she stopped giving birth'....

⁶⁹ Gen. 38:12-14 (esp. vs. 14b). Heb.: *W^hhiw l^a-nithnaah loo Pⁱishshaah.*

⁷⁰ Gen. 38:15.

⁷¹ Gen. 38:16-18a.

⁷² Gen. 38:18b.

⁷³ Gen. 38:24f.

⁷⁴ Gen. 38:24a.

⁷⁵ Gen. 38:26b.

⁷⁶ Gen. 38:27.

⁷⁷ Gen. 38:29.

⁷⁸ Gen. 38:30.

2389. "The meaning in Hebrew...[is that the lack of] 'childbirth frustrated her'.... He who wants to retain the translation of Jerome and to seek allegories, may do so, so far as I am concerned - as though the meaning were that Judah's wife was involved in a deception [by Judah].... She had begun to be mistaken in the matter of childbirth, and had ceased to give birth" - perhaps because her husband then and especially thereafter increasingly practised *coitus interruptus* on her, as a means of seeking to prevent his wife from having children.
2390. "At that time, nature was far stronger and more robust - both in males and females - than it is now. Consequently, married couples could have children in their twelfth or thirteenth year.... This chapter embraced nothing except the account of Judah's production of children and...the account of the most disgraceful incest with his [own] daughter-in-law Tamar.
2391. "A familiar question recurs: Why did God and the Holy Spirit want to have these shameful and abominable matters written and preserved, to be recounted and read in the Church? ... Examples of this kind are recounted to us for the purpose of teaching and consolation, and for the strengthening of our faith....
2392. "Christ was truly born from true and natural flesh and human blood - which was corrupted by original sin in Adam, but in such a way that it could be healed.... Tamar is a Canaanite woman." Yet, sooner or later, God will overrule - even in spite of the vileness of human sexual sins - in causing precisely her to become an ancestress of the Lord Jesus Himself.

Luther: Onan's sin was unnatural and more atrocious than incest

2393. Explains Luther: "No farmer would put up with a sterile cow. Therefore, should fruitfulness not be much more welcome and desirable in human nature - than in beasts? ... Among us [humans], however, this order of nature has been changed by vicious custom and the traditions of the popes - by which we have learned [quite wrongly] to despise both domestic life and the political sphere....
2394. "Judah said to Onan: 'Go in to your brother's wife - and perform the duty of a brother-in-law to her, and raise up offspring for your brother!' ... It was a law of the fathers before the Law of Moses.... It was troublesome and intolerable, to be burdened with so many wives and concubines for whom you do not have the slightest desire.... Onan...join[ed] her to himself. He still refused to sleep with her [and inseminate her].... For he was not able to bear the vexation of this law. Therefore Tamar, who was by nature very fertile, did not conceive from these two brothers Er and Onan....
2395. "Onan must have been a malicious and incorrigible scoundrel. This is a most disgraceful sin. It is far more atrocious than incest and adultery. We call it unchastity, yes, a Sodomitic sin. For Onan goes in to her. That is, he lies with her and copulates - and when it comes to the point of insemination, spills the semen lest the woman conceive.
2396. "Surely at such a time, the order of nature established by God in procreation should be followed. Accordingly, it was a most disgraceful crime to produce semen and excite the woman - and to frustrate her at that very moment. He was inflamed with the basest spite and hatred."
2397. Onan transgressed the law of the levirate - after agreeing to assume it. "He did not allow himself to be compelled to bear.... For it is a great burden to serve another by raising up and preserving descendants and heirs; to beget children for others; to rear and nourish them; and to leave them a patrimony - and all this in the name of a dead brother....

2398. "This law includes the most ardent love [for the levirate wife]. That worthless fellow [Onan] refused to exercise it. He preferred polluting himself with a most disgraceful sin, to running up offspring for his brother."

Calvin: Judah was perversely lustful; his son Er intolerably filthy

2399. Commenting on the above passage, Calvin remarks⁷⁹ that "Moses charges Judah with perverse lust, because he took a wife out of that nation [of 'Canaan'] with which the children of Abraham were divinely commanded to be at perpetual strife.... Moses therefore justly regards it as a fault that Judah should entangle himself in a forbidden alliance...."
2400. "He now sees an accursed progeny increase.... It is said that 'Er was wicked in the sight of the Lord'.... He was so addicted to crimes, that he was intolerable in the sight of God - 'and the Lord slew him'.... The vengeance of God was so clear and remarkable in the death of Er, that the Earth might plainly appear to have been purged from all its filthiness."

Calvin: Onan malignantly and outrageously transgressed the levirate

2401. After Er's death, his "surviving brother" Onan was called upon to "raise up seed to [the] one who was dead.... It was deemed therefore an act of humanity to acquire some name for the dead.... The only reason why the children born to a surviving brother should be reckoned to him who had died, was that there might be no dry branch in the family. And in this manner," the survivor "took away the reproach of barrenness" from the deceased.
2402. "The Lord had impressed this upon the hearts of man as a duty of humanity. For He afterwards commanded it to the Jews in their polity. Hence we infer the malignity of Onan, who envied his brother this honour and would not allow him when dead to obtain the title of father...."
2403. "Many grant their own sons to their friends for adoption. It was, therefore, an outrageous act of barbarity - to deny to his own brother what is given even to strangers!"⁸⁰

⁷⁹. *Comm.* on Gen. 38:2,7,8.

⁸⁰. At this point, the Eerdmans's edition of the Englishman John King's translation of Calvin's *Commentary on Genesis* (38:9f) -- no doubt for dubious reasons of modesty -- states in a footnote: 'A line or two is here omitted, as well as the comment on the tenth verse.-- *Ed.*'

Genesis 38:10, however, actually reads: "And the thing which he [Onan] did," -- *viz.* "spilled his seed on the ground," namely "when he went in unto his [deceased] brother's wife" (verse 9) -- "displeased the Lord. Therefore, He slew him also."

Fortunately, the less modest but more faithful Dutchman Dr. S.O. Los gives us Calvin's vital comment on verse ten which the modest Eerdmans's edition of John King's English translation suppressed. Because Calvin's comment here is so vital to our present subject, we ourselves [F.N. Lee] have here translated it as follows: "[Onan did] that was evil in the eyes of the Lord.... It is a revolting matter, voluntarily to shed semen outside of marital intercourse. It is doubly revolting, deliberately to withdraw oneself so that the semen falls on the ground. For that means one extinguishes the hope of progeny even before conception, and 'kills' the son which might be expected.

"Here, that ungodliness is condemned by the Spirit through the mouth of Moses -- as strongly as possible. Thus Onan -- as it were by a violent, untimely 'delivery' -- ripped away the seed of his brothers from the very womb; and, with equal cruelty, shamefully threw it on the ground. In addition, he thus attempted, as much as that were possible, to destroy part of the human race.

"If a woman by one means or another expels the semen from the womb, it is rightly regarded as an intractable crime. Onan made himself guilty of a similar crime -- by befouling the ground with his semen, so that Tamar

2404. Calvin elsewhere comments⁸¹ that "the law...respecting marriage with a deceased brother's wife is only addressed to those relations who are **otherwise** prohibited from such a marriage, since it was not God's purpose to prevent the loss of a deceased person's name by permitting...marriages which He had elsewhere condemned.... The next-of-kin were obliged to raise up seed for the dead, by the right of their relationship, wherever their marriage was otherwise permissible by the enactments of the law. On this ground, Boaz married Ruth who had previously been married to his near kinsman (Ruth chapter 4). And it is abundantly clear from history, that the law applied to all the **near-kinsmen**."
2405. For Moses in Deuteronomy 25:5-7 declared that "if brethren [or male near-kinsmen] lived near together, and one of them died while having no child - the wife of the dead man should not marry outside, with a stranger" until **all** marriageable male near-kinsmen of the deceased had refused *seriatim*. Compare Matthew 22:24-27. Instead, "her [dead] husband's brother [or male near-kinsman] shall...**take her as his wife**⁸² and perform the duty of a [dead] husband's brother [or near-kinsman] unto her....
2406. "**But if the man does not want to take his brother's [or near-kinsman's] wife** - then, let his brother's [or near-kinsman's] wife go up to the [city] gate to the elders and say: 'My husband's brother [or near-kinsman] does not wish to raise up a name in Israel for his dead brother [or next-of-kin]. **He does not want to perform**....
2407. "This law has some similarity with that which permits a betrothed person to return to the wife whom he has not yet taken.... The object of both is to preserve to every man what he possesses - so that he may not be obliged to leave it to strangers, but [so] that he may have heirs....
2408. "It is manifest how greatly pleasing to God it is that no one should be deprived of his property - since He makes a provision even for the dying.... Since to be childless was a curse of God, it was a consolation in this condition to hope for a borrowed offspring - [so] that the name might not be[come] altogether extinct."⁸³
2409. Calvin continues:⁸⁴ "Since we now understand the intention of the law, we must also observe that the word 'brethren' does not mean [only] actual brothers, but [also] cousins and other kinsmen.... A widow should not marry out[side] of her [dead] husband's family - **until** she had raised up seed to him from some **relation**. In fact, Boaz did **not** marry Ruth because he was the **brother** of her deceased husband, but only [because] his **near-kinsman**.... The precept is merely addressed to **relations** whose **near residence** rendered it convenient to take the widows to their own homes....
2410. "The like necessity was imposed upon the woman - [the necessity] of offering herself to [become the levirate **wife** of] the kinsman of her former husband.... She seemed to owe this much to his memory, that she should willingly raise up seed to the deceased.... Nor was there any other reason why she should bring to trial **that** kinsman from whom she had suffered a repulse - except that she might acquire the liberty of marrying into **another** family. Deuteronomy 15:7-10 *cf.* Ruth 4:1-12f." Too, regarding the unwilling relative who refused to marry the widow: "**Just** reasons for **refusal** might be **adduced**."

would have no future heir."

81. *Comm.* on Lev. 18:16, in *Harm. Pent.* III pp. 103f.

82. Dt. 25:5. Heb.: *uulqaachaah loo P:ishshaah*.

83. *Comm.* Dt. 25:5 (in *Harm. Pent.* III pp. 177f).

84. *Ib.*, pp. 178f.

Calvin: the fornication of Judah and Tamar was a crime and a disgrace

2411. Returning now to his comment specifically on Judah and Tamar, Calvin further remarks that "Tamar had married into the family of Judah" - namely, when she had married Er. After Er's death, she had married Er's brother Onan. After Onan's death Tamar was reserved by Judah for, or "espoused to, his third son" - Judah's still-immature son Shelah.⁸⁵
2412. When it looked as if that engagement would never ripen into marriage, however, Tamar disguised herself as a prostitute and deliberately seduced her own father-in-law Judah to impregnate her. Later, explains Calvin,⁸⁶ when Judah discovered what had taken place, he "was sincerely penitent - because 'he knew' his daughter-in-law 'again no more' [*viz.* after that discovery]."
2413. This, declares Calvin, "also confirms what I have said before.... **By nature**, men are imbued with great horror against such a crime. For whence did it arise that he [Judah] abstained from intercourse with Tamar [from then onward] - unless he judged **naturally** that it was infamous for a father-in-law to be connected with his daughter-in-law?"
2414. By God's grace, believed Calvin, "Judah obtained pardon for his error - and Tamar for her wicked contrivance.... However, there is no doubt that the twins - in their very birth - bring with them [the] marks of their parents' infamy.... The memory of their shame...served as a public example that such a crime should be branded with eternal disgrace."
2415. As to "the meaning of the midwife's words, some suppose the 'breaking forth' to apply to the membrane of the womb which is broken when the foetus comes forth.... To some [others, however], the expression appears to be an imprecation - as if it had been said: 'Let the blame of the rupture be upon you!'"

Luther: executing a pregnant prostitute is "harsh" on the fetus

2416. There were various different kinds of guilt incurred respectively by Judah, by Tamar, and by their twins - *viz.* Judah, that of fornication; Tamar, that of both incest and prostitution; and their unborn twins, that of Adam's original pollution. Martin Luther interestingly pointed this out, in his *Commentary on Genesis* 38:24-26.
2417. Explains Luther: "Since Tamar had married [*seriatim* at least two] descendants of Jacob who were priests [*viz.* Er and Onan if not also their brother Shelah] - and was [herself] accursed of fornication - punishment by burning was immediately decreed for her, because of the disgraceful stain with which she had bespattered the whole class of priests. Perhaps Judah also [for **this** reason]...condemns her to death immediately, without any deliberation and pity....
2418. "It is certainly a **sad and cruel sentence that he passes on a woman who is pregnant. He should have spared her for the sake of the unborn child** - unless perhaps it was the custom for her to be kept in prison until she had given birth to the fetus. But if the fetus was punished along with the mother" by some ancient communities in such circumstances - this "certainly was very **harsh**." Golden words, Dr. Luther!

^{85.} *Comm.* on Gen. 38:24.

^{86.} *Comm.* on Gen. 38:26f.

2419. However, this does not seem to have been the case among the Lord God's ancient covenant people. Thus Luther rightly explained that as soon as Judah had learned who the woman was, that Patriarch "accuses himself severely - and absolves Tamar. He does not [now any longer] excuse or cover [up] his sin.... He transfers the blame to himself, rather than to Tamar."
2420. Nevertheless: "Who sinned more gravely, Judah or Tamar? **He** did not [knowingly] commit adultery or incest. He [knowingly] committed simple fornication. **Tamar**, however, is guilty of both [adultery and incest - and **knowingly** so]. Because she was the [espoused] bride and wife of Shelah, his [Judah's] third son - who was her 'husband' by divine right.... She can be accused by him [Shelah] of adultery. But sexual intercourse with her father-in-law [knowingly and even premeditatedly by her] is most disgraceful incest. Accordingly, they can by no means be excused - although Judah's sin was less serious" than was Tamar's.

Leupold: Er's wickedness in his marriage caused his death

2421. The godly Lutheran Scholar Rev. Professor Dr. H.C. Leupold gives a good explanation of this passage Genesis 38:7-10. That explanation sheds considerable light on the impermissibility of both *AID* and *AIH*. He says:⁸⁷
2422. "Er was wicked, in the estimation of the Lord.... This wickedness...is the direct cause of the death of Er.... We conclude that the wickedness involved, called forth the heaviest divine disapproval.... It may well have been some sexual perversity. For it is mentioned in connection with Er's marriage."

Leupold: Onan's sexual perversion within marriage was revolting

2423. After Er was punished with death, his brother Onan should never have contracted a levirate marriage with his deceased eldest brother Er's widow Tamar. For Onan had no intention of producing any offspring to inherit Er's estate.
2424. As Leupold explains: "Levirate marriage implied that if a man had died without leaving a son, the next brother of the deceased - **if unmarried** would take the widow to wife, **with the understanding that the first son born would carry on the line of the deceased.**" However, Er's father Judah had badly **misassessed** Onan's willingness to raise up the necessary offspring for Er.
2425. Leupold translates the passage as follows: "Judah said to Onan: 'Go to your brother's wife and **marry** her as brother-in-law, and raise up **offspring** for your brother!' But Onan knew that the offspring would not be his own. So it happened, that each time he went in" or had sexual intercourse with his new levirate wife Tamar, "he took preventive measures so as not to give offspring to his brother. And that which he did, was evil!"
2426. **Why** did Onan after marrying Tamar levirate, keep on refusing to father offspring for Tamar and Er? "Onan knew of this provision," explains Leupold, "and intentionally prevented its realization. Selfishness may have prompted him; he did not care to preserve his brother's family. Greed may have been a concurrent motive; he desired to prevent the division of the patrimony into smaller units."
2427. "But, in addition to these two faults, there was palpably involved the sin of a complete perversion of

⁸⁷. *Op. cit.*, pp. 980 & 973.

the purpose of marriage.... What he did, is described as 'taking preventive measures.' The original says: 'he destroyed (*i.e.* the semen) to the ground.' From him, the extreme sexual perversion called 'onanism' has its name. The case is revolting enough. But plain speech in this case serves as a healthy warning. Jehovah let him die - even as his brother (Er)."⁸⁸

Encyclopaedia Judaica: Onan's contraceptive coitus interruptus grieved God

2428. The modern 1971f *Encyclopaedia Judaica* seems to agree with the above. In its article *Onan*, it declares:⁸⁹ "After the death of his brother Er, Onan was instructed by his father to contract a levirate marriage with his childless sister-in-law Tamar (Genesis 38:7-8). Onan refused to fulfill his fraternal duty. And **whenever** he had relations with Tamar, he would let the semen go to waste (presumably by *coitus interruptus*, although the term 'onanism' can actually be applied to masturbation)."
2429. This was "avoiding effective consummation of the marriage (38:9). Onan's offensive conduct was motivated by the fact that the son born of a levirate marriage was accounted to the dead brother (Deuteronomy 25:5-6). His uncharitableness was displeasing to the Lord, Who took his life...."
2430. "Adultery and incest are capital crimes (Leviticus 20:10-11)." There is "a ban on prostitution (based on Deuteronomy 23:18), and also on any sexual relations outside lawful wedlock. Maimonides: *Yad Ishut* 1:1-4."⁹⁰
2431. Even the noncoital "sexual offence" of "approaching" an animal "is prohibited." Leviticus 18:6,19,23 & 20:16. "Such pre-coital [sex] activities are offences punishable by flogging. *Yad Issurei Bi'ah* 21:1."⁹¹
2432. The *Encyclopaedia Judaica* says⁹² Genesis 38:7-10's "*ma'aseh Er ve-Onan* or 'act of Er and Onan' is taken by the *Midrash*⁹³ and by Rashi⁹⁴ to mean *coitus interruptus*. The Jewish *Talmud* claims⁹⁵ it refers "either to unnatural [anal or oral] intercourse or to masturbation."⁹⁶ Indeed, the *Zohar*⁹⁷ states that masturbation and not *coitus interruptus* is evil.
2433. "In the Onan narrative" at Genesis 38:7-10, explains the *Judaica*, "there are **two** aspects": (1), Onan's "contraceptive act"; and (2) "his frustration of the purpose of levirate marriage...to establish progeny for his brother. Compare too Genesis 1:28 & 6:12 & Exodus 20:13 & Leviticus 18:6 *etc.*" It would seem that what God particularly disapproved of in the Onan narrative, was Onan's extreme lasciviousness and especially his refusal to raise children for his dead brother after marrying Tamar specifically for that purpose. Indeed, he had cruelly deceived her into 'marrying' him.

Judaica says coitus interruptus is not the same as masturbation

88. *Ib.*, pp. 980f (Gen. 38:9).
 89. Art. *Onan*, in *Enc. Jud.* 12:39 pp. 1395f.
 90. *Ib.*, 14:1206 (art. *Sex*).
 91. *b.*, p. 1208.
 92. *Ib.*, p. 1396 (art. *Onanism*).
 93. *Genesis Rabba* 85:5.
 94. Rashi: To the Pentateuch.
 95. *Yebamoth* 34b.
 96. *Niddah* 13a.
 97. *Enc. Jud.* 12:1396 (Onanism).

2434. The *Encyclopaedia Judaica* continues:⁹⁸ "*Coitus interruptus*...is actually recommended by Rabbi Eli'ezer in the *Talmud*...to prevent dilution of mother's milk during nursing." But it was **never** prescribed for the levirate.
2435. The *Judaica* adds⁹⁹ that within regular or non-levirate marriage "the factors of **intent** and **constancy**...would permit the continuance of marital relations where interrupted *coitus* is unintentional or irregular.... The sages...condemned...Er and Onan by **distinguishing** between the corrupt **intent** of Onan, and legitimate heterosexual intent but **not** auto-erotic masturbatory intent in ordinary marital relations.
2436. "Rabbi Jacob Emden...emphasizes...that the prohibition against 'onanism' in method is not applicable to marital contraception; that when contraception is necessary and abstinence would be the alternative - then, possible 'onanism' in the use of a contraceptive device is neutralized by the positive *mitzvah* [or injunction] of marital sex.
2437. "In the voluminous *responsa* literature on birth control, the dominant tendency is to rule...that Onan's marriage to his brother's widow...was exceptionally permitted in order to produce progeny - a purpose his act frustrated. But in ordinary marriages, the sexual relation without procreative possibilities is allowable.... Where contraception must be practised, the use of a device which smacks of Onan's method but is free of his intent¹⁰⁰ is preferable to abstinence so that the *mitzvah* of marital sex can be continued."

Mayer: levirate *coitus interruptus* is sin because contraceptive

2438. The German Christian Theologian Dr. Gottlob Mayer, in his commentary on Genesis, also makes a valuable contribution toward the accurate understanding of the teaching of Genesis 38:7-10. While discussing especially **auto-erotic** masturbation, he writes that "the danger of this vice consists of its exercise being connected to the greatest sensual stimulations."¹⁰¹
2439. The Genesis 38 passage, he continues, sheds light not just on "the vice of masturbation." For "Onan far rather performed marital intercourse. But at the decisive moment, he knew how to prevent his wife getting pregnant - by an act of self-control and holding-back. And this he did, because, according to the marital law which then obtained, the children of his wife, as the widow of his deceased brother, would have been the latter's inheritance, and not Onan's own....
2440. "Onan begrudged his deceased brother any children - and the inheritance to which they would have been entitled. And **that** is why Jehovah slew Onan - for the sake of this sin, for Onan's own sake - and not because of his sexual procedures. Yet even the latter were and are morally rejectable and detrimental to health.... It still often occurs in our own day - to exclude the blessing of children, or with respect to the wife's health."

Gunkel, Driver, Skinner and Kidner all condemn contraceptive Onanism

2441. Here are further opinions about the meaning of Genesis 38:7-10. Hermann Gunkel perceives:¹⁰²

^{98.} *Yeb.* 34b.

^{99.} See n. 91.

^{100.} *Yosefot RiD to Yeb.* 12b.

^{101.} G. Mayer: *The First Book of Moses*, Guetersloh: Bertelsmann, 1911, p. 310.

^{102.} H. Gunkel: *Genesis*, Goettingen: Vandenhoeck & Rupprecht, rep. 1964, p. 413.

"Onan did not outwardly refuse to fulfil his brotherly duty.... But he deceitfully thwarted the matter. Selfishness was his motive.... He himself wanted...to have his brother's inheritance!"

2442. Driver says:¹⁰³ "Onan persistently refuses to fulfil the duty which custom laid upon him, of raising up seed to his deceased brother.... Onan, while accepting outwardly the obligation which custom thus imposed upon him, knew however that the issue of the marriage would not count as his. So, hoping perhaps selfishly to secure the rights of primogeniture in his father's family for himself, he found means to evade giving effect to it."
2443. The observation of John Skinner, in his famous work *A Critical and Exegetical Commentary on Genesis*, is short and to the point. He briefly notes:¹⁰⁴ "Onan...is slain because of the revolting manner in which he persistently evaded the sacred duty of raising up seed to his brother."
2444. Derek Kidner, in his commentary *Genesis*, remarks: "The unspecified wickedness of Er like the specific sin of Onan...is recorded for its contribution to the succession crisis. At the same time it emphasizes the steep moral decline.... The enormity of Onan's sin - is in its studied outrage against the family; against his brother's widow; and against his own body. The standard English versions fail to make clear that this was his persistent practice." As Kidner explains,¹⁰⁵ "'when' (vs. 9), should be translated: 'whenever.'" Thus: **Whenever** Onan had sexual relations with his...wife, he spilled his own seed on the ground lest he should give it to his brother.'

Valuable teaching on sex clearly derivable from Genesis 38:7-10

2445. Putting all of the above together, it becomes clear that the following valuable sexual teaching may be deduced from Genesis 38:7-10. First, Tamar's first husband - the half-Canaanite and half-Hebrew **Er** - was killed probably for committing the very same kind of Canaanitish 'wickedness' which his full-brother Onan too later perpetrated. We mean Er's utter refusal to generate children from his wife - while nevertheless behaving like a sexual glutton toward her. Thus Leupold and Driver.
2446. Second, after Onan deliberately entered into specifically a levirate marriage with Er's widow Tamar - he perpetrated a terrible sin. He committed what was then also possibly even a capital crime - by refusing to try to get his levirate wife pregnant. Thus Calvin and Skinner and Kidner.
2447. Third, Onan committed at least seven grave sins in his abuse of levirate marriage. These were: **a**, deceiving the child-desiring Tamar into concluding a levirate marriage with him; **b**, arrogantly disobeying his father Judah's wishes that he (Onan) should raise up children for Tamar; **c**, greedily wanting to grab control of Er's estate for himself; **d**, deliberately and repeatedly thwarting Tamar's coital climaxes; **e**, criminally and repeatedly contriving to prevent Tamar from getting pregnant; **f**, deliberately and repeatedly giving selfish sexual gratification only to himself; and **g**, deliberately and repeatedly spilling his seed on the ground halfway through coital intercourse - instead of ejaculating into his levirate wife.
2448. Fourth, Onan's had two chief motives here - and each was very sinful. On the one hand, he wanted to swindle his dead brother and/or his dead brother's previous wife Tamar and/or any child that Tamar might still conceive - of Er's estate (which Onan probably hoped to inherit himself). On the other hand,

^{103.} S.R. Driver: *The Book of Genesis*, London: Methuen, 1904, p. 328.

^{104.} J. Skinner: *A Critical and Exegetical Commentary on Genesis*, Edinburgh: Clark, 1910, pp. 451f.

^{105.} D. Kidner: *Genesis*, London: Tyndale, 1968 rep., pp. 187f.

as a sexual glutton, by way of repeated *coitus interruptus* he indulged in orgasm after orgasm - at the expense of his 'orgasmless' wife.

2449. Fifth, Onan's *coitus interruptus* was not just thoroughly deceitful as to its motives. It was also a persistent and a constantly-repeated sin. Thus the *Encyclopaedia Judaica*, Skinner and Kidner.
2450. Sixth, quite apart from the above considerations, Onan's actual acts of persistent *coitus interruptus* within marriage were themselves sinful because **auto**-erotic instead of **mutually**-erotic - or at least because not even striving to be mutually-erotic. For marriage, by its very definition, is to be mutually-erotic. Genesis 2:22-25 & First Corinthians 7:1-5.
2451. Seventh, Onan's bad example is **opposed** to sexual foreplay within marriage (which right thereafter results in good mutual sexual climaxes for both spouses). Exodus 21:10 & First Corinthians 7:1-5. Indeed, "Onanism" surely suggests that **all auto**-masturbation outside or inside of marriage (and even by way of preparation solely for the purpose of *AID* or *AIH* or *IVF*) are in themselves morally reprehensible and therefore to be avoided.

Mosaic legislation on the normative method of human reproduction

2452. The Mosaic Law clearly presupposes conception as a not-unexpected possible result of marital sexual intercourse - and clearly does not anticipate conception to occur by any other means than by way of natural heterosexual insemination. Indeed, it even attempts to restrict sexual intercourse to that period of the month containing what we now know to be the only time when pregnancy could result.
2453. "If a woman has conceived seed and [later] given birth to a male, she shall be unclean seven days. According to the days of her infirmity, she shall be unclean." Then "she shall be cleansed from the efflux of her blood. This is the law." Leviticus 12:2-7.
2454. "Whenever a woman menstruates...she shall be put apart seven days - and whosoever touches her shall be unclean until the evening.... If a man thoroughly lie [*shakov yishkav*] with her at all - and her [marital or sexual] vows [*nidraathaah*] be upon him, he shall be unclean seven days.... And if a woman has an efflux of her blood many days outside of the time of her separation, or if it keep on flowing beyond the time of her separation, all the days of the efflux of her uncleanness shall be like the days of her separation. She shall be unclean." Leviticus 15:19-25.
2455. "If a man shall lie with a woman during her [menstrual] sickness, and he uncovers her nakedness - he has uncovered her fountain, and she has uncovered the fountain of her blood.... Both of them shall be cut off from among their people." Leviticus 20:18 *cf.*: Exodus 19:15; First Samuel 21:4f; First Corinthians 7:5f.
2456. "If brothers dwell together, and one of them dies but has no child - the wife of the dead man shall not marry outside with a stranger. Her husband's brother shall go in to her, and take her to himself as [his] wife, and perform the [levirate] duty of a husband's brother toward her. Then it shall be that the firstborn whom she bears, shall succeed in the name of his dead brother - so that his [the latter's] name not become extinguished in Israel. However, if the man do not wish to take his [deceased] brother's wife - then let his [deceased] brother's wife go up to the city gate to the Elders, and say: 'My [dead] husband's brother refuses to raise up a name in Israel unto his brother; he does not wish to perform the duty of my husband's brother.'" Deuteronomy 25:5f.

2457. "Then the Elders of his city shall call him and speak to him. But if he stands upon it, and says: 'I do not wish to take her' - then his [dead] brother's wife shall come to him in the presence of the Elders, and loosen his shoe from off of his foot...and shall answer and say, 'So shall it be done unto that man who does not wish to build up his [dead] brother's house.'" Deuteronomy 25:7f.
2458. Also subsequently, one sees the same commitment among the people of God carefully to nourish their own children from the latter's conception in their mothers' wombs until their birth from the wombs of those same women nine months later - and also thereafter. Thus the angel of the Lord said to Mrs. Manoah that she would conceive and [later] bear a son. Right before and after that conception, as she told her husband - she was to drink no wine nor strong liquor, nor eat anything unclean, throughout her pregnancy. Judges 13:2-14. See too paragraphs 111f.

Ruth: conception in the womb only of her who gives birth to that child

2459. *NIA* (alias 'Natural Insemination from or by or into Alien') and *SHW* (alias 'Surrogate Human Womb') and *NIS* (alias 'Natural Insemination by or into Seller') are tragedies. Those recorded in Genesis (in chapters 16 & 30 & 38) all made a deep and lasting impression on Israel in subsequent generations. For when, perhaps half-a-millennium later, Boaz announced his forthcoming marriage to Ruth - all the people and the Elders that were in the city of Bethlehem reminded him about this.
2460. They wanted Boaz and Ruth to avoid the heartbreaking family problems of Abraham-Sarah-Hagar, of Jacob-Leah-Bilhah-Zilpah, and especially of Judah-Er-Onan-Tamar. So the Bethlehemites wished upon Boaz: "May the Lord make the woman [Ruth] that has come into your home, like Rachel and Leah who...built the house of Israel"; and "like the house of Pharez which Tamar bore to Judah - **[but] out of the seed which the Lord shall give you from this young woman**" (Ruth), and from absolutely no **other** women!
2461. Boaz wisely followed this advice. For "Boaz took **Ruth**. And **she** became his wife. Then, after he had sexual intercourse with **her**, the Lord gave **her** conception - and **she** bare a son.... Then they called his name Obed. He is the father of Jesse the father of David. Now these are the generations of Pharez." Ruth 4:11-18.
2462. We thus find ourselves in total agreement with the principal standpoint of Rev. Dr. P.S. van Ronkel. His Biblical understanding of the story of Boaz and Ruth, strikingly anticipates and **precludes** the modern practice of 'Artificial Insemination by Donor.' States Dr. van Ronkel:¹⁰⁶
2463. "O parents! Our children do not belong to you, to the State, nor to the Church - all of whom want to get their hands on them. But they belong to God Who gave them to you - and Who has looked after them by His grace.... The history of Judah's sons Er and Onan should truly have taught the descendants of Pharez in Bethlehem that it is not enough for God to give us children - but that it is necessary He should also take care of them for us. Genesis 38:2-29 *cf.* Ruth 4:9-22 & Matthew 1:3-17.
2464. "The Lord certainly desires to do this. But generally, by way of the **means** provided. And this is exactly what He does, as regards the **continuation** of the line of **natural** life.
2465. "Accordingly," continues Dr. van Ronkel, "the people of Bethlehem desired that **Ruth**, in God's hand, might indeed be the means of giving Boaz children. That is why, to their expressed wish [that Boaz

¹⁰⁶. P.S. van Ronkel: *The Book of Ruth*, Amsterdam: Hoeveker, n.d., pp. 373-74.

might have children], they specifically added the words: 'from **this** young woman' (Ruth 4:11f).

2466. "That addition was neither unnecessary nor superfluous.... They knew the grievous domestic circumstances of the Patriarchs Abraham and Jacob. After their wives, Sarah and Rachel, passionately and ongoingly nagged for children - Abraham and Jacob did indeed receive descendants. But Abraham and his wife Sarah received Abraham's first child not from Sarah - but from her slave-girl Hagar." And Jacob and the latter's wife Rachel received that "couple's first children not from Rachel but from the slave-girl Bilhah.
2467. "Once raised, the children of these slave-girls Hagar and Bilhah [and, yet later, also those of Zilpah] - raised, like Ishmael, on the **lap** of Sarah herself (Genesis 16:2-9 *cf.* 30:3-6) - were indeed regarded as sons of the home." Yet in Ishmael's case, this was only for a short while - as far as Sarah was concerned. *Cf.* Genesis 21:1-10f.
2468. "However, the inhabitants of Bethlehem hoped that Boaz would be spared such an experience. So they trusted it might please the Lord to **raise up a seed and a name for Boaz only from his wife Ruth herself**."¹⁰⁷
2469. "When Sarah gave **different** advice to her husband (Genesis 16:2)," says Dr. van Ronkel, "pathetic consequences did not fail to follow. Wherever the laws and duties of marriage (whatever they may be) are sacrificed: the ordinances of domestic and marital lives are desecrated; the foundation of family peace is undermined; and the threats of unrest and quarrelling draw near.
2470. "Inverting God's marital ordinances always and in every sphere of life drags the inversion of all subservient ordinances with it. Even if done secretly, or even if done with the approval of both parties..., domestic sorrow can and will never lag behind."¹⁰⁸ So this is why the people of Bethlehem expressed the wish to Boaz, when he was about to marry Ruth, that the Lord would bless the home of Boaz with "the seed which the Lord shall give you from **this** young woman." Ruth 4:12.

Proverbs 5:2-20 - semen is to be ejaculated only into one's own wife

2471. Some three centuries after Ruth, we find some very relevant sexual advice - originated by God the Holy Spirit, and subsequently given by a father to his own adult son. This interesting account is now to be found in the inspired Word of God at Proverbs 5:2-20.
2472. The passage warns against sexual intercourse with, and the insemination of, strangers and prostitutes *etc.* It apparently disapprove of discharging deliberate seminal emissions "abroad" and "out into the streets." Indeed, it clearly encourages sexual intercourse with (and the insemination of) one's own wife alone. Declares that inspired passage:
2473. "My son, give attention to my wisdom.... Be discreet! ... For the lips of a strange woman drip like a honeycomb, and her mouth is smoother than oil. But...her feet go down to death; her steps take hold of hell.... Move far away from her, and don't come near the door of her house - lest you give your honour [or youthful freshness] to others!"
2474. Proverbs chapter five then continues: "Drink waters from your own tank [or cistern - alias **your own**

^{107.} *Ib.*, pp. 374f.

^{108.} *Ib.*, p. 383.

wife! Drink running waters from your **own** well! Should you let **your** fountains [alias your own seminal ejaculations] be dispersed **outside** [of your wife] - and your rivers of water out into the streets?

2475. "Let them only be for you [and for your marriage alone] - and not also for strangers with you! Let her [your own wife] be like the loving antelope and the attractive deer! Let **her** breasts satisfy you, at all times! For you must always be thrilled with **her** love! But why, my son, would you want to be thrilled with a **strange** woman and embrace the bosom of a stranger?"

Delitzsch: semen to be ejaculated only into one's own spouse

2476. Rev. Professor Dr. Franz Delitzsch rightly comments¹⁰⁹ that this passage "praises true marital love - by way of invitation to enjoy it. This is shown in verses 15-17.... One drinks water, to relieve thirst. Here [in verse 15], 'drinking' is an image of satisfying sexual desire - concerning which Paul says: 'It is better to marry, than to burn [with unfulfilled sexual desire].'"
2477. "It is viewed here, according to the dominant character of the Old Testament, only as a natural impulse implanted at creation itself - without regard to its [later] being poisoned through sin. In the same way, the married man's own wife, who belongs to him covenantally (Proverbs 2:17), is here (in Proverbs 5:15) called his *boor* [or 'tank' alias 'cistern'] and his *b^e.eer* [or 'well'].
2478. "The image describes the sexual nature of the wife, who is characteristically [*haa-}n^eqeebaah*] or 'the one to be pierced' alias 'the female.' Genesis 1:27f *cf.* 2:24f with Malachi 2:14-16. See too paragraphs 2228f.
2479. "Isaiah 51:1f, however, adheres more closely to the natural side of the image. According to this [Isaiah 51:1f *cf.* Proverbs 5:15f], the wife [or rather her **womb**] is likened to a '[mine-]shaft' - and the children are likened to loosened '**ore**' brought forth from it into the light of day." Thus Rev. Professor Dr. Delitzsch.
2480. Indeed, the meaning of *boor* [or the 'tank' alias 'cistern'] as 'that which catches the rain' [*cf.* the husband's seminal 'waters' in Proverbs 5:16] - is already brought out in Leviticus 11:36. This states that a '**pit** with plenty of water in it, shall be clean.'

Delitzsch: seminal emissions not for the streets nor for strangers

2481. Delitzsch then rightly goes on to add¹¹⁰ that in Proverbs 5:16 the words 'your fountains' refer to "the pleasures of love - to be sought and found [solely] with one's own wife [or water-receiving and water-storing tank or cistern]. This is the counterpart of Proverbs 23:27 [which teaches that 'a whore is a deep **ditch**'].... One cannot get round the fact that this double image [of 'your **fountains**' and 'your **rivers** of waters' in Proverbs 5:16] is reminding us of the male generative power - and the seminal flow which is the vehicle of the sperm.

^{109.} F. Delitzsch: *The Proverbs of Solomon*, Leipzig: Doerffling & Francke, 1973, p. 98.

^{110.} *Ib.*, pp. 99f.

* We are not here talking about involuntary reflexes, such as in *INEs* (alias 'Involuntary Nocturnal Emissions') - but about **deliberate** ejaculations: whether by way of sexual intercourse; *coitus interruptus*; or masturbation (for mere auto-erotic orgasm, for *AID*, for *AIH*, for *IVF*, or for whatever purpose). In man's fallen condition, however, even *INEs* - especially if accompanied by fantasizing dreams and illicit sexual activities, may still be sinful activities. *Cf.* Jude vv. 4,8,18-32.

2482. "Similar images are 'the waters of Judah' in Isaiah 48:1, and the 'buckets of water' containing the 'seed' of Israel in Numbers 24:7.... Those who take *zera'* [or 'seed' in Numbers 24:7] to mean the cause (or the sperm) - connect it with the effect (the progeny). They hence connect [it in Proverbs chapter 5] verse 16 with the emission of the male element, [and] regard it as the representation of the commencement of life which is introduced thereby.
2483. "For the subjects of verse 17's 'them' are the *effusiones seminis* [alias the 'seminal emissions'] mentioned in verse 16. These, in their operations - so verse 17 tells us - should belong to you alone (*ʾbarchaa*). This actually means 'in your **isolation**'; within your marital relationship. It does not mean - as would be the case, were you to have sexual intercourse with other women - 'within **various** family circles' *etc.*" Thus Delitzsch.
2484. Consequently, it must follow that all *IEEs* (alias 'Intentional Extranuptial Emissions'), *viz.* all **deliberate*** seminal ejaculations - whether involving actual sexual **intercourse** with another person **or not** - are very strictly forbidden. For semen is to be ejaculated **deliberately** - **into one's own wife alone**. As a result, this verse prohibits all masturbation for the purposes of *IVF* (whether or not involving only the spouses concerned).

Bridges: also the Church is the sole cistern of her husband Christ

2485. Charles Bridges, in his *Exposition of Proverbs*, adds useful observations. He shows¹¹¹ that the beauty of the figure of the cistern or the watertank in Proverbs 5:15, is illustrated from the fact that the ancient houses of Easterners each appear to have had their own watertank or cistern.
2486. Explains Bridges: "Where contentment is not found at home - 'drinking out of our own cistern' [Second Kings 18:31] - it will be sought for, however vainly, abroad. Conjugal love is chief among the earthly goods in mercy granted by God.... Enjoy then, with thankfulness, thine own - and desire not thy neighbour's 'well' (Exodus 20:17 & Second Samuel 11:2f)....
2487. "'Rejoice with the wife of thy youth' (Deuteronomy 24:5 & Ecclesiastes 11:9 [& Malachi 2:14-16]). Regard her as the special gift of thy Father's hand ([Proverbs] ch. 19:14). Cherish her with gentleness and purity (Genesis 24:67), 'as the loving hind and pleasant roe.' *Cf.* Second Samuel 11:3. The 'hind' and the 'roe' were objects of special delight and endearment (Canticles* 2:9,17 & 8:14) - a picture of the lively delight which the wife naturally engages."
2488. Her husband is to keep on "taking the liveliest pleasure in her company. As Bishop Davenant beautifully observes - 'Abroad, the man may consider himself as tossing in the waves. But at home, with his wife, in repose, [he is] as in a desired haven' - Colossians 3:19. Tender, well-regulated, domestic affection - is the best defence against the vagrant desires of unlawful passion. Yea - it is consecrated by the Word of God itself to the high purpose of shadowing out 'the great mystery - loving and cherishing our own flesh, even as the Lord the Church.' Ephesians 5:25,29."

Matthew Henry: keep to your own wife and beget numerous offspring!

2489. In his *Commentary on the Holy Bible*, the well-known Puritan Rev. Dr. Matthew Henry's remarks on Proverbs 5:15-20 are very helpful. "Enjoy with satisfaction the comforts of lawful marriage, which was

¹¹¹. C. Bridges: *Exposition of Proverbs*, Marshallton, Del.: The National Foundation for Christian Education, rep., n.d., p. 58.

ordained for the prevention of uncleanness" - comments Henry.¹¹² "Thou mayst not indeed eat of every tree of the garden, but choose thee out one which thou pleasest - and of that, thou mayst freely eat [*cf.* Genesis 1:27 & 2:16 with 2:20-25]. Nature will be content with that.... Let young men marry; marry, and not burn [First Corinthians 7:9]. Have a 'cistern' - a 'well of thine own' ([Proverbs 5] verse 15), even 'the wife of thy youth' (verse 18)....

2490. "Let him be fond of his wife, and love her dearly (verse 19).... Let her lie in thy bosom, as the poor man's ewe-lamb did in his (Second Samuel 12:3)! And do thou repose thy head in hers, and let that 'satisfy thee at all times'.... This is 'drinking waters' to quench the thirst of thine appetite - 'out of thine own cistern'; and 'running waters...out of thine own well' (verse 15). First Corinthians 7:2f.
2491. "Let him take delight in his children.... 'Look upon them as streams from thine own pure fountains.... 'They are **pieces of thyself** - as the streams are of the fountain.' Keep to thine own wife, and thou shalt have...a numerous offspring like 'rivers of water'....
2492. "Let him then scorn the offer of forbidden pleasures, when he is 'always ravished with the love' of a faithful virtuous wife! Let him consider what an absurdity it will be for him to be 'ravished with a strange woman' (verse 20)! ... 'Why wilt thou be so sottish, such an enemy to thyself - as to prefer puddle-water, and that poisoned too, and stolen, before pure living waters out of thine own well?'"

Proverbs 23 and 20: whores are ditches who can't just wipe off semen

2493. In Proverbs 23:27 and 30:19-20, the Lord Himself declares that "a whore is a deep **ditch**, and a prostitute is a narrow **pit**." There, He Himself also inspires the inscription of what Agur had admitted - *viz.*: "There are...things which are too wonderful for me."
2494. Those things include: "the 'way' of a man **inside** a young woman. **Such** is the 'way' of an **adulterous** woman: she '**eats**' and **wipes off** her '**mouth**' and says [as an infamous lie]: 'I haven't done anything wrong!'"

Delitzsch: ejaculated semen is not meet to be wiped off by whores

2495. Delitzsch's previously-mentioned coital and '**anti-masturbatory**' understanding of Proverbs 5:15f, is underscored by his 'anti-masturbatory' and certainly **coital** comments on Proverbs 23:27 and 30:19f. By the "*derek geber b^e'almaah*" or 'the way of a man **in[side]** a young woman' (Delitzsch remarks illuminatingly)¹¹³ "is to be understood...as said in [the later *Talmud's* insightful tract] *Kiddushin* 2^b, *b-y-'h 'y-q-r-y d-r-k, coitus via appellatur*" [alias "sexual intercourse is called a way" or 'a road']. The **b^e**- [in the word **b^e'almaah** alias "**inside** a young woman" in Proverbs 30:19], "refers to *copula carnalis* [alias 'carnal copulation'].... Hitzig is the best interpreter of this" - and he too here agrees with Delitzsch.
2496. "Every *derek geber b^e'almaah* [or 'way of a man inside a young woman']" - continues Delitzsch - "refers only to the human act of breeding, which **physiologically** is identical to that of animals.... The point of comparison [here]...is the [later] 'tracelessness' of sexual intercourse...when a man has finished engaging in coition with a young woman....
2497. "One cannot maintain that *derek geber b^e'almaah* [or 'the way of a man inside a young woman' in

¹¹². M. Henry: *Commentary on the Holy Bible*, London: Marshall Bros., n.d. Vol. III pp. 485f. * = Song of Songs.

¹¹³. *Prov. of Sol.*, on Prov. 30:19-20.

Proverbs 30:19] refers only to **extramarital** intercourse." For "'*almaah* [or 'young woman'] here means 'sexually ripe'.... It has this in common with the 'adulterous woman' of verse 20 [who 'eats'].

2498. "We regard verse 20 as an independent **related** proverb...which in the same way...in the first instance refers back" to the 'way of the man **inside** the young woman' (at verse 19). "But 'eating' [in verse 20] is precisely the image of the 'bread eaten in secret' at Proverbs 9:17" - **and** of the adulteress and the 'sweet' but 'stolen waters' of Proverbs 9:13-18.
2499. "The '**wiping off**' of the 'mouth' belongs to the image.... It follows from Proverbs 20:19's four 'ways' that leave no trace." For in Proverbs 30:19-20, "there are three things which are too wonderful for me, yea, four" - no, even five - "which I do not understand."
2500. "These various 'traceless' ways are: (1), the 'way' of an eagle in the air; (2), the 'way' of a serpent upon a rock; (3), the 'way' of a ship in the midst of the sea; and (4), the 'way' of a man inside a young woman. Indeed (5), such is the 'way' of an adulterous woman - she 'eats' and wipes off her 'mouth' and says: 'I haven't done anything wrong!'"

Proverbs 5:15f & 23:27 & 20:19f preclude *AID*, *AIH*, *IVF* and *SHW*

2501. Particularly in the light of the previous comments on Proverbs 5:15f made by Delitzsch and Bridges and Matthew Henry,¹¹⁴ we ourselves can now draw a firm conclusion - also as regards Proverbs 23:27 and 20:19f. We conclude that **noncoital** and masturbatory *AID* is precluded explicitly (and **noncoital** and masturbatory *AIH* and even **marital** *IVF* are precluded implicitly) also by Proverbs 5:15f & 23:27 & 30:19-20.
2502. For, especially in Proverbs 5:15-18, each husband's seminal 'rain water' must be deposited straight into his "own cistern [or water-tank]" alias his spouse's "well" - as he rejoices "with the wife of his youth." His seminal "fountains" may not be "dispersed abroad" even in masturbation for marital *AID* or *IVF* or *AIH* (as distinct from Post-coital Assisted Impregnation directly after the natural insemination of a wife by her own husband).¹¹⁵
2503. Nor should a man's "rivers of waters" (*viz.* his seminal effluxes) ever be discharged "out into the streets"; out into a jar but later into his own wife; out into the Surrogate Human Wombs of rented women; out into some or other Artificial Insemination Clinic; or out into Downtown Sperm banks.¹¹⁶ Nor should couples ever resort to way-out surrogate womb-sellers, who may or may not wipe off semen deposited in them by way of *AID* or otherwise.

Isaiah 7:14 teaches it is she who conceives who must give birth

2504. Perhaps 250 years after the Proverbs, we encounter a very important verse in Isaiah 7:14. There, it is predicted that "a young woman would conceive and [later] bear a son and call his name 'Immanuel.'" See too paragraphs 155f (especially at its note 97) and 177f.
2505. This verse certainly embraces a long-term prediction as to how, much later, Mary the mother of Jesus: would conceive virginally; would carry her fetus to full-term within her own womb; and would then give

¹¹⁴. See paras. 2476-92.

¹¹⁵. See paras. 3870f.

¹¹⁶. Missenden: *Bib.-Eth. Inquiry*, p. 10 (quoted in paras. 2641f & 2687f).

birth to Him, and call Him 'Immanuel.' In addition, it may also have predicted short-term how even during the time of Isaiah himself a nonvirgin young woman would conceive and later give birth to a son called 'Immanuel' - whether a son of Ahaz (*cf.* Isaiah 7:1 & 7:10-14) or yet a further son of Isaiah the Prophet (Isaiah 8:1-8 *cf.* 7:3).

2506. Yet in both or all of those cases, the women who conceived the children concerned would be the same persons who would later give birth to those children. That at least is normative, both in Isaiah 7:14 and in Isaiah 8:1-8 (*cf.* 7:3). Each of these passages opposes Surrogate Human Wombs and artificial insemination (whether for *AID* or *AIH*). They also oppose: extra-corporeal fertilization (as in *IVF*); the use of any alien sellers or so-called 'donors' of either eggs or semen for the purpose of human fructification; and all cases of human Embryo Transfer. Thus, Isaiah 7:14 and 8:1-8 presuppose that the entire gestation occur only within the pregnant woman.

Jesus: a man cleaves to his wife so that both be[come] into one flesh

2507. We now come to the New Testament. At the outset, as the deepest fulfilment of the prediction at Isaiah 7:14, Jesus Himself here corrects the misunderstanding of the Pharisees about the relationship of husband and wife.
2508. Saddened by their hard hearts, He asks them:¹¹⁷ "Have you not read [in Genesis 2:22-25] that He Who made them at the beginning, made them male and female - and said, 'A man shall leave father and mother in order to **cleave** to his wife so that the **two** of them shall be[come] **INTO one flesh**?'"
Continues Jesus: "Accordingly, they are no more two, but **one flesh**. So, what God has **joined** together [**into one**] - let not man put asunder!"¹¹⁸
2509. This clearly precludes *AID* and *SHW*. But it also frowns upon *AIH*. For even there - because noncoital - the marriage partners do **not thereby** "cleave" to one another. Indeed, even there, they are **not thereby** "joined" together "into ONE flesh." See too paragraphs 2228f and 2476-92.

Calvin: "they two shall be *into one flesh*" (in Genesis 2 and Matthew 19)

2510. Calvin states¹¹⁹ on Genesis 2:24 that "the Greek interpreters [in their B.C. 270 *Septuagint*] have expressed it more forcibly: 'They two shall be into one flesh'.... Thus Christ cites the place in Matthew 19:5.... Moses had not said that God assigned many wives but only **one** to one man.... In the general direction given, he had put the 'wife' in the **singular** number.
2511. "It remains, therefore, that the conjugal bond subsists between two persons only. Whence it easily appears, that nothing is less in accordance with the divine institution [of marriage], than polygamy.... Christ, in censuring the voluntary divorces of the Jews, adduces as His reason for doing it, that "it was not so in the beginning" (Matthew 19:5). He certainly commands this institution to be observed as a perpetual rule of conduct.... Thus, there is no doubt that polygamy is a corruption of legitimate marriage."

¹¹⁷ Mt. 19:3.

¹¹⁸ Mt. 19:4-6. Vs. 5 has *eis sarka mian* (alias "into one flesh"). Vs. 6 has *ouketi eisin duo alla sarx mia* (alias "are no longer two but one flesh"). *Cf.* esp. the ms. D, which then adds: *Ho oun ho Theos sunezeuxen eis hen* (alias "Therefore that which God has joined together into one"). See too Gen. 2:24's *w^edaabaq b^eishtho w^ehaayuu l^ebosar'echaad* (alias "and he shall cleave unto his wife **so that they shall become one** flesh").

¹¹⁹ *Comm. on Gen.* (at 2:24).

2512. Commenting further, Calvin adds:¹²⁰ "Christ assumes as an admitted principle, that at the beginning God **'joined** the male to the female' **so that** the two made **an entire 'man.'** And therefore he who 'divorces his wife' tears from him[self], as it were, **half of himself.** But nature does not allow any man to tear his own body into pieces [*cf.* Ephesians 5:28]! ... God, Who created the human race, 'made them male and female' - so that every man might be satisfied with his own wife, and might not desire more."
2513. What, then, is the total number of spouses permitted within each marriage? Christ, like Moses before Him (Genesis 2:25 *cf.* Matthew 19:6) - explains Calvin - "insists on the number two." So also does the Old Testament Prophet Malachi (2:15) - when he remonstrates against polygamy.
2514. "Thus the inviolable union of one husband with one wife is proved from the order of creation.... **'And the two shall be[come] one flesh.'** This expression condemns polygamy - no less than it condemns unrestrained liberty in divorcing wives. For, if the mutual union of two persons was consecrated by the Lord - **the mixture of three or four persons is unauthorized.** **'It is a false and wicked mixture'** (*meslinge faux et pervers*)!"¹²¹
2515. "But...such is the force of holy marriage, that the husband and wife become one.... For it was not the design of Christ to introduce the impure and filthy speculation of Plato. But He spoke with reverence of the order which God had established. Let the husband and wife therefore live together in such a manner that each cherish the other in the same manner as if they [each] were the half of [both of] themselves!"

The "one flesh" principle in First Corinthians 6:9 to 7:14f

2516. Paul, under inspiration of the Holy Spirit, makes some interesting applications of this principle. "Do not be deceived!" - he warns the Corinthians.¹²² "Neither fornicators, nor idolaters, nor adulterers, nor lechers, nor homosexuals...shall inherit the Kingdom of Heaven....
2517. "Don't you know that your bodies are the 'members' of Christ? Shall I then take the 'members' of Christ, and make them the 'members' of a harlot? God forbid! What? Don't you know that he who joins [or glues or welds] himself to a harlot - is one body [with her]? For **He says that 'the two [performing sexual intercourse together], shall become one flesh'**....
2518. "It is appropriate for a man not to touch a woman. Nevertheless - to avoid sexual sins, every man should have his own wife, and every woman should have her own husband. **The husband should discharge the sexual obligations which he owes to the wife** [*cf.* Exodus 21:10]. And so too the wife....
2519. "The wife does not exercise this authority over her own body. But the husband does. So too, the husband does not exercise this authority over his own body. But the wife does. **Do not detach yourselves from one another!**" Conversely, this requires one to "donate" one's semen or eggs **solely to one's spouse** - and also **solely during sexual intercourse**.
2520. Within Christian wedlock, this sexual intercourse further brings it about that all resultant children thus conceived, are holy already. For the "husband keep on being sanctified by the wife, and the...wife

^{120.} *Harm. Gosp.* (on Mt. 19:4f).

^{121.} Thus Calvin's original French.

^{122.} I Cor. 6:9f,15f & 7:1-5,14.

keeps on being sanctified by the husband. Otherwise your children would be unclean; but now they are holy."

Calvin's comments on I Cor. 6:9 to 7:14 are against AID, AIH & SHW

2521. Calvin's comments on the above passages again casts light explicitly against *AID* and *SHW* - and implicitly even against *AIH*. "If I join myself to a harlot," explains Calvin,¹²³ "I tear Christ apart, limb from limb - so far as it is in my power to do so. Because it is an impossibility for me to drag Him into association with such uncleanness...."
2522. "Christ is harmed by the man who has intercourse with a harlot. For one body is formed [with the harlot during the illicit sexual intercourse with her]. And so, he [the sinning Christian who thus joins himself to the harlot] tears away a member [namely himself] from the body of Christ...."
2523. "Moses says that husband and wife come together as one flesh, in order that neither of them may cleave to the flesh of another.... Paul now lays down the rules for married life.... He teaches the nature of the duty of husband and wife.... He did not intend to discuss all their duties, but only the mutual obligation which is concerned with intercourse...."
2524. "It is a constant condition of marriage that the man renounces his power over his own body - and surrenders it to his wife. How can he afterwards act as if he were free, and join himself to somebody else? ... 'Come together again,' [Paul urges spouses, 'so] that Satan not tempt you!" Here, "Paul now gives...our proper course of action." It is "to apply the remedy which the Lord has given for our protection. Therefore, those who give up [on marital] intercourse - are acting thoughtlessly...."
2525. "The intimacy of marriage is unique. For the wife is the half of the man, and the two become one flesh.... The husband is the head of the wife and she is her husband's companion.... As far as sexual intercourse and ordinary everyday relations are concerned, the [un]believer is sanctified...."
2526. "The believer is not contaminated by intercourse..... Children of believers are set apart from others by a certain special privilege - so that they are regarded as holy.... That the Apostle ascribes a special privilege to the children of believers here has its source in the blessing of the covenant." Genesis 1:26f; 2:15-25; Hosea 6:7-10f; Malachi 2:14f & 4:2-6f.
2527. "So Paul argues in Romans 11:16 that all Abraham's descendants are holy because God had concluded a covenant of life with him [Genesis chapter 17]. 'If the root is holy so are the branches,' he says.... The children of believers are made exempt from the common condition of mankind, in order to be set apart for the Lord." Thus Calvin.
2528. Significantly, also a leading Roman Catholic Seminary Professor - Rev. Dr. J.J. Clifford - draws somewhat similar conclusions from First Corinthians 7:1-5. For, as later shown in paragraph 2868, he applies it even against *AIH* (alias Artificial Insemination from **Husband**).

Ephesians 5:25 - man and wife joined together become one flesh

2529. There remains Ephesians 5:25-33. "Husbands, love your wives just like Christ too loved the Church.... Men ought to love their wives **like** their own bodies. He who loves his wife, loves himself.

¹²³. *Comm.* on I Cor. 6:15 & 7:3,5.

2530. "For no man ever yet hated his **own** flesh. But he nourishes and cherishes it, just as the Lord [nourishes and cherishes] the Church. For we are members of His body - of His flesh and of His bones. For this reason a man shall leave his father and mother and shall be **joined** to his wife and **they two shall be[come] one flesh**. This is a **great mystery**.... I am speaking about Christ and the Church. So let every one of you...love his own wife!"

Calvinism's view of marital intercourse opposes *AID* and *AIH*

2531. As the great Protestant Reformer Rev. Professor Dr. John Calvin here comments: "Such is the union between us and Christ that, in a sense, He [in His Spirit] **pours** Himself **into** us."¹²⁴ Here again, we have the same anti-*AID* and anti-*AIH* teaching as in Genesis two and Matthew nineteen and First Corinthians six and seven. For that matter - here again, we have the very same anti-*AID* and anti-*AIH* teaching (and also anti-*IVF* and anti-*SHW* teaching) as is found throughout the Holy Bible from beginning to end.

2532. For here, also in Ephesians, a husband's own body becomes "like" his wife's body (to which he is "joined" as "one flesh"). Indeed, it is not hard to see how 'High Churchmen' of various denominations conclude from this "**mystery**" (or *sacramentum* in Jerome's Vulgate) that also sexual intercourse is a sacrament. Also Calvinism - as distinct from a more symbolic and a less sacramental Zwinglianism - would insist that the Church is Christ's real yet mystical body, just as a wife is her own husband's real but mystical body.

Summary of Scriptures on the normative method of human reproduction

2533. So much, then, for Biblical **insemination** at the conclusion of marital intercourse - whether that results in pregnancy or not. But after such insemination, there is sometimes also Biblical **impregnation**. That always produces human offspring (no matter how short-lived).

2534. Indeed, also beyond all of the above Biblical examples of regular 'Coital Human Insemination' (which only **sometimes** results in impregnation) - there are also possibly two Biblical cases of Noncoital Human Impregnation. Firstly, there is the implicit possibility of Providential Noncoital Impregnation. That is inherent in the Talmudic interpretation of Leviticus 21:13. Secondly, there is also the explicit fact of Divine Noncoital Impregnation. That occurred with the incarnation of the Son of God.

2535. Leviticus 21:13 simply specifies that the high priest of Israel "shall take a wife in her virginity." In connection with this text, the *Talmud* refers to a case of noncoital and accidental impregnation of a virgin - resulting from taking a bath in water previously inseminated by a male (whether accidentally or deliberately).

2536. The *Talmud* then concludes, however, that a woman thus impregnated may still marry even a priest thereafter. For that particular kind of conception would have taken place *sine concubito* (alias 'without sexual intercourse'). It would therefore not compromise the woman's "legal" status as a virgin.¹²⁵ Clearly, all of the various aspects of *AID* and *SHW* and *AIH* are quite foreign to this Talmudic scenario where the woman is wholly 'innocent.'

^{124.} *Comm.* on Eph. 5:31.

^{125.} *Haggadah* 15a.

2537. The significance of the Divine Noncoital Impregnation of the virgin Mary, also springs to mind. In that case, altogether unique, the power of the Almighty Father Himself incarnated His Eternally-Divine Son. For the Latter became even the Son of man - when conceived as such, by the Holy Spirit, in the virgin's womb.
2538. Predicted Isaiah:¹²⁶ "Behold, a virgin shall conceive and bear a son, and shall call His name 'Immanuel' [alias 'God-with-us']!" That was fulfilled in depth, about 750 years later.
2539. As Matthew explains at the beginning of the New Testament:¹²⁷ "This is how Jesus Christ was born. When His mother Mary was engaged to Joseph, before they came together, she was discovered to be pregnant from the Holy Spirit.... Then Joseph...took her as his wife, but did not have sexual intercourse with her until she had brought forth her first-born son."
2540. Luke relates¹²⁸ that the angel told Mary: "Look, you will conceive in your womb.... The Holy Spirit will come over you, and the power of the All-Highest shall overshadow you. As a result, the Holy One Who shall be born from you, shall be called 'the Son of God'.... For with God, nothing shall be impossible!" There Mary said: "Look, I am the Lord's handmaid! Let it be just as you have said!"
2541. Similarly, Paul too insists¹²⁹ that "when the fullness of time had come, God sent forth His Son - made from a woman." So clearly, Christ's incarnation was not by way of *AID* - nor by way of *SHW*, *AIH*, *IVF* or *NWH*. To the contrary, also the virgin-conceived Son of God was incarnated **within His mother** (as the man Jesus) - and conceived and nidated in the same places as in the cases of all normal post-coital human fertilizations and implantations. So Jesus was generated as a zygote (and subsequently grew as an embryo) **within His true mother and her alone** - even from the very moment of His conception.
2542. However, whether human pregnancy occurs, as it usually does, as a result of natural sexual intercourse - or whether it occurs, and highly unusually, through providential noncoital impregnation - it should always last for some nine months, so that the one conceiving the zygote is the very same person as the one who later gives birth to that same child. For in Holy Scripture, the biological mother is always the one who subsequently brings forth her very own child.

Conclusion: Bible on the normative method of Biblical reproduction

2543. Conclusion. At the end of this chapter concerning 'The Bible on Methods of Human Reproduction' - we can draw only the following conclusions. Scripture regards sexual intercourse, within marriage alone, as the only permitted way for humans to plan the (re)production of offspring. The divine and miraculous noncoital conception of Jesus, as well as the possibility of a providential and non-miraculous yet noncoital conception as mentioned in the *Talmud*, are no exceptions. For they are cases of impregnation without human intent - and not cases of deliberate human artificial insemination.
2544. God's Word condemns *NIB* alias 'Natural Insemination into Buyer' (Genesis 30:14-16f) and *NIS* alias 'Natural Insemination into Seller' (Genesis 38:14-25) - as well as *SHWS* alias 'Surrogate Human Wombs' (Genesis 16:2f & 30:3f). It also disapproves of *ISI* alias 'Interrupted Sexual Insemination'

¹²⁶. Isa. 7:14.

¹²⁷. Mt. 1:18,24f.

¹²⁸. Lk. 1:31,35-38.

¹²⁹. Gal. 4:4f.

(Genesis 38:3-10) - as well as *IEE* alias 'Intentional Extranuptial Emissions' (Proverbs 5:15f).

2545. The Holy Bible implicitly yet clearly also precludes the deliberate and noncoital masturbation currently necessary for *AID*, *AIH* and *IVF*. For conception in a human womb - after "becoming one flesh" in an act of "cleaving" alias sexual intercourse solely by a husband "joined" to his wife - is the **only** normative way for human beings to plan to reproduce.
2546. This is the clear teaching of Genesis 2:22-25, Proverbs 5:15-20, Matthew 19:4-6, First Corinthians 6:9-16, and Ephesians 5:28-33. Indeed, the Sacred Scriptures were rightly so understood also by many of the Early Church Fathers - such as Clement of Alexandria (as seen in paragraphs 1424f).

T. *ID* AND *SHW*: ALIEN HUMAN SEED AND SURROGATE HUMAN WOMBS

"Abram's wife bare him no children. But she had a handmaid.... Then Sarai said to Abram: 'Look, the Lord prevented me from bearing. Please have sexual intercourse with my maid, so that I can perhaps obtain children through her'.... [Later,] when Rachel saw that she bare Jacob no children..., she said: 'Here is my maidservant Bilhah! Have sexual intercourse with her.... She can bear upon my knees, so that I too can have children through her'.... Should you let your fountains [or your seminal ejaculations] be dispersed outside [of your wife], and your rivers of waters out into the streets? ... You have betrayed the wife of your youth! Yet it is she who is your companion and your covenanted wife! Didn't He make [only] one - even though He had a superabundance of spirit? And why [did He make only] one [wife]? So that He might expect godly descendants!" - Genesis 16:1f; 30:1-3; Proverbs 5:16; Malachi 2:14.

2547. In the previous chapter, we gave a Biblical framework within which to evaluate the basic [im]morality of *AID*, *SHW*, *AIH* and even *IVF* - at least as regards the masturbatory prerequisite common to them all. In this present chapter, we will look at some further and graver practical problems involved especially in the two procedures requiring the use of the generative parts of **aliens** to the marriage concerned - namely *AID* (with its alien seed) and *SHW* (with its alien womb).

Problems Common to all of the kinds of Human Artificial Insemination

2548. Immediately, we can think of about fifty problems which are encountered either with *HAI* alias Human Artificial Insemination in general, and with *AID* and *SHW* in particular. Let us then begin by looking especially at the moral difficulties posed by *HAI* in general, and in particular by *AID* and *SHW*.
2549. Without exception, **all** of the various kinds of *HAI* - whether they involve artificial insemination in respect of *SHW*, *AID*, *AIH*, *IVF* or *NWH* - share **common moral problems**. These **common** moral problems are **in addition to the different and special moral problems which each of the various kinds of artificial insemination has over and above those common moral problems**.
2550. Such common moral problems include especially three. First, masturbation; second, chemical tampering with the masturbated semen; and third, noncoital impregnation.
2551. First, there is the masturbation required to obtain the semen for *HAI*. This masturbation seems prohibited by the implications of Genesis 2:22f & 38:7-10 and Proverbs 5:13-16 and Matthew 19:4f and First Corinthians 6:9-16, inasmuch as these passages bear upon the Seventh Commandment in Exodus 20:14.
2552. Second, there is the washing and selecting and treatment of that masturbated semen - in a special chemical solution. This spells at least incipient mechanical manipulation, if not genetic engineering. Such actions disrespect the semen, its donor, its recipient, and/or its Prime Author. **If the washing enhances spermatic potency, it promotes fertilization also by the unfittest; but if such washing weakens the sperms, this is a sinful manipulation** of the very foundation of human life itself. Either way, such actions transgress God's Fifth, Sixth, and/or Seventh Commandments. Exodus 20:12-14.
2553. Third, there is a noncoital impregnation by way of artificially inseminating human sperm into a womb.

In *SHW-AID*, the sperm is inserted into a surrogate womb by a deliberate and a noncoital act of human intervention neither divine nor accidental. In *IVF*, the sperm is deliberately inserted into a test-tube or a petrie dish containing at least one human egg. Both such actions seem to be implicit transgressions of God's First, Second, Fifth, Seventh, Eighth and/or Tenth Commandments. Deuteronomy 5:7-21.

Additional problems peculiar to *AID* (and also to *SHW*)

2554. In addition to the moral problems common to all of the various kinds of *HAI*, the specific methods of *AID* (and *SHW*) each seem to have also their own extra problems of morality. These additional moral problems become apparent immediately - as soon as we learn about the California sperm bank already set up to receive 'donations' of semen from Nobel Prize winners and other 'geniuses' - for the purpose of producing various specimens of 'super-intelligent infants.'¹ However, even *AID* and schemes less bizarre than this, all bristle with great moral problems.
2555. Here are some of the perceived moral problems connected with *AID*. Firstly, the method used to obtain the semen and its insertion into a woman other than the wife of the person from whom the semen is extracted - transgresses the Seventh and Eighth and Tenth Commandments.
2556. Secondly, there is the remuneration usually paid to the semen donor for his services (and to the womb-seller in *SHW*). This seems to border on prostitution. Indeed, either directly or indirectly, it breaks the Fourth and Seventh and Eighth and Tenth Commandments.
2557. Thirdly, where done, the mixing of the seed of several donors into a "semen cocktail" seems to be prohibited by the implications of the "hybrid texts"² in Holy Scripture. Indirectly, this also transgresses the Seventh Commandment. Fourthly, there is the matter of the refrigeration of the semen in sperm banks (*sic*). This practice may well transgress the Sixth and Eighth and Tenth Commandments.

Rev. R.T. Missenden's questions in connection with *AID*

2559. Here are further questions which Rev. Missenden has asked³ about moral problems sometimes encountered in connection with *AID*. "(1) Is it right to parent a child whose legitimacy is in question? Not unless adopted!
2560. (2) Is it proper to allow a Doctor to name the husband as father, when he is not? No!
2561. (3) Will an *AID*-child help or hurt a marriage? In most cases, such marriages have not thereby been helped - in the long term.
2562. (4) Is *AID* another form of adultery? To ask this question, is almost to answer it.
2563. (5) Does *AID* fall within God-ordained procreation in marriage? No way!
2564. (6) What are the moral responsibilities of the Donor and Doctor? To repent of their *AID*-activities, and desist from all future involvement!

¹ Overduin & Fleming: *Life in a Test-Tube*, pp. 84f.

² Gen. 1:11f,21,24f; Ex. 22:19; Lev. 11:14-22; 19:19; Dt. 22:9-11. 2558.

³ *Artif. Insem.*, pp. 114-16.

2565. (7) Would a couple be better advised to try to adopt a child? Absolutely!
2566. (8) Does a child conceived from another man's bequest, belong in a husband's 'quiver' (Psalm 127:3-5)?" Only as a cuckoo-like *Fremdkoerper!*

Yet further questions often asked about *AID*

2567. One may also well ask yet further questions about *AID*. (1) Can it be moral to promote the incidence of 'fatherless' children by giving *AID* - as has already been done - to single women; or to lesbians; or to widows; or to divorcees? Never!
2568. (2) How can one justify the resultant dangerous increase of the number of unwittingly-incestuous marriages - when *AID*-children grow up, and unknowingly start courting their own half-brothers and half-sisters? Yes, how indeed!
2569. (3) Is the danger of such incest not even far greater still - when, as is sometimes done, one single sperm-donor may "father" 50-100 unknown children? Obviously! See paragraph 2645f.
2570. (4) Who should be held legally responsible, and each to what extent, for deformities and diseases in the *AID*-children - the mother; her husband; the sperm-donor(s); the sperm-bank officials; the *AID* clinics - or all of them (and, if so, to what proportionate degree)? Would even Solomon know?
2571. (5) How does one prevent a "hate complex" developing between the *AID*-child and persons surrounding him - such as his half-brothers and/or half-sisters; his mother; his mother's husband; the sperm-donor(s); the sperm-bank officials; or the *AID* staff? See paragraphs 2826-37.
2572. (6) Who should and who should not (and, either way, "by what standard?") be approved as sperm-donors in *AID*? Only male wrestlers and movie stars - or even male mathematicians and hypermanics?
2573. (7) Doesn't the very application of selective principles in the screening of potential semen-donors for *AID* - itself involve mandatory eugenics? Obviously!
2574. (8) Is it not just one step from *AID*'s mandatory eugenics, to pre-inseminatory genetic engineering?⁴ The practices of the last two decades have shown, increasingly, that this is indeed so.

Still more problems surrounding the matter of *AID*

2575. Here are yet more *AID* problems. (1) Should an *AID*-child never be able to know about his own prenatal history? See Judges 11:1-8f.
2576. (2) How could proper standards for the approval of *AID*-spermators ever be drawn up? They cannot - without resorting to the ethics of "Nazi" genetics.
2577. (3) By what moral standard could *AID* be refused to a single woman - but not to a married woman who requests it with or without her husband's consent? It couldn't! Deuteronomy 22:22-29.

⁴ See W. Waterson's *The Control of Life* (in Edmunds & Scorer's *op. cit.* p. 47).

2578. (4) What is the appropriate judicial attitude for the law to take toward an *AID*-clinic which inseminates a married woman without her husband's consent? Certainly not public commendation!
2579. (5) Who should keep the *AID*-records, and to whom should they be releasable? What a dilemma, or even trilemma!
2580. (6) Could the *AID*-husband be required to adopt his wife's *AID*-child as his own son? No, for adoption must be voluntary! Ephesians 1:5.
2581. (7) Is the wife sexually prohibited to her own husband, following her reception of *AID*? See Deuteronomy 24:1-4!
2582. (8) Is the child adulterous, and therefore illegitimate? See Judges 8:29 to 9:56.
2583. (9) Is the sperm-donor fulfilling Genesis 1:26-28? No! But then - he has no right to allow his seed to be used for *AID*!
2584. (10) Can the *AID*-child claim maintenance and intestate succession from the sperm-donor? See Galatians 4:30.
2585. (11) If the husband dies, may his *AID*-pregnant wife immediately remarry? See First Corinthians 7:39f.
2586. (12) If that widow does immediately remarry - does her new husband have a ground for divorce if he only later discovers that the widow's impregnation had been by *AID*? On this, see: Leviticus 20:10; 21:7; Deuteronomy 22:13-22; Romans 7:1-4.

Anglican Archbishop of Canterbury's 1948 Commission condemned *AID*

2587. Both Protestants and Romanists have condemned *AID*. Catholics admit that until recently, also all Protestants very strongly opposed *AID* (and even *AIH*), as well as abortion and sometimes even contraception.
2588. Thus a 1948 Anglican Commission reported to the Archbishop of Canterbury that "*AID* with donated semen involves a breach of the marriage.... It defrauds the child begotten and deceives both the putative kinsmen and society at large.
2589. "For both donor and recipient - the sexual act loses its personal character and becomes a mere transaction. For the child - there must always be the risk of disclosure...of the circumstances of his conception. We therefore judge *AID* to be wrong in principle and contrary to Christian standards."

1949: Roman Catholic Pope Pius XII's condemnation of *AID*

2590. In 1949, Pope Pius XII gave an *Address to Delegates at the Fourth International Congress of Catholic Doctors*. There, he stated:⁵ "Artificial insemination in matrimony, but produced by means of the active element of a third person, is immoral - and, as such, is to be condemned without right of appeal....

⁵. Pius XII's 1949 Address to Delegates at the Fourth International Congress of Catholic Doctors (cited in Overduin & Fleming's op. cit. pp. 51f).

2591. "To whoever gives life to the tiny creature, nature imposes - in virtue of that very bond - the duty of protecting and educating the child. But when the child is the fruit of the active element of a third person - even granting the husband's consent - between the legitimate husband and the child there is no such bond of origin nor the moral and juridical bond of conjugal procreation."

Calvinist Professor Wurth: *AID* later "smashes many marriages" (1950)

2592. In 1950, the famous Calvinist Ethicist Rev. Professor Dr. G.B. Wurth wrote his important book *Christian Living in Marriage and Family*.⁶ Condemning *AID*, he declares: "According to the Biblical view, God's Law - including His Law in regard to marriage and reproduction - is still the Law of Life. The outcomes of breaking this Law, must unavoidably be faced.

2593. "The application of artificial insemination has not yet taken place long enough for the full consequences to be surveyed.... The fact that the child which the wife bears...is not the child of her husband but of some unknown man, cannot but be a source of endless restlessness and give a feeling of deep dissatisfaction to the wife.... All kinds of neurotic disturbances occur in connection with the secret psychical connection [of the wife] to the unknown 'father' of the child."

2594. Again, in "husbands who in a moment of weakness" agree to the *AID* being done on their wives - "all kinds of conflicting tensions are later seen to occur as a result of jealousy. This smashes many marriages - not even to speak of the precarious relationship of such 'fathers' who are not fathers, to children who are not the 'children' of those fathers themselves.... The future will more clearly reveal what traumas must be caused in the soul of such children themselves, in such a totally-unnatural relationship - and what a psychological shock it must be for them, if the deceit and the lie of their birth should at any time be revealed to them."

2595. In 1958, also Pope Pius XII reaffirmed anew his earlier condemnation of *AID*. He declared:⁷ "As for artificial insemination between unmarried persons, we declared in 1949 that this practice violates the principle of the natural law that new life may be procreated only in a valid marriage."

1964: Calvinist Dr. Drogendijk - *AID* falsifies the family

2596. In 1964, the Calvinist Professor of Medicine Dr. A.C. Drogendijk (M.D.) made similar observations⁸ about *AID*. He noted that "the pseudo-father sooner or later easily begins to feel an aversion [toward his 'pseudo-child']. On the other hand, the mother - although she strongly desired both the pregnancy and the child [initially] - can [later] become obsessed with thoughts about the unknown generator who is the real father of her child."

2597. The predictable development of the aversion of the husband or "the pseudo-father" to his wife's child "will occur even earlier, if the child exhibits physical or psychical defects. The mother will then defend the child under all circumstances - for it is **her** child.

2598. "But her husband will have the tendency to distantiate himself from the child. For he will all too readily not wish to regard the child as his own in such cases.

6. G.B. Wurth: *Christian Living in Marriage and Family*, Kampen: Kok, 1950, p. 252.

7. Pius XII's Address During the Seventh International Hematological Congress (cited in Overduin & Fleming's op. cit. p. 47).

8. *Op. cit.*, pp. 148-50.

2599. "For all of these reasons it is therefore better, hard as childlessness indeed is, not to resort to *AID*. For this intrusion into the marriage constitutes a continuing threat to a happy married life. It plants the seed for an unhappy and disharmonious family life, and it is actually a breach of the natural unity and a falsification of the structure of the family.
2600. "For *AID* is not just a medico-biological matter like blood transfusion - but a medico-ethical (as well as a religious and a social and a juridical) matter. Nothing less than the totality of human life in its deepest roots and many-sided normative functions are involved. And the very foundations of the natural relationships of society are what is at stake."

1970: Presbyterian Dr. Ramsay predicts *AID* Hatcheries before 2020

2601. In 1970, the Protestant Theologian Rev. Professor Dr. Paul Ramsay of Princeton University published his famous study *Parenthood and the Future of Man by Artificial Donor Insemination*. There, he made an indeed very ominous prediction.
2602. "Aldous Huxley's *Brave New World*," warned Ramsay⁹ - viz. the "fertilizing and decanting rooms in the 'Central London Hatchery' - will become a possibility within the next fifteen to fifty years...."
2603. "Philosophers whose business it is [or ought to be] to transmit wisdom which begins in fear of the Lord," complained Ramsay, "have collectively abandoned understanding."

Jewish Ethicist Jakobovits: *AID* is "hideousness" and "abomination"

2604. The views of the famous Jewish Ethicist Jakobovits are even more rejective. He approaches the subject from the perspective of the *Talmud* -which to some extent bases its understanding on cognate practices in passages contained in the *Torah* (such as Genesis 38:1-10f).
2605. *AID*, explains Jakobovits, is to be condemned. It is as "an act of hideousness" and "an abomination." Indeed, it is in fact nothing other than "human stud farming."¹⁰

1976: Presbyterian Dr. Schaeffer - *AID*-babies are illegitimate

2606. Regarding *AID* offspring, Rev. Dr. Francis Schaeffer thoughtfully observed¹¹ in 1976: "Under present laws in Britain, the [*AID*]-child is born illegitimate. And in the United States, judges in some divorce cases have ruled *AID* children the illegitimate products of adultery - denying custody rights to the husband, or relieving him of financial support obligations."
2607. This upsets the humanists. Consequently, the humanistic book *Our Future Inheritance* boldly suggests "that the concept of legitimacy be removed entirely."
2608. However, counters Schaeffer, "if this suggestion **were** followed - morals would be shifted. And, once more, humanness would be weakened." What the family should be, would be weakened. And what would the relationship of parents and children then be?"

9. *Fabricated Man*, p. 104.

10. Cited in Overduin & Fleming: *op. cit.*, p. 51.

11. *How Should We Then Live?*, pp. 236f.

2609. Schaeffer then goes on to say that "James D. Watson (1928-), who along with Francis Crick received the Nobel Prize in 1962 for breaking the *DNA* code, spoke out for exercising the greatest caution. He warned a congressional committee of the dangers..., and sounded the same note of warning in *The Atlantic* (May 1971)."
2610. Crick himself may have second thoughts about these unusual methods of trying to produce human offspring. As Schaeffer further remarks:¹² "Crick is not alone in his view that modern medicine is a menace."¹³

Overwhelming religious consensus that *AID* is adultery

2611. Is *AID* adultery? Yes - according to Judaism;¹⁴ Catholicism;¹⁵ Protestantism;¹¹ and Orthodox "Westminster Standards" Presbyterianism. ¹⁶ Thus, according to the *Encyclopaedia Judaica*, the practice of "*AID* constitutes adultery.... All offspring so produced, are illegitimate."¹⁴
2612. The Roman Papacy has condemned human artificial insemination as completely immoral and "sinful in itself."¹⁵ Catholic Theologians like Dr. Francis Filias of Loyola University in Chicago insist that *AID* "violates the marriage bond in which husband and wife have a right to each other's life-giving powers" - inasmuch as a husband "cannot give away his God-given right to his wife's procreative powers" (nor *vice-versa*). Compare too First Corinthians 7:4.
2613. Calvinist Scholars agree. Observes Rev. Dr. Francis Schaeffer, according to "the preponderance of Christian teaching and of Western legislation - as currently interpreted by the courts - *AID* constitutes adultery."¹¹ Indeed, according to the Calvinist Professor of Medicine Dr. A.C. Drogendijk, "artificial insemination with alien seed must be regarded as essentially a breach of the marriage and as a variety of adultery - because marriage is exclusively a bi-unity and an integral bond."¹⁷
2614. According to Westminster Standard Presbyterianism,¹⁸ adultery in thought or word or deed is not - as in Anti-Reformational 'Situation Ethics' - constituted only where there is an adulterous intent or motive. It is constituted also by non-lascivious or even by unintended extramarital *coitus* itself - "and all other provocations to or **acts** of uncleanness in ourselves or others. Second Kings 9:30 & 4:30 and Ezekiel 23:40."
2615. For the above reasons, we believe that the non-lascivious sexual intercourse of an American Diplomat's wife during World War II with the Italian Naval Chief - motivated solely by her desire to learn and to break the enemy's secret Naval Code¹⁹ - was by no means devoid of any degree of transgression at all of the Seventh Commandment. However, it was certainly not as grievous as was

^{12.} *Ib.*, pp. 235 & 234.

^{13.} Of course, in Crick's judgment, the "menace" of modern medicine is seen not so much in *AID* or even in "Genetic Engineering" as in its ability to keep "the weak alive" who can then themselves "breed a less-than-best next generation" without the prior approval of "some group of people" who should have the right to "decide that some people should have more children and some should have fewer."

^{14.} See the art. *Artificial Insemination* (in *Enc. Jud.* III p. 660).

^{15.} See: *Papal Address*, 29th Sept. 1949; Wurth's *op. cit.* p. 288 & n.; Missenden's *Artif. Insem.*, p. 115.

^{16.} See paras. 2233-70, 2331-35, 2587-600, 2615-17 & 2626f.

^{17.} *Op. cit.*, p. 149.

^{18.} *W.L.C.*, Q. & A. 139. See too paras. 2233-70 & esp. 2260f.

^{19.} 1969 interview with U.S. Intelligence Officer Colonel Stephen Uzzell of Philadelphia.

King David's wanton adultery with Bathsheba.²⁰ See *Westminster Larger Catechism* QQ. & AA. 150 to 151:4 (*q.v.*).

Is *AID* merely "intrusion into the marriage" or is it really adultery?

2616. In his essay on artificial insemination, Rev. Robert Missenden has rightly and very strongly deprecated both *AID* and *SHW* as being a "serious intrusion into the marriage."²¹ Yet he has unfortunately hesitated to brand *AID* as "adultery" - probably not so much due to the non-performance of sexual intercourse, but no doubt especially because of the apparent absence of lascivious intent²² (especially on the part of the woman).
2617. We ourselves, however, believe Rev. Missenden's other statements elsewhere are more accurate. We mean his statements²³ that even the vended **artificial** inseminations sometimes involved in *SHW* - and nearly always involved in "*AID*" - clearly suggest "prostitution." Yet because prostitution is itself a form of adultery - as the *Westminster Larger Catechism* Q. & A. 139^y clearly teaches (*cf.* paragraphs 2260f) - this certainly identifies both remunerated *AID* and remunerated *SHW* not just as adultery but also as nothing less than prostitution itself.
2618. Some clergy - apparently influenced by antinomian 'Situation Ethics'²⁴ - do not agree. Dr. Wallace Denton, Southern Baptist Director of the Marriage Counselling Center at Purdue University, thinks that the acceptability of *AID* simply "depends on the personal preference of the couple."
2619. Likewise, Baptist Chaplain David Mains - Director of the Chapel of the Air Ministry - feels that *AID* cannot be adultery - **because** "the husband doesn't directly participate in physical intercourse; neither does the donor" of the semen; nor the wife. This mode of reasoning, however, is obviously oblivious to the cumulative weight of Genesis 38:7-10 and Proverbs 5:15f and Matthew 5:27-32 - as well as oblivious to the teaching of the *Westminster Larger Catechism* and the verses of Holy Scripture there cited.¹⁸
2620. Baptist Geneticist Dr. Elving Anderson reaches the same erroneous conclusion as Mains. In Anderson's case this is because of his misperception that the essence of adultery consists in sensuality of **heart** rather than the visible corporeal **act** (which Mains regards as altogether essential to this sin). "Lustful **desire** is the essential point of adultery," opines Anderson.
2621. Sadly, Anderson then makes an even more alarming statement - clearly demonstrating his insufficient recognition of the **marital** character of the levirate. For he adds: "The Old Testament levirate...provided in essence for **donor** insemination."²⁵ For a refutation of this last statement, see our paragraphs 2358-451 - and note further that the levirate was devoid of the "vending" feature so hideously apparent in most cases of '*AID*' (more accurately described as **Artificial Insemination by Seller**).

AID is indeed adultery and *AIS* is in fact prostitution

20. II Sam. ch. 11.

21. *Biblical-Ethical Inquiry*, p. 13 point 3.

22. *Ib.*, p. 7a (& esp. his *Artif. Insem.* pp. 115f).

23. *Biblical-Ethical Inquiry*, p. 10.

24. Compare J. Fletcher's *Sit. Eth.*

25. See Missenden's *Artif. Insem.*, pp. 115f.

2622. The truth of the matter, then, is that all of the many varieties and grades of adultery are constituted **either** by an adulterous thought **or** by an adulterous word (or gesture or act) - **even when "intent" is lacking**. Certainly the gestureless but adulterous thought itself already constitutes a species of adultery - even though it is as then only "adultery in the **heart**" and not yet "adultery in the **flesh**." Matthew 5:28 compare *Westminster Larger Catechism* QQ. & AA. 99.2 & 150 & 151.3^p.
2623. However, the very **act** of extra-marital sexual intercourse itself constitutes "adultery" - even where lascivious **intent** is lacking (*cf.* at note 19) - though it is **then** only "adultery in the flesh" but not "adultery in the heart." Were this not so - it could be argued that prostitutes habitually selling their services - though then indeed covetous of money - may sometimes have no lascivious thoughts throughout the entire sexual exercise. Yet such prostitutes should indeed properly be accused also of **some** or other degree of adultery!
2624. The same applies, *mutatis mutandis*, also to "semen studs" and "womb sellers" - in respect of the fees they request and/or receive for vending their services in connection with *AID* and *SHW*. Often for this very reason, and sometimes perhaps too for another reason or other reasons, some Non-Christian Medical Practitioners (and also many Christian Doctors) believe that *AID* is **inherently** immoral.
2625. There are even Specialist Gynecologists and Fertility Experts who strongly oppose *AID* and *SHW* - especially for **ethical** reasons.²⁶ Indeed, at least all Christians and Jews and Moslems - if not also all men absolutely - really should be able to see the essentially adulterous nature of one's spouse being associated in *AID* or in *SHW* with an anonymous stranger and probable unbeliever. Ezra 9:2,14; Nehemiah 9:2; First Corinthians 7:39f; Second Corinthians 6:14-18.

Some of the many legal problems created by *AID* and *SHW*

2626. Consider next some of the legal problems of *AID* (and of *SHW*) - not even to speak (just yet) about those created by *IVF* (or by *IVF* combined with *AID* and *SHW*). Already in 1955, the Cook County Superior Court (near Chicago) ruled: "With or without the consent of the husband, *AID* is contrary to public policy and good morals and constitutes adultery.... A child so conceived, is not born in wedlock, and therefore is illegitimate."²⁷
2627. This is the legal position in America (with its remnantally 'Christian' heritage). Moreover, the many other legal issues (such as questions of succession and support *etc.*), have not yet been resolved even in Australia. This is surprising. For Australia is a leader also in *AID* - especially when combined with *IVF* (where Australia is clearly preeminent).
2628. Another important question is whether a sterile married man - can **really** "generate" a 'child' for himself - through the medium of *AID*, and from his very own wife (even with the full approval and indeed also the fervent desire of both spouses).²⁸ A childless married couple may well **adopt** children of which neither is the biological parent. Genesis 17:12-27 *cf.* Galatians 4:1-7. However, *AID*-children are not in the same situation.
2629. For unlike an adopted child, an *AID*-child is prone to be neglected by the husband of the *AID*-wife - much as the proverbial stepchild is prone to be neglected by his or her stepparent (and especially by a

26. *Ib.*, p. 116.

27. Missenden: Biblical-Ethical Inquiry, p. 114.

28. *Ib.*, p. 115.

stepmother who was never really the "parent" of that child). Indeed, *AID*-husbands are probably even more prone to neglect their wives' *AID*-children than stepmothers are prone to neglect their husbands' own children by previous marriages.

2630. Very significantly, a important Danish report admitted that in at least one *AID* case "even during the pregnancy there developed in the husband a hate-complex toward the unborn child which, as the very well-known Gynecologist who was acting in this case expressed it, had become for him 'a symbol of his own weakness.' This led to tension in the marriage, which ended in divorce. The child had now come into the World utterly unwanted and fatherless. The Physician, who had recommended the artificial insemination of the couple, says that after this experience he will never again advise this method."²⁹

Should single women of whatever category ever receive *AID*?

2631. Quite another issue, and a very important one, is the question of *AID* into single women - whether into heterosexual ladies (like spinsters or divorcees or widows), or whether into homosexual lesbians. Many radical feminists not only demand the 'right' of every woman to have an abortion, but they also demand the 'right' of every woman (regardless of her marital status or sexual orientation) even to have a child if she so chooses. See the book *Our Bodies - Ourselves. A Book By and For Women* (by "The Boston Women's Health Book Collective").³⁰
2632. As Rev. Missenden has observed:³¹ "A new cloud over *AID*-doctors concerns insemination of single women. On March 16th 1976, the Chicago *Sun-Times* reported that a University of Wisconsin survey of 379 physicians administering *AID*, turned up 47 who admitted inseminating single women some of whom were lesbians.... Children born could suffer social stigma in future years." Furthermore, "it is immoral for a woman to conceive a child outside of sanctified marriage."
2633. Yes indeed! But then - isn't it also immoral for a man too, by way of *AID*, to do the same?

Inadequate checks by *AID* clinics on medical history of prospective donors

2634. The above-mentioned University of Wisconsin study also revealed that only some of the doctors who administered the above-mentioned *AIDs*, first ran checks on the families of prospective donors. Only 12% of the doctors checked for mongoloid children. Only 30% checked for features suggesting the likelihood of sickle-cell anemia, diabetes, and other defects.
2635. *AID* hardly promotes eugenics. As Missenden observed, what should be desired in potential *AID*-spermators is "men with healthy genes and irreproachable character traits. But does not this very desire itself lead to a contradiction - since the main or part-time job of the semen-donor presupposes an existential disease - namely a pathological divorce between the physiological and the personal dimension of the sex realm?"³²
2636. Yes, it certainly does! Indeed, we ourselves would like to add that it also presupposes some degree of monetary greed and amorality (if not also of lustful immorality) on the part of the sperm-vendor. That is

²⁹ *Ib.*, p. 2.

³⁰ The Boston Women's Health Book Collective: *Our Bodies - Ourselves. A Book By and For Women*, New York: Simon & Schuster, 1976 rep., esp. chs. 4 & 5 & 12.

³¹ *Art. Insem.*, p. 116.

³² *Biblical-Ethical Inquiry*, p. 10.

a greed and an amorality which we ourselves would not like to see reproduced in any of his probably-many *AID*-offsprings - when once also the latter come of age.

2637. However, even if strict eugenic controls **were** to be enforced in the selection of sperm donors - what then? For, as Professor Dr. Anthony P. Waterson (M.D. and M.R.C.P.) of the St. Thomas' Hospital Medical School rightly observes: "The ultimate logic of the adoption of eugenic measures, would lead to mass artificial insemination by selected donors (*AID*)."³³ To this, we would add that *AID* in turn ultimately leads to the justification of genetic engineering itself. Accordingly, as Dr. Waterson himself states, both genetic engineering (and *AID* as its logical predecessor) "must be firmly rejected - because it clearly strikes at the heart of the family as a unit."

***AID* fearfully impersonalizes the whole process of reproduction**

2638. Another bad disadvantage of *AID* - and especially of *AIMD* alias Artificial Insemination from Multiple Donors - is its fearful impersonalization of the begetting process. As Rev. Missenden rightly observes of all *AID* procedures:³⁴ "The first factor is that every effort is made to insure the complete anonymity of the Donor.... The reason...lies in the fear that the third party may intervene. It is [also] feared that the mother may feel a tie to the biological father.... Thus the Donor must be anonymous...."
2639. "This is also...[a] reason that motivates the advocacy of the practice of mixing the semen of several donors - possibly containing the semen [even] of the husband" - the so-called "semen cocktail." It is true that, at least as regards the latter procedure, "the intent here is to create the possibility, which is supportive of the marriage, that the child may after all turn out to be the husband's." In that case, an *AIMD*-procedure would in fact fortunately turn out to be an example of *AIH* and not of *AID*. But could this irrefutably be established by human research - once the husband's semen had been mixed into the *AIMD* "cocktail" and the wife inseminated? No!
2640. Throughout the *AID* or *AIMD* procedure, it can only "deindividualize and depersonalize the biological father" (and ultimately even the husband of the woman too). It can only attempt to obliterate the biological father - so as "to render him completely unsubstantial as a person, and thus to prevent the person of the 'husband-father' from being supplanted" (even as husband). But *AID* can never really succeed, really, in establishing the husband also as the 'father.'

Is 'donating' semen (or eggs) properly comparable with donating blood?

2641. Protagonists sometimes compare *AID* with blood transfusion - as if donating semen to create a human life were analogous to the generous donation of life-giving blood to help maintain a human life already created. Rev. Missenden however, has an excellent passage on the truly 'prostitutional' aspects of *AID*.
2642. He asks:³⁵ "What degree of human degeneration or what degree of primitive underdevelopment in instincts and ideas is required - to play the role of an anonymous spermator? Here again, every analogy with 'blood donation' deserts us."
2643. "The parallel with prostitution does, however, suggest itself.... For here also the sex process becomes

33. A.P. Waterson: *The Control of Life*, p. 47.

34. Biblical-Ethical Inquiry, p. 2.

35. *Ib.*, p. 10.

anonymous and impersonal. The prostitute exchanges her partners at will, because she has no personal ties, and because the choice of this partner is made not from the point of view of communication but rather [from the point of view] of the fee that is paid....

2644. "In some quarters, *AID* comes very near - if not exactly - to being idealized.... It would [in **those** quarters] never occur to any one - and here, even the analogy with prostitution deserts us - to beget a child by means of a prostitute [yet still one who was a prostitute **not with** but **only for** the person involved] - in order to realize the desire for **fatherhood**."

***AID* is a long-term aggravation in the increase of incest**

2645. Another problem aggravated by *AID*, is that of incest. The University of Wisconsin study referred to above,³⁶ explains Rev. Missenden,³⁷ "revealed that over two-thirds of the *AID*-Physicians were failing to keep any files on Donors. Some of those who did, were using the same Donor for a number of pregnancies. One Donor for six pregnancies was not unusual....
2646. "In one instance, a single Donor had 'fathered' fifty children. This raises the spectre of half-brothers and -sisters unknowingly marrying one another, and possibly producing defective offspring." This has led British Doctors to formulate a grotesque rule, limiting the semen-donations of a man - so that not more than 100 children can have the same biological father.³⁸

Unacceptability of masturbation as method of getting *AID*-semen

2647. Also the technique used to get *AID*-semen, is unacceptable. Rev. Missenden writes: "We already made our decision on this question when we discussed the masturbation...necessary for the semen donation. That which makes masturbation legitimate in *AIH* (*viz.* its incorporation in the marital I-thou relationship), does not exist in the case of the extramarital Donor."³⁹
2648. We can certainly agree with Rev. Missenden on the illegitimacy of masturbation in *AID*. Yet we do not agree that *AIH* legitimizes masturbation for that purpose,⁴⁰ any more than we could ever agree that Onan's levirate marriage to Tamar legitimized his much-repeated acts of *coitus interruptus* with her. See paragraphs 2358-2451. We will discuss the legitimacy or illegitimacy of masturbation specifically for *AIH*, in paragraphs 2836-80 - and for "husband's-seed-*IVF*" purposes, in paragraphs 3292f.

Offers to buy human semen made by certain hospital clinics

2649. Here is a surprising excerpt from a relatively recent and rather distasteful *AID*-Donor Recruitment Leaflet. It was issued by the Reproductive Endocrinology Unit of a major hospital in Australia, and reads as follows:⁴¹
2650. "The Queen Elizabeth Hospital Infertility Clinic requires sperm donors for its Artificial Insemination by Donor (*AID*) Programme.... So that adequate donor material is available, a continuing supply of Donors is necessary. Semen specimens are stored in liquid nitrogen...for a number of years."

36. See paras. 2631f.

37. *Artif. Insem.*, p. 116.

38. *Biblical-Eth. Inq.*, p. 2.

39. *Ib.*, p. 10.

40. See paras. 2810-13 & 2836-68.

41. See Overduin & Fleming: *op. cit.*, pp. 55f.

2651. The leaflet goes on: "Donors are paid \$10 per specimen, and it is paid in cash after the sixth donation.... We recommend the programme to all those who may be interested in contributing to a worthwhile community service. The need is great, and all prospective Donors are welcome."
2652. It should not need to be pointed out that the Queen Elizabeth Hospital Infertility Clinic's Reproductive Endocrinology Unit's understanding as to what constitutes "contributing to a worthwhile community service" - is fundamentally different from our own understanding of "worthwhile community service." So too is its understanding of what a "need" is. And so too, especially, is its use of the word "donation" - to describe its promise to pay for semen at the rate of "\$10 per specimen."

Doctor supplies 'do-it-yourself' AID-kit to professing lesbian

2653. In their 1982 book *Life in a Test-Tube*, the Australians Overduin and Fleming mention⁴² the following bizarre case of AID performed upon a single woman. "In November 1981, a lesbian woman in Sydney Australia gave birth to a baby 'conceived' by 'do-it-yourself artificial insemination.'
2654. "The consulting physician had advised the woman about the procedure and the requirements: a sterilized jar of fresh semen (from four of her male friends); a syringe without a needle 'to fertilize the womb'; and a diaphragm to act 'as a stopper afterwards.' The woman was unwilling to share her child with either a natural or even a social father."

Interim summary of reasons why AID is morally wrong

2655. Summarizing thus far, we ourselves believe AID is wrong - and for the following reasons. First, it is a moral intrusion into the marriage. Indeed, it is a variety of adultery itself - and at least as immoral as any mutually-agreeable "wife-swopping" for less-than-completely-coital purposes.
2656. Second, AID involves auto-erotic masturbation. This is morally reprehensive - especially after marriage. Also, the concomitant fantasizing (while ejaculating) about a woman not one's wife - is in itself adulterous. Yet many AID-clinics provide *Playboy* magazines for just that very purpose.
2657. Third, AID usually involves payment of the semen donor for his services. This suggests a form of male prostitution.
2658. Fourth, AID creates all kinds of various moral problems. Here we think of those connected respectively with the collecting, washing, treating, mixing, classifying, testing, storing, transporting, and inseminating of the needed semen. Indeed, precisely the methods of washing and treating and storing the semen "in liquid nitrogen" - and the subsequent slow deterioration of the semen with its guesstimated usability "for a number of years" (thus the AID-Donor Recruitment Leaflet for the Queen Elizabeth Hospital Infertility Clinic) may well give rise to long-range defects not yet assessed.
2659. Fifth, AID increases the likelihood of tension between the husband and the wife within the marriage - especially in the long haul. Indeed, it may very well increase long-range tensions even within the family - among the various half-brothers and half-sisters (if any).
2660. Sixth, AID condones illegitimacy. It also pressurizes societies in the long term to seek to redefine

⁴². *Ib.*, p. 58.

legitimacy in ways which undermine the proper laws of inheritance and slacken the safeguards against incest.

2661. Seventh, *AID* inadvertently promotes the incidence of incest in the next generation. Many semen studs father fifty or more children each. None of those children ever know who their true biological father is.
2662. Eighth, *AID*-children never get to know who else their biological fathers generated. Hence, it is obvious that because of *AID* the likelihood of those children themselves later marrying one of the other 'products' of their own biological fathers vastly increases. See too paragraphs 2654 to 2686.
2663. So, as the Calvinist Ethicist Rev. Professor Dr. G.B. Wurth has remarked, it is questionable whether *AID* ever has received (or ever will receive) an official defence from any positively-Christian group.⁴³ *AID*, he remarks, is rejected very firmly "by the overwhelming majority" of Church-connected Christians - and very often "even from the side of Non-Christians."

Moral problems typical to *SHWs* (Surrogate Human Wombs)

2664. We now pass on to take a look at 'Surrogate Human Wombs.' When such wombs are artificially inseminated, they too share in all of the problems of 'Human Artificial Insemination'⁴⁴ - as well as some of the problems of *AID*.⁴⁵ When surrogate wombs are inseminated naturally yet extramaritally, they share in all of the moral problems of adultery or prostitution (or both). Where *SHW* occurs maritally, it resembles polygamy (Genesis 30:2f). Where the *SHW* is rented by way of contract, the question of *contra bonos mores* arises (see paragraph 2678). For the rest, however, the additional moral problems of *SHW* vary from one particular case to another. Let us then take a look at a few of the problems which sometimes occur here.
2665. (1) If the *SHW* is inseminated naturally by means of sexual intercourse, there is (as too with *NID* or 'Natural Insemination by Donor') also the extra problem of the insemination being done by a man who is not the exclusive husband of the inseminee. This breaks the Seventh Commandment.
2666. (2) Regardless as to whether the insemination is natural or artificial, the inseminatee does not thereafter bear a thus-produced child for herself **and** for the inseminator. She bears such a child not at all for herself - but solely for another person or persons (one of whom may, or may not, be her child's other biological parent). *SHW* thus resembles polygamy and/or concubinage and/or "rent-a-womb."
2667. (3) Where the *SHW* is fertilized by artificial insemination, this is done in the knowledge that the child desired will be born outside of wedlock. This transgresses the Seventh Commandment.
2668. (4) If also **conceived** in an *SHW*, a child **born** from an *SHW* would never have been intended to relate to his or her own natural mother. This transgresses the Fifth Commandment.
2669. (5) Even if conceived naturally, a child post-conceptionally nidated into an **alien's** *SHW* involves transgressing the Fifth Commandment (if not also the Seventh and Eighth Commandments). For the gestatrix has contracted to surrender her child at birth to the custody of (an)other person(s) who had nothing to do with the actual gestation. Understandably, the *SHW*-gestatrix - as the biological mother -

43. *Op. cit.*, pp. 287f.

44. See paras. 2548f.

45. See paras. 2554-86.

may then renege on her "contract" and quite naturally refuse to surrender her child to the person(s) to or for whom she had agreed to "sell" her child.

Further miscellaneous moral problems often associated with *SHW*

2670. Here are some more miscellaneous moral problems which are sometimes also encountered with *SHW*. (1) Who is responsible, legally, for the health of the surrogate pregnant woman?
2671. (2) Who "owns" the to-be-delivered child, both before and after delivery - the "father"; the father's wife; the surrogate mother; or the latter's husband (if any); or even another person(s) as per prior contract? Is "ownership" of a human being not reminiscent of the practice of slavery?
2672. (3) Who "owns" an *IVF*-zygote once he or she has been transplanted into the womb of another woman (a) with and (b) without the approval of: (i) the biological mother; (ii) her husband; or (iii) the sperm donor?
2673. (4) Is such a child legitimate? Of whose estate[s] - that or those of the biological mother; her husband (if any); the adopting couple; the unpaid sperm-donor; or even the paid sperm-seller - should he be the heir?
2674. (6) Is an unmarried woman - whether single, or a divorcee, or a widow - herself psychologically qualified to buy or to sell a womb either for herself or for any other woman? Even if this question is answered in the affirmative - should the answer still be the same in respect of a lesbian?
2675. (7) Should private hospitals treat *SHW* pregnancies? Should insurance companies pay out for medical expenses thus incurred?
2676. (8) What if a "surrogate womb-seller" under "contract" - decides to have the "buyer's" child aborted? Should she be allowed to rescind?
2677. (9) Should such a "womb-seller" have the right to break her own contract to sell her baby to the original "womb-renter"; and herself to raise her baby? If so, should she have a further 'right' to offer him or her even to yet another party for adoption after the baby's birth? Could the womb-seller be a kidnapper? Are the womb-renters, or their clients, kidnappers? And is **kidnapping** not a capital offence? Exodus 21:16 & Deuteronomy 24:7!

Rent-a-womb is *contra bonos mores* in many countries

2678. In this connection, the following question needs to be asked: Is not a transaction amount to selling a child, not only *contra bonos mores* and against public policy - but also *de facto* slavetrading or kidnapping or both? Indeed, has any court in any modern Western nation ever enforced any contract of sale or of hire - purporting to transfer the legal custody over a child from one person to another in return for "valuable consideration"?
2679. One can easily see that certain Oriental nations might answer the above questions differently than a standard Western land (and especially one with a legal system strongly influenced by Christianity). Especially where Orientals reside(d) in the West but still follow their own customs, the situation can become very problematic. One recalls the case of a recent kidnapping from Australia to Malaysia of an Australian-born child, from the child's remarried though custodial Australian mother (Mrs. Jacqueline

Gillespie), by an estranged but influential Malaysian father.

2680. Such a case might involve even a prenatal *SHW*-child. In Britain in 1978 (*in re Shirk's Estate*),⁴⁶ an unmarried couple A and B employed C to be inseminated with A's sperm - for which C would receive five hundred pounds sterling at the birth and surrender of the child. C later reneged. Yet the Presiding Judge in an action brought by A and B rightly refused to enforce the agreement - on the ground that contracts purporting to sell a child are 'pernicious' and unenforceable. Of course, Britain has never at any time tolerated slavetrading in the mother country itself.
2681. In 1980, the so-called 'Repository for Germinal Choice' opened in California, using sperm donated by Nobel Prizewinners. By 1984, Founder Bob Graham said of the repository's fifteen children: "We're proud of our results. These kids will sail through schools." This is eugenics, by way of *AID*.
2682. In 1981, Detroit Circuit Court Judge Gribbs refused to recognize George Syrkowski as the father of Corinne Appleyard's child, even though he and his wife had contracted to pay Corinne \$10 000 for bearing his child. Yet a Kentucky Judge sanctioned an *AID*-contract - calling it "adoption." Here the 'adopting' couple was married, and the surrogate mother relinquished the child when born, on receipt of the prearranged fee.⁴⁷
2683. Alan A. Rassaby (B.A. & LL.B.), a Research Fellow in the Centre for Human Bioethics at Monash University, wrote in 1981 that an Australian court would be more likely to follow the English rather than the Kentucky decision.⁴⁸ Yet he also seems to think that there should be legislation to permit surrogacy either absolutely or subject to certain restrictions.⁴⁹ However, this is an admission that at least in Britain and Australia, rent-a-womb contracts in 1981 were still being regarded as illicit trafficking in 'human souls' - alias part of the slave trade. *Cf.* Revelation 18:11-13.
2684. The July 7th 1981 *National Enquirer* reported⁵⁰ the following very weird case of *SHW*. Mrs. Nisa Bhimani, at a cold and impersonal sperm bank, became pregnant with James Noyes's baby. About two months into her pregnancy she wrote to Noyes's Attorney that she would keep the baby. So, she was summoned to appear in court even before the birth of the child but then allowed to keep him or her in her own custody[!] at least until birth.
2685. She gave birth to the baby ('Ricky') on April 4th 1981. She was then ordered into court again for a new custody hearing, since Mr. James and Mrs. Bjorna Noyes were demanding the child be surrendered to them. The court hearing had an amazing ending. Mr. Noyes agreed to withdraw his suit, provided he be listed as the father on Ricky's birth certificate - even though he and his wife would have no visitation rights.
2686. Why this strange ending? Well, the day before, Mrs. Bjorna Noyes had admitted in a court deposition that she was a transsexual. She was, in her youth, previous Mr. Robert Lawson. When still a male, he had dreamed of three things - to be a woman; a wife; and (unattainably) a mother.

Rent-a-womb surrogacy breaks both the Seventh and the Eighth Commandments

^{46.} *In re Shirk's Estate*, 350 P 2d (as cited in Walters & Singer's *op. cit.*, pp. 101 & 156).

^{47.} See *Age*, Melbourne, Apr. 27th 1981, p. 6.

^{48.} Walters & Singer: *op. cit.*, pp. 102 & 164.

^{49.} *Ib.*, pp. 108f.

^{50.} *Op. cit.*, pp. 28-31.

2687. As Missenden rightly observed,⁵¹ wherever "a woman be found who for a fee is willing to be inseminated artificially with sperm from the husband" of another woman - this is "a form of prostitution." Indeed, it is a heinous transgression of both the Seventh and the Eighth Commandments.
2688. Seeing those sperm-sellers and/or womb-sellers (euphemistically called 'sperm-**donors**' and 'womb-**donors**') are selected by 'buyers' for their supposedly outstanding qualities, one should ask whether those are the qualities of **character**. Is this the background that should **deliberately** be passed on to the child? Surely the answer is 'no!'
2689. According to *The Australian* of 24th/25th July 1982, Suzanne Rubin is one of the first children clearly known to have been produced by *AID*. Now an adult, she expresses a deep emotional demand to know her father's identity. Says Suzanne: "It's an obsession. I must find my father, even if it's only to discover what kind of man sells his sperm and ultimately his own flesh and blood for \$25 - then walks away without any thought of the life he may have created. How is a child produced this way supposed to feel about a father who sold the essence of his life so cheaply and is a total stranger?"

SHW recently further complicated by the advent of embryo transfer

2690. With the advent of ultramodern medicine, in 'post-*IVF* *SHW*' it is now all of a sudden possible for a human child - to be conceived from one woman's egg-cell (as a 'test-tube baby'); and then to be transferred to the womb of another woman for a desired implantation, followed by an 'incubation' within the latter woman. Indeed, it is now also possible even to transfer a naturally-conceived unimplanted (and perhaps even an implanted) zygote from either the fallopian tube or the womb of one woman - into the womb of another woman to implant (and perhaps even to transplant) it there.
2691. This is why we should today distinguish between *SFT* alias 'Surrogate Fallopian Tube' and *SHWP* alias 'Surrogate Human Womb Proper.' Perhaps some case could be made in favour of *SHWP* to save the life of an already-conceived but unborn child, where his or her true mother dies soon after his or her conception and/or nidation. See paragraphs 3389f & 3470-74.
2692. Yet in Biblical times, *SHW* (as with Hagar and Bilhah and Zilpah) was always from **conception** onward. Then, it always involved **both** 'Surrogate **Fallopian** Tube' and 'Surrogate Human **Womb** Proper.' Thus the moral inacceptability of any pre-hypermodern *SHW*-procedures described in Holy Scripture (involving a surrogate **natural** fallopian tube **as well as** a surrogate **natural** human womb) - even foreshadows the much greater moral unacceptability of certain modern techniques. Among the latter, we would include: surrogate fallopian tubes (as in *GIFT* and/or *IVF*); post-embryo-transfer surrogate wombs proper, almost from conception onward, as in Post-*IVF* *SHWs*; and *NWHs* (alias Nonhuman Wombs for Humans) from conception till birth.

Position on *AID* and *SHW* of the Presbyterian Church of Queensland

2693. In March 1983, the Public Questions Committee of the Presbyterian Church of Queensland approved its report for transmission to its General Assembly. That report declared: "Artificial insemination from Donor or Vendor (*AID*) is immoral, because it involves the noncoital insemination of a woman with sperm other than than of her own husband. Exodus 20:14; *Commentaries* of Keil & Delitzsch on Proverbs 5:15-20; Ezra 9:2-4; Nehemiah 9:2; First Corinthians 7:3-40." Moreover, "the utilization of

⁵¹. Biblical-Eth. Inq., p. 10(g).

surrogate human wombs for embryo transfer...is also unacceptable. Cf. Genesis 16:1-9; 17:15-21; 21:1-12; 30:1-13ff; Galatians 4:4-31."

2694. In May 1983, the General Assembly of the Presbyterian Church of Queensland received this report. It then itself resolved *inter alia* to: "Affirm that artificial insemination from a Donor or Vendor is immoral because it involves the insemination of a woman with sperm other than that of her own husband." It also found "the concept of surrogate 'motherhood'" to be quite abnormal and altogether "unacceptable."

1984 American newspaper advert: "will...pay \$10 000" for an SHW

2695. However, 23-year-old Valerie (a married mother of two young boys) found *SHW* altogether acceptable. That was even while the British Medical Association said it is unethical for other women to bear for childless couples.
2696. Now Valerie was living with her mother, and struggling with her truckdriver husband to make ends meet. Then she read the following advertisement in a New Jersey newspaper: "Surrogate mother wanted. Couple unable to have child, willing to pay \$10 000 fee and expenses to woman to carry husband's child. Conception by artificial insemination."
2697. Valerie sent her application to the New York Infertility Center (owned by a Michigan Attorney). Also her own colour photograph was added to those of 300 others - in scrapbooks for prospective parents to peruse.
2698. She was indeed so perused, in New York, by the sterile Mandy. The latter then persuaded her fertile husband Aaron to meet with Valerie - and to get Valerie to convince the latter's husband that the \$10 000 for the *AID* into her *SHW*, could be useful in educating their own two young boys.

1984: the SHW cases of Malahoff v. Stiver - and Stiver v. Malahoff

2699. Again in 1984 - shades of George Orwell, or at least of Aldous Huxley - America also witnessed two related and simultaneous *AID*-lawsuits (Malahoff v. Stiver and Stiver v. Malahoff). For \$10 000, Mrs. Judy Stiver had agreed to bear a child by *AID* for Alexander Malahoff.
2700. About the same time as the *AID*, it would seem Judy had sexual intercourse with her own husband. Later, in 1983, Mrs. Stiver gave birth to a microcephalic and mentally-retarded child.
2701. Malahoff then insisted on blood tests, to determine the paternity. The test results, bizarrely televised on the Phil Donahue Show, proved Malahoff could not have fathered the child. So the Stivers had to assume custody - thus triggering off the twin lawsuits.

The 'Aryan' AID-clinic in 1984 Germany: racial compatibility guaranteed!

2702. A man was fined \$1750 in Germany during 1984 - for placing an advertisement for a woman willing to gestate an embryo and then give the child up for adoption to a childless couple. On the other hand, and perhaps signalling its stock of 'ideal' sperm with the chromosomes required for the pure 'Aryan' production of blue-eyed blondes - an *AID*-clinic in Essen claimed its Donors include "no fat men, no long ears, no hook noses." Behold the modern Neo-Nazi version of George Orwell's *Aryan Animal Farm* - and indeed in 1984!

2703. As Union Theological Seminary's Social Ethics Professor Roger Shinn commented in New York: "As long as genetic manipulation is the motive, what we would be doing is what Hitler intended to do."⁵² So, as too in Ira Levin's movie *The Boys from Brazil* - here comes Dr. Mengele!
2704. In strong reaction, by October 1984 the Victorian Cabinet in Australia had banned surrogate parenthood for payment. It also outlawed advertising for surrogate parents.

1987: Vatican again condemns AID and 'surrogate' motherhood

2705. In 1987, the Vatican's Congregation for the Doctrine of the Faith issued a very important statement. Titled *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation*, it said⁵³ *inter alia*:
2706. "By the term *heterologous artificial fertilization*...the [1987] Instruction means techniques used to obtain a human conception artificially by the use of gametes coming from at least one donor other than the spouses who are joined in marriage.... *Heterologous artificial insemination* [is] the technique used to obtain a human conception through the transfer into the genital tracts of the woman of the sperm previously collected from a donor other than the husband [AID]....
2707. "From the moral point of view, a truly responsible procreation *vis-a-vis* the unborn child must be the fruit of marriage.... The fidelity of the spouses in the unity of marriage involves reciprocal respect of their right to become a father and a mother only through each other....
2708. "Heterologous artificial insemination is contrary to the unity of marriage, to the dignity of the spouses, to the vocation proper to parents, and to the child's right to be conceived and brought into the world in marriage and from marriage.... Fertilization of a married woman with the sperm of a donor different from her husband, and fertilization with the husband's sperm of an ovum not coming from his wife, are morally illicit. Furthermore, the artificial fertilization of a woman who is unmarried...(whoever the donor may be) cannot be morally justified....
2709. "Surrogate motherhood...is contrary to the unity of marriage and to the dignity of the procreation of the human person.... By 'surrogate mother' the Instruction means...the woman who carries in pregnancy an embryo to whose procreation she has contributed the donation of her own ovum, fertilized through insemination with the sperm of a man other than her husband. She carries the pregnancy with a pledge - to surrender the child, once it is born, to the party who commissioned or made the agreement for the pregnancy."

The 1987 surrogate human motherhood case of 'Baby M[elissa]'

2710. In the April 13th 1987 edition of *World*, the strange surrogate case of 'Baby M' was reported. Here follow the salient facts.
2711. In 1985 Mrs. Mary Beth Whitehead, a high-school dropout and New Jersey wife of a struggling sanitation worker, agreed to accept a payment of \$10 000 if artificially inseminated with sperm from rich Biochemist William Stern. The 'contract' was subject to the condition that, if she then became

^{52.} *Time*, September 10, 1984, pp. 69-72.

^{53.} Vatican City, 1987, pp. 22-25.

pregnant, she would when her child was born also surrender her parental rights to Stern and his Professor of Pediatrics wife Mary Elizabeth.

2712. After Melissa's birth as 'Baby M' in 1986, her mother Mary Beth Whitehead informed the Sterns she had changed her mind.⁵⁴ Whitehead was no longer agreeable to sell them her baby. She herself wanted to raise Melissa.
2713. In subsequent litigation during 1987 - Judge Sorkow contrasted Whitehead's "severe financial difficulties" with the Sterns' "strong and mutually supportive" background. Totally ignoring the Sterns' obvious violation of the State's adoption laws and public policies, Sorkow enforced Whitehead's illegal previous promise to sell her own baby into slavery - an institution supposedly abolished in 'Yankee' New Jersey long before the year 1865. He stripped Whitehead of all her parental rights, and admitted he was creating new law in ruling that a surrogate mother contract is "valid and enforceable."
2714. Dr. Roy Butler, Arizona Director of the Biblical Studies Center for Navajo Indians (and formerly Professor of Philosophy at Western Kentucky University) stated that Sorkow's decision "was based on the assumption that moral judgments are legislated by man." But to the contrary: "A correct moral judgment could have been made by the court only on the correct understanding of adultery...."
2715. "Jesus reinforced the Old Testament view of marriage.... He did not intend to deny that the non-lustful sex [act] of a wife [outside of marriage] to spite her non-caring husband, is *not* adultery.... The issue here then is whether the marriage of Mary Elizabeth [Stern] and William Stern was violated in their contract with Mary Beth Whitehead.... Their marriage was breached by adultery."
2716. In St. Louis, Covenant Seminary Faculty Dean Rev. Dr. D.C. Jones rightly observed that "the contract should have been ruled invalid.... It is illegal to contract to sell a child already conceived or born, so it is illegal to contract to conceive and bear a child for payment of money.... By upholding the contract in such a sweeping way, if it's not overturned on appeal, the Judge opened the door to a lucrative trade in babies...."
2717. "The Judge [Sorkow] appealed to the education and the affluence of the Sterns as evidence of a superior environment for a baby. But...these criteria would not be allowed to decide an adoption case against the desire of the mother [Mary Beth Whitehead] to keep the child...."
2718. "It's forbidden in our laws to take money for giving up a child. Characteristically, there's [also] a 30-day holding period to allow for change of mind, giving the bonding that occurs between mother [Mary Beth] and child [Baby M].... That is radically different from third party contributions of donated sperm."

The case of 'Baby M': a consistently Calvinistic evaluation

2719. Not alien maxims (*e.g.* from Humanism or from Nazism or from the Talmud) but only the principles of American Common Law (based on the Holy Bible) should have been applied by Judge Sorkow. Baby M, or rather Miss Melissa Whitehead, had not been manufactured in a very impersonal test-tube from the semen of the gentle Mr. Stern and the egg of the genteel Mrs. Stern and then as a superior *IVF* embryo merely inserted into and incubated for nine months within a gentile machine duly maintained (and quite incidentally labelled "Mary Beth Whitehead").

⁵⁴. *World*, April 13th 1987, pp. 4f.

2720. No! After what Dr. Butler has described as an act of contractual adultery between the Sterns on the one hand and Mary Beth Whitehead on the other, it is tenuous to argue as did Judge Sorkow that the Sterns would make better parents than would the conceiving and carrying and delivering and caring biological mother Mrs. Whitehead.
2721. Furthermore, Baby Melissa after conception was carried and cared for under the roof of the whole family of the Whiteheads. Indeed, it is tenuous to assume that Mr. Whitehead, whether he knew about the contract or not, has no custodial rights whatsoever in respect of Melissa.
2722. Thus the verdict really should have been: Mr. and Mrs. Whitehead to maintain their custody over her own flesh-and-blood baby girl Melissa - and ordered to surrender the \$10 000 (minus all maintenance costs incurred) to Judge Sorkow, who should then have confiscated the money and ordered it to be used to prosecute the Sterns and Mrs. Whitehead for slave-trading. Sorkow's actual judgment is thoroughly-bad, elitist, and indeed revolutionary.
2723. The allegedly superior Sterns should have sensed that no good could come from such surrogacy trading! As Dr. Regis Mary Dunne observed: "Abraham, Sara[h] and Hagar are a really good example of what happens to a surrogate. She [Hagar] was so badly treated that she ran away. She and Ishmael were 'cast out' - so no good came of it at all."⁵⁵ Slave Hagar was exploited by her owner, Mrs. Sarah Abraham. As a result, Hagar and her son were both separated from the latter's father. But at least Hagar and her child did remain together. So too should Mary Beth and her daughter Baby M.

Awful AID 'virgin birth' developments in Britain during 1991

2724. During 1991, in Britain, a virgin conceived: through AID. Foreshadowing more such noncoital births by unmarried career women, controversy then erupted about these "virgin births" by way of AID. The British Conservative Party's Minister of Health, Mrs. Bottomley, said she disapproved of the new practice. The latter, however, would probably not be outlawed - even though the Churches had condemned it.
2725. The Chairperson of the Conservative Party Government's Backbenchers' Health Committee, Dame Jill Knight, said it was "highly irresponsible." *Life's* Mrs. Nuala Scarisbrick - a campaigner for unborn children - called it "pretty disgusting." Discussing this same phenomenon, Professor Victor Yu remarked: "The missing link in 'Virgin Birth' is LOVE."⁵⁶

1993: A Child Too Many - the Patty Nowakowski AID case

2726. In 1993, the real-life movie *A Child Too Many* was made - about a happily married woman (pseudonymed "Patty Nowakowski"), who already had three offspring by her own husband. In their State of Michigan, that happy couple agreed (for \$10 000) that she would volunteer to receive AID from another married man - in return for becoming a surrogate mother for the child of that man who, together with his wife, pre-agreed to raise any child thus born as their own.
2727. When Patty conceived twins - a boy and a girl - the purchasing couple wanted the girl alone. They surrendered the boy for adoption. This separated the twins - against the wishes of the protesting

^{55.} R.M. Dunne: *Some Reflections on the Surrogacy Issues Paper*, Brisbane: Provincial Bioethics Centre, 1989, p. 4.

^{56.} *Courier-Mail*, 12th March 1991.

biological mother. The latter adopted the boy, but subsequently became more and more concerned that the grieving twins should not remain separated.

2728. Consequently, Patty as the true mother (cherishing above all the true interests of the twins and dreading that they be separated also from one another in addition to their separation from Patty) then went public about the transaction - yet still without revealing the names of the purchasers. Since buying children was in breach of Michigan Law, the purchasers (in return for the ongoing preservation of their anonymity) then handed the girl back to the biological mother - whose husband then legally adopted her too. As a result - the laws of surrogacy were changed.

Many additional reasons why surrogate motherhood is morally wrong

2729. *SHW* (from conception onward) is wrong for a whole variety of moral reasons - which may well vary from one case to another. There are various kinds of *SHW*-procedures, each of which is morally objectionable for its own cluster of reasons. Each possibility (depending on the exact circumstances of each particular case) may also involve features of prostitution, polygamy, slavery, and even the capital offence of kidnapping.
2730. (1) In the **natural** insemination of an *SHW*, the child will indeed be that **of** the surrogate woman with the *SHW*. However, that child is destined not for her - but for some other person. Here, as to some extent also in polygamy, we have the very act of adultery-in-the-flesh. This is later followed by the cruel removal of the thus-conceived child away from his or her own mother, at or after the child's birth.
2731. (2) In the **artificial** insemination of an *SHW*, the possibilities are more complex. The child may ultimately be destined, by prior contract, to be placed under the permanent custody of either: (a) the woman from whose egg-cell he or she was germinated; (b) the woman in whose womb the child was nidated; (c) another woman into whose womb a nidated child might later be transplanted if and when that might become medically feasible; or (d) yet another woman in whose body the child had never been.
2732. In (2)(a) above, we have adulterous masturbation. In 2(b), this is compounded by the cruel removal of the thus-produced illegitimate child from his or her biological mother. In 2(c), we have a nightmare potential scenario - at the moment thankfully still yet-future. In 2(d) we have the weirdest form of adoption, and generally of purchase, of another totally-alien human being.
2733. (3) In the artificial implantation of a **zygote** into a *SHW*, he or she is not **then** intended to be nor still less to remain the 'child' of the surrogate 'mother.' However, if that surrogate 'mother' later changes her mind and then desires to keep 'her' child after his or her birth - the legal conundrum is complex indeed. Here at and after implantation we have both an unnecessary threat to the life of the child and to the life of the owner of the surrogate womb - as well as subsequent child-neglect.
2734. As American Bar Association's Family Law Head Doris Freed states: "It's a legal, moral and social nightmare. It's going to take years of debate, legislation, trial and error to figure out how to deal with these problems." 24 American States now have statutes for *AID*-babies, recognizing them as legitimate (if the womb-donor's husband consented). 24 States forbid payment to a woman who gives up a child for adoption."
2735. But even in those States where surrogate motherhood is currently legal, there are still huge problems. If a surrogate mother contract to bear another couple's child, does she have a right to smoke and drink in

defiance of their wishes? Does she have a right to an abortion? If not aborted, does the baby have the right to know the identity of his or her biological parents - or a right to inherit their property?

Conclusion: *AID* and *SHW* are both morally indefensible

2736. Conclusion. We conclude, then, that all human procreation using alien seed (as in *AID*) or an alien egg (as in *SHW*) or an alien embryo (as in *SHW-IVF*) is morally wrong. No case of *AID* nor of *AISHW* (alias 'Artificially-Inseminated Surrogate Human Womb') involves marital *coitus*. Yet the latter is the **only** Bible-ordained method of human reproduction. See paragraphs 2186 to 2546.
2737. All cases of *AID* and of *SHW* involve an adulterous intrusion into the marriage. All cases of *AID* and of *AISHW* involve auto-erotic masturbation in order to obtain the seed adulterously and consciously intended for impregnation of a woman other than the masturbator's own wife.
2738. All cases of *AID* and of *SHW* involve *de facto* illegitimacy of the thus-produced offspring *ab initio*, alias 'from the beginning' of the conception itself. This is so, even though such offspring may - after birth - end up being either adopted or 'pseudo-adopted' by the *SHW*-owner or by the inseminator or by some other person(s).
2739. Almost all cases of modern *AID* and *SHW* involve the **sale** of sexual and/or reproductive services by or to or for or from those alien to the child-craving marriage concerned. As such, all such "services" must be regarded as forms of prostitution.

U. ***AIH*: ARTIFICIAL INSEMINATION FROM HUSBAND**

"Judah said...: 'Take your [dead] brother's wife and marry her!' But whenever he [Onan] had sexual intercourse with her, he spilled his seed on the ground so as to avoid having children.... What he did, displeased the Lord. So He slew him.... Drink waters out of your own water-tank [or have sexual intercourse with your own wife]! Should you let your fountains [*viz.* your seminal ejaculations] be dispersed outside [of her]; and should you let your rivers of waters out into the streets? ... The wife does not have sexual control over her own body; but her husband does. So too the husband does not have sexual control over his own body; but his wife does." - Genesis 38:8-10 and Proverbs 5:15f and First Corinthians 7:4.

2740. From our first ancestors onward, for almost fifty-eight centuries all fetuses - Jesus alone excepted - were conceived from sexual intercourse initiated by their earthly fathers, resulting in seminal ejaculations into their mothers. Absolutely all - Jesus too included - were gestated **within** the wombs of their mothers.

History of *AIH* from its 1790f start till using eggs from the dead in 1994

2741. It was not till A.D. 1790f that one encounters the first clear case of noncoital impregnation of a woman from her husband. This was engineered through the *AIH*-agency of Dr. John Hunter in London.

2742. Insemination from Donors, however - whenever it did occur - was always coital, till about A.D. 1884. For that is the date when the first successful *AID* was recorded (in the U.S.A.).

2743. During the twentieth century there has been a dramatic increase in the measurement, and possibly too in the incidence, of male sterility. This has led to a great expansion of *AIH* as a mechanism to enable partially-sterile or even impotent men to produce children from their own wives.

2744. Not till George Orwell's year of A.D. 1984, however, was *AIH* from a **dead** husband - *via* a spermbank - ever seriously contemplated. Yet see here the case of Mrs. Corinne Parpalaix (as discussed in paragraphs 2814f).

2745. Indeed, it was not until A.D. 1994 that we encounter the first transplantation of ovaries from dead women - into living but sterile women desiring to bear children. Such children could then and there be produced from the eggs developed within those transplanted ovaries - namely by way of *AIH* (using the sperm of the widower of the dead woman whose transplanted eggs are then impregnable).

2746. So, if one could assume a widow still has a "husband" - it is now possible for a man to have children by way of "*AIH*" into the incubator-woman implanted with his dead wife's ovaries. This can now be done in such a way that those are true-genetic children of that living man and his **dead** wife.

Differences between *AID* & *SHW* on the one hand and *AIH* on the other

2747. What are the differences between *AID* alias 'Artificial Insemination from Donor' and *SHW* alias 'Surrogate Human Womb' on the one hand - and *AIH* alias 'Artificial Insemination from Husband' on the other? The fundamental (yet not the only) difference is, of course, that the former are adulterous - whereas the latter is not. As a result, children born by *AID* and *SHW* are illegitimate - whereas those born by *AIH* are the legitimate intestate heirs of either or both of their parents.

2748. Aesthetically, *AIH* is much preferable to *AID* or *SHW*, and it has the great advantage of being one of the ways an otherwise childless couple could attempt to realize the joy of parenthood. It should not be thought, however, that *AIH* is a childless couple's "second last resort" (before '*In Vitro* Fertilization' or *IVF*) of ever having a child of their own. For there is also the method of earnest prayer for pregnancy - as well as the method of *PAI* (or 'Postcoital Assisted Impregnation') within marriage right after natural sexual intercourse.¹
2749. Indeed, even if those two latter methods too should not result in the birth of a child, there is still always the possibility of adopting an already-born child unwanted by his or her own natural parents yet certainly benefittable by adopting parents. Also, there are the various ways in which non-adopting childless parents can sublimate their desire for children - including sublimation by working with the children of others.
2750. The above needs to be understood here at the very outset. It is true that *AIH* is used to overcome various medical problems of married couples. Such include: low sperm count in the husband; the prevention of genetic deformity and disease being transmitted to a child; and the Rh disease element. Yet we must not allow these factors to blinden us also to the serious disadvantages of - and especially to the moral problems created by - even *AIH*.
2751. *AIH* shares the problems common to all varieties of *HAI* alias Human Artificial Insemination. It also shares some of the problems of *AID*. In addition, however, *AIH* also creates a whole range of problems of its own.

Mechanical problems of *AIH* beyond those of other kinds of *HAI*

2752. *AIH* features moral problems not encountered (or not functioning in quite the same way) in *AID* and *SHW*. Such problems include the following:
2753. (1), *AIH* wrongly separates the husband's deliberate ejaculations from sexual intercourse with his own wife. On this, see Proverbs 5:15f.
2754. (2), *AIH* encourages the husband to practise auto-erotic masturbation, rather than any kind of mutual love-play with his own wife and she with him. On this, see Genesis 26:8f.
2755. (3), *AIH* removes the husband's semen from direct contact **from within his own flesh to straight into his wife's flesh**. Instead, it inserts an intermediate and foreign non-flesh environment for his sperm **between** the "**from flesh**" and the "**into flesh**" stages. Against this, see Genesis 2:24f.
2756. (4), *AIH* usually involves washing the masturbated sperm, and outside of the human body. This is foreign to normal insemination. The former, *AIH*, is itself **incipient mechanical eugenics**. Indeed, if chemicals are used in that washing, the possibility of long-term damage to the sperm and/or any zygote(s) which might result from it - however slight - cannot be discounted. On the other hand, if the chemicals do not have the same degree of semi-toxicity as the natural vaginal juices - an inferior sperm may not get prevented from fertilizing the egg. See paragraphs 2952f.
2757. (5), *AIH* eliminates the joy of both mutual foreplay, sexual intercourse, and mutual afterplay. On this,

¹. See paras. 3870-87.

see Ephesians 5:28-31.

2758. (6), *AIH* inseminates the wife without her husband (or anyone?) bringing her to orgasm. On this, see Exodus 21:10.
2759. (7), *AIH* is a thoroughly mechanical manipulation. It seems to arise, fundamentally, from discontent with God's providential withholding of children up to the time of the *AIH*. On this, see Genesis 30:2 & 30:33.

Moral problems sometimes encounterable in connection with *AIH*

2760. The above are all purely mechanical problems within the scenario of *AIH*. However, consider too the ethical aspects.
2761. (1), If a married man turns to homosexuality or to bestiality, should his seed still be used in *AIH* with his own wife? See Leviticus 20:13.
2762. (2), If a married woman turns to lesbianism or to bestiality, should she still receive *AIH*? See Leviticus 21:16 & Romans 1:26-32.
2763. (3), If a married woman refuses sexual intercourse to her own husband, or *vice-versa*, is *AIH* still an option? See First Corinthians 7:1-5.
2764. (4), If a married soldier is at war, may his wife receive *AIH* during his absence? See Deuteronomy 20:5-7 & 24:5.
2765. (5), If such a soldier is killed or very severely wounded and maimed in a foreign battle, may his wife thereafter receive *AIH*? See Leviticus 20:18-23 *cf.* 21:11.
2766. (6), If a soldier becomes *MIA* alias "Missing In Action" - after what period (if ever) should his longing wife be permitted to receive *AIH* -or to administer it to herself? If a woman's civilian husband disappears but does not divorce her, is *AIH* acceptable? See First Corinthians 7:3-15.
2767. (7), If an adulterous husband divorces his wife but she still loves him, may she (especially before the divorce becomes final) unilaterally resort to *AIH* by his seed? See Deuteronomy 24:1-4.
2768. (8), If a husband with a very weak heart masturbates for *AIH* purposes, but dies in the process, may his wife still be inseminated with his own seed immediately after his death? See Romans 7:1-4.
2769. (9), Can masturbation or any other auto-sexual activity ever be justified, especially within marriage? See Matthew 19:5-6.
2770. (10), Does the good "end" of *AIH* (*viz.* pregnancy) really justify the unacceptable "means" (namely *AIH*-masturbation)? See Romans 3:8 & 6:1-15.
2771. (11), Is it ever right to attempt to generate children at all, except by way of insemination through marital intercourse? See Genesis 38:8f & Ruth 4:5-13.
2772. And (12), *AIH* is only: from man into jar; from jar into laver; from laver into syringe; and from syringe

into woman. *A/H* is not regular ejaculation from the husband's flesh directly into the his own wife's flesh - 'from flesh alone and into flesh alone.' Yet only that is '(in)carnate' - and of the very essence of marriage and its fruits. See Genesis 2:22-25.

Missenden's favourable assessment of *A/H* as an extreme option

2773. According to Rev. Missenden, *A/H* does not meet with much opposition from Jurists.² At the moment, this is not surprising. For the whole phenomenon is comparatively recent. It is done with very little publicity; is practised only on a small scale; is restricted to marriage partners alone; and is relatively free from such legal consequences as most legislators would currently deem to require specific regulation.
2774. Aware of *A/H* techniques but not of their legal aspects, Missenden remarks: "*A/H* (artificial insemination husband) accounts for only a small percentage of *A/* pregnancies.... There are no legal questions about *A/H*."³
2775. However, rightly or wrongly, legal questions might very well be raised at a future time - just as child protection laws and compulsory school attendance laws have themselves only been enacted relatively recently. Yet quite apart from legal questions, also the previously-enumerated moral problems should not be ignored or minimized.

Our own legal objections from various judicial systems to *A/H*

2776. We ourselves can foresee a whole host of legal issues arising from *A/H*. This is so, particularly in those societies currently becoming more godly - or those which might soon start developing in that direction. Indeed, this can be seen in a whole variety of judicial systems.
2777. First, there is the question as to the propriety of the method of artificial insemination - when used specifically on human beings. Second, there is the possibility of either maliciously or negligently inseminating the husband's semen into the wrong woman - or of inseminating an alien's semen into a woman who believes she is or was receiving her husband's seed. *Cf.* Genesis 29:25. Third, there is the possibility of gross medical negligence during the *A/H* procedure.
2778. Certainly it is at least conceivable⁴ that some or all of these questions might some day attract the attention of Jurists. Here we can think of those societies which more and more submit to what they regard as revealed religion - such those adopting Islamic Law (like Saudi Arabia and the Sudan) or those adopting Biblical Law (like Tonga in Oceania and Zambia in Africa).
2779. 'Revealed religion' would include such systems as, with varying degrees of purity, submit to different amounts and degrees of revelatory injunctions from the one true God. Here we think of Christianity, Judaism, and Islam in particular. We have in mind especially their dynamic and continuing impact on various societies - down through the centuries.
2780. In particular, we should note Protestant Britain's Common Law, and its historic prohibition of unnatural sex acts even within marriage. We are thinking of Catholic Ireland's laws against abortion. We are

2. See Missenden's *Art. Insem.* p. 113 & his *Bib.-Eth. Inq.* p. 2 (3).

3. *Bib.-Eth. Inq.*, p. 113.

4. Paras. 1703-89.

thinking also of Pre-Mandela Calvinist South Africa's prohibition of prostitution. We here also have in mind the various Moslem countries' laws against adultery -and those which discourage abortions.⁵

2781. Indeed, we are also thinking of the sex laws of Judaistic Israel - where even *A/H*, wherever it does take place, occurs only in a clandestine manner.⁶ As Rev. Robert Missenden has observed: "Roman Catholics and Orthodox Jews make religious objections to certain types of *A/H* - and "within "Church circles in England, [it is] argued that the masturbation which the *A/H* operation necessitates, is contrary to Christian Moral Law."⁷

When would *A/H* for any reason be used too soon or too late?

2782. Even in those situations where *A/H* might possibly be regarded by some as being permissible in principle at least in **certain** situations - there is still the extremely difficult matter of developing acceptable criteria to determine when it might be permissible, and when not. Might *A/H* be attempted at all - before **every** coital effort between husband and wife has first been made, yet failed to result in impregnation?
2783. If so - does *A/H* not become, or tend to become, an acceptable method of procreation which could finally even become a preferred method? But even if **not** - for just how **long** should 'fruitless' acts of marital sexual intercourse be attempted - before it might ethically become justifiable for the spouses finally to resort to *A/H*?

The immorality of resorting to *A/H* after the death of a husband

2784. Marriage clearly terminates at the death of the first-dying spouse. The notion of trying to inseminate a living widow with the semen of her dead husband, is nothing but a subspecies of necrophilia. The very idea of trying to get her first husband before death to "spill his seed" by way of *coitus interruptus* or masturbation, and thereafter storing that seed for later insemination into his wife (and especially into his widow after his death), is wicked and displeasing in the sight of the Lord. Genesis 38:6-10.
2785. Even with the Older Testament's levirate, the widow first had to **marry** her deceased husband's brother before she could be inseminated **coitally** with the semen of her **new** husband even on behalf of the latter's dead brother. "If brothers dwell together and one of them dies but has no child, the wife of the dead man shall not marry a stranger outside. Her husband's brother shall go in unto her, **and take her to himself as his wife**, and **perform the duty** of a husband's brother to her.... But if the man does not wish to take his [dead] brother's wife, then let his [dead] brother's wife go up to the city gate, to the Elders, and say: 'My [dead] husband's brother...does not wish to perform the duty of my [dead] husband's brother.'" Deuteronomy 25:5f.
2786. Also the Newer Testament confirms the above. "The woman who has a husband is bound by the law to her husband so long as he lives; but if the husband be dead, she has been loosened from the law of her husband.... If, while her husband lives, she gets married to another man - she shall be called an adulteress. But if her husband be dead, she is free from that law; so that she is no adulteress if she [then] gets married to another man." Romans 7:2f. She is bound only while her husband lives - till death them **part**. Then, he **ceases** to be her husband. Thereafter, it is **adulterous** for her to attempt

5. Feb. 1972 *International Planned Parenthood News* No. 215 (on Dec. 1971 Internat. Islamic Conf.).

6. *Enc. Jud.*, III p. 660.

7. Missenden's *Art. Insem.* p. 113.

impregnation from his semen.

2787. "The wife is bound by the law as long as her husband lives; but if her husband be dead, she is at liberty to become married to whom she wishes, in the Lord alone." First Corinthians 7:39. "The younger widows...wish to [re]marry.... I want the young women to [re]marry, bear children, guide the home, and give no opportunity to the adversary to speak reproachfully; for some have already turned aside, after Satan." First Timothy 5:11f.
2788. Certainly, one would hope that *AIH* would never be attempted after the death of one's husband and from his previously-ejaculated semen - as requested by the widowed Mrs. Corinne Parpalaix in 1984. That has distinctly necrophilistic implications. However, should it be attempted even when a husband is still alive yet is: terminally ill; very sick; coitally impotent; currently sterile; geographically removed from his home; or temporarily estranged from his wife? We think not. See paragraphs 1994-2005 & 2814f.
2789. Rev. R.T. Missenden has well stated his own weighty objections.⁸ "During the Second World War," he recalls, "ampoules containing the semen of 20 000 soldiers were sent back from the war zone to make possible the impregnation of their wives at home.... Even if one takes into account the hazardous situation of the soldier at the front and his desire to leave behind offspring in case of his death," cautions Rev. Missenden, "artificial insemination...cannot be a security measure against threatening 'possibilities.'
2790. "The mere 'possibility of non-impregnation' must be radically rejected as a legitimation of artificial fertilization. The result would be the prospect of an almost unspeakable perversion. One could then foresee the rise of companies to insure the production of progeny - [companies] which would deposit ampoules of sperm in their banks before long journeys or extended separations, or which would make possible posthumous fertilizations in case of accident. One need think only of the increasingly excessive need for security in the face of the mass of anxiety in life - to envision the semen ampoules becoming a reserve for all eventualities in life. Our Lord's condemnation of anxiety is endorsed by our own social and medical evidence."

Very limited technical utilizability of *AIH* in any scenario

2791. *AIH* is of limited use. Technologically, it can be utilized only in some cases of inability to produce children within marriages. Otherwise, it is totally unusable. It is quite useless, for example, in trying to assist conception within a wife with damaged fallopian tubes.
2792. Nor can *AIH* be employed with success even after the surgical removal of a ripe egg-cell (from the ovary or fallopian tube) and its reintroduction into the wife's body (in the cervical region of the uterus). Because then, an egg fertilized by *AIH* in the uterus (instead of as normally in the fallopian tube) would 'move down' and **miscarry** (in a similar manner to the way it 'moves down' after normal fertilization in the fallopian tube before often successfully implanting in the wall of the uterus four or five days later).⁹
2793. Indeed, *AIH* is only employable with any degree of success in two cases. First, where the husband is to some degree impotent - or where his sperm count is too low to be fertile. Second, where the wife is

⁸. Missenden's *Bib.-Eth. Inq.* pp. 3 & 5.

⁹. Conversation with Dr. R.S.J. Simpson, Oct. 2nd 1982.

to some degree impotent - or where the lower uterus or vagina is abnormally antagonistic to the husband's sperm.¹⁰

German Evangelical Church's Bishop Dibelius opposes *A/H*

2794. Not surprisingly, there are many Theologians and Philosophers and even Medical Practitioners - whether Atheists, Agnostics, Catholics, Jews, Moslems, or Protestants - who **disapprove** of **all** human artificial insemination techniques. They are not prepared to perform *A/H*; nor to handle it; nor to recommend it.¹¹
2795. The Bishop of the Berlin-Brandenburg Church Dr. Otto Dibelius, for example, was gravely concerned about the impersonalizing tendency of artificial insemination as such. Dibelius (1880-1967) was initially a Pastor of the German Reformed Church, but later became Lutheran Superintendent of the Evangelical Church in the German Empire.
2796. Said Dr. Dibelius:¹² "**Every** artificial insemination is an act contrary to nature.... It reduces the deepest mystery of human life to a technical process - and degrades the woman at the ultimate depth of her spiritual life."
2797. Of course, by the words "contrary to nature" Dibelius is not here discouraging man from exercising his technological prowess over the sub-human realm of nature. But by "contrary to nature" Dibelius here means "contrary to human nature" - in the same sense in which Paul is using the word "nature" in First Corinthians 11:14 (with the apparent meaning of 'morally-acceptable universal human practice').
2798. It should be observed that Dibelius is not talking only about *AID*. He is talking also about *A/H*. For he is cautioning against human artificial insemination as such. "**Every** artificial insemination," he insists, "is an act contrary to nature" thus defined.

Calvinist Dr. Wurth: "artificial insemination is zootechnology"

2799. In 1950, the famous Calvinistic Professor of Ethics Rev. Prof. Dr. G. Brillenburg Wurth remarked in his book *Christian Living in Marriage and Family*¹³ that although "there is not just a temporal but even an essential difference between *coitus* and conception - the former being a human deed, but the second being a creative act of God outside human competence" - nevertheless, "sexual intercourse belongs to the essence of marriage." So much is this the case, that "Scripture sees marriage and procreation as being so very closely related" - that there is an "unbreakable connection precisely between the human act of love-making within the marital communion and the coming into being of new life....
2800. "Without natural generation, there is also no natural fatherhood - so that the [*A/H*]-child ultimately comes to be without a father in the 'natural' sense. **Artificial insemination is zootechnology applied to man**.... Then, one human being would merely be the 'biological' cause of the other - rather than the 'father' of his 'child.' For to be a 'child' [or *teknon*] really means to have come forth [or *tekesthai*] from the most intimate love-union of two human beings.... The testimony of Scripture is, that conception is always mentioned in the same breath with 'knowing' - that is to say, the love-mating of husband and

^{10.} See A.C. Drogendijk, M.D.: *op. cit.*, pp. 139-46.

^{11.} Compare too many Calvinistic and Eastern Orthodox Christians.

^{12.} Cited in Missenden's *Bib.-Eth. Inq.*, p. 4.

^{13.} *Op. cit.*, pp. 261 & 272 & 289f.

wife in marriage."

2801. Professor Dr. Wurth is quite correct. "Artificial insemination" - including *AIH* - is, as he insists, indeed "zootechnology applied to man." By "zootechnology" Wurth here means: the technology of life. We ourselves would go yet further. We would say it is the application of the principles of animal husbandry to the unique reproductive process of man who alone is the image of God.
2802. We claim that "artificial insemination is **zoo** technology applied to man." It is the treatment by man himself, of man himself, as if he too were but one more animal - soon to be exhibited together with other specimens of his fellow creatures in his own **zoo**. To the artificial inseminationists of humans, even that kind of "artificial insemination is **zoo** technology."

Pius XII: *AIH* violates natural law and is contrary to morality

2803. In 1951 Pope Pius XII stated in his *Address to Midwives*¹⁴ that in his 1949 address at the International Congress of Catholic Doctors he had "formally rejected artificial insemination in marriage. The marital act...is the simultaneous and direct cooperation of husband and wife which...is the expression of the mutual giving which in the words of Scripture results in the union 'in one flesh.'"
2804. "There is much more than the union of two life-germs which can be brought about even artificially...without the cooperation of the husband and wife. The marital act...consists of a personal cooperation which the husband and wife exchange as a right when they marry."
2805. In 1956, Pope Pius XII clarified this in his *Address to a Group of Catholic Obstetricians and Gynaecologists*. There, he declared:¹⁵ "Artificial fecundation exceeds the limits of the right which spouses have acquired by the matrimonial contract [*cf.* First Corinthians 7:3-5].... The contract in question does not confer on them a right to artificial fecundation. For such a right is not in any way expressed in the right to the natural conjugal act, and cannot be deduced from it.
2806. "Still less can one derive it from the right to the 'child'.... The matrimonial contract does not give this right, because it has for its object not the 'child' but the 'natural acts' which are capable of engendering a new life.... It must likewise be said that artificial fecundation violates the natural law and is contrary to justice and morality."
2807. In 1958, Pope Pius XII made another important statement - this time during the Seventh International Hematological Congress. Declared the pontiff:¹⁶ "We condemn once again all types of artificial insemination, on the ground that this practice is not included among the rights of married couples and because it is contrary to the Natural Law and Catholic Morals."

Thielicke: *AIH* removes the biological from the psychophysical

2808. In 1964, the contemporary Lutheran Theologian Rev. Professor Dr. Helmut Thielicke wrote his definitive handbook *Theological Ethics*. There, he rightly insisted¹⁷ that "artificial insemination threatens to remove the biological process of procreation from the psychophysical totality of the

^{14.} Pius XII's *Address to Midwives*, September 29 1949, cited in Overduin & Fleming's *op. cit.* pp. 46f.

^{15.} Pius XII's *Address to a Group of Catholic Obstetricians and Gynaecologists*, in Overduin/Fleming's *op. cit.* p. 47

^{16.} *Ib.*

^{17.} *Ib.*, p. 48.

marital fellowship." *AID*, he added, violates the "psychophysical unity of marriage" and breaches the "one flesh unity of husband and wife."

2809. In that same book, Thielecke also deals with the objection that childlessness in a marriage may come from a 'deeper' disorder - such as in an 'unerotic' marriage (where *AIH* would only be a substitute for intercourse). Because the married couple are created for each other as 'one flesh' - and because it is 'in this oneness [that] they are to...be fruitful and multiply' - it must follow that "the personal unity of man, wife and child would therefore be ruptured by **any** isolation of the biological act of procreation."¹⁸

1971f: Vatican reiterates her opposition to masturbatory *AIH*

2810. The Roman Catholic American Bishops' 1971 *Ethical and Religious Directives for Catholic Health Care Faculties* is a very important paper. It states: "The use of the sex faculty outside the legitimate use by married parties, is never permitted even for medical or other laudable purposes - e.g. masturbation as a means of obtaining seminal specimens."¹⁹
2811. In 1975, Rome again declared masturbation - also for the purposes of *AIH* - to be "an intrinsically disordered act." Indeed, even the "progressive" Roman Catholic J.C. Wakefield admits this in his 1978 book *Artificial Childmaking*. There, he too concedes²⁰ that the latest masturbation declaration from Rome, first published in 1975, still describes masturbation as an intrinsically disordered act.
2812. In 1984, when considering the use of masturbation for *IVF* within marriage, the somewhat 'progressive' Roman Catholic Bishops in England, in a statement²¹ issued by their Archbishop Warlock, said they would not be opposed to *IVF* on a non-hyperovulated basis followed by total implantation after test-tube zygotization. However, under pressure from theologically conservative Incarnationists in the Vatican, they retracted the next week.
2813. Also the Australian Jesuit Dr. William Daniel - in his paper *In Vitro Fertilization: Two Problem Areas* - requested reconsideration²² as to the permissibility of the most-conservative practice of *IVF* within marriage. He especially argued that *AIH* should not be seen as a separation of ejaculation from the act of love within that scenario, but could (and should?) rather be viewed as an expression of that love. The Vatican's 1987 *Instruction on Respect for Human Life* rejects such positions.

1984 widow Parpalaix: *AIH* with semen of her deceased husband

2814. For a whole host of reasons, the Vatican's 1987 *Instruction* finally and decisively came down hard against all forms of human artificial insemination. That was some three years after this present writer himself - principally for Biblical reasons, in his capacity as a Professor of Christian Ethics - had pleaded with his own Presbyterian Church of Queensland to reject both *AIH* and all forms of *IVF* in 1984.
2815. It was conceptional and gestational events particularly during those three years which precipitated the Vatican's 1987 *Instruction*. Such events included the rapid development of *IVF* techniques - such as human embryo freezing, *GIFT*, embryo transplants, hyperovulated multiple births, embryo-flushing,

^{18.} H. Thielicke's *Theological Ethics* p. 251 and his *Ethics of Sex* pp. 252-58.

^{19.} Wakefield, J.C.: *Artificial Childmaking*, 1978, p. 129.

^{20.} *Ib.*, pp. 126,183,43.

^{21.} See *The Tablet* for 24th Nov. 1984.

^{22.} W. Daniel: *In Vitro Fertilization - Two Problem Areas* (in *IVF Policy Papers or Reports*, p. 14).

attempts to hybridize humans with other creatures, and human genetic engineering. Yet it seems to have been especially the 1984 *AIH* case of Mrs. Corinne Parpalaix - involving her attempt to gain possession from a sperm bank of the semen of her dead husband (possibly for the purpose of its artificial insemination into herself as his widow) - which helped produce the reaction in the Vatican.

2816. In 1983, the 21-year-old Mrs. Corinne Parpalaix's husband died. In 1984, she had to sue a French sperm bank in order to get custody of her deceased spouse's sperm there, apparently so that she could then receive *AIH*.
2817. After a considerable legal wrangle, the court held that because the deposited semen contained "the seeds of life" - it should be given to Mrs. Parpalaix, who desired thereafter to get herself impregnated with it so as to be able to bear her dead husband a child (and hopefully a son). "I'll call him Thomas," she said of her dead husband's prospective postmortal baby. "He'll be a pianist. That's what his father wanted."²³
2818. Vatican radio then observed that the whole public debate over laboratory procreation had been sharpened by the case in Australia of two deep-frozen fertilized ova from a woman killed in a plane crash [Mrs. Rios], and by the court case of a French woman [Mrs. Parpalaix] seeking to be impregnated with the sperm of her dead husband. Said the Pope's adviser, Research Institute for Family Studies Consultant Professor Carlo Carraro:²⁴
2819. "Married couples do not have the right to have a child, only to perform the act from which they may have a child.... The child is not due to them.... He belongs to God alone.... Only the conjugal act is ethically worthy of giving life to a new human being, and for this reason fertilization [by way of *AIH* or] in a test-tube is morally wrong."

1987: Vatican's definitive statement against all cases of *AIH*

2820. In 1987, after years of study, the Vatican's Congregation for the Doctrine of the Faith (in its *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation*) issued a definitive statement on human artificial insemination. Then, it stated²⁵ that the Catholic Church intended and ongoingly "intends to put forward, by virtue of its evangelical mission and apostolic duty, the moral teaching corresponding to the dignity of the person and to his or her integral vocation...."
2821. "God created man in his own image and likeness: 'male and female he created them' (*Gen* 1:27), entrusting to them the task of 'having dominion over the Earth' (*Gen* 1:28). Basic scientific research and applied research constitute a significant expression of this dominion of man over creation...."
2822. "The natural Moral Law expresses and lays down the purposes, rights and duties which are based upon the bodily and spiritual nature of the human person. Therefore this law cannot be thought of as simply a set of norms on the biological level; rather it must be defined as the rational order whereby man is called by the Creator to direct and regulate his life and actions and in particular to make use of his own body.... The fundamental values connected with the techniques of artificial human procreation are two: the life of the human being called into existence and the special nature of the transmission of human life in marriage."

²³. See *Time*, September 10th 1984, pp. 70f.

²⁴. *Courier-Mail*, July 2nd 1984.

²⁵. Vatican City, 1987, pp. 6f.

2823. The *Instruction* then repeats the memorable words of John XXIII. In his 1961 Encyclical *Mater et Magistra*, that Pope had said:²⁶ "The 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. For this reason one cannot use means and follow methods which could be licit in the transmission of the life of plants and animals."
2824. The *Instruction* thereafter goes on:²⁷ "No one, before coming into existence, can claim a subjective right to begin to exist. Nevertheless - it is legitimate to affirm the right of the child to have a fully human origin through conception in conformity with the personal nature of the human being."
2825. The following useful definition is then given:²⁸ "By *artificial homologous fertilization*...the *Instruction* means the technique used to obtain a human conception using the gametes of the two spouses joined in marriage. Homologous artificial fertilization can be carried out by two different methods: a) homologous *IVF* and *ET*, the techniques used to obtain a human conception through the meeting *in vitro* of the gametes of the spouses joined in marriage; b) homologous artificial insemination [or *AIH*], the technique used to obtain a human conception through the transfer into the genital tracts of a married woman of the sperm previously collected from her husband."

Instruction's prohibition of AIH into either widows or spouses

2826. The *Instruction* then clearly seems to reflect on cases like those of Mrs. Parpalaix. In an obvious prohibition also of postmortal *AIH*, it insists:²⁹ "Artificial fertilization...of a married woman...or a widow - whoever the Donor may be [and hence also by way of *AIH*] - cannot be morally justified...."
2827. The *Instruction* later investigates³⁰ "how to evaluate morally the process of homologous artificial fertilization...between husband and wife" alias *AIH*. After then and elsewhere quoting various papal encyclicals of Pius XII, Paul VI, and John Paul II - it goes on to declare:
2828. "The Church's teaching on marriage and human procreation affirms the '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.... The same doctrine concerning the link between the meanings of the conjugal act and between the goods of marriage throws light on the moral problem of homologous artificial fertilization, since it is never permitted to separate these different aspects to such a degree as positively to exclude either the procreative intention or the conjugal relation...."
2829. "Homologous artificial fertilization, in seeking a procreation which is not the fruit of a specific act of conjugal union, objectively effects an analogous separation - between the goods and the meanings of marriage.... The link between the meanings of the conjugal act and between the goods of marriage, as well as the unity of the human being and the dignity of his origin, demand that the procreation of a human person be brought about as the fruit of the conjugal act specific to the love between spouses...."
2830. "The act of conjugal love is considered in the teaching of the Church as the only setting worthy of human

26. *Ib.*, p. 10.

27. *Ib.*, p. 19 n. 32.

28. *Ib.*, p. 22 n. **.

29. *Ib.*, p. 25.

30. *Ib.*, pp. 26-30.

procreation. For the same reasons the so-called 'simple case' - *i.e.* [an *AIH* by way of] a homologous...masturbation, remains a technique which is morally illicit because it deprives human procreation of the dignity which is proper and connatural to it."

2831. The *Instruction* goes on:³¹ "Artificial insemination as a substitute for the conjugal act is prohibited by reason of the voluntarily achieved dissociation of the two meanings of the conjugal act." This is stated in the form of an absolute prohibition.
2832. Indeed, the *Instruction* further explains: "Masturbation, through which the sperm is normally obtained, is another sign of this dissociation: even when it is done for the purpose of procreating, the act remains deprived of its unitive meaning. It lacks the sexual relationship called for by the moral order, namely the relationship which realizes the full sense of mutual self-giving and human procreation in the context of true love."

1982: Overduin & Fleming - serious ethical objections to *AIH*

2833. We ourselves are in agreement with the Australian (Lutheran and Anglican) Theologians Overduin and Fleming. In their 1982 book *Life in a Test-Tube*, they wisely ask:³² "Is *AIH* as a medical procedure a legitimate 'aid to the natural' - or is it an illegitimate and 'unnatural' violation of nature and [of] the natural process of procreation?"
2834. "There are, of course, moral limits to medical intervention" - say Overduin and Fleming. "In the case of *AIH*, there is a moral responsibility on the shoulders of the married couple as well as the attending Physician.
2835. "The arguments raised against *AIH* are serious...and ought to be considered by those Christians and Non-Christians who...can see no objections to *AIH*. These arguments have been advanced for the sake of the moral and spiritual health of men and women.... The totality of human personhood must also be taken into account.... These ethical objections to *AIH* remain."

The problem of direct masturbation in *AIH* techniques

2836. One of the major problems connected with *AIH* is, of course, the masturbation required. We have already referred earlier to some of the ethical problems connected with masturbation as such.³³ Yet we can readily agree that masturbation for the purposes of *AIH* or of *IVF*-between-spouses is obviously in a different category to masturbation for *AID* purposes.³⁴
2837. Indeed, we also agree that masturbation for *AIH* (and for *IVF*-between-spouses) has different goals to masturbation for purely erotic purposes (either outside and especially inside of marriage) - and particularly for auto-erotic rather than for mutually-erotic purposes. Nevertheless - in addition to all our other objections to *AID* which are **not** related to masturbation - we must also say that even the masturbation necessary for *AIH* purposes alone, is contrary to God's Moral Law for all human beings.³⁵

31. *Ib.*, p. 32.

32. *Op. cit.*, p. 49.

33. Paras. 2358-2503 & 2549f.

34. See para. 2678-83.

35. Overduin & Fleming: *op. cit.*, p. 48.

2838. We cannot agree with the reasoning of those who argue that "a masturbation for the purpose of an *AIH* operation" is permissible **because** "performed in the climate of a real sexual fellowship" - and **because** "its purpose is the fulfilment of this sexual fellowship."³⁶ To us, this is basically an antinomian position - and rather reminiscent of the radical 'Situation Ethics' of Joseph Fletcher.
2839. One may well ask: "What climate of a real sexual fellowship" is present - in an auto-erotic act of masturbation by a husband, separated from his wife, when he is taken to an impersonal cubicle in an Artificial Insemination Clinic and there and then requested to masturbate into a jar so as to be able to provide some of his semen for *AIH*-purposes? What "climate of real sexual fellowship" is present shortly after that, when in another cubicle of an Artificial Onsemination Clinic a wife - separated from her husband - is coldly and instrumentally inseminated by some or other Technician who is not even her spouse nor under the latter's control? See paragraphs 2848f & -62f.
2840. Nursing Sister Isabel Bainbridge corroborates this in her book on artificial conception. "A lot of men have trouble performing - collecting the 'goodies' for their wife's operation.... Most of the rooms set aside for husbands are pretty tiny, often in poor situations - with typistes outside.
2841. "The husband rings a bell when he's ready [shades of Pavlov's dog].... A techician comes down to collect the 'goodies' [alias the masturbated semen], passing the people outside. You never hear this aspect of it mentioned, but you can't take it for granted any more than the people on this program can take conception for granted."³⁷
2842. We ourselves just cannot agree with those who would discount the Holy Bible's disapproval of masturbation **as such** - even if only when promoting their advocacy of a purely-clinical masturbation, and solely for the purposes of *AIH* or *IVF*-between-spouses. Nor do we agree with those liberals in the Roman Catholic Church who would try to reinterpret³⁸ papal pronouncements against artificial insemination as such,³⁹ as if those pronouncements nevertheless permitted masturbation at least for the purposes of *AIH* (if not also for *IVF*-between-spouses).

Randolph: sexual intercourse necessary in human reproduction

2843. The American Protestant Rev. William Randolph makes some important observations in favour of human reproduction by sexual intercourse alone and therefore against *AIH* - in his article 'God Is Pro Life.'⁴⁰ Writes Rev. Randolph: "The pattern of the physical reproduction must be followed....
2844. "The ways of a man with[in]⁴¹ a maid" of child-bearing age "are difficult to understand (Proverbs 30:19).... You do not understand the way of the Spirit; nor how the body-parts [of a prenatal baby] grow in the womb of her that is pregnant (Ecclesiastes 11:5)."
2845. Yet there are nevertheless some things which we can understand. For we are told, and we understand, that "Adam **knew** Eve his wife so that she conceived (Genesis 4:1).... The use of the term

36. See Missenden's *Bib.-Eth. Inq.*, p. 6.

37. Thus *Woman's Day*, Australia, January 27th 1982, p. 7.

38. See Wakefield's *op. cit.*, and R. McCormack's view that *AIH* is an open option for Christians. Compare too this present author's conversations with Sister Regis Mary Dunne, R.S.M., on June 25th and 26th 1982.

39. See Wurth's *op. cit.* p. 288. Also compare Bouscaren's *Canon Law Digest*, I, p. 136; and Clifford's *op. cit.*, in Thomas Aquinas's *op. cit.* III pp. 3549-80.

40. *Journal of Pastoral Practice*, 1979, II:3, pp. 19f.

41. See para. 2489f and esp. its nn. 111f.

'knew' or 'know' for sexual relations" - but **not** for noncoital artificial insemination even solely from a woman's own husband alone - "is prominent in the Scriptures." It clearly means: to have sexual **intercourse** with another human being.⁴²

2846. "In the Scriptures, this term 'know' is **never** used for illicit human sex relations with animals." Nor is it ever used to describe licit sex relations between male animals and female animals each according to their kind. Nor is it ever used to describe even licit noncoital fondling between husband and wife (Genesis 26:8-9). For the Biblical term 'know' - whenever used in references to sexual matters - refers not only exclusively to **human** sexual intercourse between one **human** being and another **human** being, but also "recognizes a **psychical** relationship in the **intimacies** of sex [relations]....
2847. "The artificial insemination of human beings does seem to be successfully employed today.... Real people who have souls are produced as a result.... But these phenomena do not negate the mysterious activity of the soul.... The origin of the individual soul corresponds to the inception of the life of the material nature." Also *AIH* "is not an exception."

Missenden on the [im]permissibility of masturbation for *AIH*

2848. The position on masturbation for *AIH*-purposes in Rev. Missenden's 1981 paper on *Artificial Insemination* and his *Inquiry Into Some Problems Relating to Human Engineering*, is somewhat equivocal. On the one hand he seems quite rightly to be critical of the use of masturbation in *AID*. On the other hand, he also seems to allow for the use of masturbation in *AIH*.⁴³
2849. Indeed, his papers not only apparently seek to justify masturbation in such *AIH*-cases. They also do so even in ways we ourselves consider to be very dubious. For, with all of our admiration for much of his contents - we ourselves feel we really must question two of his statements on *AIH*-masturbation which to us seem to have been influenced (howsoever unconsciously) by antinomianism and situation ethics.
2850. First, there is the somewhat antinomian statement rejecting the "objection coming from Church circles in England...that the masturbation which the *AIH* operation necessitates - is contrary to Christian Moral Law." Rev. Missenden's paper weirdly states that this English Church objection "is hardly valid since it is based upon a theologically-untenable doctrine of works."⁴⁴
2851. However, not only is this particular statement highly speculative. More importantly, Rev. Missenden's paper at this points loses sight of Ephesians 2:8-10 and Romans 3:31 & 6:1-2 - and also all of the other portions of Holy Scripture so well reflected in orthodox Presbyterian Standards such as the *Westminster Confession of Faith* (7:1-8 & 19:1-7), as well as the *Westminster Larger Catechism* (QQ. & AA. 75-77 & 91-153).
2852. Second, there is Rev. Missenden paper's other statement that "it is impossible to isolate the act of masturbation as such and [to] extract it from the context of situation and intention."⁴⁵ To us, however, this particular statement seems to be not altogether unlike the reasoning of the trendy modern 'Situation Ethics' now imperilling all 'Revealed Religion' as such. (For our own arguments against **that** trend, see paragraphs 2549f & 2611-22 & 2773-90 & 2803f.)

42. See even Gen. 19:5!

43. *Bib.-Eth. Inq.*, pp. 5f & 10.

44. *Ib.*, p. 5, 2(1).

45. *Bib.-Eth. Inq.*, p. 6.

2853. In addition to what we ourselves previously wrote against masturbation⁴⁶ - we can also certainly agree with many of the statements in Rev. Missenden's papers. For example, we agree with him where he states: "Masturbation is as a rule regarded as offensive, for the following reasons.
2854. "First and above all, because in masturbation sex is separated from the I-Thou relationship." By this, Rev. Missenden apparently means the 'you-me' relationship between spouses. For he adds that masturbation "loses its meaning as being the expression and consummation of this fellowship.
2855. "Second," continues Rev. Missenden, masturbation is usually offensive because the sexual phantasy is no longer bound to a real partnership and therefore roves about vagrantly." In this respect, it is like fornication - or even adultery.
2856. "Third," adds Rev. Missenden, masturbation is usually offensive - "because as a rule the absence of this [marital] bond leads to physical and psychic extravagance. The ethically decisive thing is therefore not the offensiveness of the physical function as such, but rather the personal situation that underlies the masturbation - the very invertedness [of] which is man's being turned in upon himself. All acts which are centred not upon God and my neighbour but upon my own self, are actualizations of sin."⁴⁷
2857. We ourselves would define sin as an act of rebellion against God and His Moral Law - and not, as Rev. Missenden here does, in part as being self-centred. For, against all socialistic neighbour-centredness, compare Ephesians 5:29-31's 'healthy individualism' precisely in respect of sexual intercourse within marriage - that "no man ever yet hated his own flesh, but keeps on nourishing and cherishing it even as the Lord [keeps on nourishing and cherishing] the Church.... For this reason shall a man...be joined to his wife, and they two shall be one flesh."
2858. Hence, we ourselves cannot agree with Rev. Missenden that the auto-erotic acts of masturbation required by *AIH* (as a 'last resort') fall outside of the parameters of offensiveness. Far rather do we here, against the Ex-Methodist Rev. Missenden, agree with Calvinism and Romanism.

Calvinist Dr. Delleman: *AIH* is an intolerable intrusion in marriage

2859. The noted Calvinist Scholar Rev. Dr. T. Delleman opposes *AIH* in his 1940 book *First Corinthians Seven on Marriage*. There, he completely rejects artificial insemination in humans. For as Paul declared in First Corinthians chapter seven: 'The man no longer has the [sexual] right to his own body, but his wife does; and the woman no longer has the [sexual] right to her body, but her husband does.'
2860. Says Delleman: "The essence of marriage is that those who were two, the husband and the wife, have here become one flesh to such an extent that there is no longer any question of either of them any longer having the right to dispose of his or her own body [Genesis 2:24 & Ephesians 5:28-31f *cf.* First Corinthians 7:4f]. Well then, **artificial insemination - even where it takes place with mutual agreement - constitutes an intolerable intrusion.**
2861. "For a husband just doesn't have the right to give his permission for artificial insemination. In other words, a man may no more permit the body of his wife to be fertilized in a way which once and for all intrudes against the nature of marriage which God has ordained - than he may eventually permit his

^{46.} Paras. 2358-2451 & 2836-52.

^{47.} *Bib.-Eth. Inq.*, p. 5 (2).

wife to engage in extra-marital sexual intercourse."⁴⁸

Rome's Dr. Clifford: even medical masturbation is immoral

2862. Writes Catholic Seminary Professor Dr. Clifford, in his important article on *Medical Ethics*:⁴⁹ "To the question whether direct masturbation might be used to obtain seed for the scientific detection of the disease 'blenorragia' [gonorrhoea], the Holy See returned the blunt answer, 'No!' (Bouscaren's *Canon Law Digest*, I p. 136)."
2863. Of course, this answer nowhere precludes the obtaining of the seed of the patient (suspected of suffering from this disease) by some other method, in order to diagnose the ailment and to prescribe treatment. This may certainly be done wherever any usable method is ethically unobjectionable.
2864. "The scope of this decree" of the pope, explains Clifford, "is to clarify the immorality of using any form of direct masturbation in the practice of medicine." That is so, even in the diagnosis of disease - and therefore, *a fortiori*, especially in non-disease procedures like *AIH* and *IVF*.
2865. For, continues Clifford: "Some applications of this decree have **direct** reference to artificial insemination." Indeed, it is significant that the pope himself said exactly this - some two years later in his papal address of 29th September 1949, when he denounced human artificial insemination as being completely immoral and "in itself sinful."
2866. "Masturbation," Clifford goes on, "may not licitly be employed to obtain a **husband's** seed.... For the substance of the [marital] contract 'is an act of the will by which **both** parties give and receive a perpetual and an exclusive right to the **other's** body for acts which are *per se* conducive to the procreation of offspring.' Canon 1081, p. 2."
2867. Clifford then draws the inevitable conclusion from that Canon. He insists: "Now the word 'exclusive' in the context signifies, and can **only** signify, that the man and the wife have from nature the power to give to each other - and exclusively to each other [and not each to himself or herself alone] - the right to generative acts.
2868. "They have not the power to give that right to a second or third person [such as even the *AIH*-Doctor].... 'And in like manner, the **husband also** does not have power of [or over the sexual use of] **his** body; but the wife has.' First Corinthians 7:4.... The first moral law which regulates scientific research is: 'avoid sin.' Experimentation which involves abuse of the sexual faculties, as in masturbation, cannot be morally justified."

Conclusion: Artificial Insemination from Husband is illicit

2869. Conclusion. Some argue that *AIH* - as distinct from permissible 'Post-coital Assisted Impregnation' (or *PAI*) within marriage - is itself licit. We, however, believe *AIH* is wrong - and for the following reasons.
2870. First, *AIH* manifests a deep discontent toward God's providential prescription of either temporary or permanent childlessness within marriage. As such, it manifests rebellion against His theodicy.

⁴⁸. Cited in Wurth's *op. cit.*, pp. 290f.

⁴⁹. In Thos. Aq.: *Summa* (Benziger ed.), III pp. 3549f.

2871. Second, *AIH* invades the privacy of permissible human sexual activity. For such should always and only be both marital and mutual.
2872. Third, it divorces insemination from marital sexual intercourse. In that way, it drags the sacred calling of human reproduction down - into the sphere of a sophisticated kind of animal husbandry.
2873. Fourth, it misassumes that a married person has sexual rights over his or her own body - rights which the Bible says in fact belong only to his or her spouse. Such rights cannot be **assigned** with or without a spouse's approval to outsiders - such as the Owners or Technicians of *AIH* Clinics.
2874. Fifth, *AIH* is Artificial Insemination from Husband rather than by Husband. As such, it improperly and unnecessarily involves the intrusion by extramarital Technicians into the marriage unity or copulative one-flesh-ness of husband and wife - and thus into the most intimate sexual activities of married persons.
2875. Sixth, *AIH* separates a man from his wife at the moment of ejaculation. It also further separates the two spouses at the moment of insemination. Moreover, it artificially manufactures a dichotomy between the moment of ejaculation and that of insemination. That latter it unnaturally defers until later - thus putting asunder what the Creator God has joined together.
2876. Seventh, *AIH* seeks to circumvent that childlessness in contraband manners. For it does so by masturbation, or alternatively by electric stimulation (as also in animal husbandry) - and also by way of **insemination by an alien Technician** and not by (but only from) the husband.
2877. Eighth, *AIH* eliminates all of the important vaginal juices which kill off weak sperm. *AIH*-Technicians so eliminate this, by washing the ejaculated semen with synthetic chemicals - before the artificial insemination. But *AIH* thus expedites the fructifying use of inferior sperm - which the vaginal juices would normally help kill off. *AIH* also runs the risk of possibly exposing especially weak sperm to long-term bad effects from those chemicals. Such bad effects, however, might only become apparent years thereafter - when sperm-fertilized eggs of inferior quality develop into subnormal babies; or at puberty, into abnormal adolescents.
2878. Ninth, *AIH* attempts to engineer human reproduction in a manner other than the one-and-only Bible-permitted way of marital *coitus*.
2879. Tenth, in rejecting *AIH* as undesirable, one can concur with other Christian Ethicists who do the same. Such include not only Romanists like Pius XII and Paul VI and John Paul II - but also Protestant Moral Theologians like Professors Dr. Dibelius, Wurth, and Thielecke; as well as Revs. Overduin, Fleming, Randolph and Delleman.
2880. Eleventh, one can concur with Australian Nursing Sister Isabel Bainbridge that the cubicles used in clinics where sperm is collected - are often in poor situations. See paragraphs 2840f. More bluntly, as Cleveland Businessman James Popela recalls of his four unsuccessful trips with his wife to a clinic in Cambridgeshire: "You have to take the jar and walk past a group of people as you go into the designated room, where there's an old brass bed and a couple of *Playboy* magazines. They all know what you're doing - and they're watching the clock, because there are several people behind you waiting their turn."⁵⁰

⁵⁰. *Time*, September 10th, 1984, p. 63.

2881. Twelfth, A's semen could sometimes get mistaken for B's semen in such a Clinic. This has occurred even in *IVF*, where supervision is certainly greater than in *AIH* procedures. Thus in April 1983, a Coloured *IVF* baby was born to a White couple in England.⁵¹ Again, in 1993, what were first thought to be unidentical "twins" - one White, and one Coloured - were born to a White couple in Holland. Two years later, the hospital admitted there had been some residual semen from a Black man in the pipette used for the *IVF* in the production of the White couple's White child - who was, in fact, not the twin but the unintended same-aged 'half-twin' of the Coloured child by the same biological mother.⁵²
2882. Thirteenth, there must be some temptation for *AIH*-clinics (desiring a good success rate) sometimes to contemplate using alien sperm or clandestinely mixing a semen cocktail. This is especially so, when dealing with rich husbands who have poor sperm counts.
2883. Last, the friction between Abraham's women Hagar and Sarah (and their children) - and also that between Jacob's wives and concubines and all their children - surely dissuade any reasonable couple from resorting to *SHW* and its cognate *AID*. It should also dissuade from resorting even to *AIH*.
2884. For, as the heirless Rev. Professor Dr. John Calvin observed in his *Institutes of the Christian Religion*.⁵³ "God describes it as a mark of His special favour that while some continue childless - others are blessed with offspring. Hence the words of Jacob to Rachel, 'Am I in the place of God Who has withheld the fruit of the womb from you?' Genesis 30:2."

51. *The Australian*, May 5th, 1983.

52. *The Sunday Mail*, June 18th 1995, p. 41.

53. J. Calvin: *Institutes of the Christian Religion*, I:16:7.

V. *IVF* (TEST-TUBE BABIES) AND *ET* (EMBRYO-TRANSFER)

"Jesus...told them: 'Have you not read that He Who made them at the beginning, made them male and female [or "piercer" and "piercee"], and [that] He said "This is why a man shall leave father and mother - to cleave to his wife so that the two of them become one flesh"? Therefore, they are no longer two, but one flesh. What God then has joined together - do not let man put asunder!' ... Men ought to love their wives as their own bodies... For no man ever yet hated his own flesh. But he nourishes and cherishes it, just as the Lord does the Church. For we are members of His body - of His flesh, and of His bones. For this reason, a man shall be joined to his wife - so that the two of them become one flesh.... Offspring, obey your begetters! ... Honour your father and your mother!" - Matthew 19:4-6 & Ephesians 5:28 to 6:2.

2885. In 1932 A.D., Aldous Huxley (novelist brother of the evolutionistic Biologist Sir Julian Huxley, and grandson of the Darwinian Anatomist Professor T.H. Huxley) - published his epoch-making book *Brave New World*. That novel predictively described a 25th-century nightmare of genetically-engineered humans of different classes, all manufactured in test-tubes. Perhaps more than any other writing, Huxley's book set the stage first for speculation and thereafter for research which finally resulted in the actual advent of the artificial conception of tiny human beings.

Definition and brief history of *in vitro* fertilization

2886. By *IVF* (alias *In Vitro* Fertilization) is meant the artificial conception of 'test-tube offspring' fertilized in a laboratory. Thus Rev. Robert Missenden.¹ To that definition, after its final word (laboratory), we ourselves would add: whether thereafter implanted into the uterus of some or other female or incubator, or whether thereafter kept under refrigeration in the limbo of liquid nitrogen or some other preservative until needed for transplantation (or otherwise marooned there until Judgment Day).
2887. We ourselves are in complete agreement with Rev. Missenden² that *IVF* is indeed an extension of artificial insemination. This was also recognized in P.E. De Witt's article on *Cloning*, which - under the heading 'Test-Tube Reproduction' - usefully summarized the following history:³
2888. "1799 - pregnancy reported from artificial insemination [from husband]. 1944 - First attempt at *in vitro* fertilization. [About] 1949 - researchers discover glycerol can be used to freeze sperm for later use. 1951 - first successful transfer of an embryo from one cow to another. 1952 - frogs cloned from the cells of tadpoles. 1959 - live rabbit offspring from *in vitro* fertilization. 1963 - frozen sperm used for human artificial insemination. 1970 - mice embryos are cloned. 1972 - live offspring from frozen

1. Compare Missenden's *Art. Insem.*, pp. 113-17f. There, thinking specifically of human beings, Missenden speaks of "test-tube babies fertilized in the lab, and the embryo then implanted in the uterus of the mother." Our own above-mentioned definition, however, is broader. It applies not only to human *IVF*, but also to the *in vitro* fertilization by and from and into animals - from which human manipulation of animals and animal-parts, the techniques also of human *IVF* were derived. Our own definition recognizes the existence of human *IVF* even when there is no subsequent embryo transplant: a) into the womb of the biological mother; b) into any human womb whatsoever; c) into an animal womb; d) into a lifeless yet life-promoting incubator; or d) into no medium or life-supporting environment whatsoever.

2. Bib.-Eth. Inq., p. 1.

3. P.E. De Witt: *Cloning* (in *Time*, Nov. 8th 1993, pp. 56f).

mouse embryos. 1973 - first calf produced from a frozen embryo.

2889. "1978 - First test-tube baby, Louise Brown, born in Britain [as a result of a human implant but not a transplant]. 1979 - Sheep embryos cloned. 1980 - Cattle embryos cloned. 1983 - A baby is born to a mother from an embryo formed by her husband's sperm and a donor's egg [as a result of not just a human implant but a human transplant]. 1984 - Australian girl named Zoe born from a frozen embryo. 1988 - Surrogate mother Mary Beth Whitehead...refuses to relinquish her daughter, sparking landmark court case. 1993 - George Washington University researchers clone human embryos."

The recent devolution of man in prenatal research (A.D. 1940 to 1972)

2890. By way of historical introduction to this *IVF*-technique, we can well quote some explanatory excerpts from Rev. R.T. Missenden's section on 'Test-Tube-Babies' (in his above-mentioned 1981 paper *Artificial Insemination, Test-Tube Babies, Cloning, and Genetic Engineering*). This we chronologically interface with further historical material from also several other sources.
2891. "*IVF* experiments" upon humans, writes Missenden, "date [back] to the 1940s, when Dr. John Rock of Harvard, father of the birth control pill, took eggs from female cancer patients, mixed them with sperm in a test-tube, and brought them to a three-cell stage. About a decade later, Dr. Landrum Shettles grew fertilized embryos in a lab culture to sixteen cells."
2892. Sensing things soon to come, Pope Pius XII stated in 1956 that "human fecundation *in vitro*...must be rejected as immoral and absolutely illicit."⁴ Then, as expected, "in 1959 Dr. Daniel Petrucci announced he had sustained an *IVF* human embryo" for more than four weeks.⁵
2893. "He had ended the experiment - because the embryo 'had become deformed and enlarged, a monstrosity.' Dr. Petrucci was accused of murder by some Catholic clergy, and pressured by the Vatican to grow no more embryos."
2894. In 1962, continues Rev. Missenden,¹ "English scientists removed two fertilized eggs from two English sheep, tucked them in the oviduct of a live rabbit, and shipped the latter to South Africa. There, the eggs were removed and implanted in two ewes - which gave birth to lambs."
2895. Britain's awful 1967 *Abortion Act* represents a milestone in the modern devolution of man. Practically permitting abortion on demand, it paved the way for the soon advent of human *IVF* (which is in many ways a further outgrowth thereof).
2896. Then, in 1971, Dr. Shettles removed an egg from a woman with diseased fallopian tubes; fertilized it with her husband's sperm; and implanted the embryo into another woman. Two days later, when the recipient underwent a hysterectomy, the destroyed embryo had multiplied into hundreds of cells.¹

Humanism's triumph: dehumanizing prenatal babies (1972-74)

2897. The following year, in 1972, Dr. Joseph Fletcher - the renowned pioneer of 'Situation Ethics' -

⁴. *Catholic Weekly*, Surrey Hills N.S.W., Australia, January 3rd 1982, p. 1.

⁵. Missenden's *Bib.-Eth. Inq.* p. 1 has 29 days. Other writers (Overduin & Fleming and Spitzer & Saylor *etc.*) have 59 days.

produced his paper *Indications of Humanhood*. There, he stated:⁶ "A baby made artificially, by deliberate and careful contrivance, would be more human than one resulting from sexual roulette - the reproductive mode of the subhuman species."

2898. From 1972 onward, such experiments continued in Europe. Yet in America, resistance increased to attempts to engineer human reproduction.
2899. Yet, more experiments still followed. In 1973, International CryoBiological Services Inc. of St. Paul Minnesota reported 'bovine ova transfer.' Eggs were taken from 'highly quality cows'; fertilized with sperm from superior bulls; and the embryos implanted in 'less valuable incubator cows' for development until birth.
2900. Thus, in 1972, a non-religious critic of *IVF*, the Chicago Biologist Dr. Leo Kass - in his essay *New Beginnings in Life*⁷ - insisted that "there are more or less human ways of bringing a child into the World. I am arguing that the laboratory procreation of human beings is no longer 'human' procreation.... To lay one's hands on human generations, is to take a major step toward man making himself [into just one more 'thing' or into merely] another of the man-made things."
2901. Indeed, in the same year, the famous Protestant Theologian Rev. Professor Dr. Paul Ramsay of Princeton University asked⁸ a very important question in his 1972 essay *Shall We Reproduce?* Writing in the *Journal of the American Medical Association*, Ramsay then concluded: "I must judge that [human] *IVF* constitutes unethical medical experimentation on possible future human beings, and therefore it is subject to absolute moral prohibition."

1973f: Roe v. Wade and the destruction of Mrs. Del Zio's *IVF* embryo

2902. In 1973, in the epoch-making case *Roe v. Wade*, the U.S. Supreme Court alleged women have a "constitutional right" to receive abortions. This was truly a turning point in the history of the United States and indeed also of Western Civilization. As such, it marks the definite waning of Christian influence and the aggressive triumph of Humanism in the corridors of juridical and political power. From then on, also officially, man was no longer regarded as truly human throughout the major portion of his own gestation.
2903. Understandably and predictably, in the very same year, there was a thwarted American attempt at *IVF* in New York. There, Doris Del Zio had an egg removed from her ovary by one Doctor, and then conveyed to another Medical Practitioner. The latter fertilized it with the husband's sperm. He then put it - or rather 'him' or 'her' (after fertilization) - in an incubator.
2904. The next day, the Hospital Superior (Dr. Vande Wiele) accused the Practitioner of unethical behaviour and medical malpractice - as regards fertilizing the egg and then incubating that new tiny human being. Vande Wiele then caused the incubator to be unsealed - thus killing the young Del Zio.
2905. The parents, Mr. & Mrs. Del Zio, then successfully sued the hospital, and Vande Wiele, for \$50 000. Yet, when that hospital opened its own *IVF* program in 1983 - precisely Vande Wiele was appointed

⁶. *The Hastings' Center Report*, Nov. 1972, citing J. Fletcher's 1972 *Indications of Humanhood*.

⁷. L. Kass: *New Beginnings in Life* (in ed. M. Hamilton's *The New Genetics*, Grand Rapids: Eerdmans, 1972, pp. 53f).

⁸. P. Ramsay: *Shall We Reproduce?* (in the *Journal of the American Medical Association*, June 2nd 1972, p. 1346).

as its Co-Director.

2906. In 1974, Rev. Professor Dr. Ramsay - Presbyterian Theologian of Princeton University - protested in his famous book *Fabricated Man*. Citing Matthew 19:4-6f, he there insisted⁹ that "to put radically asunder what God joined together in parenthood when He made love"; or to "procreate beyond the sphere of love (*AID*, for example, or making human life in a test-tube); or to posit acts of sexual love beyond the sphere of responsible creation (by definition, marriage) - means a refusal of the image of God's creation."

1974f: World Federation of Doctors Who Respect Human Life shield the unborn

2907. Conservatives in the medical profession certainly agreed. Very alarmed by what might otherwise soon come to pass, the World Federation of Doctors Who Respect Human Life was established in 1974. It was to be a pro-life, professional medical group of Doctors wishing to reassert their support for traditional medical ethics.¹⁰
2908. By 1995, it had grown to a membership of some 300 000 doctors in sixty countries. Dr. Jerome Lejeune, the Professor of Fundamental Genetics at the Sorbonne University in Paris (and discoverer of the chromosomal basis of Down's Syndrome in mongoloid babies), composed the declaration which is signed by the Members of that Federation.
2909. *Inter alia*, the declaration states: "Just as medicine is at the service of life when it is failing, so too it should service life from its beginning.... From fertilisation - that is, from the earliest moment of biologic existence - the developing human being is alive, and entirely distinct from the mother who provides nourishment and protection...."
2910. "From fertilisation to old age, it is the same living human being who grows, develops, matures and eventually dies.... When confronted with tragic situations, it is the duty of the Doctor to do everything possible to help both the mother and her child. The deliberate killing of an unborn human to solve social, economic or eugenic problems is directly contradictory to the role of the Doctor."

1974f: steady opposition to the increasing practice of human IVF

2911. This somewhat retarded developments which came later. Yet ominously "Dr. James Watson, the U.S. Nobel Prize Biologist, told a congressional subcommittee that a 'test-tube' baby would be produced - and warned that chaos 'will break loose, politically and morally, all over the World.'"
2912. Opposition to human *IVF* continued to build up, especially in America. Explained Australia's Rev. Missenden: "Fears of where *IVF* might lead, stopped U.S. grants [for human *IVF* research] in 1975."¹¹
2913. Indeed, during that same year 1975 the World Medical Association itself issued its *Declaration of Helsinki*. This states that "concern for the interests of the subject of biomedical research must always prevail over the interests of science and society." It concludes: "In research on man, the interests of science and society should never take precedence over considerations related to the well-being of the subject."

9. P. Ramsay: *Fabricated Man - The Ethics of Genetic Control*, New Haven: Yale University Press, 1974, p. 39.

10. *World Federation of Doctors Who Respect Human Life*, Dr. D. van Gend, Camp Hill, Qld., Australia, 1995.

11. *Art. Insem.*, pp. 117-18.

2914. This has great relevance in *IVF* experiments on human embryos. Any such experimentation must have a therapeutic intent - precisely for the benefit of the embryo concerned, himself or herself, and never an intent destructive to the embryo concerned even if of benefit to some other party.¹²

1976: Dr. Fletcher calls reproduction by *IVF* even more 'human'

2915. Yet, by 1976 - two years before the World's first successful human *IVF* birth - the renowned Professor Dr. Joseph Fletcher (author of the famous book *Situation Ethics*) had described the then-imminent full-term human *IVF* technique as being even more 'human' than reproduction by way of sexual intercourse. "It seems to me," he carefully explained,¹³ "that laboratory reproduction is radically human, compared to conception by ordinary heterosexual intercourse...."
2916. "Laboratory reproduction...is willed, chosen, purposed and controlled.... These are among the traits that distinguish *homo sapiens* from others in the animal genus, from the primates down.
2917. Coital reproduction is, therefore, less human than laboratory reproduction - more fun, to be sure. But, with our separation of babymaking from lovemaking, both become more human - because they are [now] matters of choice and not chance." Thus Fletcher.

1978: the World's first full-term *IVF*-baby born (in England)

2918. It was - observes Rev. R.T. Missenden¹⁴ - in July 1978 that the Englishmen Dr. Patrick Steptoe and Dr. Robert Edwards "presented baby Louise Brown, 'the World's first test-tube baby.'" This was after her "mother had previously been unable to conceive - because her fallopian tubes were irreversibly blocked."
2919. Interestingly, the British Medical Association later started an investigation concerning Dr. Edwards. In September 1982, Dr. Edwards - who runs an infertility clinic with Dr. Steptoe - was attacked. This followed accusations that he had experimented upon live human embryos. Yet in May 1984, also Dr. Edwards himself condemned simultaneous multiple human births from previous multiple embryo implantations.¹⁵

General description of what is involved in the *IVF* technique as such

2920. This is now an appropriate place, very generally, to describe and to critique the *IVF* technique. It involves: extracting one or more eggs from a woman's fallopian tubes; placing it or them in a dish containing a special chemical solution; fertilizing the egg or eggs there, with chemically-treated sperm(s); growing the new human being(s) in the dish till about four days old; and at some or other time then inserting him or her or them into the womb, hopefully there to implant and grow embryonically - until brought forth as a baby or babies some nine months later. (At a later stage - from paragraphs 3305 onward - we shall give fuller details of refinements of this procedure.)

^{12.} Van Gend: *op. cit.*

^{13.} J. Fletcher: *Ethical Aspects of Genetic Controls* (see in T.A. Shannon's *Bioethics*, New York: Paulist Press, 1976, p. 336).

^{14.} *Art. Insem.*, p. 117.

^{15.} *Daily Sun*, Brisbane, Sept. 30th 1982 p. 9; compare *Courier-Mail*, Brisbane, May 7th 1984.

2921. Now the World's first *IVF* baby was born in the United Kingdom, in July 1978. This was quickly followed by a second, in America; and a third, in Australia, in June 1980. Of the World's first sixteen *IVF* babies - all born within the forty-two months following July 1978 - three were born in the United Kingdom (Oldham, Glasgow, and London); one was born in Norfolk Va. U.S.A.); and fully twelve were born in Australia (all of them in Melbourne).
2922. The World's third *IVF* baby was Australia's first, Candice Reed (born in June 1980). The World's next ten *IVF* babies were **all** Australians (from March until July 1981). The next three were born from October through December 1981 (respectively in England, in Australia, and in the U.S.A.).¹⁶

Why not the U.S. but England and specially Australia soon led in *IVF*

2923. The United States leads the World in overall technology. Therefore it might perhaps be wondered why the above-mentioned first American *IVF*-baby was so long in coming. Why was the first American *IVF*-baby of all time, Elizabeth Jordan Carr, not born until December 1981 - while fully three British and indeed no less than twelve Australian *IVF*-babies were all born between June 1978 and November 1981? **Because America had avoided *IVF*!**
2924. It is simply a fact of life that American society is even today considerably more puritanical and less secularized than that of either Britain or Australia. Moreover, it seems that the fears by Doctors especially in America - their fears of having to defend themselves in possible malpractice suits (so prevalent in the U.S.A.) - was a major discouragement to research in the field of prenatal human experimentation within the United States.
2925. Thus, in 1979 the Illinois Legislature made any Doctor who undertakes an *IVF*, the Legal Custodian of the embryo - and himself liable to possible prosecution for child abuse. See *Time*, September 10th 1984 (p. 71). Indeed, especially after the advent in the early 1980s of contemporaneous multiple *in vitro* fertilizations of hyperovulated human eggs and the unwillingness of women and/or their Doctor(s) to have all of these embryos implanted into the womb simultaneously - also the matter of **discrimination** arose.
2926. For if only one or some but not all of her *IVF*-embryos were desired for implantation into the biological mother, a deciding Doctor could be guilty of **discrimination** against all such unimplanted embryos. This would clearly be to the detriment of their legal rights not only as regards the promotion of their life but also of their liberty and the pursuit of their happiness (as guaranteed by the *Declaration of Independence of the U.S.A.*).
2927. 1979 also saw the publication of the Free Congress Research and Education Foundation's American Family Policy Division's *Review of the Report of the Ethics Advisory Board*. That *Review* (which we shall henceforth call 'the 1979 FPD Review'), drew attention to some of the problems of *IVF*. One such relates to the inheritance abilities of unimplanted embryos, and the distributability of inheritances even among implanted embryos after their births (in the event their contemporary siblings were to remain unimplanted as frozen embryos). Indeed, even the mere threat of the word "**discrimination**" easily scared off such experimentation in egalitarian and overlylitigious America.
2928. In addition, especially then - America led the World in medical malpractice suits. Indeed, as Russell Scott wrote in his 1981 book *The Body as Property*: "At the very time of [the World's first *IVF*-baby]

¹⁶. Overduin & Fleming: *op. cit.*, pp. 63f.

Louise Brown's birth [during 1978 at Oldham in England], a damages suit for \$1.5 million was being heard in New York in which a husband and wife were suing a Medical Practitioner...who had destroyed a fertilized egg which one of his colleagues had produced in a culture in 1972 and intended to implant in the wife's uterus.... A Jury gave the husband and wife a verdict for \$50 000....

2929. "The chances of being dragged into litigation certainly gave American researchers reason to proceed with caution. Malpractice suits by test-tube children [or their agents] against their parents and [or and/or] against the Doctors who created them, can be easily imagined"¹⁷ - either right after the post-zygotic nidation or incubation of such offspring, or at some or other later date anytime thereafter.
2930. In July 1978 came the English triumph of Drs. Edwards and Steptoe in (re)producing the World's first viable test-tube baby. However, as Rev. Missenden explains¹⁸ - "the Ethics Advisory Board of the [U.S.] Department of Health, Education and Welfare [*HEW*] then held hearings.
2931. There, Princeton's Protestant [Presbyterian] Moral Theologian Paul Ramsay warned of possible physical and psychological damage to IVF-born children. Bishop Thomas Kelly, General Secretary of the National Conference of Catholic Bishops, urged that the ban be continued.

HEW recommends lifting the ban against IVF procedures in America

2932. However, after several scientists had defended *IVF* - the Ethics Advisory Board of the U.S. Department of Health, Education and Welfare itself recommended [in 1979] that *HEW* lift the ban against *IVF* procedures in the U.S.A., albeit with certain qualifications. There were three qualifications.
2933. (1) "The public must be told of any evidence that *IVF* produces a higher number of abnormal fetuses."
(2) "Embryos would be permitted to be formed from sperm and eggs only of lawfully married couples."
(3) "Experimentation must be done only during the first fourteen days after fertilization, the time required for normal implantation of an embryo in the womb" - although the actual "time required" is in fact only some four days.
2934. These recommendations of the Ethics Advisory Board were presented in a report to the U.S. Government's Department of Health, Education and Welfare. We shall henceforth call that report: the 1979 *EAB Report to HEW*.

The EAB Report to HEW countered by the FCREF's FPD Review

2935. Since the 1979 *EAB Report to HEW*, however, the Free Congress Research and Education Foundation (FCREF), through its Family Policy Division (FPD), itself stated "that the [Ethics Advisory] Board's own case for its conclusions is a logical shambles." Indeed, it even labelled the *EAB Report* as being "ethically incoherent."¹⁹
2936. We ourselves agree. Let us now give some detailed excerpts from the *FPD Review*, as we endeavour to understand what led it to its conclusions. It was written by Professor William H. Marshner. He was the author of a valuable monograph on *Marriage-Annulment-Divorce*, as well as of a whole series of articles on *Metaphysical Personhood and the IUD* (the notoriously abortifacient 'Intra-Uterine Device').

¹⁷. R. Scott: *The Body as Property*, 1981 (in Overduin & Fleming, pp. 69f).

¹⁸. *Art. Insem.*, p. 118.

¹⁹. *Review of the Report of the Ethics Advisory Board*, Washington D.C.: 4 Library Ct. SE, 1979, p. 36.

2937. States the *FPD Review*.²⁰ "Nothing is more fundamental to the survival of our society, than the passing on of human life itself from generation to generation.... The passing-on of life, therefore, is not simply a biological event, but an achievement of civilization and a central goal of social order. Whatever threatens to tear this fabric, to alter the very style in which human life is transmitted, threatens a mutation of society more profound, more incalculable in its bearings, more disquieting in its implications, than any of the political or technological upheavals to which the sonorous name of 'Revolution' has hitherto been granted."
2938. The first publically-known *IVF* experiments with human beings started only in the 1940's. It was only then, states the *FPD Review*,²¹ that, "for the first time, human gametes (or zygotes), utterly disengaged from the persons at their source," could "circulate freely and congregate *in vitro*. Embryos so initiated, can be transferred to the womb of any woman willing or coerced. Famous persons can be paid handsome fees - to put their sperm, or their ova, into circulation.
2939. An ordinary woman, living a dull life in middle America, can begin to ask herself new questions, remarkably independent of her love life or even of her marriage. When she wants a child, shall she go to bed - or shall she go to the lab? Shall she 'know' a man she knows - or shall she conceive by a man she admires? Shall her child spring from a man as ordinary as herself - or from the seed sold at the International All-Star Sperm Bank, a subsidiary of Upjohn?²²
2940. "With such thoughts and plenty of private capital," continues the *FPD Review*, "eugenic crusades heretofore elitist and repressive, can be given a show-business sparkle. Moreover, laboratory embryos can be transferred to the wombs of lesbian women, repealing the law as old as protoplasm which binds maternity to heterosexuality.
2941. "Or, more ominously still, the same technique of embryo transfer can be nationalized and employed solely by government license - to give children to women previously sterilized by government decision. The total control of population can become a government policy."²³
2942. "The conclusions of the *EAB Report* (to *HEW*) of May 4 1979 around which...the present *Review* will be organized, may be summarized as follows...: It is ethically acceptable to undertake RESEARCH involving human *IVF* followed by embryo transfer - provided that the gametes used are obtained from lawfully married couples and the transfer is to the womb of the wife."²⁴

The Anti-*IVF* and anti-*EAB Report* FCREF's *FPD Review* (continued)

2943. Here, states the *FPD Review*, "let us posit a '**best-case scenario**' - setting aside for the moment the question of its practicality. A lawfully married couple is infertile because the wife's fallopian tubes are missing or naturally occluded. Surgical repair of the situation is not possible, given the current medical technology.
2944. "The couple consents to *IVF* and embryo transfer out of a desire for natural offspring. Morally opposed to abortion they are willing to accept even an abnormal child if that is the result of the procedure.

20. *Ib.*, pp. i

21. *Ib.*, p. 11.

22. *Ib.*, p. 11.

23. *Ib.*, pp. ii-iii.

24. *Ib.*, p. 3.

Gametes are harvested from the couple in an entirely moral manner. One and only one ovum is fertilized, successfully cultured, and surgically implanted in the wife's uterus. Hence, there is no embryo wastage. The pregnancy is successfully carried to term."²⁵²⁶²⁷

2945. Yet - declares the *FPD Review* - "there are two lines of argument [even] against the ethical acceptability of this 'best case.'" Hyper-ovulation and multiple *in vitro* fertilization greatly compound the problem. But the harvesting and artificial fertilization of even one egg, is wrong - for two good reasons.
2946. States the *Review*. "The first holds that human *IVF* is an attempt by man to usurp a divine prerogative. God is the Author of life. Turning the making of new human beings into a laboratory technique, is therefore an effort to put man in the place of God.
2947. "The second argument holds that extra-corporal fertilization is intrinsically unnatural and immoral, because it effects an artificial separation between marital intercourse and procreation. On this view, human fertilization ought never to occur - unless it occurs inside the body of the wife as a result of natural and chaste relations."²⁸
2948. However - quite APART from the above principal objections of the *FPD Review* to even the 'BEST-case scenario' of *IVF* - "existing techniques are not sufficiently perfected to assure the success of embryo transfer without many trials and failures." For *IVF* deliberately "exposes the embryo conceived *in vitro* to unfair risks of miscarriage. Early embryos fail to implant or spontaneously miscarry in NORMAL human reproduction at a surprisingly high rate also." But in THAT case, "the decision between successful pregnancy and miscarriage is entirely in nature's hands...(or God's)."²⁹
2949. Continues the *FPD Review*:³⁰ "There are at least four factors intrinsic to the *IVF* technique which increase the risk of abnormal offspring over and above what is expected in conceptions *in vivo*" alias inside the uterus of one who is alive (*viz.* the living mother). As listed in the pro-IVF Ethics Advisory Board Report, "they are these:
2950. "a. Superovulation, sometimes employed prior to *in vitro* fertilization, may be correlated with an increase in the incidence of chromosomal abnormality (trisomy) in embryos" - causing Down's Syndrome. "b. The quality of sperm reaching and fertilizing the ovum *in vitro* may differ from the quality of sperm fertilizing the ovum in the fallopian tube, since the female reproductive tract selects against some types of abnormal sperm. c. The quantity of sperm reaching the ovum simultaneously *in vitro*, may break down the usual block to fertilization by multiple sperm; a polyploid embryo may result. d. The use of freezing techniques to preserve gametes or embryos, may produce mutations. *Federal Register*, Vol. 44, June 19 1979, p. 35044."
2951. Incidentally, even the greatest Pioneer of human embryo transplantation, Dr. Patrick Steptoe himself - the 'test-tube-father' of the World's first *IVF* baby Louise Brown - apparently agrees with the above assessment. Regarding the possibly-increased risk of abnormalities in babies produced specifically

25. *Ib.*, p. 4.

26. *Cf.* Pope Pius XII's 1951 *Address to the Italian Union of Midwives* and his 1956 *Address to the World Congress on Fertility and Sterility*.

27. *FPD Review*, p. 7.

28. *Ib.*, p. 8.

29. Dr. P. Steptoe, as cited in Claudia Wallis's *The New Origins of Life* (in *Time*, September 10th 1984, p. 68).

30. *Ib.*, pp. 8f.

from frozen embryos, Steptoe stated: "We need more research before we know for sure."³¹

The Anti-IVF and anti-EAB Report FCREF's FPD Review (resumed)

2952. From the *EAB* statements cited in the last paragraph but one, as the *FPD Review* observes,³² it can be seen very clearly that even the pro-IVF report given by "the *EAB* admits that in the early pre-implantation [*IVF*] embryo - the statistical incidence of abnormalities arising as a result of these four factors cannot be estimated." Yet the *EAB* also argues - the *FPD Review* further intimates - "that this statistic is less important than it might appear, **thanks to another natural screening mechanism by virtue of which the overwhelming majority of chromosomally-abnormal embryos fail to implant or are spontaneously miscarried.** Thus according to James J. Schlesselman, even if an excess of chromosomally-abnormal embryos were produced by *in vitro* techniques - only a small proportion (less than 10%) would develop to term."³³
2953. However, as the *FPD Review* points out: "**These optimistic projections [of the *EAB*] assume that the natural screen will not be reduced in effectiveness by the medical treatment which accompanies embryo transfer.** Also - the projections hold good only for fairly gross anomalies. As the *EAB* concedes: 'If subtler genetic (as distinguished from chromosomal) abnormalities were to result from *in vitro* techniques, the abnormal embryos might not be affected by the natural screening process described by Schlesselman.' *Federal Register*, Vol. 44, June 19 1979, p. 35044." My emphases - F.N. Lee.
2954. Concludes the *FPD Review* from the above *EAB* admissions: "It cannot be denied, therefore, that by virtue of factors intrinsic to the *in vitro* technique - an INCREASED demand for backup ABORTION is virtually inevitable in clinical applications. Indeed, it is doubtful that clinical use of *IVF* and embryo transfer would be seriously contemplated today, if abortion were not already available for 'corrective' purposes.... *IVF* techniques, in the best practical case, are socially inextricable from backup abortion."³⁴

FPD Review on IVF problems resulting from multiple ovulations

2955. Let us next turn to the implication of the artificially-induced multiple ovulations which are usually (though not necessarily) the processes which immediately precede attempts at *IVF*. For the *FPD Review* there says³⁵ it cannot be "assumed that one and only one ovum will be fertilized at a time. Current experimenters seem to prefer to harvest and fertilize a number of oocytes [or human egg-cells] simultaneously - so that, if a first embryo-transfer attempt fails, another may be tried on the same menstrual cycle.
2956. "This practice raises...the question of the philosophical and moral status of the early human embryo, as it exists after fertilization *in vitro*. In current experimental practice, some such embryos are left over. Is it licit simply to discard them? Is it licit to let them die? Would it be morally acceptable to transfer them to the wombs of other women, despite the legal and social problems of illegitimacy or surrogate motherhood which would thereby arise? Would it be morally acceptable to freeze these embryos and store them, until the original couple is ready for other children?

31. *Federal Register*, Vol. 44, June 19 1979, p. 35044.

32. *FPD Review*, p. 9.

33. *Ib.*, p. 10.

34. *Ib.*, p. 11.

35. *Ib.*, pp. 11f.

2957. "Practical considerations alone serve to dispose of some of these alternatives. Embryo freezing entails an unknown level of risk of congenital damage. Parents of existing children begotten by *IVF* techniques, will certainly prefer to supply fresh gametes for their subsequent children. Transfer of left-over embryos to the wombs of other women is also extremely unlikely.... These women will surely want to receive their own embryos, and not some one else's.... In reality, then, killing and letting die the extra embryos are the only available alternatives, once they have been 'created.' We shall examine the moral acceptability of both subsequently, in a context in which the issue is inescapable.³⁶
2958. "No witness or consultant to the *EAB* denied that early embryos (as entities not only human in origin but also endowed with potential for further human life) deserve to be treated with ethical sensitivity and respect.... If this much and no more is granted, it is already obvious: (a), that letting them die is morally preferable to killing them; and (b), that letting them die is not itself morally acceptable unless there is no alternative.... They need not permit simultaneous fertilization of several ova. The extra ova can be stored, and not fertilized unless needed."³⁷ Note well that the *FPD Review* is here talking about the storage *ex utero* of redundant ova (which are not human beings) - not about the exuterine storage of embryos (who are).

FPD Review* refutes 'natural embryo wastage' as excuse for *IVF

2959. "However," continues the *FPD Review*,³⁸ "there is an argument advanced (by the advocates of *IVF*) to justify the embryo wastage consequent upon multiple fertilizations in the clinical setting. It contends that, through spontaneous failures to implant, nature also 'wastes' many embryos prior to establishing a pregnancy. What the Doctor does, not only in selecting against abnormal embryos *in vitro* but also in selecting among normal embryos *in vitro*, is really no different from what nature does *in vivo* [alias *in utero*] and from what normal married couples accept as an unintended byproduct of their sexual relations.
2960. "This argument" of *IVF*-advocates "fails on three grounds," observes the *FPD Review*. "First, it is unresponsive to the point already made. For, if it were sound, it would at most justify embryo wastage where there is no alternative. But there is an alternative: one-at-a-time fertilization eliminates the very problem whose existence the argument seeks to justify.
2961. "Secondly, the argument overlooks a crucial distinction between the behavior of nature and the behavior of the Doctors playing nature. When embryo losses occur naturally *in vivo* [alias *in utero*], no intentional human act intervenes to the advantage or disadvantage of any of the embryos. The only intentional human act involved at all is intercourse, and the existence of a pre-implantation embryo in implanting is a consequence of intercourse.
2962. "But the success or failure of that embryo in implanting, is not a consequence of intercourse. When embryo losses occur in a clinic, however, as a by-product of *IVF*-procedures, there is an intentional human act - the Doctor's selection, which intervenes to the advantage of one embryo and to the fatal disadvantage of all the others. It is the morality of that act which needs to be established. And since there is no such act in the natural analogy, the Doctor cannot appeal to this analog to justify himself."³⁹

36. *Ib.*, p. 12.

37. *Ib.*, pp. 12f.

38. *Ib.*, p. 13.

39. *Ib.*, p. 14.

2963. "Thirdly, the argument radically falsifies the relation between the Doctor and the embryo[s] in the clinical context. In any wanted pregnancy, the attending Physician has two patients, the mother and the fetus. Normally, this second patient is not [humanly] KNOWN to exist...until implantation has occurred and the indications of pregnancy have begun to appear. But in clinical applications of *IVF*, as a future form of obstetric practice, the second patient IS known to exist from the very beginning [of the fertilization]...on the laboratory table." In multiple-embryo versions of *IVF* - "for the doctor to have 'created' irresponsibly a dozen more patients than he can implant, does not alter the fact that they ARE his patients."⁴⁰
2964. "True," continues the *FPD Review*, "the parents [probably] want [only] one child [at that particular time] - not a dozen. They want [only] one of the dozen. But there is no particular one of the dozen whom they want; any one would do. Hence, no particular one of those embryos is the initiation of an unwanted child. And no particular one enjoys the status of being THE wanted one AGAINST all the others. It is solely the DOCTOR'S [or the parents'] act of selection which introduces this distinction. And this is precisely why the act is unethical. It is a selection among patients to decide WHICH one will continue to be a patient - to the fatal disadvantage of all the others.... For a Doctor deliberately to create a situation in which he has more patients than he can save, is outrageous. But this is exactly what the Doctor does, when he 'creates' more embryos than he can implant, in the clinical application of *IVF*."⁴¹

FCREF's *FPD Review* opposes experimentation in *EAB Report*

2965. Continues the *FPD Review*.⁴² "It is a central tenet of medical ethics, that no procedure may be used on human patients unless the procedure has been sufficiently tested to be proven safe and effective (on animals, and especially on primates). We have not previously addressed this dimension of the ethical problem surrounding *in vitro* fertilization.... It is admitted (even by those who favor them) that *IVF* techniques have not been tested adequately (enough) to justify their general medical use.... Risks to the mother, risks of increased genetic abnormality - conclusions about all of them are based either on speculation, or on animal studies which have NOT even been done on PRIMATES. See the *Federal Register*, Vol. 44, June 18 1979, pp. 35042-35044 & 35056. Suffice it to say that, if *IVF* were a new drug - its licit use would still be years away."
2966. Another conclusion reached by the (pro-*IVF*) 1979 *EAB Report* to HEW was that "it is ethically acceptable to undertake RESEARCH involving human *IVF* [without embryo transfer] which is directed towards overcoming cases of infertility - provided, *inter alia*, that the embryos are not sustained beyond the time when implantation would normally occur in [natural] conception *in vivo* (about 14 days)."⁴³
2967. In passing, it here needs to be observed that the *EAB Report* very inaccurately misrepresented and misextended the actual time of about 4 days (between natural conception and the natural implantation of the blastocyst) - to "about 14 days." This differential of an additional ten days provides much extra time for the *IVF*-Doctors "to undertake RESEARCH" - experimentally - on defenceless little human beings. Indeed, it should also be noted that current Australian practice admittedly⁴⁴ FAR exceeds even the humanistic guidelines foisted on the American people in 1979 by the U.S. Government's own

40. *Ib.*, pp. 15f.

41. *Ib.*, p. 3.

42. See paras.3017f & 3400f.

43. *Op. cit.*, p. 16.

44. *Ib.*, p. 17.

so-called 'Ethics Advisory Board.'

2968. Against this particular conclusion of the pro-*IVF* 1979 *EAB Report*, however, the anti-*IVF* 1979 *FPD Review* observes⁴⁵ that "there are hundreds of differences - some obvious, some subtle - between the fallopian tube and the [*IVF*] laboratory culture as an environment for fertilization. One would like to know exactly what impact each of these differences has on embryonic development. Without that knowledge, *IVF* with embryo transfer is a procedure overshadowed by unmeasured and perhaps unsuspected risks.... Nevertheless, such knowledge ought NOT to be obtained - not because the knowledge as such is evil, but because there is no ETHICAL way of obtaining it. For example: it might be interesting to know what is the most brutal pain a human being can endure, short of losing consciousness. But an EXPERIMENT designed to obtain this information, regardless of the scientific motive, would be a form of TORTURE. It could not be justified MORALLY.
2969. "Part of the experimentation...necessary to confirm or disconfirm...the alleged therapeutic value of *IVF* with embryo transfer, raises no ethical difficulty - namely, the part which involves animals. There is neither a major stream of informed opinion nor a cogent argument, however, to the effect that animal research will suffice [toward human *IVF*]. The [pro-*IVF*] EAB concedes without further ado that laboratory experimentation on human *IVF* without embryo transfer is necessary to secure the desired information.... Such [*IVF*] research will involve the 'creating' and the letting die of human embryos for no other purpose than the acquisition of information. This, and nothing less, is what the EAB has pronounced ethically acceptable."⁴⁶

FPD Review attacks downplaying of embryonic life in EAB Report

2970. Now the *EAB Report*, continues the *FPD Review*,⁴⁷ has declined "to define the value of human embryonic life. No one denies that to carry out experiments on real human beings - experiments which are not for their own benefit but for someone else's; [experiments] which damage them [real human beings] and leave them to die - are not only illegal but grossly immoral, whether or not the subjects give consent.... Can anyone think it follows that what a Scientist does with what is in his laboratory, whether it is human or not, is none of the Government's business? ... In this century of totalitarian abuses, will it be maintained that the laboratory has the protected status of the bedroom? ... It will have to be recognized that neither laboratory privacy nor scientific advancement nor hope of fertility is so fundamental a right or so weighty a value that, over against it, the value of human embryonic life can be left undefined as a negligible quantity.
2971. "Once it is granted that the experiments in question are permissible,⁴⁸ it becomes relevant and sensible to worry about: who should do them; how to keep 'mad scientists' away from them; how to allocate resources to them; and so forth. But ARE they permissible? This question turns on the...definition of human life.... Only if such a definition is sound, does one have a case that the experiments are permissible....
2972. "The [EAB's] claim that human life exists only where there is a capacity for sentient experience, SEEMS to be plausible [at first sight].... Nevertheless, the claim has its difficulties.... Sentient experience can hardly be THE criterion for the presence of human life - since any animal is capable of sentient experience.... The [human] embryo does have a capacity for sentient experience.... Let it

45. *Ib.*, pp. 21 & 23.

46. *Ib.*, pp. 28-30.

47. *Ib.*, p. 35.

48. See paras. 3327 & 3425.

grow long enough," and sooner or later he or she will MANIFEST that capacity which he or she had all along - ever since conception. "How would one go about proving that an embryo is NOT inwardly self-possessed? The claim that 'an embryo is not conscious' becomes an ideological pronouncement, gratuitously affirmed - and (why not?) gratuitously denied" as well. See too paragraphs 3435f above.

2973. "It may be said [by those objectors who favour *IVF*] that new statute law will become appropriate in the near future, in case clinical application of *IVF* and embryo transfer are attempted with donor sperm."⁴⁹ The latter was done, subsequently, in Australia⁵⁰ - and probably elsewhere too. "The objection is sound. However, it is not improbable that many States will outlaw both *AID*...for unmarried persons, and *IVF* with embryo transfer for persons not married to each other. From the point of view of family policy, there is a legitimate government interest in preserving the integrity of family relations and lineages."⁵¹
2974. The *FPD Review* summarizes: "Even if alternative and safer lines of research should prove disappointing, clinical applications of human *in vitro* fertilization and embryo transfer are still not ethically acceptable unless certain conditions are met. These include the avoidance of embryo wastage and the repudiation of backup abortion for eugenic purposes. But the foremost condition which must be met, is that the procedures shall have been proved medically effective and safe.
2975. "At present, this safety cannot be assured, for several reasons, the chief of which is the known risk of a higher incidence of genetic abnormalities in embryos conceived *in vitro*. Neither with the animal nor with human subjects has the preliminary laboratory research been done which would, theoretically, establish the true dimensions of this risk and develop techniques for reducing it. The *EAB Report* admits that its own efforts to downgrade this danger are based on speculation, supplemented only by fragmentary animal research which has not even been done on primates."⁵²
2976. The *FPD Review* concludes: "Since there is no ethical way of obtaining the information which alone would confirm or disconfirm the medical safety of *in vitro* fertilization and embryo transfer, standard medical ethics PRECLUDES continued trials of those procedures as unsafe..... Public funding for them is out of the question...in light of the fact that subtle genetic anomalies affecting cognitive development and many other aspects of physical and psychological health - may not appear until the children conceived *in vitro* are several years old, or even until the next generation."⁵³

Rev. William Randolph's 1979 article *God Is Pro Life*

2977. There is a certain parallel here between the vicissitudes of *IVF* and the (mercifully now discontinued) thalidomide tragedy of the previous generation. We should not allow anyone to conceal this from public scrutiny.
2978. Wrote the American Protestant Rev. William Randolph in his 1979 article *God is Pro Life*: "The pattern of the PHYSICAL reproduction - must be followed.... 'Adam knew Eve his wife, and she conceived' (Genesis 4:1).... The use of the term 'knew' or 'know' for sexual relations...is prominent in the Scriptures....

49. *Ib.*, p. 35.

50. *Ib.*, p. 39.

51. *Ib.*, p. 40(2).

52. W. Randolph's *God is Pro Life*, in 1979 *Journal of Pastoral Practice*, II:3 pp. 19f.

53. Smit: *Cloning*, in *Vocation and Guidelines*, Bloemfontein: Sacum, 1981, p. 7.

2979. "Of course, the artificial insemination of human beings [whether by way of *AID* or *AIH*] does seem to be successfully employed today." So too by way of *IVF*. "Real people who have souls, are produced as a result.... But these phenomena do not negate the mysterious ('knowing') activity of the soul.... The origin of the individual soul, corresponds to the inception of the life of the material nature. Thus, even 'test tube' babies are not an exception."⁵⁴
2980. The previously-mentioned 1979 *HEW* and *FPD* developments in America tended to retard ongoing *IVF*-research in the United States. Consequently, since then, it was Australia's Monash University in Melbourne that moved to the forefront in the field of test-tube baby research.

1980 Queensland Presbyterian Church: Bible shows right to life

2981. As seen earlier above, the first *IVF*-baby 'Down Under' was born in Melbourne during June 1980. Interestingly, this was just one month **after** the General Assembly of the Presbyterian Church of Queensland made a historic pronouncement.
2982. The 1980 General Assembly of the Presbyterian Church in Queensland resolved to "affirm the Biblical teaching of the **Right to Life**, especially as this applies to the **unborn child**.... All life is sacred to God.... Human life is a gift of God **from conception**."

Dr. Smit: technical regression if natural reproduction changed

2983. In 1981, the noted Calvinistic Theologian Dr. J.H. Smit, after discussing "the possibilities created by *in vitro* fertilization," drew the following conclusion:⁵⁵ "Marriage remains **God's framework** for [human] reproduction. More specifically, it **is loving sexual intercourse** between husband and wife **which is the beginning of new life**."
2984. "God made man to be a creature that reproduces. But man's reproduction 'knows' not the confines of a test-tube or a micro-pipette, but the spaciousness of love." In *IVF*, "the child is not conceived in love, but in a test-tube [and/or in a petri dish]. Every child has the right to two parents...who conceived their child in love; who received their child in love; and who lovingly take care of...him or her as a child of the covenant loaned to them by God."
2985. "Sexuality, love and parental instinct are all mutually inter-dependent.... Technological development can indeed progress very far. But it is retrogression, whenever it desires to change the natural manner of reproduction within God's created order. Can one ever expect future generations to develop normally and happily - if this most intimate of all human relationships is depersonalized in this way?"

1981f: Australia leads the World downhill further into *IVF*

2986. Yet sadly, since 1981, especially Australia has gone on to lead the whole World in both artificial multiple ovulation and especially the (always somewhat injurious) freezing of tiny human beings (alias *IVF* embryos) - in order to have the latter readily available, so as to obviate repeatedly unsuccessful operations to gather only one egg per month from the same prospective mother. Many human embryos have now been frozen in liquid nitrogen at the Queen Victoria Medical Centre in Melbourne⁵⁶

54. Paras. 2921f & 3035f.

55. R. Edwards & P. Steptoe: *A Matter of Life*, London, 1981, pp. 83,95,101,103 & 111.

56. See M. Tighe's letter in April 27th 1981's *Age*.

and elsewhere.

2987. These very impressive developments were extremely important for the advance of human *IVF* research internationally. So much is this the case, that it will now be necessary to give a rather detailed account of these happenings - more especially since March 1981.
2988. On April 6th 1981, Monash University's Medical Professor Dr. W.A. William Walters (co-editor of the later pro-*IVF* book *Test-Tube Babies*) denied that genetic engineering may follow the Melbourne human embryo-freezing techniques. For Walters then claimed that "acceptance of the beginning need not necessarily imply embracing the undesirable ends."
2989. Yet on June 5th 1981, the Australian newspaper *Age* claimed that the Monash *IVF* Team's Professor Dr. Carl Wood had referred precisely to "super babies and genetic engineering." Indeed, *Age* then also further claimed that Monash University's Dr. Walters himself had said that soon it would be "possible to launch into space specially-cloned small humans - or frozen embryo hatcheries - to colonise planets.
2990. "Such genetic engineering developments and carbon-copy cloning," added Walters, "could be[come] possible within fifty years." For a further provocative statement by Walters on human *IVF*-embryo space travel followed by their human "ectogenesis" and indeed "on another World" (paragraphs 3628f).

Drs. Edwards & Steptoe's pro-*IVF* 1981 book *A Matter of Life*

2991. Also in 1981, the pioneers of human *IVF* (Drs. Robert Edwards and Patrick Steptoe) published their important book *A Matter of Life*. In view of subsequently denials by certain *IVF*-technicians that human life indeed begins at conception, it is worth remembering that Dr. Edwards - who co-engineered the World's very first successful test-tube baby - disagreed. Although himself later accused (in 1982) of having experimented with human embryos, it is very significant that in 1981 he was still insisting the human *conceptus* is a human being even before nidation four days after conception.
2992. In his account of "the beginnings of human life," Dr. Edwards states⁵⁷ that even before nidation "the embryo is passing through a critical period of life" - in "preparing itself quickly for implantation in the womb." Even in this "pre-implantation stage," explained Dr. Edwards, the *conceptus* is "a microscopic human being."

Wood vs. Edwards & Lejeune: is *conceptus* a human being?

2993. On May 4th 1981, however, Professor Dr. Carl Wood publically disagreed with this. He also disagreed with Professor Dr. Jerome Lejeune (Chairman of the Department of Genetics at the University of Paris, and Discoverer of the cause of Down's Syndrome at human conception itself).⁵⁸
2994. Writing in a letter to the editor of the newspaper *Age*,⁵⁹ Dr. Wood alleged that tubal grafts or transplantations have not yet produced one healthy baby. Therefore, he alleged, such cannot be more

⁵⁷. May 4th 1981.

⁵⁸. See in eds. W. Walters and P. Singer: *Test-Tube Babies. A Guide to Moral Questions, Present Techniques, and Future Possibilities* (Melbourne: Oxford University Press, 1982, pp. 41 & 46f).

⁵⁹. *Minutes of Queen Victoria Medical Centre (7th May 1981) & Press Release (10th May 1981)*, cited in Mason's *op. cit.*, p. 355.

promising as techniques" than is *IVF*.⁶⁰

2995. Wood then conceded the "Roman Catholic teaching [is] that a two-cell embryo, which cannot be seen by the naked eye, is **human** life - and **not** [just] **potential** human life." Wood could have conceded that also very many Eastern Orthodox Christians, Moslems, and Protestants believe that a two-cell human embryo is himself or herself **already a human being** - a **human** being with a vast **potential** for **adult** life later. Needless to say, such Non-Romanists believe this **not** because **also Roman Catholics** think so. Such Non-Romanists so believe - because they discern that the revealed will of God so teaches.
2996. Nevertheless, Wood went on to say: "It is unfair to assume **others** have no proper reverence [for life] because they do not follow **Roman Catholic** teaching." Yet in actual fact, it is "unfair" for Wood quite wrongly to assume Rome believes **only** "Roman Catholic teaching" has a "proper reverence for life." For **Rome** teaches **all men of good will** believe this.
2997. However, the **truth** is that **nobody by nature** has a "proper reverence for life." For all have sinned, and have views tainted by sin. So, then, **all** people that on Earth do dwell (whether Agnostic, Atheist, Buddhist, Catholic, Communist, Confucian, Humanist, Jewish, Hindu, Moslem or Protestant *etc.*) only have a "proper reverence" at all for human life (including that of human embryos) - to the extent they have been exposed, either directly or indirectly to parts or the whole of God's true revelation now stated adequately only in the Holy Bible.
2998. Yet Wood's further statement is correct. We mean his claim in the May 4th 1981 *Age* that one should indeed "accord a different degree of reverence to a two-cell embryo, a foetus, and a newborn baby."
2999. However, it does not at all follow from this that consequently there need be little reverence for the right to life of human embryos. Obviously we should accord a different degree of 'reverence' to our wife than we do to our mother - or to our own one-year-old baby. Yet this hardly implies there would be little real reverence also for the human right to life of our year-old baby, or of our mother. Compare Genesis 2:24 with Exodus 21:15 *etc.*
3000. Wood also wrote on May 4th 1981: "Because there are both failed fertilizations and embryo cleavage, we have previously fertilized as many ripe eggs as are available."⁶¹ Yes indeed, "we" - meaning Dr. Wood and his associates - certainly have!
3001. However, this efficient explanation is not a sufficient justification for what Professor Wood and his *IVF* Team had "previously" done (nor for what they would subsequently do). Nor would even trying to clone five Dr. Einstein's (or for that matter ten Dr. Frankensteins) ever **justify** that procedure - simply because the original Dr. Einstein (or even the original Dr. Frankenstein) might have become an endangered species.
3002. Nor could one take much comfort from the Queen Victoria Medical Centre's 10th May 1981 *Press Release*, denying its approval of "genetic engineering or surrogate motherhood." For right then, any denial of facilities to promote surrogate motherhood could conceivably be construed as a breach of the 1977 Victorian *Equal Opportunity Act* (section 26). Indeed, only a year later, in 1982, the Queen Victoria Medical Centre's Ethics Committee gave its approval even for anonymous embryo adoption.⁶²

60. See para. 3044.

61. See Walters & Singer: *op. cit.*, pp. 44f.

62. September 10th 1984, p. 66.

Dr. Singer: *IUDs* have same effect as destroying frozen embryos

3003. In an issue of *Age* during May 1981, there was an important contribution by Dr. Peter Singer. He is the pro-*IVF* Professor of Philosophy at Monash University - and the Co-Editor of the later pro-*IVF* book *Test-Tube Babies*. Wrote Singer:⁶³
3004. "To destroy a frozen embryo" would "at worst...be an abortion.... A more appropriate parallel would be not with an abortion - which destroys an embryo several weeks along the process of development - but rather with the effects that some *IUDs* have.... These devices often prevent pregnancy not by preventing conception, but rather by preventing the fertilised egg from implanting in the womb. The embryo is thus destroyed at the very earliest stage of its existence, as would be the case if the frozen embryos at the Queen Victoria Medical Centre were to be destroyed.... The *IVF* programme raises significant ethical issues," such as "the possible destruction of...frozen embryos.... *IUDs*...have the same effect."
3005. We ourselves could only agree with Singer here, if we were to **define** 'abortion' as something that could take place only **after** zygote implantation. However, quite apart from the **definition** of abortion, there are also other issues at stake. As Singer himself recognizes - even in the case of *IUDs*, "the embryo is thus **destroyed** at the very earliest stage of its **existence**" - emphasizes ours (N. Lee). Moreover, as Professor Peter Singer rightly adds, "*IUDs*...have the same effect" as "the possible destruction of...frozen embryos" in "the *IVF* programme." This is a huge admission!
3006. However, we also believe Dr. Singer is quite wrong about abortion. For in actual fact, both *IUDs* and the deliberate destruction of unimplanted human *IVF* zygotes are clearly abortive. Indeed, an 'abortion' - declares the *King's English Dictionary* - is the deliberate "act of miscarrying...an immature product of **conception**." Clearly, this is not necessarily post-nidational. For "an 'abortion' - continues the above dictionary - is **anything** which fails to come to maturity."
3007. According to *Time*,⁶⁴ Mr. Richard Barger and his wife Diana were infertile. Diana's fallopian tubes and left ovary were blocked with scar tissue, as a result of using for three years an intra-uterine device (*IUD*). This latter is abortifacient, in that it prevents nidation in the uterus of already-fertilized eggs alias zygotic embryos or tiny human beings.
3008. Reproductive Endocrinologist Martin Quigley of the Cleveland Clinic speaks even of "an epidemic" of infertility in the U.S. In the past twenty years, the incidence of barrenness has tripled. Doctors place much of the blame for the epidemic on liberalized sexual attitudes, which in women have led to an increasing occurrence of genital infection known collectively as pelvic inflammatory disease alias *PID*.

Webster's *Dictionary* implies embryo freezing is abortive

3009. Webster's *New Collegiate Dictionary* most appropriately offers variously definitions. It defines 'abortion': (1) as the deliberate "expulsion of the mammalian fetus prematurely, particularly at **any** time before it is viable"; or (2), as "**any** immature product"; or (3), as "**any** project or action that fails to attain **full** development." In biology, says Webster, (4) to 'abort' is "to become checked in development so as to remain rudimentary."

^{63.} *Op. cit.*, pp. 189f.

^{64.} *Courier-Mail*, 2nd Nov. 1981.

3010. Webster's fourth definition of abortion here above, is right on target as a description of what happens when embryos are artificially frozen. Indeed, we ourselves can hardly think of a more fitting phrase with which to describe the 'freezing' of redundant human *IVF* embryos than Webster's fourth definition of abortion: "checked in development so as to remain rudimentary."
3011. From the July 5th 1981 *Sunday Mail*, one learns the following: "Three-day-old baby embryos are being frozen and stored for use weeks, and possibly years, after fertilisation in test-tubes. Melbourne Doctors, the World Leaders in test-tube-baby research, have been working on the technique for five years" - and thus ever since 1976 (alias two years **before** the delivery of the World's first test-tube baby!
3012. "They are confident of successfully implanting a frozen embryo in an Australian woman within months.... If perfected, the technique will mean a high success rate in test-tube births, the establishment of the World's first 'baby banks' - and would make possible the creation of super children through genetic engineering....
3013. "Dr. Mike Thomas, Chairman of the British Medical Association's Central Ethics Committee, warned...of the dangers of 'production line babies' being [just] around the corner. Dr. Thomas said the prospect of being able to modify embryos before returning them to the womb already existed. Scientists hoped to use the technique to correct faulty genes, but the same technology could be used to make 'people conform to the party line.'"
3014. This recalls Aldous Huxley's *Brave New World* of test-tube babies, as a means of political control. It came **before** the Orwellian year of 1984!

Australian experiments with aborted fetuses admitted in 1981

3015. In the September 13th 1981 *Sunday Telegraph*, it was reported that "scientists in Canberra are to use aborted fetuses in a research program to fight diabetes." So Overduin and Fleming (in their 1982 book *Life in a Test-Tube*)⁶⁵ here asked many important questions. Such include the following:
3016. "Why was the fetus aborted? Who owns the aborted fetus? Who must give (proxy) 'consent' for the use of the fetus? Are only dead aborted fetuses to be used - or also 'surplus' living embryos, fetuses and fetal tissue from the 'test-tube baby' laboratories? Must the research related to a possible cure of diabetes necessarily be carried out on aborted human fetuses or their tissue? Why are the Australian authorities not responding to the advice of the Law Reform Commission, given three years ago - that guidelines were necessary? Which are the bioethical principles used to justify this kind of research?"
3017. On 26th October 1981, Mr. Justice Kirby (Chairman of the Australian Law Reform Commission) called for continuing debate and consideration of laws covering test-tube babies. The very next day, Professor Dr. Carl Wood followed suit, himself calling for an enquiry by the Australian Law Reform Commission. Wood added, however, that a recent poll showed that 77% of Australians were in favour of the *IVF* program.
3018. "Professor Wood," chronicled *The Australian* on October 29th 1981, "illustrated the dilemma by raising the possibility of embryos being left to grow in the laboratory until nervous tissue formed. He said this

⁶⁵. Pg. 8.

tissue may be suitable for transplants into adults suffering from various forms of nervous disorders, including paralysis." Four days later, Dr. Wood was reported even to have stated⁶⁶ that (with the new techniques) an *IVF* frozen human embryo conceived in 1981 might only be "born" four hundred years later in 2381.

3019. In January 27th 1982's *Woman's Day*, an article claimed that there had already been at least one case of *IVF* by donor semen in an Australian hospital. Dr. Wood, in the same article, is stated to have predicted that, by the end of 1982, there would be at least 100 test-tube births worldwide and perhaps one or even two from frozen embryos.⁶⁷
3020. "Our success rate," he explained, "has now gone up to twenty per cent - and with the new freezing technique it should be even higher.... By the way things are going, this method may even turn out to be safer, producing fewer malformations than natural conception. By the end of this year [*viz.* 1982]...we'll be able to say then whether the incidence is the same or better than natural systems."

1982 belated call for public debate on human *IVF* programme

3021. Also early in 1982, Dr. Wood is reported to have called for public debate on the ethics of and on treatment in test-tube baby programmes. He is stated to have said the technique could lead to experiments with human embryos - and, further, to have called upon Governments to legislate against it.⁶⁸
3022. Dr. Wood's early-in-1982 call for public debate on the human *IVF* programme, was very belated. Some five facts make this quite obvious.
3023. First, no such call for public debate was issued before Wood's Monash *IVF* Team (and other *IVF* Teams in other parts of the World) began the test-tube baby programme. Many consider it unconvincing to call for public debate anent a contentious deed - only after the perpetration of that deed.
3024. Second, no moratorium on *IVF* work was called for at Monash (or at many other centres of learning worldwide) - pending the arrangement and outcome of the public debate now belatedly being called for. Such a call for a moratorium, though itself belated, would at least have commended the call for public debate as being genuine in its apparent intention.
3025. Third, even the Monash *IVF* Team's "Ethical Guidelines" appeared belatedly. Moreover, when they did - they developed regulations approving even the freezing and the donation and the womb transfer and the pregnancy termination and the adoption of human *IVF* embryos.
3026. Fourth, certain members of the Monash *IVF* Team were even at the beginning of 1982 already in the process of launching the publication of a popular pro-IVF book titled *Text-Tube Babies*. It was co-edited by Monash's very own Professor Walters; heavily laced with essays from Monash's employees

^{66.} *Daily Sun*, Brisbane, September 30th 1982, p. 9.

^{67.} We say "apparently published soon after May 14th 1982." For the 1982 book *Test-Tube Babies* contains the Melbourne Board of Management of the Queen Victoria Medical Centre's *Ethical Guidelines for Clinicians and Scientists Involved in IVF and ET* (alias 'Embryo Transfer') at that Centre. Those *Guidelines*, according to May 12th 1982 news releases, were to be implemented only after May 13th 1982.

^{68.} See para. 2900.

in its *IVF* programme; and apparently⁶⁹ published soon after May 14th 1982.

3027. Fifth, the Englishman Professor Dr. Robert Snowdon would soon "accuse Australia of buying frozen human embryos from Britain for experiments" - and not just for implantation. This very serious accusation was made on British television during September 1982.
3028. In Britain itself, the Warnock Committee reported that research on embryos up to fourteen days old should be permitted, but use of surrogate mothers should be forbidden. Sir John Peel, former President of the British Medical Association, then warned that society is confronting "the brink of something almost like the atomic bomb."
3029. The five facts mentioned in paragraphs 3023 to 3027 - the timing of the call for public debate; the lack of a call for a moratorium on *IVF*; the approval of the donation and the freezing and the womb-transfer of embryos; the production of the book *Test-Tube Babies*; and the accusation by Dr. Snowdon - each merits deeper examination. This we do, in the following paragraphs.

Wood calls for debate only after he starts his *IVF* programme

3030. First, it must be noted that no call for public debate was ever issued **before** Dr. Wood's Monash *IVF* Team (and other teams in other parts of the World) began their test-tube baby program. The attitude of many if not indeed of most of Monash's *IVF* Team - and, for that matter, of *IVF* teams worldwide - seems to be disclosed in the pro-*IVF* book co-edited by the Monash *IVF* Team's Professor Walters. See paragraphs 3425f below.
3031. As implied in the August 1982 anti-*IVF* book titled *Life in a Test-Tube* (by the Australians Drs. Overduin and Fleming), there seems to be something cynical about first undertaking pro-*IVF* experiments and only later calling for a 'public debate' after public resistance against such programs substantially increases.
3032. Second, no moratorium on *IVF* work had been called for or agreed upon by pro-*IVF* teams (whether at Monash or anywhere else). It had been left only to anti-*IVF* persons and groups - like Chicago Biologist Kass,⁷⁰ Protestant Theologian Ramsay,⁷¹ *DNA* Pioneer Dr. Watson,⁷² the American *FPD Review*,⁷³ and the Australian Catholic Bishops of Victoria (in their August 1982 anti-*IVF* statements)⁷⁴ - to urge cessation of the various *IVF* procedures. The governments of the World should have called for a moratorium (as was *de facto* almost the case in the U.S.⁷⁵ from about 1972 until 1979).

Monash's players were both rule-makers and umpires of their game

3033. Third, the Monash *IVF* Team's *Ethical Guidelines for Clinicians and Scientists Involved in IVF and ET* (alias Embryo Transfer) - were issued by the Board of Management of the Queen Victoria Medical Centre in Melbourne, and were to take effect after May 13th 1982. It would be naive to think the development of these *Guidelines* was uninfluenced by the Monash's own *IVF* Team.

^{69.} *Ib.*, & *cf.* paras. 2901f & 2906 & 3478.

^{70.} Para. 2911.

^{71.} Paras. 2935f.

^{72.} Paras. 3056f.

^{73.} Paras. 2901 & 2923f.

^{74.} Paras. 3026 & n. 67 and 3041 & 3044.

^{75.} May 1st 1982, p. 1287.

3034. Indeed, one should certainly question the propriety of any Medical Centre developing its own guidelines without adequate reference to the medical and the legal and the theological views of the overwhelming majority of experts in the World or even in Australia who are **not** connected with nor economically benefitted by being employed at that Centre. For the rest, however, we shall leave this point to the verdict of future history.

The Monash Team's pro-IVF 1982 book *Test Tube Babies*

3035. Fourth, the appearance (apparently after⁷⁶ May 14th 1982) of the very pro-*IVF* popular book with the title *Test Tube Babies* - authored chiefly by members of the Monash University *IVF* Team, and published by Oxford University Press, dramatized the urgency of dealing with the *IVF* problem in a definitive way. True, the book did 'tokenistically' also feature one or two short essays by low-key writers like Jesuit Professor William Daniel of Melbourne (who nevertheless elsewhere supported *IVF* for childless couples within marriage alone). But the book was edited by two very prominent promoters of *IVF* - Prof. Dr. William Walters and Prof. Dr. Peter Singer.
3036. The book was stacked (and very heavily so) with strongly pro-*IVF* contributions - from the Monash *IVF* Team's employees and sympathizers (like Walters, Singer, Wood, Leeton, Trounson, Kuhse, Rassenby, and others). Indeed, the book as a whole seemed to favour not just *IVF* as such - but also: *AID*; donor sperm for *IVF*; surrogate wombs for human *IVF*-embryos; the freezing in liquid nitrogen of *IVF*-zygotes; the prenatal adopting of human *IVF*-embryos; frozen human embryo space travel; artificial wombs for humans from conception till birth; and (though with some reservations) even attempts to clone and genetically engineer human beings.
3037. Two claims made at the end of the book, sum it up. For on page 130, it is alleged that "**the embryo does not count as a person**" - and "**there is no objection to experimenting on it without consent.**" These claims are astounding. Reading them repeatedly, we can only say: Wow! **Wow!!** **WOW!!!**

Dr. Snowdon: Australia bought human embryos for experiments

3038. The fifth matter - Dr. Snowdon's accusation that Australia bought frozen human embryos from Britain for experimentation - is serious. This news broke in September 1982, at which date below we will consider it.
3039. On May 1st 1982, Dr. P.K. Smith, Professor of Medicine at the University of Melbourne, said in the *British Medical Journal*.⁷⁷ "The medico-legal difficulties surrounding *IVF* are immense. The issues include the risk of deformity or defect, and degree of risk, and the rights of the child to claim compensation.
3040. "Should compensation be considered in the case of *IVF*, when children with hereditary disease have no redress against parents who conceived them in the knowledge of a 50% chance of producing a child with a known defect? If the child conceived *in vitro* cannot claim compensation, should the parents or the researchers bear this burden?"

^{76.} In Walters & Singer: *op. cit.*, pp. 46f.

^{77.} *The Advertiser* and *The Courier-Mail*, May 12th 1982.

3041. Effective May 14th 1982, the Board of Management of Melbourne's Queen Victoria Medical Centre issued *Ethical Guidelines for Clinicians and Scientists Involved in IVF and ET*. The purpose of these *Guidelines* was to help steer all subsequent human *IVFs* undertaken at the Centre. They contain a mixture of various recommendations - some good, but others controversial.
3042. The controversial recommendations - especially the fifth and the seventh - include the following: "As a freezing technique has now been developed to allow the development of the zygote to be temporarily suspended by freezing, it is recommended that this technique be used when the *in vitro* fertilization procedure has produced an excess of normal zygotes and/or the present conditions for implantation are less than optimal.... Should abnormal zygotes be detected, it is recommended that they should be appropriately examined to find out the cause of the abnormality....
3043. "Once the embryo has been implanted, should any foetal abnormality be detected, before any action is taken the parents should be fully informed of the nature of any foetal abnormality so that they can make a decision concerning termination or continuation of the pregnancy."⁷⁸ To be or not to be - to murder or not to murder - **that** is the question!

Fleming says Medical Ethics Committee OKs embryo adoption

3044. In *The Advertiser* of May 12th 1982, the Anglican Rev. Fleming - co-author of the later book *Life in a Test Tube* - stated that the above-mentioned Queen Victoria Medical Centre Ethics Committee's *Guidelines*, now proposed to allow the 'adoption' of embryos. Fleming alleged the Committee had given approval for that procedure to take effect after May 13th 1982.
3045. Significantly, Rev. Fleming's claim seems to have been corroborated by the Monash *IVF* Team's Professor Carl Wood himself. For, on that very same day (May 12th 1982), Wood was reported⁷⁹ to have told the Australia and New Zealand Association for the Advancement of Science that the Queen Victoria Hospital Ethics Committee had given the go-ahead for embryo adoption, provided done anonymously. "More than 300 couples taking part in the *in vitro* fertilisation (*IVF*) program," explained Wood, "had expressed a willingness to accept a donated embryo.... In addition, sisters and friends of infertile couples have spoken of their wish to donate an embryo."
3046. By mid-1982, the Australian Council of Attorneys-General, in consultation with the Federal and States' Health Ministers, was conducting a detailed investigation of the legal and ethical aspects of *IVF*.⁸⁰ According to the Queensland Welfare Services Minister Terry White, this would even involve "an attempt to resolve the theological...issues involved."⁸¹
3047. This sounded most encouraging. However, the present writer - as a Lawyer and as an Ethicist and also as a Theologian - then thought (and still thinks) there was and is only one way to resolve the legal and ethical and theological issues involved. Certainly the resolution needed and needs to start with a moratorium - if not with a ban - on all *IVF* procedures.
3048. So, during June 1982 in Brisbane, Queensland Presbyterian Ethics Professor Dr. Nigel Lee conveyed his theological disapproval of *IVF* to the Queensland Fertility Group's Leader (Dr. John Hennessey). The two also disagreed about Dr. Lee's characterization of abortion as "murder" (except where a

⁷⁸. *Courier-Mail*, June 3rd 1982.

⁷⁹. *Ib.*, around June 4th (commenting on the June 3rd 1982 art. mentioned at n. 78).

⁸⁰. Adelaide, Australia: Lutheran Pub. House.

⁸¹. *Op. cit.*, pp. 221f.

pregnant mother is dying). Yet that position was upheld by the Queensland Presbyterian Church's Public Questions Committee in March 1983 - and by its Queensland State Assembly in May 1983.

Overduin & Fleming's 1982 book *Life in a Test Tube*

3049. In August 1982, the Australians Dr. Overduin and Rev. Fleming published⁸² their anti-*IVF* book *Life in a Test Tube* - subtitled *Medical and Ethical Issues Facing Society Today*. This is an excellent study - dealing even with abortion, surrogate wombs and cloning *etc.* It gives detailed descriptions of *AID* and *IVF* procedures - and it takes a conservative view against them.
3050. Is there any long-term alternative to *IVF*, for that tiny segment of infertile couples who desire their own children and who possibly could be helped by *IVF*? Yes. As Overduin and Fleming point out,⁸³ there should be "further development of microsurgery techniques to mend damaged fallopian tubes. One wonders why this technique is not more vigorously pursued."
3051. We find ourselves in agreement with Overduin and Fleming also at the end of their book, where they refuted the abortive argument 'that embryos are lost naturally anyway.' Rightly did they reply:⁸⁴ "No one really knows how many embryos are lost naturally. In any case, death by human hands cannot be justified simply because death occurs naturally. To do that, would be to justify homicide...."
3052. "Further, such *IVF*-embryos are not being 'sacrificed' to save another person's life. Rather, it is the sacrifice of many [persons' lives], in the hope of one [person's] pregnancy.... Most *IVF* programs require the woman to have an amniocentesis if she becomes pregnant. They then [move on to] abort any 'defective' child.... *IVF* supplants natural sexual intercourse with laboratory fertilization. So does *AID* [and *AIH*]. Neither method cures infertility. The methods bypass it...."
3053. "To see *IVF* as aiding and abetting nature, is to fail to see it in its total context. Once the complete separation of the unitive and generative aspects of intercourse is accepted; once conception is seen as distinct from sexual intercourse, and the wastage of human embryos seen as ethically acceptable - there is no final objecting to surrogate motherhood, cloning, or the complete gestation of the fetus in an artificial womb. This ought to be clearly understood.
3054. "The *IVF* process, like the *AIH* process begun by using sperm and eggs of a married couple, is now being developed so that unwanted frozen embryos can be implanted in the womb of an 'adopting' parent. Once the process is accepted, what basis is there for objecting to these new 'adoptions'? And if the human embryo and fetus are not to be regarded as human persons, what objection can there be to using them for experimental purposes? Indeed, how can an objection be raised to the complete gestation of a child outside of the womb - if conception has nothing necessarily to do with the sexual relationship between husband and wife?"
3055. Overduin and Fleming then conclude: "Artificial insemination began by using husband's sperm only. *AIH* is now virtually abandoned in favour of the more 'effective' method of *AID*. Likewise, *IVF* began with husband and wife, but has now been made available to couples who cannot produce their own child - by the adoption of someone else's leftover frozen embryo. Since the frozen embryos are 'parentless' - what becomes of those that remain? They are used for human experimentation, with the

82. *Ib.*, pp. 220f.

83. *News Weekly*, Australia, Sept. 1st 1982, p. 21.

84. *Courier-Mail*, Sept. 28, 1982.

possibility of them being grown artificially so that a scientist may use their organs for other purposes."

1982 anti-IVF statement by Roman Catholic Bishops of Victoria

3056. On September 1st 1982, *News Weekly* printed a statement issued by the Roman Catholic Bishops of Victoria - strongly condemning human IVFs. It was signed by Archbishop Little, and declared:⁸⁵ "No process is morally or socially acceptable - or condonable by the law - which involves destroying, discarding or 'freezing' human embryos, using them as objects of experimentation, or using them as therapeutic resource material. Out of the mouth of one of the World's first successful pair of IVF Practitioners [*viz.* Dr. Robert Edwards in 1981], we have the statement that the zygote is 'a microscopic human being.'" See paragraphs 2991f.
3057. "If it is the law's business to protect anything," continues the statement of the Victorian Bishops, "it is to protect human beings - of all colours, shapes, sizes, and stages of development or decline. For the law to acquiesce in the destruction, the abruption of normal development, or the 'use' of this or any sort of human individual, would be for it to take a giant stride in the direction of the attitude: 'Some human beings are not worth keeping.'
3058. "Quite apart from such treatment of human zygotes not implanted in the mother's womb, what of the long-term relationship between the parents and the child so atypically conceived? That relationship is crucial for the long-term emotional and psychological health of a child. And what of the relationship between husband and wife? Who can say, *a priori*, that it is irrelevant to that relationship and to that transformation of it - whether their child was conceived *in utero*, or in a petri dish?
3059. "In pursuit of the admirable end of helping an infertile couple to conceive and have their baby, IVF intervenes in their supreme expression of mutual love. It separates 'babymaking' from 'lovemaking'.... It must be tiresome for serious Practitioners of IVF, when lay persons make alarming predictions of what one journalist called 'the *Brave New World* scenario.' On the other hand, it would be unrealistic to ignore the extensions of the process foreseen as perfectly possible by well-informed and sober experts."
3060. H. Slattery is the author of the important work *The Beginning of Human Life: A Scientific Approach*. On September 9th 1982, that author reminded the Victorian Right to Life Convention that even "according to Lopata *et al.*, in Melbourne so far no pregnancy has developed following transfer of a freeze-thaw embryo."⁸⁶ That, however, would soon occur.

Leeton's reply to Snowdon's charge of Australian experiments

3061. Indeed, on September 28th 1982 Exeter University's Professor Dr. Robert Snowdon - on a British television programme - was moved to "accuse Australia of buying frozen human embryos from Britain for experiments" Dr. Snowdon's remarks stunned the British Medical Association - itself then in the throes of pursuing its concerned investigations anent the test-tube work of the IVF-Pioneer Dr. Robert Edwards. The latter had just been attacked - following accusations that he had used human embryos in his experiments.
3062. The British Solicitor-General Sir William Blackstone had prided himself in 1765 that Britain had never

^{85.} *Daily Sun*, Brisbane, Sept. 30, 1982, p. 9 (emphasis by F.N. Lee).

^{86.} Paras. 2989f.

known slavery. Yet here was a modern Briton Dr. Snowdon alleging that some of his own cruel countrymen had been selling their fellow-Britons into servitude and transporting them to Australia for the rest of their natural[?] lives, not just in 1788 but also in 1982.

3063. During World War II in 1942, Britons proudly sang their song: 'Rule Britannia! Britannia rules the waves - and Britons never, never, never shall be slaves!' Yet in 1982, here was Dr. Snowdon suggesting that Britannia (having ceased to rule the waves) now waives the rules - and that tiny Britons were being sold into servitude to brutal butchers 'Down Under.'
3064. Dr. Snowdon's remarks elicited both a denial and an admission from a leading Australian *IVF* Practitioner. For Dr. John Leeton, Professor of Obstetrics and Gynaecology at Victoria's Monash University - himself an Associate in Australia's major research project anent test-tube babies - stated on September 29th 1982: "On no account have we used human embryos for experimental purposes." Dr. Leeton - then **neither affirming nor denying the alleged Australian purchase of British frozen human embryos** - did admit: "We have been using two-or-three day-old embryos for some eighteen months in [our] *in vitro* fertilisation research."⁸⁷
3065. In other words, Leeton admitted in September 1982 that Monash had been using human embryos in its *IVF* research ever since about April 1981. It will be recalled it was just after that, *viz.* around June 1981, that the Monash *IVF* Team's Professor Wood had spoken about "super babies and genetic engineering." That was also the very time the Monash *IVF* Team's Professor Walters referred to the possibility of launching "into space specially-cloned small humans, or frozen embryo hatcheries, to colonise planets."⁸⁸

1982 technique: human *in vitro* fertilization and embryo transfer

3066. At that time (September 1982), the technique of *IVF*, almost from its first successful employment onward, involved the following factors. By and large, it still does - though today with some streamlined features.
3067. First - although this is not essential for the technique - the woman egg-donor-to-be, before the artificial extraction of her egg(s), was and is usually given a drug to induce abnormal multiple ovulation. This is done, so that multiple zygotes can be harvested from those eggs - during the later 'test-tube stage.'
3068. Second, the woman egg-donor-to-be was and is hospitalized. This needs to occur just before her next ovulation.
3069. Third, a telescope-like instrument called a 'laparoscope' was inserted surgically through the woman's navel during an operation - though today there is a better procedure. Thereby, her ripe egg was - and is - extracted from her body.
3070. Fourth - in the case of a drug-induced multiple ovulation - several or all of her ripe eggs were and still are extracted from her body. This is generally four or five but possibly up to ten or more in number. Of all those hyperovulated eggs, only a small minority ever get fertilized.
3071. Fifth, the extracted egg, when ready for the attempt at fertilization, was and still is placed into a 'test-

^{87.} Thus Overduin & Flemming: *op. cit.*, p. 63.

^{88.} Paras. 3452f.

tube' (or rather into a 'petri dish'). This contains "a combination of hundreds of chemicals."⁸⁹

3072. Sixth, the masturbated sperm - whether that of the woman's own husband, or whether that of some other male (or males) - is treated with chemicals, and screened. It is then artificially impinged into the woman's egg-cell inside of the petri dish.
3073. Seventh - in the event of attempts at multiple fertilizations - the sperm is artificially impinged into several petri dishes. Each such dish contains at least one egg.
3074. Eighth - where multiple *IVF*s are desired - their implantations may be attempted either simultaneously or successively. The latter occurs some time after 'freezing' excess living embryos - if and when the attempt to nidate the previously-implanted embryo(s) is observed not to have succeeded.
3075. Ninth - where the impingement by the sperm successfully fertilizes the egg *in vitro* - four or five days later, at the blastocyst stage, the living zygote is transferred artificially to the womb of a woman. She may, or may not, have been the donor of the egg concerned.
3076. Tenth, if multiple *IVF*-zygotes were successfully produced, one (or more) of the several zygotes is or are selected - and then transferred to a woman's womb. This may be done either then or later - and again, this may also be done to the womb(s) of more than one woman.
3077. Eleventh, in such latter cases, at least one of the women could certainly not have been the egg-donor - unless perhaps an egg scrambled within a previously-mixed "egg-cocktail" of several eggs thereafter itself got 'unscrambled' again, and then also got fertilized and 'accidentally' got back into the true mother's womb. See paragraphs 3389f.
3078. Twelfth, after zygote-transfer to the womb(s), implantation may subsequently occur. If it does, the woman/women become(s) pregnant.
3079. Last, the redundant *IVF*-zygotes, if any - those 'leftover' tiny human beings not (yet) transferred into any womb - are either: left to die; used for purposes of experimental research (then or later); destroyed; thrown away; flushed down the toilet; or subjected to deep-freeze in liquid nitrogen or some similar substance for an unspecified length of time, and possibly for the whole duration of World History. Here, it is finally not the parents but rather the (un)ethical predilection of the *IVF*-Experimenter(s) which - humanly speaking - determines the fate of the surplus zygote(s).
3080. The above *IVF*-techniques indeed need to be subjected searchingly to an ethical, theological and legal critique. Yet even before that, it needs to be understood at the very outset that these complicated and dangerous and problem-ridden procedures are also of very limited usefulness.

Five huge limitations of the entire *IVF* programme

3081. First, the success rate of *IVF* has been exaggerated very much. In actual fact, it succeeds between only 10% and 20% of the times attempted. Advocates of *IVF*, however, here reply that this presents little more of a problem than does the fact that 60-70% of all **naturally**-conceived zygotes (or embryos or fetuses) miscarry and hence also die - even during the first three months of most regular pregnancies. This argument has already been canvassed somewhat in paragraphs 2948f and 2959f,

⁸⁹. *Women's Day*, January 27 1982, p. 7.

and we will refute it at greater length later below.⁹⁰

3082. Second, the use of the *IVF* technique is severely limited. Its purpose first seemed to be, and still is, for trying to zygotize eggs from that very small minority of human females with damaged fallopian tubes.
3083. Third, the *IVF* procedure is frustrating and even hazardous to the woman or women concerned. Those concerned "go through so much," remarks⁹¹ Sister Jillian Wood, the Co-ordinator of the *IVF* Programme at Monash's Department of Obstetrics and Gynaecology in the Queen Victoria Medical Centre.
3084. Fourth, "patients have to come to terms with the risk of failure." Some patients has been unsuccessful at *IVF* repeatedly, for years.⁹²
3085. Fifth, *IVF* is not only technically unfeasible in trying to give relief to by far the greater percentage of childless couples who might desire to procreate. It is also very expensive, costing around \$2000 per procedure (even when partly subsidized by other taxpayers *via* spendthrift governments).

***IVF* experiments with thawed human embryos during 1982 and 1983**

3086. Before dealing with ethical and moral objections to *IVF*, it is proposed first to trace its further history from the point previously reached earlier above (*viz.* September 1982) until the present time of writing these words (*viz.* December 1995). Simply by relating that history, many of the ethical and moral objections will readily suggest themselves. We start by relating relevant *IVF* developments - and especially experiments with thawed human embryos - from September 1982 until and including December 1983.
3087. In 1982, Pope John Paul II stated: "The practice of keeping alive human embryos *in vivo* or *in vitro* for experimental or commercial purposes is totally opposed to human dignity.... I condemn in the most explicit...way experimental manipulations of the human embryo - since the human being from conception to death cannot be exploited for any purpose whatsoever."
3088. Meantime, in Melbourne, the Queen Victoria Medical Centre Ethics Committee approved of anonymous embryo adoption. Then, in January 1983 - after thirteen previously-failed attempts - Melbourne thawed out and successfully implanted the World's first frozen human test-tube embryo. Indeed, the very next month, in February 1983 Melbourne successfully implanted the World's first human embryo from a donated sperm and a donated egg.
3089. Also in February 1983, the Demack Committee was appointed in Brisbane to investigate possible 1984 law changes within Queensland regarding *AID* and *IVF*. On March 8th the Public Questions Committee of the Presbyterian Church of Queensland approved its *Report* for the Queensland General Assembly. The *Report* condemned "any human attempt to abort" - as "murder in the sight of God wherever such attempt results in the death of a fertilized human ovum." It also condemned it as "attempted murder - in those cases where the foetus unexpectedly survives." Then, on March 14th, the Queensland Presbyterian Professor of Ethics Dr. Lee - himself then a member of the Public Questions Committee - sent the Demack Committee material on abortion and *IVF*.

^{90.} See I. Bainbridge's *In Vitro*. Note the cases of the Popelas (four) and Mrs. Junior Davis (seven) unsuccessful attempts.

^{91.} *Courier-Mail*, July 18th 1983.

^{92.} *Ib.*, September 6th 1983.

3090. On April 23rd 1983, in England, the World's first (unexpected) Coloured *AID-IVF* baby was born to a White woman. This angered the White couple, which had requested an *AID-IVF*. Then on April 27th, the German High Court ruled that a nine-month fetus is not a person.
3091. On May 2nd 1983, in Melbourne, the World's first ongoing pregnancy from a frozen embryo was announced. Yet on May 10th - also in Melbourne - the World's very first implanted embryo from a donated sperm and a donated egg miscarried at ten weeks. Nevertheless, Monash's Professor Short then said it was possible for a *conceptus* [by way of a new technique known as 'flushing'] to be removed from a human mother before implantation - and then to be implanted into another woman. Such an "early-adoption" delivery was expected in the U.S. later in 1983, and could become common practice. Monash University's Professor Dr. Leeton agreed that this would be easier and cheaper than *IVF*.
3092. On May 12th 1983, the General Assembly of the Presbyterian Church of Queensland condemned *AID*. In the same month, the General Assembly of the Presbyterian Church of New South Wales requested the limitation of *IVF* to married couples and indeed only by way of one-embryo-at-a-time - and urged legislation forbidding embryo-freezing.
3093. On July 16th 1983, in Adelaide, the World's first test-tube triplets were born. Then on July 16th, in Melbourne, the World's first human pregnancy with a previously-frozen thawed-out embryo **miscarried** after 24 weeks. Nevertheless, on July 17th, Melbourne made another Australian frozen embryo implantation attempt - even though Monash *IVF* Team's Professor Wood then admitted: "It hasn't a great chance of success, because the techniques are still new."⁹³ Of course, this raises the whole question as to whether such procedures could perhaps not be described - as **experimental**.
3094. On September 6th 1983, fresh legislation was announced in New South Wales whereby *AID*-children would be regarded as the "legal" seed of a consenting husband. Indeed, also *IVF*-children would thenceforth be the "legal" heirs even of unmarried couples - also if the sperm (but not the egg) was donated.⁹⁴
3095. On September 7th 1983, Dr. Hennessey (Head of the Brisbane *IVF* Team) announced that six Queensland women were three months pregnant with implanted *IVF*-embryos. Indeed, on October 26th, in Canberra, the National Health and Medical Research Council said it was in order also to **experiment** on dying human fetuses not yet dead.⁹⁵
3096. On December 13th 1983, in Melbourne - despite much opposition - the Victorian Government gave the go-ahead to all forms of *IVF* allowing *IVF*-babies from donated sperms and eggs to be implanted even into unmarried alien women, and to become their "legal" children. However, in *The Australian* for December 15th, Dr. Tonti-Filippini of St. Vincent's Hospital then immediately pointed out that less than 10% of *IVF* procedures produce successful pregnancy - and that *IVF* is expensive socially, psychologically and financially (costing about \$2000 per procedure).

Huxley's *Brave New World* of IVF in Orwell's year of 1984

^{93.} *The Australian*, October 27th 1983.

^{94.} *Courier-Mail* Jan. 17th 1984.

^{95.} *News Weekly*, Feb. 8th 1984.

3097. George Orwell's ominous year of 1984 saw more *IVF* breakthroughs than ever before - or since. On January 6th, in Melbourne, the World's first test-tube quadruplets were born.
3098. That was almost immediately followed there, by the World's first human **transplant** birth . This was the first baby ever born to a mother implanted with an embryo formed by her husband's sperm impinged into an egg donated by another woman alias an alien outside of that marriage. Exited, Monash University's Dr. Trounson then said it was now possible to make even elderly grandmothers pregnant.⁹⁶
3099. On January 30th, in Canberra, Professor Bede Morris of Curtin Medical School at the Australian National University issued a statement. He said:⁹⁷ "It will be possible for a woman to produce on one particular day a litter of say ten embryos...[to be] transplanted into a recipient human womb."
3100. On February 26th 1984, Australia's third set of test-tube triplets were born. Just two days later,⁹⁸ the Head of Perth's *IVF* Team (Dr. Yovitch) reportedly said **experimentation on human test-tube embryos before implantation should be permitted**. Microscopic examination assessing embryo quality involves **sacrificing the embryo**. The ethical and legal framework would be established - so as to be able to experiment on live human embryos.
3101. So, does murderous Molech rides again? That pagan devil-god required its devotees to sacrifice their own offspring to it. But Jehovah says: "you shall not let any of your seed pass through the fire to Molech!" Therefore: "Whosoever...gives any of his offspring to Molech - he shall surely be put to death!" Leviticus 18:21 & 20:2f. See too First Kings 11:3-7; Second Kings 23:10; Jeremiah 32:35; Matthew 2:2-20; Amos 5:26; Acts 7:19 & 7:43.

1984 Queensland Presbyterian Public Questions Committee opposes *IVF*

3102. On March 5th 1984, test-tube twins were born in Sydney to a previously-sterilized woman.⁹⁹ During the same month, Dr. Nigel Lee's 1984 *Report on Human Reproduction* - condemning *IVF* outright - was approved unanimously by the Public Questions Committee of the Presbyterian Church of Queensland. It was then ordered to be transmitted to the State Assembly of the Presbyterian Church of Queensland, for its consideration.
3103. On March 17th 1984, Queensland's first two test-tube babies were born - *viz.* as twins. The Brisbane *IVF* Team's Head - Dr. Hennessey - said eighteen more pregnancies were underway, and that four hundred "sub-fertile" couples were on the waiting list.¹⁰⁰

March 1984: World's first thawed-out frozen-embryo baby born

3104. On March 28th 1984, in Melbourne, the world's first frozen-embryo baby (little Miss Zoe Leyland) was born from a thawed-out previously-frozen human embryo. Her mother, who by hormonal stimulation simultaneously produced eleven eggs (one of which became Zoe), later said: "I felt like a pumpkin ready to burst."¹⁰¹ As Victoria's Premier Cain warned at the time of the birth: "The *Brave New World*

96. *The Australian*, Feb. 28th 1984.

97. *Courier-Mail*, Mar. 8th 1984.

98. *Ib.*, Mar. 19th 1984.

99. *Time*, Sept. 10th 1984.

100. *Courier-Mail*, Apr. 12th 1984

101. *Courier-Mail*, Apr. 12th 1984.

[of Aldous Huxley] is now upon us."¹⁰²

3105. In April 1984, a new bill was proposed in Victoria's Parliament: to legalize the freezing of human embryos, and of laboratory experiments upon them; to dispossess children from "donated" sperms and eggs of their genetic parents; and to offer even donated sperms and eggs through *AID* and *IVF* also to unmarried couples. Victoria's Attorney-General Kennan then said the Bill was a "model for all Australian jurisdictions." Thus *News Weekly* for April 11th (and the *Courier-Mail* for June 19th).
3106. Also in April, theologically opposing *IVF*, the Queensland Presbyterian Professor of Ethics (Rev. Dr. Francis Nigel Lee) first telephoned and then wrote to the State Premier Sir Joh Bjelke-Petersen. Lee urged the Premier: "Accept God's providence in childless marriages, but don't play God" with the test-tube baby programme! Yet on April 2nd, the Queensland Cabinet went ahead anyway - and adopted the *Demack Report*.
3107. That, while discouraging prostitutional rent-a-wombs and the creating of embryos for experimentation - still allowed for *AID* by consent, and also for *IVF* even from donated sperm and eggs. It even recommended stable unmarried *de facto* couples be permitted to adopt children, so as to become their legal parents. On the other hand, mercifully, it never recommended the freezing of human embryos - and still less did it recommend the 'legalization' of that demeaning and injurious practice.
3108. On April 12th, there was discussion of the Melbourne facility for the freezing of embryos. Anglican Rev. Dr. Morgan was then reported¹⁰³ to have said: "We are pleased it has been established...because it reduces wastage of fertilized embryos. The problem is...whether they should be implanted in the body of anyone other than the woman from whom the ovum came initially." Commented St. Luke's Medical Guild's Dr. David O'Sullivan: "No one knows the risks to the baby being born from the frozen embryo.... It is an unacceptable experiment on human life."
3109. The very next day, the famous Test-Tube-Baby Pioneer Dr. Patrick Steptoe reportedly¹⁰⁴ said we would soon be able to tell the gender of *IVF*-embryos before implantation. This could then "eliminate some of the sex-linked diseases." It could, of course, then also be used to eliminate the implantation of some of the embryos of unwanted sex. Yet it is to be hoped *IVF* would never be used to liquidate such human beings of undesired gender.

1984f: Vatican condemns and Uniting Church OKs embryo freezing

3110. On April 14th 1984, the Vatican condemned¹⁰⁵ *IVF*-masturbation and embryo-freezing. On April 23rd, however, the South Australian Government approved the freezing of human embryos for purposes of birth, and for prenatal use or storage for up to ten years after such freezing - but banned their use for experimentation or surrogacy.¹⁰⁶
3111. On May 1st 1984, according to the *Courier-Mail*, the Uniting Church of Australia's President (Rev. Professor R.A. Busch) opened the new Wesley Hospital Headquarters for the Queensland *IVF* Team. He is reported to have said that their frozen fertilized eggs could be used during the life-time of the

^{102.} *The Telegraph*, Apr. 13th 1984.

^{103.} *Ib.*, Apr. 18th 1984.

^{104.} *Courier-Mail*, Apr. 23rd & 24th 1984.

^{105.} *Ib.*, May 3rd 1984.

^{106.} *Ib.*, May 8th 1984.

married couple.¹⁰⁷

3112. On May 8th 1984, it was reported¹⁰⁸ that the World's second test-tube quadruplets had been born in London from a sterilized woman (previously married three times). Earlier, she had produced four other children already - by way of normal pregnancies.
3113. Each of the unidentical quadruplets was grown by Britain's Dr. Robert Winston from one of six test-tube embryos fertilized by sperm from the then-unmarried woman's unmarried boyfriend. Alarmed by what he only then started calling this "Brave New World of Test-Tube Babies" - even the famous Pioneer of human *IVF*, Dr. Robert Edwards himself (the Co-Producer of the World's very first test-tube baby) now promptly condemned these simultaneous multiple human births from previous multiple-embryo implantations.
3114. On May 15th 1984, the Queensland State Assembly of the Presbyterian Church received its Public Questions Committee's *1984 Report on Human Reproduction*¹⁰⁹ - written by Dr. Lee, and condemning *IVF* in all cases - but neither approved nor rejected it. By 1995, however - after the PCQ's *1992 Report* alleged the use of *AID* and the destruction of frozen embryos even by the Queensland Fertility Group - the QSA would begin to see the implications of what had been happening during the previous decade, even as Dr. Lee had warned in 1983 and 1984.
3115. The very next day, on May 16th 1984 Eva Learner of Victorian *IVF* Enquiry Team proclaimed: "If you have a million or ten million frozen embryos tucked away in a bomb-proof basement, you need no longer fear that by starting an all-out nuclear war you will exterminate the human race."¹¹⁰ Professor Wood then added¹¹¹ that twenty-five test-tube babies surveyed, showed they were more intelligent and superior in many ways to natural babies.
3116. Two days later, on May 18th 1984, in Brisbane, Veterinary Anatomy Professor Tim Glover said a World of genetically-bred super-athletes was on the way. "Even if there was a law against scientists doing these things, all you would do is slow the process.... Anything is possible.... Maybe eventually society will come to think nothing of it."¹¹²

May 1984: the beginning of the feminist reaction to *IVF*

3117. On May 19th 1984, the humanistic feminist Dr. Robyn Rowland resigned as Director of the Queen Victoria Infertility Clinic in Melbourne. She then said: "The state is actively creating babies.... Some developments are morally reprehensible" and "a means of radically manipulating human beings to satisfy someone else's arbitrary requirements...."
3118. "No notice has been taken of the fact that 95% of the new human beings created in the program die soon after fertilization.... Experimentation has been a key part of the program. Embryos had been deliberately developed *in vitro*, for experiments beyond the point where they could successfully be

^{107.} 1984 *Queensland State Assembly White Book* pp. 110 & *Blue Book* (Assembly Paper No. 16), Brisbane: Presbyterian Church of Queensland Church Offices, 1984.

^{108.} *Courier-Mail*, May 17th 1984.

^{109.} *Ib.*, May 18th 1984.

^{110.} *Id.*

^{111.} *News Weekly*, May 30th 1984

^{112.} *Courier-Mail*, June 8th & Aug. 6th 1984.

implanted.... It was impossible to expect self-restraint from the experimenters."¹¹³

3119. In June 1984, Melbourne *IVF*-scientists announced transsexual men could achieve pregnancy in their own abdomens by implanting test-tube babies there. Thereupon Sydney transvestite Phillip McKernan was reported to have announced he would like to settle down with a man and have a baby.¹¹⁴
3120. Also in June 1984 the World's first two "flushed" egg-donated babies were born, in the U.S.A. With this new non-surgical "flushing" technique of Dr. John Buster, the surrogate egg-donor is inseminated with sperm from the husband of another woman who cannot conceive but who can gestate a child.
3121. If fertilization follows, the embryo is "flushed out" of the egg-donor painlessly, and then implanted into the womb of the man's wife. Yet if such "lavage" fails the surrogate egg-donor faces an unwanted pregnancy.¹¹⁵

June 1984 Rios case: what to do with orphaned frozen embryos

3122. On June 18th 1984, it was suddenly reported¹¹⁶ that the California executor of the estate of the U.S. millionaires Mario & Elsa Rios, who died together in a plane crash in Chile during 1983, had just learned they had deposited two embryonic frozen offspring in a Melbourne Clinic during 1981. The Clinic now had to decide whether: a) to allow the embryos to die; b) to keep them frozen indefinitely; c) to use them for experiments; or d) to find them surrogate mothers who could then claim on the Rios's estate.
3123. The Brisbane *IVF* Team's Dr. Hennessey then said he is "in favour of embryos being adopted, but in this [Rios] case it would be in the best interests of all those concerned if the embryos were disposed of.... A lot of Australian girls...would be willing to be implanted with the embryos."
3124. Yet St. Luke's Dr. O'Sullivan said: "I don't believe the [Rios] embryos should be discarded.... Attempts should be made to keep them alive, but...it is unlikely they will survive. It is a case of scientists being more concerned about playing with life, rather than promoting it."
3125. On June 18th and 19th, it was reported¹¹⁷ that Victoria's Right to Life organization had urged the Victorian Government to appoint a legal guardian for the embryos of the deceased Mr. and Mrs. Rios - and to "enable these babies to survive and develop normally." The State's Attorney-General said perhaps the embryos are not "owned" by anyone - but that the *IVF* Team seemed to be thumbing its nose at the State Government, by pushing on with its own projects despite the legal problems.
3126. In the next few days it was reported¹¹⁸ that the South Australian Minister of Health, Dr. Cornwall, said frozen human embryos stored in state hospitals would be destroyed if the relationship of the parents was terminated through death or separation. All couples entering the program would be required to sign papers to this effect. Commenting on this, Dr. John Kerin (the Head of Adelaide's *IVF* Program) observed he could not follow his State Government's regulations for the destruction of frozen embryos and would have to resign if the South Australian Government refused to change its stand - because

^{113.} *Time*, Sept. 10th 1984.

^{114.} *Courier-Mail*, June 18th 1984.

^{115.} *Ib.*, June 18th and 19th 1984.

^{116.} *Ib.*, June 19th & 21st 1984.

^{117.} *Ib.*, June 21st 1984

^{118.} *Time*, Sept. 10th 1984.

"spare" embryos should be given to childless couples, and "the frozen embryo is destined to develop as a human being."

3127. Melbourne *IVF* Team's Professor Wood then **denied**¹¹⁹ Mrs. Rios was the biological mother of the **Rios** embryos. Yet he also said that the "death or divorce of a couple, raised the issue of whether embryos have legal status - and...can be subject to donation, disposal or custody." However, Otto Friedrich - in a medical article (*A Legal, Moral Social Nightmare* subtitled *Society Seeks to Define the Problems of the Birth Revolution*) - insisted it was indeed Mrs. Rios's fertilized eggs that had been frozen in Melbourne.¹²⁰ Yet if even Mr. Rios himself had not been the father (which nobody denied) - the children should never be regarded as (ex)terminatable.
3128. Queensland's Right to Life organization promptly said¹²¹ that Victoria's Attorney-General seems to accept the idea of "ownership" of human beings. Indeed, if the new American technique to "flush" embryos out of natural mothers and implant them into donor wombs were patented (see paragraphs 3120f), it would mean one human being would be "owned" by another for the first time in the U.S. since the alleged termination of slavery there.

Transsexuals desiring to join the Melbourne *IVF* programme

3129. On August 6th 1984, it was reported¹²² that the Melbourne *IVF* Team's Dr. Alan Trounson said if society accepted changing people's sex, it should allow them to take on the social and biological functions of that sex. At least six transsexuals were interested in joining the *IVF* programme. Moreover, experimental research could be done on embryos up to fourteen days old - instead of the eight-day limit used.
3130. Also in August 1984, in Melbourne, the World's first frozen embryo boy was born - John Brooks (appropriately nicknamed "Frosty"). He was named John, in honour of his 'test-tube father' - Professor John Leeton of Monash's *IVF* Team. The mother alleged her own Roman Catholic Church had accused her of committing a form of adultery, by providing eggs from her own body for use by other women in the *IVF* program - and that her Archbishop had told her the Church would regard her son as if he had been adopted.¹²³

NSW Presbyterians request legislation banning *IVF* experimentation

3133. During that same month, the Presbyterian Church in New South Wales suggested¹²⁴ that *IVF* research teams should halt experimentation. It then specifically asked that the NSW and Victorian Governments should legislate against embryo freezing and experimentation.
3132. However, the Australian Social Responsibilities Commission then advocated the view that "spare embryos" can be frozen for the purpose of improving fruitfulness.¹²⁵ Too, Australia then saw its first mother to have her second test-tube baby.¹²⁶

119. *Courier-Mail*, June 23rd 1984.

120. *Ib.*, Aug. 6th 1984.

121. *Courier-Mail* (August 8th) and *Sunday Sun* (Sept. 9th) 1984.

122. *Australian Presbyterian Living Today*, Aug. 1984.

123. *Australian Church Record*, Oct. 1st 1984.

124. *Courier-Mail*, Dec. 31st 1984.

125. *Time*, Sept. 10th, pp. 60f.

126. *Ib.*, pp. 70f.

September 1984: American assessments of the status of *IVF*

3133. In the six-and-a-quarter years since the birth of the World's first test-tube baby in July 1978 until September 1984, some 700 *IVF* infants had been born (including 65 twins, 8 triplets and 2 quadruplets). More than 100 of those 700 *IVF* infants had been 'conceived' and born in Australia. Said Law Professor John Noonan: "We really are plunging into the Brave New World." Predicted Laboratory Director Clifford Stratton: "In five years, there will be a successful *IVF* clinic in every U.S. city."¹²⁷
3134. Said the American Bar Association's Family Law Head Doris Freed: "It's a legal, moral and social nightmare. It's going to take years of debate, legislation, trial and error to figure out how to deal with these problems." 24 American States still forbid payment to a woman who gives up a child for adoption. 22 States prohibit embryo experimentation (which might include all cases of *IVF*). 6 States forbid all embryo freezing.¹²⁸
3135. Rev. Donald McCarthy, of the Pope John XXIII Medical-Moral Research and Education Center in St. Louis, argued¹²⁹ before a hearing of the U.S. Congress for an embryo's human rights. Those would include: "a right not to be frozen; a right not to be destroyed; and a right not to be created at all" except as a natural fruit of "personal self-giving and conjugal love."
3136. Yale Medical School's Professor Maurice Mahoney said every embryo deserves respect. "I see it," he observed,¹³⁰ "as an individual human being - not with the same claims and rights as a newborn baby, but at least as an individual who calls upon me for some kind of protectiveness."

1984 Australian *Waller Report*: embryo freezing "not inimical"

3137. Also in 1984, Victoria's *Waller Report* contradictorily claimed that freezing is "not inimical to the interests of the embryo" - while also admitting that 96% of all human test-tube embryos do not survive. For it declared that 75% of frozen embryos examined, show some evidence of cellular damage after thawing; and that of 130 embryos thawed since January 1982, only 45 were fit for transfer and resulted in two births and three continuing pregnancies (an apparent survival rate of just 3.8 per cent).¹³¹
3138. Yet the *Waller Report* rightly disapproved of surrogate mother-hood - and of producing embryos for experimentation. It even acknowledged that an embryo is "an individual and genetically unique human entity" - and it also did not regard the couple whose embryo is stored as "owning or having dominion over that embryo."
3139. Yet it also recommended *IVF* teams be permitted to use human donor ova as well as donor sperm and embryos, and that frozen embryos be removed from storage and abandoned if the parents die or separate, or if the mother cannot bear children. Victoria's Cabinet then banned surrogate parenthood for payment, outlawing advertisements for surrogate parents.¹³²

^{127.} *Ib.*, p. 71.

^{128.} *Id.*

^{129.} *Waller Report*, Melbourne: Victorian Government, 1984, 1.21 (compare too *Australian Church Record*, Oct. 15th 1984).

^{130.} *Courier-Mail*, Sept. 11th 1984.

^{131.} In *Life and Work*, as cited in *Australian Church Record* for Nov. 12th 1984.

^{132.}

1984 British *Warnock Report* recommends embryos be used for research

3140. November 1984, the Rutherford Institute's Dr. Cameron said:¹³³ "Until not so long ago the idea that children before they are born could be made the subjects of laboratory experimentation...would have been associated with the horrors of medical science under the [National Socialist] Nazis [and the international socialistic Communists] or with some dreadful science fiction scenario. It is now recommended by the Warnock Committee...that human embryos be used, up to a certain age, for scientific research [in Britain]...."
3141. "This is the reversal of centuries of [Hebrew and] Jewish and Christian thinking, and to many it is the beginning of the end of civilisation.... If the unwanted unborn can be painlessly experimented to death for the good of science - there will come a time when the born as well as the unborn, the unloved handicapped infant, the aged and the infirm, anyone whom nobody wants...and maybe you and I among them - will be fodder for science and its experiments."
3142. In November 1984, the well-known Presbyterian Rev. Professor Dr. Thomas Torrance of Scotland said¹³⁴ he found the *Warnock Report* "extremely disturbing.... Many of its decisions...conflict with distinctively christian convictions.... Scientists must accept that from the moment of conception the human embryo is genetically complete and must be treated as such.... The ground for proper law has already been cut away by the [1967] *Abortion Act* - "the greatest moral blot on the British Parliament and people this century."

Beyond *IVF*: 1984's new techniques - *TUDOR*, *GIFT*, *ZIFT* and *TOT*

3143. Yet technology would not stand still for Torrance - not even in his own land. For a new technique, *TUDOR* (alias Tubal Ultrasonic Duplicated Ova Recovery) - for retrieving artificially-hyperovulated human eggs by means of ultrasound - was pioneered, in Britain, by Professor Ian Donald.¹³⁵
3144. In Australia, another very important new technique called *GIFT* (alias Gamete Intra-Fallopian Transfer) was developed and first used in 1984. Increasingly, it would be employed *in tandem* with hyperovulation. *GIFT* involves placing sperm and eggs within the fallopian tube at the time of the laparoscopy, or at the time of using ultra-sound.
3145. Because *GIFT* fertilization occurs *in viva* and not *in vitro*, it is not regarded as immoral by the Roman Catholic Church - provided it is not accompanied by masturbation nor by the use of an unperforated condom. Yet medically, *GIFT* would seem to be somewhat hazardous - and a rather more perilous procedure than even *IVF*.
3146. Britain today uses *IVF* and *GIFT* four times more, and Australia over fifteen times more, than does the United States. Why? Because today both Britain and Australia are much less geared to independent Christian action - than is America.
3147. In Australia today, it is largely not the patients themselves nor even their kin but rather all of the

^{133.} M.M. Seibel: *A New Era in Reproductive Technology* (in *New England Journal of Medicine*, 31st March 1988, p. 832).

^{134.} D. Bartels: *IVF in Australia*, University of N.S.W. School of Science, *78 Technology Studies*, 1988, pp. 19f.

^{135.} N. Tonti-Filippini: '*Donum Vitae*' and Gamete Intra-Fallopian Tube Transfer (in *Linacre Quarterly*, May 1990, p. 77).

nation's taxpayers *pro rata* who pay for these expensive procedures. This continues through constantly reelecting and permitting the overtaxing Socialist State to raise such revenue, and then to redistribute it to dispensaries in the shape of state-subsidized medicine.

3148. Significantly, the number of low birthweight babies is eleven times higher when resulting from *IVF* and *GIFT* procedures than among the general population. The perinatal mortality rate of *IVF* babies is four times, and of *GIFT* babies nine times, the national average. Moreover, there are eight times as many ectopic pregnancies after *IVF* and *GIFT* - than there are with intra-uterine impregnations.¹³⁶
3149. In 1990, Dr. Nicholas Tonti-Filippini wrote an important article against Gamete Intra-Fallopian Tube Transfer (alias *GIFT*). There, he stated he did not himself find *GIFT* to be acceptable. For *GIFT* - or rather *ZIFT* (alias Zygote Intra-Fallopian Transfer) often required 'egg-cracking.' What he felt was acceptable, however, is *TOT* (alias Tubal Ovum Transfer) - as a permissible extension of assisted impregnation.¹³⁷

1985: Anglican ambivalence and harmful fertility drugs in *IVF*

3150. In June 1985, the Presbyterian Rev. Peter Barnes critiqued the Anglican Les Miller's book *A Christian View on in Vitro Fertilisation*. Explained Barnes¹³⁸ of Miller: "He does not consider the issue of masturbation to be exceptionally important, but it must be regarded as one of the dubious aspects of the *IVF* programme...."
3151. "It needs to be pointed out that we are forced to grapple with these complex moral issues - precisely because the widespread practice of abortion has meant that it is now very difficult to adopt children. If the evil of abortion were to be eradicated, there would be no need for the costly process of *IVF* - with its associated dangers of a brave new world of surrogate mothers, cloning, and experiments on human embryos."
3152. By June 1985, up to 400 Australian women had been given the fertility hormone gonadotrophin and/or *HGH* (alias Human Growth Hormone) after its possible contamination with a virus causing madness, paralysis and death. Four thus-treated patients died in America and Britain of Kuru alias *CJD* (Creutzfeldt-Jakob Disease), once common among cannibals in New Guinea.
3153. The disease used to be spread by natives eating the brains of their dead victims, and both gonadotrophin and *HGH* are purified today from glands removed from corpses during autopsy. The Melbourne test-tube baby programme's Dr. Alan Trounson, however, said the gonadotrophin used to promote fertility in women on the *IVF* programme, was a form purified from urine.¹³⁹ Some relief!
3154. Around July 1985, Dr. Robyn Rowland, formerly Chief Research Co-ordinator of the Melbourne *IVF* program declared: "The frozen embryo bank should never have been created.... No further freezing should be carried out, because of this ignorance of future problems."¹⁴⁰

The 1985 controversy surrounding embryo freezing in Queensland

^{136.} *Australian Presbyterian Living Today*, June 1985.

^{137.} *Courier-Mail*, June 8th 1985.

^{138.} *Ib.*, Aug. 5th 1985.

^{139.} *b.*, July 11th 1985.

^{140.} *Ib.*, July 23rd 1985.

3155. A spokesperson of Dr. John Hennessey's Queensland Fertility Group then said: "We refuse to freeze embryos until legislation regarding legal and ethical guidelines is passed."¹⁴¹ Yet within a month thereafter, the QFG had started freezing embryos, to save *IVF*-women from repeated operations.
3156. Dr. O'Sullivan of the Brisbane Medical Guild of St. Luke's then attacked the Queensland Fertility Group for starting embryo freezing. Said Dr. O'Sullivan: "This totally contradicts their earlier promise. We are appalled at the cavalier attitude to the freezing and disposing of human embryos expressed by the QFG."
3157. On July 23rd 1985, Dr. John Hennessey's QFG responded:¹⁴² "Once again the fringe minority groups, such as the extreme elements within the Medical Guild of St. Luke, come to the fore with their now-familiar antagonism noisily proclaimed to the media.... They must respect the wishes of the overwhelming majority of people, and stop trying to force their minority viewpoint on the public and the legislators." See too paragraphs 3341-44.
3158. Here, Hennessey seems to be saying Dr. O'Sullivan can hold his "fringe" view that the freezing of human embryos is undesirable - but should not express that view! Hennessey also asserts, most dubiously, that "the overwhelming majority" favours the freezing of human embryos. Hennessey then goes on to insist that Dr. O'Sullivan and his anti-freezing colleagues "must" - a really compelling word! - "respect the wishes" of what *IVF*-Practitioner Hennessey alleges is "the overwhelming majority of people" and not just (quite obviously) the overwhelming majority of *IVF*-Practitioners.
3159. On July 29th 1985, D.J. Grace, Queensland State Executive Member of the Australian Family Association, wrote that the Queensland Demack Committee did not recommend the freezing of embryos be allowed. Christian Churches had commented that cryopreservation is not allowable. The news that four Sydney women were suffering symptoms of *AIDS* from artificial insemination, demonstrated the risks involved in *IVF*-related procedures.¹⁴³
3160. In October 1985, Griffith University Professor in the School of Humanities Dr. Hiram Caton in Brisbane declared in his booklet *Feminism and the Family*.¹⁴⁴ "Medical intervention...raises serious ethical questions. *IVF*...is under sharp attack, and will undoubtedly attract strong disapproval - once the public fully realise[s] that the profession they are habituated to trust is playing God without a licence.... The very large number of abortions currently being performed...finds outrage, as more Australians become aware that the medical profession has sanctioned infanticide."
3161. In December 1985, Australia saw the World's first pregnancy from a previously-frozen thawed egg. This was announced¹⁴⁵ by Prof. W. Jones and Dr. C. Chen of Adelaide. The method first freezes, then thaws, and next fertilizes eggs - before implanting them into a woman.

1986-87: male humans and animals would soon carry human embryos

3162. Way back in 1970, mouse embryos had been grown with success on the eyes of male mice. By 1986, the Australian Dr. Trounson of Monash said he had refused hundreds of requests from men wishing to

^{141.} *Ib.*, July 29th 1985.

^{142.} H. Caton: *Feminism and the Family*, Cleveland Qld.: Council for a Free Australia, 1985, p. 11.

^{143.} *Courier-Mail*, Dec. 18th 1985.

^{144.} R. Kent: *The Birth of the Male Pregnancy* (in *New Society* 9, May 1986).

^{145.} C. Wieland (M.B., B.S.): *Of Lettuces and Cow-humans* (in *Creation Ex Nihilo*, Acacia Ridge Australia, 9:4, 1987, p. 27).

bear babies. He now added: "It could be done, by getting an embryo to implant on the bowel."

3163. Dr. Parsons, Senior Registrar and Lecturer at King's College Hospital, stated: "It can be done, and undoubtedly someone will do it... I would certainly worry about the effects on the child, particularly the child of a transsexual." Indeed, Kent's 1986 article *The Birth of the Male Pregnancy* predicted male humans would be giving birth within five years.¹⁴⁶
3164. During 1987, in Sydney, there was an international Conference on Health, Law and Ethics. There it was stated that a man in West Germany was already carrying twins in his abdomen, and that it is technically feasible also for animals to carry implanted human babies.¹⁴⁷

1987: Vatican's *Instruction against embryo freezing, IVF and SHW*

3165. In February 1987, after years of study, the Vatican's Congregation for the Doctrine of the Faith in its *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation* finally rejected¹⁴⁸ *IVF* as such - even within marriage - and, of course, also all experimentation on human embryos. It declared: "No one, before coming into existence, can claim a subjective right to begin to exist. Nevertheless, it is legitimate to affirm the right of the child to have a fully human origin through conception in conformity with the personal nature of the human being...."
3166. "The freezing of [human] embryos, even when carried out in order to preserve the life of an embryo - cryopreservation - constitutes an offence 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 offences and manipulation are possible. Certain attempts to influence chromosomic or genetic inheritance are not therapeutic but are aimed at producing human beings selected according to sex or other predetermined qualities. These manipulations are contrary to the personal dignity of the human being...."
3167. "Surrogate motherhood...is contrary to the unity of marriage and to the dignity of the procreation of the human person.... The link between the meanings of the conjugal act and between the goods of marriage, as well as the unity of the human being and the dignity of his origin, demand that the procreation of a human person be brought about as the fruit of the conjugal act specific to the love between spouses...."
3168. "In homologous *IVF* and *ET* therefore, even if it is considered in the context of...existing sexual relations, the generation of the human person is objectively deprived of its proper perfection: namely that of being the result and fruit of a conjugal act.... *In vitro* fertilization is in itself illicit and in opposition to the dignity of procreation and of the conjugal union, even when everything is done to avoid the death of the human embryo...."
3169. "Masturbation," continues the *Instruction*, "even when done for the purpose of procreation...remains deprived of its unitive meaning. It lacks the sexual relationship called for by the moral order."

^{146.} Congregation for the Doctrine of the Faith: *Instruction on Respect for Human Life in its Origin and on the Dignity of Procreation*, Vatican City, 1987, pp. 19f.

^{147.} *Week End Australian*, Mar. 23rd 1987, p. 1.

^{148.} *Ib.*, p. 2.

1987: Waller Committee approves illegal procedures for IVF

3170. Yet in March 1987, Victoria's Solicitor-General advised¹⁴⁹ its Minister of Health not to put into effect a crucial but still-unproclaimed provision of the infertility legislation. That provision was in the section making it an offence (carrying up to four years imprisonment) to fertilize ova outside a woman's body unless embryos are implanted into a human womb.
3171. Two days later, Victoria's Waller Committee unanimously approved a new IVF procedure previously prohibited under the *Infertility (Medical Procedures) Act* of 1984. This was the procedure of injecting sperm under the shell of a human egg in the first twenty hours after fertilization. Because this experiment would destroy earlier human life the Committee now arbitrarily defined '20 hours' as the point at which human 'life' begins.
3172. Monash IVF Team's Dr. Trounson made an interesting comment on the above. "We presumably can't do any work," he sadly concluded¹⁵⁰ - and not without some degree of frustration - "until there are changes to the *Act*.... It's a bit suffocating to think that every time we put up a new project, they'll have to change the law."

1987: a whole host of new procedures for IVF and GIFT

3173. In April 1987, the U.S.A. hosted the Fifth World Congress in Human Reproductive Technology - there discussing a whole host of relatively-new techniques.¹⁵¹ Previously developed by Dr. Robert Jansen of Sydney's Royal Prince Albert Hospital, GIFT (alias Gamete Intra-Fallopian Transfer) would especially henceforth increasingly supersede laparoscopy (or observing and manipulating an ovum or ova through a hole surgically tunnelled from the outside through the navel into the woman). In *GIFT*, either embryos as in IVF or an egg together with a sperm (or eggs together with sperms) are inserted non-surgically through a woman's natural passages into her fallopian tube(s).
3174. That, and new cultures made in Melbourne from the amniotic fluid of pregnant women or from the placental blood of new-born infants - as well as testing for the presence of "PAF" in unimplanted embryos as developed by Dr. Chris O'Neill of Sydney's Royal North Shore Hospital - would increase the present poor success rate in IVF and enable technicians to "cull" the "good" human embryos from the "bad." Growing rat-embryos on the eyes of other rats, Monash's Dr. Peter Rogers of Monash contributed towards uterus amelioration (and male pregnancy), discovering embryos transplant into almost any tissue.
3175. Flinders Medical Center's Dr. Chris Chen of Adelaide claimed his new technique of egg-freezing would enable women to use "young" eggs subsequently for pregnancies later in life. Very significantly, Monash Centre for Early Human Development's Dr. Alan Trounson - from his mice studies - warned that freezing ova trebles the chances of chromosome damage resulting in limb abnormalities. The pioneer of sperm micro-injection, Dr. Trounson, had a 70% success rate with mice ova and sperm. Yet due to the Victorian Government's *Infertility Acts* ban against experiments on human embryos, he (also acting ethically) had not used it on humans. Yet several Scientists elsewhere had.

^{149.} *Ib.*. Apr. 25th & 26th 1987.

^{150.} *South African Digest* (Apr. 1987) and *Courier-Mail* (Oct. 12th 1987).

^{151.} *A. Onstenk & L. Wilkens & Others: Reproduction as Bio-Industry (subtitled: Women, Children of Quality, and the Control of Fertility)*, Amsterdam: Sara & Van Gennep, 1987, pp. 72f.

1987: South African grandmother pregnant with daughter's baby

3176. Two weeks before the above-mentioned Fifth World Congress on Human Reproductive Technology, it was announced¹⁵² in South Africa that pious Roman Catholic Mrs. Ferreira-Jorge - who already had a son (Alcino) - had now had three of her eggs fertilized *in vitro* with her husband's sperm. Those fertilized eggs were then implanted into her mother (Mrs. Anthony). She, because of this, later produce triplets. In the eyes of South African Law, their elder brother is legally their nephew - because the triplets' grandmother had earlier become the ancestress of their brother, Uncle Alcino.
3177. Even in London, there was sober reflection on this case where a donor-mother of triplets was at the same time their biological grandmother. As the Englishman A.N. Wilson noted: "Just as the busy working woman can now pay for someone else to clean her house, cook her meals, and design her garden - she will now be able to pay someone else to bear her babies in the womb.... It is motherhood without tears. And that...is a contradiction in terms...."
3178. "You can see the way it will go. A film actress, who does not want to spoil the shape of her breasts. A successful commodity broker, who can't afford to have morning sickness when she should be on the line to Japan or Los Angeles.... Such women will be tempted to put their children through the test-tube and surrogate experience - for the most trivial and selfish reasons. And, God knows - literally, God only knows - the effect on these children of being born in this way...."
3179. "Hitler's Doctors...dreamed of achieving such a thing.... It would now be technically possible for the White embryos of White parents to be implanted in ten thousand Black South African women. For the duration of their pregnancies, it would stop them having babies of their own.... Such baby-farming could be used to multiply the White race to give them numerical superiority.... The Dutch Reformed Church [of South Africa]...has condemned the operation as 'meddling with God's business'.... I suspect the South African Doctors have done something sinister."

1987: Dutch FINNRAGE feminists vehemently attack IVF

3180. In October 1987, the Dutch section of the **pro-abortionistic** organization FINNRAGE - acronym for: Feminist International Network of Resistance to Reproductive and Genetic Engineering - published its very thought-provoking book *Reproduction as Bio-Industry*. There, that rightly associates the use of IUDs with increased venereal diseases.¹⁵³
3181. It also establishes the link between Clomifene and DES as causative of not only a 40-50% increase in breast cancer among users, but also of sterility and vulvo-vaginal tumours in the **daughters** of users.¹⁵⁴ Clomid alias Clomifene) and DES (alias Di-Ethyl Stilboestrol) are drugs standardly used for ovary-stimulation in IVF procedures.¹⁵⁵
3182. The FINNRAGE book also documents that women undergoing several ovariypunctions, in order to obtain eggs for IVF, are more prone to get cancer of the ovaries.¹⁵⁶ Too, in IVF by way of donor semen, it is shown that the risk of contamination (of both the embryo and the womb where it is to be

^{152.} *Ib.*, pp. 74 & 79.

^{153.} P. Schepens (M.D.): *In Vitro Fertilization - A Wrong Way in Medicine?* (Miami: Human Life International Conference, April 18th-21st 1990, p. 5.

^{154.} Onstenk & Wilkens: *op. cit.*, p. 78.

^{155.} *Ib.*, p. 80.

^{156.} *Ib.*, p. 83f.

implanted) with venereal diseases like Hepatitis and/or also AIDS - is vastly increased.¹⁵⁷

3183. Even the often-compulsory amniocentesis in *IVF*-pregnancies, is to be criticized. For 10% of the babies born thereafter have traumatic *sequelae* at birth.¹⁵⁸ Too, chorionic villi sampling "gives a rate of spontaneous abortions which is two to four times higher than amniocentesis.... Mistakes are made, because the chromosomal material of the sampling is finally not correctly matched with the actual chromosomal material of the fetus." This "means that many unborns have been aborted, who were absolutely normal."¹⁵⁹
3184. Starting in November 1987 there was a massive five-month epidemic at Dijkzigt Hospital in Rotterdam. There, some 177 women on *IVF* were infected by Hepatitis B through infected sperm from undiagnosed donors.¹⁶⁰

1988: international feminists in Montreal attack *IVF*

3185. In 1988, feminists held an international meeting in Montreal - arranged by the Council for the Statute of Women, the Ministry for Feminism of the State of Quebec. It issued a 423-page book with the title: *Getting Maternity out of the Laboratory*.
3186. There, one learns that in France the amount of *IVF*-children born with Down's Syndrome is twice as high as in respect of non-*IVF* babies.¹⁶¹ Other statistics suggest that the incidence elsewhere is even higher.
3187. Swiss Neurobiologist Renate Klein, who studied the impact of *IVF* on women in Australia, told the international meeting¹⁶² that these technologies are "a violation of women's bodily and mental dignity.... This medical experimentation is...a new form of violence against women.... Instead of curing a problem, it creates one: psychological and physiological illness."
3188. The *IVF*-Practitioners, accused Neurobiologist Klein, are "the international clique of Technodocs." There is - her emphasis - necessarily a "**compulsory** link between *IVF* and embryo research." This is governed by "a biological determinist and eugenicist ideology" which conducts all manipulations - since no handicapped unborn human being escapes destruction.¹⁶³

December 1987: Pioneer French *IVF*-Practitioner condemns *IVF*

3189. Professor Jacques Testart was the first French Practitioner of *IVF*. He was formerly an activist in the Communist Party, and he is still a militant Atheist. Yet, appalled by his increasing perception for over a decade of the consequences of *IVF* for the human race - he publically came to announce that he had

157.

158. World Federation of Doctors Who Respect Human Life: News Exchange (Ostend: W.F.D.W.R.H.L.), No. 100, pp. 29f

159. Acts of the International Forum on the New Technologies of Reproduction Organized by the Council of the Statute of Women: *Getting Maternity out of the Laboratory*, Montreal: Quebec Government Council for the Statute of Women, 1988, p. 71.

160. *Ib.*, pp. 103-14.

161. Schepens: *In Vitro Fertilization*, p. 7.

162. J. Testart & Others: *Procreation and Disinformation: The Techniques of Medically-Assisted Procreation Blurred by the Fog of Unethical Information* (in *Le Monde*, Paris, Dec. 17th 1987, p. 2).

163. Schepens: *In Vitro Fertilization*, pp. 11 & 25f.

stopped practising *IVF* altogether.

3190. Testart's announcement was made on December 17th 1987 - in his article *Procreation and Disinformation: The Techniques of Medically-Assisted Procreation Blurred by the Fog of Unethical Information*.¹⁶⁴ There, he accused *IVF*-practitioners of waging a systematic campaign of disinformation. For not 30%-40% of women completing the programme would end up giving birth to a child as a result (as falsely claimed by the *IVF*-Practitioners),¹⁶⁵ but less than 7%.
3191. Testart explained:¹⁶⁶ "The disinformation consists not only in the **total** of genuine successes in medically-assisted procreations. No organization is appointed to keep a record of these. Worse still, and this is a caricature - disinformation goes so far as **counting serious accidents** such as extra-uterine pregnancies (4% of *IVF*-pregnancies) **among the successes**. When talking of successes, is mention ever made of multiple pregnancies and their complications: embryony reduction, prematurities and caesarean operations?!"

May 1989: controversy about success rate of *IVF* in Spain

3192. On May 13th-19th, at the Fifth National Convention of the Spanish Royal Academy of Medicine held at Murcia in Spain, a controversy arose about the success rate of *IVF*. There, Spain's first *IVF*-Practitioner Dr. S. Dexeus of Barcelona, presented a paper about his achievements.¹⁶⁷
3193. Dr. Dexeus claimed that during the six years from December 1982 through December 1988, he had fertilized 4544 human eggs of 1740 women. This had resulted in 235 pregnancies. On the surface, this might indicate that fully 13.5% of those women were thus enabled to produce children.¹⁶⁸
3194. However, as Dr. Philippe Schepens M.D. has pointed out - the above 13.5% is the figure for impregnations, not for births. It relates only to the percentage of implantations of *IVF*-embryos into the uterine wall which survive long enough to establish impregnation. Thereafter, even Dr. Dexeus himself has admitted to a later 17% abortionrate - in cases where frozen embryos were used.¹⁶⁹
3195. Indeed, in view of the findings of the Australian *Waller Report*, Dr. Schepens has estimated the total success-rate of *IVF*-procedures to be only 7% pregnancies. Yet the percentage of subsequent successful births, is still less! For the risks of fetal abnormality is three times greater in *IVF*, than in pregnancies occurring after normal sexual intercourse.¹⁷⁰

Queensland Presbyterian Public Questions Committee & Dr. Hennessey

3196. In June 1989, Dr. Hennessey's Queensland Fertility Group was interviewed by the Public Questions

^{164.} Testart: *op. cit.*, p. 12.

^{165.} Published in the *Acts of the Fifth National Convention of the Spanish Royal Academy of Medicine*, Spain: Murcia, May 1989, pp. 73-84.

^{166.} See Schepens: *In Vitro Fertilization*, pp. 25f at n. 21.

^{167.} *Interim Report of the Public Questions Committee to the Commission of Assembly of the Queensland State Assembly of the Presbyterian Church of Australia*, 4th July 1989.

^{168.} L. Vandelac: *The Hidden Side of IVF*, in *Research*, Sept. 1989, Vol. 20 no. 213, pp. 1112-24.

^{169.} *Los Angeles Herald Examiner* and *Los Angeles Times* and *Boston Globe* for Sept. 22nd 1989; *Courier-Mail* for Sept. 23rd 1989.

^{170.} Presbyterian Church of Queensland: *Blue Book*, Oct. 1989, pp. 25-27.

Committee of the Presbyterian Church of Queensland. The PQC subsequently reported¹⁷¹ that the QFG had explained the latter said it uses only 1-2% donor sperm; confines its programme to married couples; and collects the sperm usually by masturbation as the most practical method.

3197. The QFG reportedly explained further: that freezing sperm, decreases its fertility; that freezing embryos, kills some of the cells; that five to six eggs are fertilized, so as to be able to implant three to four embryos; and that if more than that are produced, excess embryos are frozen. The Group claimed to follow the policy guideline of the Demack Commission, which states that an embryo is deemed to cease to exist if one or both of the parents die or the marriage breaks up. This means that an embryo still alive physically, is deemed to have died legally: (a) whenever he or she becomes an orphan; or (b) whenever even only one of those parents dies; or (c) whenever those parents themselves, still very much alive, decide to get divorced.
3198. The Queensland Presbyterian Public Questions Committee then received an explanation of how the Queensland Fertility Group deals with certain abnormalities in *IVF*. Because it may then result in three rather than in two sets of chromosomes in the cell (thus causing deformity), it was reported that a fertilized "egg is disposed of" - if the head of more than one sperm penetrates the egg's wall.
3199. After that interview, the Public Questions Committee reported to the Commission of Assembly of the Presbyterian Church of Queensland. It urged the Commission of Assembly to receive the report and note its contents. For indeed, the practice of the Queensland Fertility Group - in its occasional use of donor sperm and especially in its multiple fertilizations *in vitro* and its embryo freezing and its disposal of human eggs each penetrated by more than one sperm - is quite at variance with the 1983 and 1984 decisions of the Presbyterian Church of Queensland's General Assembly.

September 1989: Prof. Vandelac's article *The Hidden Side of IVF*

3200. In September 1989, the very eminent Sociology Professor Louise Vandelac of Montreal University published her remarkable article *The Hidden Side of IVF*. There, she complained¹⁷² about the "deceptive inflation of the success rates" and the "extravagant costs" of *IVF*.
3201. She also declared: "Others have put forward the experimental character of *IVF*; its risks; its side-effects directly related to the medical procedure - showing at the same time to what extent the women are actually used as human guineapigs." Indeed, she even cited Mr. Marsden Wagner of the World Health Organization in support of her contentions.
3202. Wagner had "pulled the alarm bell" in his Opening Address at the Sixth World Congress on *IVF* held in Israel just a few months earlier during April 1989. He had stated: "In the case of *IVF*, not the slightest prospective study has been performed accurately so that one could assess its efficacy and its safety." Indeed, he then proceeded to warn against what he called this "uncontrolled proliferation of *IVF*."

The September 1989 U.S.A. *IVF* case of Mr. & Mrs Junior Davis

3203. In September 1989, there was an extremely important test-tube baby case in the U.S.A.¹⁷³ After six

¹⁷¹. J. Fleming: *The Cost of IVF* (in ed. H. Caton's *Trends in Biomedical Regulation*, Sydney: Butterworths, 1990), pp. 6f. See too in Schepens: *In Vitro Fertilization*, pp. 13 & 26 (nn. 18 & 23).

¹⁷². P. Schepens (M.D.): *In Vitro Fertilization*, pp. 19-22.

¹⁷³. Presbyterian Church of Queensland: *Blue Book*, Oct. 1990, p. 122.

earlier failed attempts at *IVF* - in 1988 the childless Mr. Junior Davis and his wife Mary Sue of Maryville (in Tennessee) got a clinic in Knoxville to extract, and fertilize successfully *in vitro*, fully nine eggs with his sperm.

3204. Two of those nine embryos were implanted into Mrs. Davis, but failed to develop. While the other seven were still being preserved frozen in the clinic, Mr. Davis filed for divorce.
3205. No longer desiring to be the father of any children Mary Sue might yet bear, her estranged husband Junior also further sued her and the Director of the Clinic for custody of the seven embryos. He alleged that though he was being "raped" of his reproductive rights, he did not want to destroy the embryos but simply ensure they were never implanted into Mary Sue.
3206. Yet Mary Sue argued that Mr. Davis had consented to be a father at the time of fertilization, and could not now change his mind. Life begins at conception; the embryos were human beings; and they belonged to the parent most concerned with their well-being. They were also, she insisted, her last chance for motherhood.
3207. In a 57-page decision granting temporary custody of the embryos to the woman, Judge Young wrote: "The court finds and concludes that human life begins at the moment of conception; that Mr and Mrs. Davis had accomplished their original intent to produce a human being.... From fertilization [onward] - the cells of a human embryo are differentiated, unique and specialized to the highest degree of distinction...."
3208. "It is to the manifest best interest of the child or children *in vitro*, that they be available for implantation. The full focus of the court in the case of children is on what's to their best interest - not what mom wants; not what dad wants; and not what the grandparents want."
3209. Judge Young thus regarded the frozen embryos as human beings. Mr. Davis, after his lawyer then gave notice of appeal and also of intent to seek a restraining order to prevent any implantations before the decision became final, said: "I still don't feel these are human beings.... I am standing up for my rights as a male. At this point, there is no child."
3210. Dr. John Willke was President of the National Right to Life Committee. He called the ruling a "progressive decision rooted firmly in the scientific fact that human life begins at conception." Professor of Law and Medicine Alexander Capron, a leading authority on biomedical ethics, said: "Guardians should be appointed to assure that all the embryos are treated fairly. For example, who should be picked first for implantation?"
3211. The trial drew vast attention, thronged by crowds and reporters reminiscent of the famous Scopes's "Monkey Trial" just sixty miles away in nearby Dayton - where William Jennings Bryan and Clarence Darrow debated the issue of creation *vs.* evolution in 1925. At the Davis *v.* Davis hearing, one woman with a sense of history wore a T-shirt that read: "Maryville - Site of the Historic Frozen Embryo Battle."

Dr. Crawford advises the Presbyterian Church of Queensland on *IVF*

3212. On October 31st 1989, Dr. W.J. Crawford wrote¹⁷⁴ to the Clerk of Assembly of the Presbyterian

¹⁷⁴. J. Bell, K. Pietroban & J. Rinaudo: *Submission on Reproductive Technology to the Queensland Government*, Brisbane: Queensland Provincial Bioethical Centre, 1991, pp. i & 9-12 & 24.

Church of Queensland advising that "technology may become available in the not too distant future to maintain a fertilised egg in an external environment until its full development." Here, Dr. Crawford endeavoured to prepare the Church for the possibility of a soon advent of complete ectogenesis for prenatal human beings - namely by way of *IVF*.

3213. Dr. Crawford then went on to describe the optimal scenario in which *AID* is administered - once again, presumably, in terms of *IVF* - in respect of a childless marriage. "No couple is offered donor semen," he explained, "unless all possibilities of use of the husband's semen have been exhausted.
3214. "They then must, as a couple, have a number of sessions with their Doctor - discussing all ramifications of the use of donor semen. Only when the Doctor feels that they are fully prepared psychologically, is its use made available to them.... Experience is that husbands with donor sperm children - identify with the children as well as, if not better than, natural fathers."
3215. The "experience" of the Presbyterian Church of Queensland, however, is that the production of "donor sperm children" is forbidden by the infallible Word of God. Certainly that Church does "identify" with natural reproduction - and does not at all identify with either the *AID* or the *IVF* by way of donor semen here being described by Dr. Crawford.
3216. Dr. Crawford continued: "The freezing of eggs rather than embryos would solve a number of ethical problems in *IVF*. Unfortunately, it is not a success. A method has been postulated and a few pregnancies obtained. But when the Queensland Fertility Group, along with many other large *IVF* units, tried it - it was found that the success rate was unacceptably poor."

1990: John Fleming's article *The Cost of IVF*

3217. An even more dismal picture of the above procedures was portrayed in 1990 in John Fleming's outstanding article *The Cost of IVF*. It was published by Butterworth of Sydney in *Trends in Biomedical Regulation*, edited by Dr. Hiram Caton.
3218. There, Rev. Fleming (the Director of the Southern Cross Bioethics Institute in Adelaide) cites¹⁷⁵ a survey made by Dr. Paul Lancaster (Director of the Australian National Perinatal Statistics at Sydney University). Rev. Fleming analyzes the financial cost of the procedure against the efficiency statistics, concluding it yields the poorest results and at the highest price.
3219. But Fleming also sees the wastage of human lives, because of the inseparable link between *IVF* and human embryo experimentation. Even among those *IVF*-embryos which do survive, the proportion of babies born with handicaps is much higher than with "normally conceived" ones. Indeed, the risks of fetal abnormality, explains Fleming, is three times greater in *IVF* than in pregnancies initiated by sexual intercourse.

1990: Dr. Philippe Schepens (M.D.)'s *In Vitro Fertilization*

3220. At the April 18th-21st 1990 Human Life International Conference in Miami U.S.A., Dr. Philippe Schepens (M.D.) - General Secretary of the World Federation of Doctors Who Respect Human Life - presented an important paper. It was titled: *In Vitro Fertilization - A Wrong Way in Medicine?*

¹⁷⁵. Presbyterian Church of Queensland, *Blue Book*, 1992, p. 95.

3221. In that paper, Dr. Schepens answered the above question. After briefly surveying human embryological developments since 1948, he then concluded:¹⁷⁶ "After the victory of the so-called 'French' Revolution in 1789, which led to the first State without reference to God - and the victory of the so-called 'Russian' Revolution in 1917, which led to the first State without reference to the primacy of the citizen in established society - we will now face a third revolution when the life itself of the human individual will be subordinated ultimately to the will of the administration....
3222. "The achievement of this will bury humanity in a triple coffin -as were the victims of the ancient Hindu deity Varuna.... First, the actual physical death; second, the death of the people who loved you; and finally, the death of the people who knew you once existed. This ends up in absolute silence about the individual who once lived.... Humanity, after first giving up its moorings to the Creator in 1789; having abandoned secondly the prevailing of the individual over society in 1917 - will finally sacrifice not only its reproduction but even the very life of its members, for the benefit of some.
3223. "A second main thing which is to be 'removed out of the way' by those oligarchic ideologists, is the very concept of the FAMILY. *IVF-ET* [or *in vitro* fertilization/embryo transfer] is also a destroyer of the family entity, which prevents the total take-over of the human individual by the administration. Taking over reproduction from the individual to give it to the laboratory - to the government in fact, because most research units are paid by it - will be the end of family life.... Family then becomes useless, even dangerous....
3224. "Most Christians believe that God's plan with the human species is to have reproduction set up into the framework of total love within the bonds of marriage. The child coming to life is first of all a gift of God, which comes naturally out of a loving sexual union between man and woman - who co-operate with God's plan in the creation of new individual life....
3225. "Will we tolerate that embryos who are real human individuals, will be treated as research objects? How can we reconcile this with both the *Universal Declaration of Human Rights* and with the *Hippocratic Oath*? We do not even speak: of the degradation inflicted on both man and woman, when considered just as mere gamete-donors; of sperm being retrieved by masturbation, a degrading procedure condemned by most societies and by all religions of the World since the oldest ages; nor of woman, for her part, being treated as a receiving-object for what they call 'fertilized eggs.' Whose eggs - and fertilized by whose sperm?
3226. "The degree of a civilization's height, is best measured by the respect one has for the weaker individuals and the protection they receive from the given society. After having lost respect for the embryo by legalizing abortion and tolerating the huge trade in embryos, Doctors show disrespect for the union between woman and man. They annihilate its privacy - by putting themselves, between man and woman in this most intimate act of their union, in the chilly surroundings of a genetic laboratory. Doctors must not help their human fellows in their infertility problems by stripping them of the dignity they possess in the most noble act of human procreation! Real Hippocratic Doctors should fight infertility not by degradingly bypassing it in that way, but by attacking the facts themselves and their causes....
3227. "A further wandering in those pathways of artificial fertilization and undue embryo manipulations, may signify not only a halt to the progress of civilization. It may be the starting-point for humanity of a way back towards the law of the jungle - where the stronger will survive at the expense of the weaker. This *IVF-ET*

¹⁷⁶. *Courier-Mail*, 22nd July 1992.

business may really be a step backward for humanity - a first step in a downward direction; the end of further progress of World Civilization; and the very beginning of a generalized decadence for the human species as such."

1990-91: growing opposition to abortion and IVF in Queensland

3228. In 1990, the Queensland Presbyterian Church resolved to "express its support to 'Right to Life Australia' in its opposition to the planned 'decriminalisation' of abortion in Queensland by the present State Government." It further resolved also to "request the Clerk to write to the Premier and the Attorney-General of Queensland reaffirming...that the Assembly opposes any law which allows, or encourages, the destruction of human life by abortion."¹⁷⁷
3229. In 1991, the Brisbane Reproductive Technology Community Action Group listed and documented the following defects in IVF multiple births: low birth weights; prenatal mortalities; infant mortalities; hospital readmissions; vision and hearing defects; intellectual disabilities; cerebral palsy; psychological problems; regression; and communication disabilities. After retrieval of hyperovulated eggcells and then insertion of embryos (or of eggs together with sperm) even into the fallopian tube by way of GIFT (alias Gamete Intra-Fallopian Transfer) - "appalling problems of toxæmia have developed."
3230. In their *Submission on Reproductive Technology* to the Queensland Government, the above Brisbane Reproductive Technology Community Action Group then concluded: "Children born of these [hyperovulated multiple-birth IVF] technologies show an increased incidence of serious health problems and/or physical disabilities compared with those children who are 'naturally' conceived. Many of these infants are premature and have difficulties resulting from this. Many die *in utero*, necessitating carriage by the mother of one or more dead fetuses for sustained periods of time."¹⁷⁸

1991f: IVF consequences of legalizing sodomy within Australia

3231. From 1991 onward, homosexual lesbianism and sodomy were legalized in most Australian States. This raised the spectre of the adoption of children by, and even the implantation of IVF-embryos into, one or both of such homosexual partners - whether lesbians or even sodomites.
3232. Already in June 1984, Melbourne IVF-scientists had announced transsexual men could achieve pregnancy - by implanting test-tube babies into their abdomens. In August 1984, the Monash IVF Team's Dr. Trounson said if society accepted changing people's sex - it should allow them to take on the social and biological functions of that sex. By June 1995 - the Governor-General himself was saying that adoptions by same-sex couples should be legal.

1992: Australians increasingly polarized for or against IVF

3233. In May 1992, the Presbyterian Church of Queensland decided¹⁷⁹ to "declare that personhood is to be considered to occur from the commencement of conception - which is from the penetration of the wall of the ovum by a sperm" - and that one should "treat the developing embryo as a person from the commencement of conception." This means that any deliberate removal and/or destruction of a zygote

^{177.} *Sunday Mail*, 25th Oct. 1992 (and *Courier-Mail*, 19th June 1993).

^{178.} *Sunday Mail*, Aug. 9th 1992.

^{179.} A.O. Trounson & C. Wood: *IVF and Related Technology - The Present and the Future*. In *Medical Journal of Australia* 158, 21st June 1993, pp. 853-54.

even less than a day old (such as one produced by two sperm-heads which penetrated the shell of the ovum, and very likely to result in deformity) is abortive - whether so removed from a woman after natural conception, or whether removed from a test-tube after unnatural *IVF*.

3234. By July 1992, infertile Japanese couples were hiring Asian-American women to bear their children surrogately for \$45 000 per child.¹⁸⁰ Indeed, with Australian anti-surrogacy laws even today more rigorous than those in America - many Australian couples together with their frozen embryos now started visiting the U.S.A., where they hired American women as surrogate mothers for up to \$90 000 per pregnancy.¹⁸¹
3235. During August 1992, in Australia, Jeremy English refused to pay child support to his estranged wife - claiming she became pregnant by *IVF* against his wishes. "I thought having a baby by *IVF* was immoral and wrong," he said.¹⁸² "She had been trying to get pregnant throughout 1989.... I thought she couldn't get pregnant...."
3236. "She wanted me to have a sperm-count done to see if everything was OK. The clinic explained it all to me - and I agreed to give them a sample for the count. I did not give my permission for it to be used for any other reason.... I didn't believe *IVF* was the right thing to do. We discussed that, and she agreed." She said: "He wanted to be Mr. Natural." The case seemed set to create a landmark for Australian paternity laws.
3237. By the end of 1992, there were some twenty-four *IVF* Centres in Australia alone. Yet even at that time, the success rate for the transfer of frozen embryos was stated to be but 18% - also by the *IVF*-Doctors Trounson and Wood.¹⁸³

1993: generationally and racially and experimentally bizarre *IVFs*

3238. During 1993, a 59-year-old woman produced twins, after receiving *IVF* in Rome. Then, in Italy, the Black wife of a White British husband gave birth to a White baby from the donor egg of a White woman, so that the child would not suffer the racial prejudice sometimes experienced by half-castes. Britain's Chairperson of the Conservative Party Government's Backbenchers' Health Committee, Dame Jill Knight, then said: "This is plain and unvarnished genetic engineering, and as such must be unacceptable."¹⁸⁴
3239. During July 1993 in the U.S.A., the International Foundation for Genetic Research charged the National Institute of Health with gross irregularities. The membership of the NIH's Embryo Research Panel was chosen following President Clinton's Executive Order of January 22nd, overturning the *de facto* moratorium on fetal transplantation from living to-be-aborted babies.
3240. The passage of the NIH *Revitalization Act* of 1993 gave statutory substance to Mr. Clinton's Executive Order, and also opened the door to *IVF* and other forms of human experimentation. The IFGR also called for a full Congressional Investigation of the U.S. *IVF* "Industry" - as well as for hearings on the

^{180.} *Courier-Mail*, Jan. 2nd 1994.

^{181.} *Christian Observer*, July 1993.

^{182.} *Sunday Mail*, Jan. 2nd 1994.

^{183.} H. Kuhse: *New Reproductive Technologies - Ethical Conflict and the Problems of Consensus* (in *Monash Bioethics Review*, 14:1, 1994, p. 15).

^{184.} Human Fertilisation and Embryology Authority: *On Donated Ovarian Tissue in Embryo Research and Assisted Conception*, paras. 22 & 21.

clear dangers to women posed by *IVF* techniques and hyperovulation drugs such as Pergonal and Clomid.¹⁸⁵

1994: postmodern slide into *IVF*'s increasing moral relativism

3241. In 1994, a 64-year-old Australian woman suffered a miscarriage, after two months of artificial pregnancy. The Australian Medical Association promptly called for laws banning *IVF* treatment for women beyond menopause.
3242. However, Ann Warner (Queensland's Acting Minister of Health) then remarked: "Perhaps we should consider what we would have done with legislation in the case of Elizabeth the mother of John the Baptist...after she passed child-bearing age. Would we have made her having a baby illegal?"¹⁸⁶
3243. Hopelessly lapsing into a postmodernistic moral relativism, in 1994 the pro-*IVF* and pro-euthanasia Monash Bioethics Scientist Dr. Helga Kuhse referred¹⁸⁷ to Bruce Ackerman: in her own article *New Reproductive Technologies* (subtitled: *Ethical Conflict and the Problems of Consensus*). "I will not try to turn you into an atheist," she declared there, "provided you will not try to convince me that I should become a Buddhist or a Roman Catholic."

1994: risks with dead women's eggs and dying frozen sperms in *IVF*

3244. Also during 1994, the United Kingdom of Great Britain's Human Fertilisation and Embryology Authority's "consultation document" appeared. Titled *On Donated Ovarian Tissue in Embryo Research and Assisted Conception*, it rightly expressed fears regarding the risk of chromosomal or other abnormalities in fetuses which had been aborted **spontaneously** (and thus died of their own accord). For the harvesting and use of eggs from dead fetuses in *IVF* experiments, had already been attempted.
3245. The document thereafter rightly indicated¹⁸⁸ the medical risks involved in using ovarian tissue or eggs from fetuses obtained even after **induced** abortion. For ovarian tissue or eggs from fetuses have not undergone the normal process of 'natural selection' which takes place in adult women. Indeed, using fetal eggs for fructification runs the serious risk of utilising material which normally would have been weeded out spontaneously because of normally-fatal abnormalities.
3246. Conceivably a similar problem might exist in utilizing even sperm - too long after its ejaculation. On March 23rd 1994, it was reported¹⁸⁹ that twelve years after George Howcraft had deposited semen in a sperm bank and then had a vasectomy in England, he emigrated to Australia - taking his more-than-a-decade-old frozen sperm with him. Therefrom, his daughter Jessica was born to his second wife by *IVF* at a Gold Coast Hospital near Brisbane.
3247. "Although many of the straws" of the semen had died during their 12-year-long deep freeze, some

^{185.} *Courier-Mail*, March 23rd 1994.

^{186.} *Sydney Morning Herald*, Apr. 23 1994,

^{187.} *Sunday Mail*, July 10th 1994.

^{188.} Centre for Bioethics and Public Policy: *Response to the Human Fertilisation and Embryology Authority's Consultation Document on Research and Fertility Treatment Using Human Ova and Ovarian Tissue Obtained from Live Women, Cadavers or Fetuses* (in *Ethics and Medicine*, The Centre for Bioethics and Public Policy, Carlisle, Cumbria, 11:2, 1995, pp. 33-36)..

^{189.} *The Tablet* for 24th November 1984.

were still potent even after Jessica's birth. The vexing question, however, is as to the quality of such clearly deteriorating albeit still potent frozen sperms - especially more than a decade after their masturbatory ejaculation.

Dr. Dumble: drugged IVF-women are "technologically ravaged"

3248. Dr. Lynette Dumble is Senior Research Fellow with the University of Melbourne's Department of Surgery. In her paper on *The Fragmentation of Woman from Conception to Menopause*¹⁹⁰ (which she presented during the April 1994 Third National Conference of the Australian Bioethics Association in Adelaide) - she urged Bioethicists to act against the victimization of women.
3249. Dr. Dumble said that the long-term effects of fertility drugs like clomiphene and human pituitary gonadotrophin alias hPG, and also of hormone replacement therapy alias HRT in menopausal women, were being ignored. She also said the human cadaver-derived hormone drug hPG, used from 1964 to 1985, failed in more than half of the women treated. Now, all 1400 women presently known to have received hPG are at risk of the deadly Creutzfeldt-Jakob Disease (CJD).
3250. Problems include potentially-fatal ovarian hyperstimulation; late miscarriage; stillbirth; multiple birth; and ectopic pregnancy. Women treated with the drug (hPG) while on IVF programs also face the threat of CJD. Clomiphene citrate, a drug commonly used on IVF programmes over the past 20 years, has been positively linked with ovarian cancer.
3251. Dumble urged Bioethicists to adopt the resolution of a University of Massachusetts Medical Ethicist, Dr. Janice Raymond, who had called for a halt to women being "technologically ravaged." In her book *Women and Wombs*, Raymond said the "best legal approach to reproductive technologies and contracts that violate women's bodily integrity...is abolition, not regulation."

Debate over transplanting ova(ries) of dead into living women

3252. In July 1994, the British Medical Association publicly endorsed the transplant of ovaries from dead women to enable infertile women to become pregnant. The Church of England gave its inprinciple support, although the Church's Board of Social Responsibility strongly opposed allowing women under eighteen to agree to donate ovaries.
3253. On the other hand, Britain's Society for the Protection of Unborn Children totally opposed the BMA's proposals. Indeed, the Society expressed grave misgivings about the speed of the debate over the issue.¹⁹¹
3254. Early in 1995, Dame Jill Knight (D.B.E., M.P.) - Chairperson of the Conservative Party Government's Backbenchers' Health Committee - proposed an amendment to the Criminal Justice and Public Order Bill, which banned the used of fetal eggs or ovarian tissue to treat infertile women. That amendment was passed in the House of Commons.
3255. Nevertheless, Rev. Dr. Nigel Cameron's Judeo-Christian Centre for Bioethics and Public Policy still felt it appropriate to respond to the HFEA's consultation document of 1994. So, later in 1995, Cameron's Centre issued a *Response to the Human Fertilisation and Embryology Authority's Consultation*

^{190.} W. Daniel: *In Vitro Fertilization - Two Problem Areas* (in *IVF Policy Papers or Reports*, p. 14).

^{191.} *The Gospel of Life*, pp. 31f.

*Document on Research and Fertility Treatment Using Human Ova and Ovarian Tissue Obtained from Live Women, Cadavers or Fetuses.*¹⁹²

3256. That *Response* boldly declared: "The child conceived as the result of gametal donation, is not the fruit of marriage or conjugal love.... Manipulation...is demeaning to the dignity of the child as a person. And this is true even if the child is not conceived in a test-tube or Petri dish as the result of laboratory procedures - though such procedures further reduce the child towards the status of an artefact... We find techniques of assisted conception involving gametal donation socially and morally unacceptable (even though Parliament has sanctioned it)....
3257. "Objecting to all forms of egg donation, we can see no acceptable grounds for seeking to increase the supply of human eggs.... Since both ovarian hyperstimulation and the harvesting of eggs as procedures involve considerable health risks to the woman, we consider it improper to encourage women to undergo either procedure.... Given the demand for human eggs, we are concerned that fertility treatment in some cases is offered free of charge to a woman in return for eggs. This makes for duress and a particularly distasteful form of exploitation of a woman's natural desire for a child....
3258. "The use of eggs or ovarian tissue from spontaneously aborted fetuses for research or in infertility treatment...would inevitably involve close cooperation between the abortion team and the researchers or [perhaps even the] infertility-treatment team, in order to coordinate the timing of the abortion and the harvesting procedures. Such cooperation would be morally unacceptable....
3259. "We object to gestation and termination of pregnancy for the sake of obtaining fetal tissue suitable for research, and consider it morally unacceptable to create embryos for research-purposes.... Ovarian tissue from live donors...raises the same social and moral issues as donation of individual eggs. Moreover, the potential to produce thousands of eggs from such tissue, calls for special caution...to ensure a limited number of offspring from the same donor....
3260. "Out of repugnance at the thought that the dead should be having children, we object to the use of eggs or ovarian tissue obtained from cadavers.... The respect due to [the] human body does not cease after death....As to the child, there may be unknown risks involved in using eggs from dead women for the purpose of procreation. We have already expressed fears about the psychological impact ovum donation may have on children born as a result of the procedure....
3261. "Fetal ovaries contain several million eggs.... While objecting to all forms of gametal donation, we find fetal ovum donation particularly disturbing. Like adult ovum donation, it severs the kinship chain and all contact between genetic mother and child. In addition, it skips a whole generation and so makes a farce of motherhood. **To become a mother without having been born, is against nature....**
3262. "The [United Kingdom's Human Fertility and Embryology] *HFE Act* makes no specific provision for the use of eggs or ovarian tissue from a fetus. It does, however, state that specific consent is required of the donor in order to use his or her gametes to make test-tube embryos (*HFE Act* Schedule 3 para. 6.1).
3263. "Since no consent can be obtained from a fetus, this effectively rules out the use of fetal eggs or ovarian tissue for research involving the creation of embryos.... The *HFE Code of Practice*...says: 'Gametes should not be taken for treatment of others from anyone under the age of eighteen' (*HFE*

¹⁹². Presbyterian Church of Queensland: *Blue Book*, 1995, pp. 60f.

Code of Practice 3.35). This rules out any use of fetal eggs or ovarian tissue in infertility treatment....

3264. **"When a mother decides to abort and destroy her child, she effectively abdicates her duty as the guardian of her offspring.... She can claim no right to authorise the creation of (her) grandchildren by cannibalising the body of her unborn daughter...."**
3265. "The Consultation Document refers to...considering the rights of the father of an *IVF* embryo.... [Nevertheless] it omits mention of the *HFE Act*, which states that: 'An embryo the creation of which was brought about *in vitro* must not be used for any purpose unless there is effective consent by each person whose gametes were used to bring about the creation of the embryo'.... *HFE Act*, Schedule 3, para. 6.3.
3266. "Notwithstanding our objections to the use of donated gametes in fertility treatment, we endorse the view that when such procedures are undertaken the father's consent must be sought." Thus the British Judeo-Christian Centre for Bioethics and Public Policy's *Response*.

Signs of some Roman Catholic Theologians weakening on *IVF*

3267. There had been signs for well over a decade that even some of the Roman Catholic Theologians were beginning to weaken in their attitude to *IVF* within marriage. Thus Rome's Bishops in England, through Archbishop Warlock, proclaimed¹⁹³ in November 1984 that they would not be opposed to this (on a non-hyperovulated basis with complete implantation right after *IVF* zygotization). However, apparently under pressure from theologically-conservative Incarnationists in the Vatican, they retracted this the following week.
3268. Also the Australian Jesuit Dr. William Daniel¹⁹⁴ (in his paper *In Vitro Fertilization: Two Problem Areas*) asked for reconsideration of the above non-hyperovulated *IVF* within marriage. Yet the Pope himself rejected this, in his April 1995 encyclical *The Gospel of Life*.
3269. There the Pope said:¹⁹⁵ "The various techniques of artificial reproduction...actually open the door to new threats against life.... They are morally unacceptable, since they separate procreation from the fully human context of the conjugal act.... These techniques have a high rate of failure not just...in relation to fertilization but with regard to the subsequent development of the embryo which is exposed to the risk of death...."
3270. "The number of embryos produced," explained the Pope, "is often greater than that needed for implantation in the woman's womb.... These so-called 'spare embryos' are then destroyed - or used for research which (under the pretext of scientific or medical progress)...reduces human life to the level of simple 'biological material.'"
3271. *Papa locuta, causa finita* - the Pope having spoken, the matter is settled. That **used** to be the end of all debate - for all dedicated Romanists. Today, however, more and more Romish Theologians are doing whatever seems good in their own eyes (*cf.* Judges 21:25) - on contraception and *IVF* and also on liberation theology - even in the teeth of opposition from the Vatican.

^{193.} *Sunday Mail*, June 18th 1995.

^{194.} See para. 2950.

^{195.} See paras. 3181 & 3240 & 3281.

1995: Presbyterian Church of Queensland opposes abortifacient RU486

3272. In May 1995, the General Assembly of the Presbyterian Church of Queensland in Australia unanimously condemned abortion, and called upon the State Parliament to act. The Church called "for the vigorous application of the current sections of the Criminal Code dealing with abortion, so that the lives of the unborn are better protected; and calls upon the Government of Queensland to reframe the laws relating to abortion in accordance with the position held by the Presbyterian Church of Queensland" as set out in 1980 and further in 1983, 1991 and 1992.
3273. The General Assembly of the Church also noted that it "is opposed to trials of RU486 [the 'morning-after' pill], on the grounds that it is an abortifacient, and out of concern for the health and welfare of the women involved in those trials." The Queensland Presbyterian General Assembly then further requested the Federal Minister of Family Services' "intervention to stop the proposed RU486 trials from continuing."¹⁹⁶

1995 legalizing of euthanasia implies slaughtering embryos too

3274. Also during May 1995, Australia's Northern Territory Government purported to legislate so-called 'voluntary euthanasia' into law - despite public protests (also from the General Assembly of the Presbyterian Church of Queensland). Then, during the next month, Australia's Governor-General told a Medical Congress that even active voluntary euthanasia as well as adoptions by same-sex couples should be legal.
3275. The latter would imply the justification of also embryo transplants for, or even into, practising lesbians and sodomites. It would further imply the alleged desirability of involuntarily 'euthanasianizing' alias aborting - all unwanted and 'unproductive' frozen and unfrozen *IVF*-embryos deemed to be surplus and unneeded.

1995 fiasco: White mother unbeknown given Coloured *IVF* embryo

3276. In June 1995, an unsettling error in an *IVF* programme in Holland was made public.¹⁹⁷ What were thought to be unidentical twin baby boys - but were in fact 'half-twins' - were born by *IVF*, to a married White couple, in a Dutch Hospital in 1993. Thereafter, the infants began to look more and more racially different to one another as they grew older. By 1994, this was so obvious that the parents approached the Hospital about this.
3277. The Hospital then did a *DNA* test, and discovered that one of the boys had the same father and mother (his married parents); but that the darker boy had a different father. Dr. Egbert te Velde, Head of Utrecht University Hospital's Fertility Department, finally admitted that the mistake was due to the same pipette having been used twice to inject sperm into the test-tube containing the mother's egg - a residue of semen from a different man (not the woman's husband) having remained inside the previously-used pipette.
3278. The Hospital then apologized to the married parents - or rather to the parents of the White boy, whose mother but not whose father had also gendered the Coloured child - before the legal options still available to them had been canvassed. One can only wonder: what apology, if any, might have been

^{196.} See para. 3182.

^{197.} See para. 3229.

made to the natural father of the Coloured child; whether that child could be viewed as the legitimate son of the White husband of his natural mother; and what legal remedies might now or later be available also to the Coloured child himself.

November 27th 1995 Phil Donahue Show on recent embryo thefts

3279. On November 27th 1995, in Brisbane, Australia's Channel 10 TV broadcast the Phil Donahue Show. It carried an interview with Attorney Ted Wentworth. He, on behalf of ten couples, in July 1995 sued the prestigious University of California at Irvine - and three of its Doctors (including one Dr. Asch) - alleging the theft of embryos belonging to his clients.
3280. One pair of clients, the White couple Mr. Ken and his wife Mrs. Sharon Starr, alleged that for more than \$10 000: Ken had deposited semen in a sperm bank before being castrated (in the treatment of cancer); that Sharon was hyperovulated at UCI; that eighteen of her eggs were thus harvested and then fertilized with Ken's pre-collected sperm; and that she was next unsuccessfully implanted with four of her embryos, by way of *ZIP* (alias *ZIFT* or *GIFT*). The other fourteen embryos of the Starrs were then, without their knowledge, allegedly sold and implanted into other women Worldwide.
3281. Another pair of Attorney Wentworth's clients, the White couple Mr. John and Mrs. Debbie Challender, alleged that for almost \$20 000: the UCI Medical Clinic had grossly hyperovulated Debbie (a trained nurse), and then fertilized 46 of her eggs; that this gross hyperovulation had made her rather ill; that five of her embryos thus produced, had then been implanted into her by way of *IVF* without success; and that two others of them, being twins, had without her knowledge been implanted successfully into a 44-year-old woman whose identity subsequently became known to her. Some 23 of her 46 embryos were still unaccounted for, and had possibly been implanted into other women at clinics part-owned by the formerly Argentinian Dr. Asch, in foreign lands like Guatemala and India.
3282. Not only would Wentworth's ten sets of clients thus have been robbed of their own biological children. He alleged: that probably forty and possibly seventy couples had been cheated thus; that UCI employees had turned whistleblowers, and revealed this; that the UCI had then paid them \$900 000 (of taxpayers' money) to keep quiet about this; but that they later went public, on the ground that the matter was just too horrendous. For all of the above might suggest an international network for the kidnapping, and marketing in Third-World countries, of tiny children stolen from White Americans. Wentworth said he expected all of the above to come to trial during 1997.

The many moral problems with nearly all versions of human *IVF*

3283. So there are obviously many moral problems with *IVF* as such. First, it shares nearly all of the problems found in *AIH*. These have been dealt with in chapter U above, to which reference is now once again made.
3284. In particular, however, there are also a host of new problems not found in *AID* or *AIH* - problems created by the very nature of *IVF* and/or *GIFT*. Such problems relate especially to hyperovulation; to the quality of all artificially-fertilized human eggs (and especially in respect of multiple fertilizations and nidations); to the freezing of human embryos; and to their deterioration before and during thawing.

The many dangers created by the hyperovulation of human eggs

3285. Further, the drug-induced hyperovulation usually orchestrated in *IVF*-procedures - quite apart from

inserting tools through the woman's navel and artificially harvesting her egg-cell(s) - even when followed by way of *GIFT* (alias Gamete Intra-Fallopian Transfer) is hardly conducive to producing the best-quality ova. Indeed, it may perhaps help cause certain subtle deformations in both mother and baby - subtle deformations which may only later become detectable.

3286. Meantime, it has already been established that artificial hyperovulation in connection with *in vitro* fertilization is to be correlated: with an increase in the incidence of the chromosomal abnormality of trisomy in embryos causing Down's Syndrome.¹⁹⁸ Some hyperovulated women have become very ill; the hyperovulatory drug Pergonal is clearly dangerous; and both Clomifene and Di-Ethyl Stilboestrol cause a 40-50% increase in breast cancer among users as well as sterility and vulvo-vaginal tumours in the **daughters** of users.¹⁹⁹
3287. Those undergoing several ovariypunctions, in order to obtain eggs for *IVF*, are more prone to get cancer of the ovaries.²⁰⁰ There have also been "appalling problems of toxæmia" after retrieval of hyperovulated eggs and especially after their reinsertion even into the fallopian tube by way of *GIFT*.²⁰¹
3288. The dangers of hyperovulation are not confined to the mother. They also affect her eggs, especially after fertilization and/or later nidation. The latter problems, however, will be addressed a little later - when we come to examine the character and quality of human eggs fertilized *in vitro*.

Problems inherent in *IVF* even where no hyperovulation

3289. Again, the increasing medical malpractice of producing new human beings outside of their mothers - whether as a result of hyperovulation or not - clashes with the implications of the incarnation. Thereby, even Christ "abhorred not the virgin's womb" - and was conceived inside His mother and nowhere else.
3290. In all versions of *IVF* and *GIFT*, there is also the possibility of the unforeseen sudden death of the *IVF* egg-donor after extra-uterine fertilization but before embryo transfer into her womb. This then raises questions as to the unsuitability of using alternative human or animal or artificial 'wombs' - in a desperate attempt to preserve the lives of the then-motherless *IVF*-zygotes alias tiny humans then alive in test-tubes (or under refrigeration) as a result of these artificial *IVF* procedures. Genesis 4:1; Psalm 51:5; Luke 1:32-44; Galatians 4:4.
3291. The ethical objections to *IVF* are therefore many. They vary from one case to the next. We shall, however, seek to set them out roughly in their chronological order of occurrence - commenting on them as we go.

The moral problem of masturbation inherent in human *IVF*

3292. At the outset, it needs to be understood that **all** cases of *IVF* require objectionable practices like masturbation - as well as a surrogate place of conception (outside the body of the egg-donor herself). For this reason, all previously-mentioned arguments²⁰² against auto-erotic masturbation are as

^{198.} Paras. 2358-2451, 2647-56 & 2836-68.

^{199.} *Woman's Day*, Australia, Jan. 27th 1982, p. 7.

^{200.} *Time*, Sept. 10th 1984, pp. 60 & 63 (and *cf.* paras. 2839-41).

^{201.} Paras. 2638f.

^{202.} Paras. 2664-2739.

applicable against *IVF* as they are against the same procedure in *AID* and even *AIH*.

3293. Regarding masturbation for *IVF*, all of our remarks previously noted against masturbation as such as well as against masturbation in *AID* and *AIH* again apply. In addition, however, the following remarks of patient and promoter Isabel Bainbridge - as well as of *IVF* participant James Popela, and of Infertility Counsellor Betty Orlandino - are particularly illuminating.
3294. Stated the *Woman's Day*:²⁰³ "Mrs. Bainbridge, a former Nursing Sister with midwifery qualifications, and a hopeful [*IVF*] patient since 1978, is President of the 'IVF Friends' (a patients' support group). Isabel, who resigned from her nursing career to take up motherhood, is the author of an excellent booklet aimed at helping people understand the program. Titled simply *In Vitro*, her book has the blessing of the [*IVF*] Medical Team, and is available to the public."
3295. Her own experiences with her husband's difficulties, led her into areas often hinted at but seldom discussed. Says Mrs. Bainbridge: "A lot of men have trouble performing - collecting the 'goodies' for their wife's operation.... Most of the rooms set aside for husbands are pretty tiny, often in poor situations with typists outside.
3296. "The husband rings a bell when he's ready" - shades of Pavlov's dog! "A technician comes down to collect the 'goodies' - passing the people outside! You never hear this aspect of it mentioned, but you can't take it for granted any more than the people on this program can take conception for granted."
3297. *Time* reports²⁰⁴ how the childless American Businessman James Popela and his wife made four trips from Cleveland to the English fertility clinic of the *IVF* pioneers Dr. Steptoe and Edwards in Cambridgeshire - but each time without success. Popela later remarked: "If you want to illustrate your story on infertility, take a picture of a couple and tear it in half....
3298. "You have to take the jar [for the semen] and walk past a group of people - as you go into the designated room, where there's an old brass bed and a couple of *Playboy* magazines. They all know what you're doing - and they're watching the clock because there are several people behind you waiting their turn."
3299. As Infertility Counsellor Betty Orlandino observes: "It is not just the pain and indignity of the medical tests and treatment.... Infertility rips at the core of the couple's relationship. It affects sexuality, self-image and self-esteem. It stalls careers, devastates savings, and damages associations with friends and family."

The moral problems of ejaculated semen treatment in *IVF*

3300. Consider too the implications of washing, selecting and treating the masturbated semen - in a special chemical solution. Thereafter, this thus-treated semen may be frozen - especially if the wife is not yet ready to (hyper)ovulate, or if the frozen semen is required for use only in the more distant future. All of this amounts to at least incipient mechanical manipulation - if not genetic engineering. Such actions disrespect the Prime Author of that life-promoting semen.

²⁰³. See para. 3184.

²⁰⁴. All of the Biblical cases of *SHW* are examples of surrogate human wombs even from conception onward - and not just *SHW* for post-conceptional zygotes (as in post-*IVF* embryo transfer into *SHWs* or into *AWHs* alias artificial wombs for humans of today or tomorrow). Thus, all of the Biblical examples of *SHW* are applicable to all cases of modern *IVF* - as well as to many cases of modern *SHWs* and *AWHs* too.

3301. If washing enhances a sperm's potency, it promotes the survival of the unfittest sperm - and also fertilization thereby. If such washing weakens the sperms, this is a sinful manipulation of the very foundation of human life itself.
3302. Either way, this transgresses God's Fifth, Sixth and/or Seventh Commandments. See Exodus 20:12-14, and the explanations thereof given in the *Westminster Larger Catechism*. For in *IVF*, unlike *AID* and *AIH*, the sperm is not inserted into the vagina (with its semi-toxic juices which kill off many inferior sperms and promote eugenics naturally). In *IVF*, the weakest quality sperm "by-passes" the vaginal juices - and can thus produce a weak embryo in the petri dish.
3303. Moreover, where applicable, the arguments previously listed²⁰⁵ under *AID* against "semen cocktails" would also apply wherever such "semen cocktails" (and/or even "eggcell cocktails") might be used in *IVF* attempts to obliterate the identity of prospective children in foster-womb procedures (especially in totalitarian states). Many of the previously-mentioned²⁰⁶ arguments against *SHW* - except those there referring to adulterous actions - apply also against all causes of *IVF* (as will be shown in paragraphs 3305f).
3304. Naturally, especially in *IVF* by way of donor semen, the risk of contamination (of both the embryo and the womb where it is to be implanted) with venereal diseases like Hepatitis and/or also AIDS - is a constant fear. Thus, in November 1987, there was a five-month-long epidemic at Dijkzigt Hospital in Rotterdam. There, at least 177 women were infected by Hepatitis - through infected semen from undiagnosed sperm donors.²⁰⁷

Most moral arguments against *SHW* apply also against *IVF*

3305. Most of the moral arguments previously listed against *SHW* (alias Surrogate Human Wombs) from conception onward,²⁰⁸ apply also against all cases of *IVF*. For *IVF* is technically little more than fertilization in an *AFT* (or an Artificial Fallopian Tube) - alias a test-tube.
3306. Yet, in fact, there are even more arguments against *IVF* (alias *AFT*) than there are against *SHW*. For *IVF* involves an **artificial** and a 'mechanical fallopian tube' outside of the human body - rather than a '**natural** fallopian tube' inside a woman's body (as is at least the case in both *SHW* and normal marital pregnancy).
3307. Important is the petri dish - as a 'mechanical fallopian tube.' It contains an artificial solution prepared from more than 160 chemicals - to simulate the conditions of a woman's natural fallopian tube, where conception normally takes place. Eternity alone may reveal how much damage (however slight) has been inflicted on *IVF* embryos, by growing them in this synthetic liquid during the critical first few days of their existence.
3308. It is true that the *IVF* or the *AFT* avoids the aspect of adultery indeed to be found in *SHW*. On the other hand, all things considered, even 'marital' *IVF* is probably more dangerous and also more unethical than is *SHW*. For *IVF* involves conception in an impersonal *AFT* or 'Artificial Fallopian Tube' outside the wife's body, independently of sexual intercourse.

^{205.} Paras. 3144f & 3173 & 3283f.

^{206.} Paras. 3152f & 3240-50.

^{207.} Thus Queensland Fertility Group's Dr. J. Hennessey, in an interview with the Queensland Presbyterian Hall's Rev. Prof. Dr. N. Lee (June 1982)

^{208.} See paras. 3196f.

3309. *SHW*, with all its adulterousness, at least conceives the human baby in a human fallopian tube inside of the true mother (where she may well be the inseminator's plural wife or a concubine tolerated and even fully approved by his infertile wife concerned). But the 'non-fleshness' and also especially the 'non-humanness' of the tiny *IVF*-zygote's first *AFT* environment is appallingly unacceptable. For in *IVF*, a new image of God Himself has come into existence - in an almost anti-carnational way. See: Genesis 1:26-28; 2:22-25; 4:1; First Corinthians 15:38f; Galatians 4:4; Ephesians 5:25-32.

The rationale behind hyperovulation in many *IVF* procedures

3310. In the light of the newer and different noncoital technique of *GIFT*,²⁰⁹ we shall (for the moment) pass lightly over the danger to the wife of any hospital operation to extract her egg-cell or egg-cells by way of laparoscopy. We will not again dwell on the feasibility of endangering her further, by giving her a hyperovulatory drug - as is usually done to induce the truly bizarre phenomenon of artificially-orchestrated multiple ovulation wherever this usual procedure is in fact followed. We shall simply repeat at this point that the evidence anent the bad effects of such drugs continues to mount up, hard in the wake of serious medical research.²¹⁰

3311. Nor will we dwell on the wife's subsequent week-long quiet discomfort, as she awaits the anticipated reintroduction of the (now-fertilized) egg-cell or egg-cells into her body - and then further awaits the desired nidation(s). Where it is done, one must however wonder whether such multiple ovulations should be induced.

3312. One realizes, where it is done, that the purpose is to acquire enough "spare" egg-cells - so as to be able to try and zygote them *in vitro* (either contemporaneously or successively). One well understands that the motive here is to increase the likelihood of the wife's impregnation at that time or at subsequent times - in order to diminish the likelihood of needing painfully to extract new egg-cells from her at later dates, in subsequent efforts to impregnate her.

3313. It must be pointed out, however, that there is no parallel in natural human ovulation or natural human conception to justify this extreme measure of artificially-induced multiple ovulation. Indeed, one must also wonder if the very administration of the hyperovulatory drug itself, which we now know may cause at least some harm to the woman - does not *ipso facto* harm also her egg-cell(s), and therefore even the zygote(s) which may possibly result from any successful *IVF* produced after hyperovulation.

The fertilization of the human egg *in vitro*

3314. Once the egg-cell(s) has (or have) been extracted from the woman, fertilization is attempted *in vitro*. This we regard as totally unethical, because noncoital and extra-uxorial. Indeed, whenever this is done either with one multiply-ovulated egg-cell or with several multiply-ovulated egg-cells (whether fertilized contemporaneously or successively), the problem is compounded.

3315. The *in vitro* fertilization of a multiply-ovulated egg-cell only compounds the problem already inherent in the *in vitro* fertilization of even a non-hyperovulated egg-cell. Moreover, in the *in vitro* fertilization of a few or several hyperovulated egg-cells - the greater the elapse of time between the fertilization of one and the other(s), the greater the legal and medical and certainly the theological problems thereby

^{209.} *Op. cit.*, p. 2.

^{210.} See paras. 3105, 3108, 3110, 3126, 3137, 3155f, & 3197.

created.

3316. For wherever there is to be an attempt (or attempts) to fertilize not just one but several multiply-ovulated egg-cells - a further decision needs to be made right then as to whether to attempt the fructification of only one egg-cell at a time, or of all of them simultaneously. Yet even if all were to be fructified quite simultaneously, if thereafter they are to be implanted in the womb one by one at appreciably-different interval(s) - a further decision or decisions need(s) to be made, *viz.* as to when each of them should be so implanted.
3317. This would then also require the interim refrigeration of some unfertilized eggs or of some human embryos or some of each. The preference in most *IVF* procedures is for at least some simultaneous fertilization to be attempted *in vitro* - because unfertilized egg-cells tend to deteriorate (even when refrigerated).
3318. Simultaneous attempts to fructify from three to ten or so eggs - but usually only about four or five - are often undertaken in *IVF*. It is known the chances that the woman herself will soon become impregnated thereby, are not even 20% - and still less again, that she will then carry such a nidated embryo to full-term.
3319. The greater the number of artificially-orchestrated *IVF*-zygotes which are "grown" in petri dishes, and the greater the number of *IVF*-zygotes which are then soon transferred into the same womb and at the same time - the poorer the quality of each of the zygotes will be, and will become.²¹¹ Problems noted with *IVF* multiple births, include: prenatal mortalities; premature birth; low birth-weights; hospital readmissions; vision and hearing defects; intellectual disabilities; cerebral palsy; psychological problems; regression; communication disabilities; and infant mortalities.

Trying to gauge what number of eggs to fertilize and implant

3320. Even during the 'antediluvian' earlier days of human *IVF*, just before the 1980s, in spite of the usual implantation then of several test-tube embryos into the womb simultaneously - the chances were still quite great that the woman would not get pregnant in her first attempt at *IVF*. Yet this also meant - even if she were, way back in those good old days, then to have become pregnant after all of her *IVF*-embryos had been transferred into her womb - that the quality of those hyperovulated and multiply-fertilized eggs was not so good as it would have been, if those human eggs had been collected by single ovulation and if they had then as such been subjected to *IVF*.
3321. In the early days of human *IVF* (before relaxing the traditional legal restraints as a result of implementing some of the many and various recommendations of the 1983 Demack Committee and especially the 1984 Waller Committee) - usually only four or five (rather than say ten) egg-cells were hyperovulated and extracted from the woman. Usually, they were all then "insperminated" *in vitro* at one and the same time - and just a few days later all deposited *in utero*. However, with subsequent statutory changes to the law facilitating first the freezing of human embryos (and later even the destruction of frozen human embryos after a number of years or in the event of the death or separation of the parents) - *IVF* practices became more liberal.
3322. Thus by 1989, even the Queensland Fertility Group (a relatively conservative body when compared to the practices of the more radical Monash *IVF* Team in Victoria) was doing things somewhat

^{211.} Paras. 2548f.

differently.²¹² With the QFG, according to the July 1989 *Interim Report to the Commission of Assembly [of the Presbyterian Church of Queensland] on Ethical Considerations...by the Public Questions and Communications Committee*,²¹³ "the aim of the program is to fertilise five to six eggs with the view to implanting three to four embryos so as the maximum chance of a healthy child is enhanced while at the same time avoiding large multiple pregnancies which could cause the death of all foetuses. If more embryos are produced than it is considered safe to return to the mother, excess embryos are frozen" (about which later).

3323. Artificial attempts to bring about simultaneous multiple-*IVFs* often produce more embryos than are desired. If only some embryos are then selected for implantation, it is really not the pitiable parents but rather the divining Doctor who thus elects - as a new Father Divine! If not 'Dean of the Universe' (like the old Father Divine) macroscopically, our divining Doctor would at least be father divine and dean of the uterus microscopically - the *de facto* father and only Redeemer of "his" elected children, and the *de facto* unfatherer and Reprobator of his "own" factory-rejects!
3324. Yet what is the criterion for such selection? The divine good pleasure and eugenetical election of the chosen few - by a Darwinistic Doctor determined to ensure the survival only of the fittest, and either to destroy or to deep-freeze those he decrees to be unfit (or even merely less fit) in his ice age of liquid nitrogen! What are the legal rights of those frozen embryos - anent the stunting of their personal development; their ability to inherit; and their ability to enjoy such? If they have no rights in the suspended animation of their quasiactic and limbolike refrigeration, are their then-nonexistent rights restored; or are brand-new rights 'created' *de novo* - if there is some gracious later global warming of their frigid tundra?
3325. Either abandoning or killing such redundant human zygotes should be unthinkable to all civilized persons - as it is even to many savages. But so too should transferring him or her or them to another foster-womb or to other foster-wombs - which again raises problems similar to those of *AID*.
3326. After multiple *IVFs*, freezing redundant embryos in liquid nitrogen has not yet resulted (after subsequently thawing him or her or them) in producing one single **totally**-undamaged fetus, even where still viable.²¹⁴ Many such embryos have slight abnormalities, some of which may become more pronounced only when attaining puberty. Indeed, all of the above procedures raise innumerable legal, medical and moral problems of a truly prohibitive nature. Genesis 9:5-7; 37:21f; Exodus 20:12-14; 21:18-25; Numbers 35:16-21; First Samuel 24:12-15; 26:9-11; First Kings 18:4; Job 31:19f; Psalm 82:4; Proverbs 24:11f; 31:8f; Jeremiah 26:15f; Matthew 25:35-43; First Corinthians 7:1-5,14; Ephesians 5:28 to 6:4; First Thessalonians 5:14; James 1:17; 2:8-16.

Quick use of donor's if husband's sperms fail to produce *IVF*

3327. What happens if the husband's sperm fails to fertilize his wife's egg(s) *in vitro*? Should the experiment be abandoned - or should donor-sperm now be used, as in *AID*, with the approval of husband and wife? Our own position against *AID*, for the reasons previously mentioned,²¹⁵ would require rejection of this *IVF-WAS* (alias '*In Vitro* Fertilization With Alien Sperm'). However, just listen to the following account²¹⁶ of what occurred (apparently in the Queen Victoria Medical Centre in Melbourne).

^{212.} *Woman's Day*, Jan. 27th 1982, pp. 7f.

^{213.} *Op. cit.*, pg. 2 paras. 4-5 & pg. 4 para. 2.

^{214.} Ch. 8, 4(ii)-(iii).

^{215.} *Courier-Mail*, July 23rd 1985.

^{216.} *Ib.*, Aug. 5th 1985.

3328. "Judith _____, tucked up in her hospital bed, not daring to move a muscle after her reimplantation operation, says: 'I was worried about going to the [operating] theatre - more worried about them putting it [her egg] back'.... Her husband...was present during the operation.... His sperm failed to fertilise the egg. An unknown donor's sperm [then] fertilised the egg, which is now re-implanted in her womb - and will hopefully develop into a healthy foetus."

What if mother does not want all her hyperovulated embryos?

3329. Once some five hyperovulated human eggs have been inseminated *in vitro*, they are carefully surveyed to see if they first zygote and then reach the blastocyst stage about four days later. If say three of the five do (while the other two die), a further decision then has to be made. That decision is: whether to transfer only one, or two, or all three of the living blastocysts into the woman's womb.

3330. And who is to make that decision? Hopefully not the Doctor, but the mother. Yet this raises even further problems. Whether she is married or not, **should** she and she alone be allowed to make such a decision? If so, and were she to desire the implantation of all three embryos against the advice of her Doctor - whose desires should be decisive here?

3331. Nay more - if the mother wants only one of those embryos implanted, but her husband and/or the children's father wants all of them inserted - whose wishes should be determinative? For if the mother is married, seeing that she and her spouse would have chosen to ignore her direct impregnability by act of God alone *via* natural sexual intercourse within the marriage, by having resorted to *IVF* (which we consider to be impermissible) - surely her interests as mother should be subordinated to that of the father of the children. First Corinthians 11:3-9 and Ephesians 6:4.

3332. Yet further. If not just three of the say five hyperovulated human eggs but in fact all five of the eggs got fertilized *in vitro*, and if all five of them were simultaneously transferred into the same womb and then took root there - the woman would end up with a set of unidentical quintuplets. This is very possible - although some of those thus-transferred five blastocysts might not survive for long, even if they all did become implanted.

3333. However, the woman or her husband or both parents may not want to face the bearing and/or the rearing of quintuplets - especially seeing that the greater the quantity of blastocysts which do take root, the poorer their developing quality would tend to be. Indeed, the woman might try to refuse implantation of more than one *IVF* blastocyst at a time - for medical or even for purely selfish reasons. Either way, there is a grave temptation to the *IVF* Doctors not even to try to implant all of the *IVF* blastocysts into their own mother - especially all at the same time.

3334. Of course, we feel that the mother should always welcome twins or triplets and even quadruplets or quintuplets - whether conceived naturally, or whether fertilized *in vitro*. If she would not welcome into her body at one and the same time just as many of her own blastocystic embryos as might grow *in vitro* - she has no right to desire any pregnancy at all, even in the first place. Nor should she then have any assistance to receive any help at all in trying to get pregnant. Compare, on this important matter, Genesis 25:21-24 & 38:18b-30 and Ruth 4:10-18.

3335. On the above position, one cannot entertain the practice of freezing human sperms or eggs or embryos (which causes them to deteriorate). Still less could there be any room for any subsequent disposal of frozen embryos (whether by way of negative abandonment or of positive destruction).

Unacceptability of 1989 policy of Queensland Fertility Group

3336. Accordingly, we find ourselves totally out of step with the policy of the Queensland Fertility Group. That policy was reported in the July 1989 *Interim Report to the Commission of Assembly [of the Presbyterian Church of Queensland] on Ethical Considerations...by the Public Questions and Communications Committee*. For, after holding discussions with members of the QFG, and learning of its then-current policy guidelines, the PQC reported to the COA of the PCQ as follows:
3337. **"The group [said it] adopts the policy guidelines of the Demack Commission which states that an embryo is deemed to cease to exist if one or both parents die or the marriage breaks up. Frozen embryos are available for implanting at a later date in participating women. The freezing of embryos adversely affects them, as some cells are killed by the procedure. Embryos are frozen at about the eight-cell stage of development. Frozen embryos are implanted in a woman even if all but one cell have died.**
3338. "Under some circumstances an egg's wall may be penetrated by the head of more than one sperm. If this occurs, there is the possibility that the resultant make-up of the cell could consist of three sets of chromosomes rather than the two sets (one from the mother and one from the father) which is normal.
3339. "If this occurs, the egg is disposed of...because in a small minority of cases live births have been recorded in Brisbane of individuals with more than one set of chromosomes from one parent. These individuals have not lived and have been grossly deformed."²¹⁷
3340. It needs to be pointed out that what the Demack Commission Report of 1984 actually said,²¹⁸ is that "if freezing were considered unacceptable because of risks it entails - *IVF* programmes should restrict the number of eggs fertilized to those necessary to accomplish a pregnancy." Indeed, even if freezing were considered acceptable, "cryostorage should not exceed two years - except in exceptional circumstances."

Queensland Fertility Group misrepresented *Demack Report*

3341. Also earlier, in July 1985, spokesmen of the Queensland Fertility Group had misrepresented the Demack Report: by alleging²¹⁹ then that it did "recommend that *IVF*, including the freezing of embryos, should be allowed." Together with various other *IVF* reports compiled by groups such as the Waller Committee and the Connon Committee and the Warnock Committee, the Queensland Fertility Group spokesmen then listed also the "Demack Committee of Inquiry for the Queensland Government 1984."
3342. At that time, many spokesmen for the Queensland Fertility Group also stated in a publically-issued written declaration: "We have added embryo freezing to the program.... In this, as in all other aspects of our *IVF* program, we are following the wishes and recommendations of all of the above groups...and the government committees of inquiry."
3343. Especially the word "all" in the last line above, drew a robust response²²⁰ from St. Luke's Medical Guild in the next month (August 1985). That response referred to "the Queensland Fertility Group's

^{217.} See paras. 2949f, 3186, 3198, 3286 & 3183.

^{218.} See paras. 3052, 3174 & 3183.

^{219.} See paras. 3183 & 3195.

^{220.} M.A. Warren: *Gendercide - The Implications of Sex Selection*, Totowa N.J.: Rowman and Allanheld, 1985.

promise last year [1984] to 'refuse to freeze embryos until legislation regarding legal and ethical guidelines is passed.'" The response then added: "The breaking of that commitment, in the absence of such legislation, is reprehensible...."

3344. "Two of the most serious threats at present are contained firstly in the reference...to surplus frozen embryos as disposal problems; and secondly in the fact that more than half the embryos frozen then thawed are unsuitable for reimplantation to achieve pregnancies.... Queensland's Demack Committee of Inquiry referred specifically to the dangers of freezing, and did not recommend that freezing of embryos should be allowed, as the [Queensland Fertility] Group's letter stated."

Status of *IVF* embryos if mother dies and if spouse remarries

3345. What should be done if the wife suddenly dies before her *IVF* embryo(s) can be inserted into her womb? Should her *IVF* embryo(s), with or without the consent of her widower as the legal custodian of the child(ren), wherever possible be implanted artificially into the womb(s) of some other willing woman or women, or into the womb(s) of animals like apes for purposes of gestation - or even into full-term mechanical incubators? Or should the embryo(s) be left to die; be destroyed; be donated to any other child-hungry woman or women; or be frozen, and so remain until the widower remarries?
3346. If he remarries, should the widower have the right to demand his new wife (especially if young and healthy) thus be implanted (even against her wishes)? Or should even he have the right to refuse this, if his new wife requests such implantation? Moreover, what should be permitted or required to occur with these frozen embryos if he remarries a new wife who is herself approaching or even past menopause? Here one recalls the 1987 case of the 48-year-old Mrs. Anthony, who gave birth to her own daughter's *IVF* child.
3347. May any decision at all be made, right after an *in vitro fertilization* of hyperovulated eggs, to leave some of the living *IVF*-embryos untransferred into the true mother's womb - if she is still alive and well, but alas unwilling to receive all those embryos of hers? Is it ever ethical even to consider following such a limbolike procedure? If so, by what standard?

Should also abnormal embryos be transferred into the womb?

3348. Should also all abnormal embryos fertilized *in vitro*, always be transferred into the mother's womb? Yes! For normally, even abnormal zygotes conceived in her fallopian tube are transferred by God into the womb four days later - where He may, or may not, implant them at His sovereign good pleasure. So, if man has (even anti-normatively) fertilized human eggs *in vitro* - let not man but God determine whether, after their transfer into the mother's womb, He will (or will not) nidate them there!
3349. Besides - just **how much** abnormality in human embryos should be **tolerated**, or even could be **discerned** by Doctors, before the latter should be allowed to make the 'divine' decision whether to implant or not to implant? For **all people have some abnormality**, because of the consequences of original sin imputed to them.
3350. Doctors may in some cases indeed be demonic, but they are never divine nor divinizable. Neither are they ever omniscient or omnipotent. So they should not ever even try to divine - by attempting to discern the extent of the abnormalities inherent in every embryo; and then **elect some** for transfer into the warming womb, and **reprobate the rest** into the freezing tomb. So Doctors should refrain from all *IVF* and *GIFT* procedures, where the incidence of abnormalities is very significantly greater than in

natural conceptions.

3351. For especially hyperovulated fertilized human eggs have been correlated with an increase in the incidence of the chromosomal abnormality trisomy in embryos, which causes Down's Syndrome. In France, the amount of *IVF*-children born thus is twice as high as in respect of non-*IVF* babies; and the incidence elsewhere is even higher. Moreover, mistakes are made - because the chromosomal material of the sampling is finally not correctly matched with the actual chromosomal material of the fetus. This means that many unborns have been aborted, who were absolutely normal.²²¹
3352. Then there is amniocentesis. Most *IVF* programs require the woman to undergo this procedure, if she becomes pregnant. Indeed, many *IVF*-Practitioners then move on to abort any child thus deemed 'defective.' In Melbourne, new cultures from the amniotic fluid of pregnant women enable Technicians to "cull" the "good" human embryos from the "bad." In Sydney, the same can be done after testing for the presence of *PAF* in unimplanted embryos. Yet even after amniocentesis in *IVF*-pregnancies, fully 10% of the babies born subsequently - have traumatic *sequelae* at birth.²²²
3353. Finally, there is chorionic villi sampling. This gives a rate of spontaneous abortions which is two to four times higher than even that of amniocentesis. So, also in view of the findings even of the Australian *Waller Report*, the total success rate of *IVF*-procedures appears to be only 7% pregnancies - with an even lesser percentage of subsequent successful births. Frankly, the risks of fetal abnormality is three times greater in *IVF* - than in pregnancies occurring after normal sexual intercourse.²²³

Should there ever be corrective surgery on embryos?

3354. We have said that all *IVF* embryos, even when considered to be abnormal medically, should be transferred to the womb. However, should that be done without first treating them? Or should they first be healed as much as possible before such transfer?
3355. If such surgery is licit (which is probable), it should be noted that such would be *CES* (alias Corrective Embryonic Surgery) upon a human being - and not *HGE* (or Human Genetic Engineering) on the genes of another human being before he or she might later become a parent. However, if and when the possibility of sperm and/or egg alteration even before fertilization is to be addressed, the whole matter is put into even broader and apparently eugenetical perspective.
3356. However, inasmuch as after a **natural** conception there would be no possibility of surgery on the embryo until well after nidation when alone the hopefully-correctable abnormality in the growing human being would become apparent - it may well be that even after *IVF*, surgery should wait until well after nidation. Indeed, it may well be better yet - and safer too for the mother - to postpone certain types of surgery on the baby until after his or her birth.

Gender changes to or rejecting human embryos of undesired sex

3357. Today, the sex of *IVF* zygotes can be ascertained (without thereby killing them) before implantation. So too the sex of naturally-conceived fetuses after their nidation *in utero*. Sadly, certain countries - and notably Red China - permit the destruction of prenatal female humans.

^{221.} Chs. B & C.

^{222.} Paras. 2611-15.

^{223.} Paras. 1145f & 1174f & 1213f & 1219f.

3358. Obviously, there should be severe laws against all such gendercide.²²⁴ For maleness or femaleness is not a defect or a disease, but a gift of God concreated at conception itself. Genesis 1:26-28. Yet if and when pre-nidational or post-nidational sex change operations on embryos becomes possible (as it already is upon adults) - should such be permitted even in Red China, whether *in vitro* or *in utero*?
3359. Certainly not! *IVF*, even if it were to be tolerated as such, should never be used to promote embryonic gender selection or alteration - with subsequent discarding or freezing of embryos of the gender not engineerable. See Numbers 27:1-11. What should then be done with the 'redundant' *IVF* embryos of the unwanted gender? Transfer them to their mother's womb!

Various other vexing or weird problems posed by *IVF*

3360. Yet more questions. Should any *IVF* embryos, whether rightly or wrongly deemed to be either normal or abnormal, ever be left to die untransferred to a human womb? No! Should redundant *IVF* embryos ever be flushed down the drain? No!
3361. Even harder questions. Should 'redundant' *IVF*-embryos ever be donated to some other child-hungry woman or women, and transferred into her or their womb(s) - especially if their mother does not want them, or even dies suddenly? *Cf.* the Rios case. Or should *IVF* embryos ever be airmailed, with or without their White parents' permission, halfway round the globe and then implanted into third-world wombs? *Cf.* the Challenger case. And then, should they again be airmailed after their birth back to the West - to be auctioned off to the highest bidder (Black or White)?
3362. Nay, more! If there are no such child-hungry women currently or locally available for implantation with 'redundant' human embryos - should the latter then ever be transferred (if and when technologically feasible) into the womb of an animal as an organic incubator? And if no animal wombs are then available, may redundant *IVF* embryos ever be transferred (when technologically feasible) into a totally-synthetic womb?
3363. Should some *IVF* embryos ever be set aside to be frozen at all, even if only for transfer into the mother at a later date? May they in addition - or if the mother later changes her mind and no longer wants them - perhaps also be used for donation to other women? May some of them be used for spare parts? Or are they just to be preserved in liquid nitrogen for ten years, or for five centuries, or whatever?
3364. May they be rocketed off, in the suspended animation of deep-freeze, on their way to colonize outer space - several light-years hence? Ask Dr. Walters (paragraph 2989). Should they then be unfrozen in another yet darker place in the universe by alien beings there, who could then study the human species in that way? Is that **science** - or science **fiction**?!
3365. Are frozen *IVF*-embryos to be resurrected like zombies from their 'living dead' only on the last day? Or should they instead, right now, be donated to science and used for experimental purposes - as Dr. Snowden alleged was being done in Australia, and as the World's first human-*IVF*-Pioneer Dr. Robert Edwards was accused of having done in England way back in 1982?
3366. The questions seem endless. However, let us now try to answer some of these queries - and also to

²²⁴. Q. & A. 135^C & 135^b (2nd).

consider other possibilities flowing forth therefrom - *seriatim*.

Should any *IVF*-zygote be left untransferred to the human mother?

3367. First: May any human decision be made - to leave any *IVF* zygote untransferred to his or her living mother? Our answer is a resounding: No! The choice of some and the bypassing of other naturally-conceived zygotes, unto natural transfer to and natural implantation in the womb after natural conception within the fallopian tube - is to be determined by God alone, and not at all by man (nor even by a woman in respect of her own zygotes).
3368. Similarly, the choice of some and the bypassing of other embryos unto artificial transfer - in cases of *IVF* alias artificial conception - should likewise be determined only by God. No human attempt to 'play god' should here be made - either by the mother, by her husband, by the wife's Doctor, or by all of them put together.
3369. For embryo transfer to the womb from the fallopian tube (or even from the test-tube) is not of man that wishes it (or that does not wish it). Such transfer is not of the embryo that hastens to it - but of God Who shews mercy on whom He wants to show mercy, and Who even after natural conception leaves unidated those whom He wants to leave unidated. *Cf.* Romans 9:15-18.
3370. Men may not play at being God, by trying to decree which embryos should be allowed to be transferred into the wombs of their own mother and/or of some other women - and which should not. The implications of this are surely clear. Man should never desire human conception to take place at all, except inside the body of a married woman - and indeed even then, only very soon after intercourse with her own husband.
3371. After natural human conception one should leave the entire embryo transfer and implantation process inside the woman within the fallopian tube, and thence into her womb, to God alone. Indeed, one should neither seek to engineer this by means of *IVF* or *GIFT* nor to prevent this by means of life-depriving *IUDs* (or Intra-Uterine Devices).

How to decide which *IVF*-embryos to transfer into the mother

3372. Second: Even if it **were** right (and it certainly is not) for the Doctor and/or the parent to decide which *IVF*-embryos should be transferred and which should not be transferred into a specific womb - it would still have to be asked: by what standard? By the standard of the "good looks" and physical health of whatever *IVF* embryos seems to be of better appearance than their co-conceived or rather co-engineered brother(s) and/or sister(s)?
3373. But God has Himself chosen the foolish and the weak and the ignoble and the despised to shame the noble and the wise and the mighty! First Corinthians 1:26-28. Not by the standard of bad looks and physical weakness. For children should like Samson be physically healthy from conception onward. Judges 13:3-5. But that is for God and not for man to determine! First Corinthians 15:8-10f.
3374. Should the Doctor and/or the parent choose which *IVF* embryos grown from hyperovulated eggs should be implanted by the standard of his or her moral rectitude and human merit? No! For, after Adam's fall, is there still moral rectitude even in fallen embryos? Yet even if one embryo does have less sinfulness than another or others - how could man determine this?

3375. Indeed, also the unborn Jacob was preferred to his unborn elder brother Esau not by either of his parent(s) but solely by God Himself - even when those children were not yet born nor had themselves actually done any good or evil, precisely so that the (s)election might stand not of works (or because of one's greater human worth than the other's), but by the God Who called them? And their parents were **mistaken** then, about the worth of each! Romans 9:11.
3376. So men cannot be entrusted to make such decisions on behalf of another human being, nor on behalf of several other persons. Such decisions must be left directly to God - and to God alone. When such persons are yet tiny, such decisions can be traced only in the course of normative conception and normal embryo transfer and natural implantation or non-implantation within the woman's womb - whichever God decrees.

Any real mother will want even her abnormal offspring

3377. Third: Should even an abnormal *IVF*-embryo be transferred to his mother's womb? Of course he should! And, once that has been done, God should then be trusted as to whether He wishes to cause that abnormal zygote to be nidated inside the womb - or not. Ever since the fall, not just spiritually but also physically, all of us are abnormal to a greater or to a lesser extent - even from conception onward. In God's sovereignty, some of us are even more abnormal than the rest of us. Indeed, a few of us are very abnormal - even while yet embryos.
3378. Sometimes, in the course of divine providence, God nidates such a naturally-conceived yet very abnormal embryo. And why not? Has God not chosen the foolish and the weak and the ignoble and the despised and also the misshapen to shame the rest? First Corinthians 1:16-18 *cf.* 15:8. But even if it **were** moral for man to try and prevent abnormal embryos from being transferred to a woman's womb - and it is not - what **degree** of abnormality (major or minor) would need to be detected, in order for man to be able to make this kind of decision? Who - including which *IVF*-Doctor - shall lay any thing against God's elect? It is God Who justifies (also and indeed precisely the defective).
3379. Who is it that condemns (some embryos to non-implantation)? What shall separate us from the love of Christ (or the love of a pregnant mother toward the weak children within her womb)? Shall tribulation, or distress, or persecution, or famine, or nakedness, or peril, or sword (or pre-implantational deformity)? As it is written: 'For Your sake we are killed, all the day long; we are regarded like sheep [and sometimes even as redundant embryos] - for the slaughter.'" *Cf.* Romans 8:33-36.

Should an abnormal *IVF*-zygote first be treated before transfer?

3380. Fourth: Should an abnormal *IVF* embryo first be treated, before being transferred to the womb? This is a most difficult area. However, the answer is probably: yes. After all, even from his or her very conception onward, the *IVF*-embryo has already been treated in a chemical solution before possible implantation.
3381. Indeed, even prior to such conception - the egg and the sperm from which the *IVF* embryo is to be conceived have already been washed and treated after extraction or ejaculation and before being plunged into the artificial chemical solution in the petri dish. Once the decision has been made (incorrectly) to attempt any human fertilization *in vitro* - all further steps, for a long while thereafter, inevitably involve artificial treatment.
3382. For this reason, yet further treatment of an unusually-abnormal *IVF* embryo after conception but

before any attempted implantation, is probably in order - provided the embryo can be treated so as to help heal him or her at the most appropriate time possible, and provided such treatment (before or during or after implantation) harms neither the *IVF* embryo nor any of his or her brother or sister *IVF* embryos nor the mother (nor any other womb-donor).

3383. Here, the position is somewhat analogous to diagnosing a fault and prescribing treatment to a mother or to her natural embryo(s) right after intra-uterine conception and before or even after natural embryo-implantation *in utero*. Judges 13:3-5 *cf.* James 4:17. At the same time, the legal doctrine of causation must be just as widely applied against medical negligence as can be proven. So, even from this angle, it would be far wiser for man not to produce zygotes by artificial means like *IVF* in the first place.

What to do with *IVF*-zygotes not transferred to the mother?

3384. Fifth: Are those *IVF* embryos who are not transferred to the womb, to be left to die of their own accord? We have argued²²⁵ that all human *concepti* are personal male or female human beings, even before they may or may not grow into blastocysts and later nidate or not nidate in the human womb. Arguably, it would then follow that to allow them to die of their own accord - when one could save their lives - is a sin of omission and indeed a negative transgression of the Sixth Commandment 'you shall not kill!'
3385. Even although a murderous intent²²⁶ is lacking, the act²²⁷ of killing is still there - in any decision **not** to implant human *IVF* embryos. Such is a sin of omission to save those human lives, rather than the graver sin of commission actively to kill them. Such graver sins are found in any subsequent decision possibly to freeze such human embryos, and certainly in any yet-later decision to abandon or even to destroy frozen embryos.
3386. Also sins of omission are culpable. For, as the *Westminster Larger Catechism* states:²²⁸ "The duties required in the Sixth Commandment are all careful studies and lawful endeavours to preserve the life of ourselves and others (First Kings 18:4)...by succouring the distressed and protecting and defending the innocent. First Thessalonians 5:14; Job 31:19f; Matthew 25:35; Proverbs 31:8f." See too Psalm 82:4 and Proverbs 21:13 & 24:11.

Killing human *IVF* embryos by commission and by omission

3387. Sixth: Should untransferred *IVF*-embryos actively be killed by human agency - whether deliberately, by quickly exterminating them with lethal chemicals; or whether accidentally, by slowly freezing them in liquid nitrogen into medical unrevivability before or after their deaths? Either action does, of course, involve the positive killing of a human being - directly or indirectly; intentionally or accidentally. Either way, we have here various sins of commission - with different degrees of homicidal guilt.
3388. For, as the *Westminster Larger Catechism* rightly states: "The sins forbidden in the Sixth Commandment ("you shall not kill") are all taking away the life of ourselves or of others (Genesis 9:6) unrighteously; all "withdrawing the lawful and necessary means of preservation of life (Matthew 25:42f & James 2:15f & Ecclesiastes 6:1f)"; and all "striking, wounding, and whatsoever else tends to the

225. Q. & A. 136^{d h w x}.

226. C. Wallis: *The New Origins of Life* (in *Time*, Sept. 10th 1984, p. 66).

227. *Courier-Mail*, November 12th 1981.

228. *Woman's Day*, January 27th 1982, pp. 6f.

destruction of the life of any (Numbers 35:16-21 & Exodus 21:18-36)."²²⁹ Surely, this would apply also to flushing a dying *IVF* human embryo down the drain, or throwing him or her - as aborted fetuses sometimes are - into a hospital trash bag.

Giving 'redundant' *IVF*-embryos to other child-hungry women

3389. Seventh: May "redundant" human *IVF* embryos not wanted or needed by their own biological mother, be donated to some other child-hungry woman or women and implanted into her or their womb(s)? Such an action would have the merit of trying to preserve human life - as well as that of trying to assuage childlessness in alien women. But such an action would also raise some very serious legal and moral problems.
3390. For how could the thus-implanted *IVF* embryos be legitimate? What is their position as intestate heirs - and of whom? Who should be held responsible for any damage incurred during and/or after nidation within the foster-wombs into which they might get implanted? Who should be held legally responsible, if such embryos are not transferred into any human womb?
3391. May such non-transfer form the basis of a 'right to life' action brought by some appropriate relative of that embryo, or brought by some other person having a legal interest? Indeed, may an *IVF* embryo grown in an alien womb - long after his or her later birth - sue his or her biological mother; the attending Doctor; and/or his or her own surrogate mother for breach of his or her right not to be gestated artificially? And may any other interested party sue even before the surrogate baby's birth or later maturity?
3392. We believe the true mother who refuses to have all living embryos implanted into herself, should be held legally responsible for that act of omission. Indeed, we further believe that her attending Doctor who refuses to attempt the transfer of all *IVF* embryos when the mother is willing and desirous of this - should be held legally responsible for the omission. Accordingly, only if the true mother dies or becomes mortally sick after ovulation and before accomplishment of the intended embryo-transfer, should foster-wombs for an *IVF* embryo even be considered.
3393. Surely, however, these considerations should make people want to avoid this whole *IVF* technique from the very beginning. Simple adoption of full-term babies already born, is a better solution than clinics or hospitals deliberately "creating" babies for an inaccurately assessable baby market.

Poor viability of all *IVF*-embryos before and after transfer

3394. Eighth. Even the very viability of *IVF*-embryos themselves, is inassessable. Claudia Wallis states in her important article *The New Origins of Life*:²³⁰ "Even the best clinics offer little more than a 20% chance of pregnancy.... There is a 20% chance of pregnancy if one embryo is inserted; a 28% chance if two are used; and a 38% chance with three...."
3395. "One-third of *IVF*-pregnancies spontaneously miscarry in the first three months.... Second and third attempts will become easier...with the wider use of cryopreservation.... **Some 30% to 50% of embryos do not survive the deep freeze.**" All embryos are at least somewhat damaged thereby.

229. *Id.*

230. Para. 3398.

Possible use of animal-wombs for needy human *IVF*-embryos

3396. Ninth: If no human foster-wombs are currently available or ethically acceptable - are the *IVF* human embryos to be implanted (if and when technically feasible) into the womb of a female ape as an organic growing medium or incubator? This possibility has been raised already, in conversations with the Chairman of the Australian Law Reform Commission and other influential persons.²³¹ The very idea almost boggles the mind (*cf.* First Corinthians 15:39), and we shall look at it more closely in our following chapter on 'Nonhuman Wombs for Humans.' Here, however, we shall simply observe that it presents an extremely difficult moral problem.
3397. On the one hand, it might be argued that there could be little more philosophical objection to using animal wombs to preserve imperilled tiny human lives than there could be to using pigs' heart-valves to repair damaged human hearts *etc.* On the other hand, however, it fills one with revulsion to think of the possible 'bestializing' psychological or even physical influence an animal's foster-womb might have on a human zygote growing therewithin. The technological difficulties here are vast, and the ethical problems almost unsurveyable. Surely, all of this strengthens the many reasons for calling for a moratorium against *IVF* as such.

Possible use of synthetic 'wombs' for needy human *IVF*-embryos

3398. Tenth: If neither human nor animal wombs were to be available or to be ethically acceptable to receive possible transfers of human embryos - may "redundant" *IVF* embryos then be implanted into a totally synthetic womb? This possibility was already anticipated and even "portrayed" (as the *IVF* embryo's home for 8.75 months from nidation till "birth") in the informative TV documentary movie *Tomorrow's Child* - shown on Australian TV during 1982.
3399. Like the discussion of animal wombs for the possible gestation of human embryos, we leave the discussion also of full-term mechanical incubators until our next chapter on 'Nonhuman Wombs for Humans.' Meantime, however, we here note that this is but the logical development of *IVF*. For *IVF* itself involves *NFT* (or Nonhuman Fallopian Tubes). And *NWH* (or Nonhuman Wombs for Humans) is but the further extension of *NFT*. Indeed, it is very significant that the producer of the movie *Tomorrow's Child* expressed "gratitude to the Monash Medical Team" during "filming at the Queen Victoria Hospital."²³²

Ethics of freezing and keeping human embryos in liquid nitrogen

3400. Eleventh: Is it responsible to keep human embryos deep-frozen in liquid nitrogen for an indefinite period of time? If so - for how long?
3401. The *Woman's Day* told its readers:²³³ "With sympathetic understanding and explicit detail, [the TV movie] *Tomorrow's Child*²³⁴ tells the amazing and often moving story behind the latest advances in test-tube baby techniques by Monash University Doctors and Scientists at Melbourne's Queen Victoria Medical Centre.

^{231.} Para. 3018.

^{232.} *Time*, September 10th 1984, p. 66.

^{233.} *Study Aids* (p. 26) for F. Schaeffer's movie on F.A. Schaeffer's book *How Then Should We Live?*

^{234.} Paras. 3387f.

3402. "The Australian team leads the World in the development of the frozen-embryo technique.... The film crew are making history too, with their slow motion close-ups of the freezing and thawing of a human embryo - a potential human being, which has been locked in suspended animation for several months."
3403. One correction here. The freezable and thawable human embryo is not at all "a potential human being" - but rather: fully a human being with great potential. Indeed, on the very next page of the article, the *Woman's Day* reproduced a photomicrograph captioned: "A human embryo kept frozen for five months and just thawed out, ready for implantation in the womb." Such freezing for five months before thawing, is but a short time. The Monash *IVF* Team's Dr. Wood spoke of storing *IVF* embryos thus for up to 400 years.²³⁵
3404. We also noted:²³⁶ all human embryos are damaged by freezing them; all deteriorate while remaining frozen; and 30-50% of those frozen do not survive. There are indeed many legal ramifications anent the freezing of human embryos - whether for several months (thus the movie *Tomorrow's Child*), or for 400 years (thus Professor Wood). Our own gutlevel reaction to all of this, is to oppose all freezing of human beings - even if the motive for freezing is laudable as far as it goes (such as to 'suspend' the 'animation' for half a millenium and then to revive deformed and suitably-labelled embryos only at a time when it is anticipated a cure will have been discovered for those deformities).
3405. For there is indeed "a **time** to die." That has been "**appointed** to men." Ecclesiastes 3:2 and Hebrews 9:27. For it is the Lord God Who wounds; and Who kills; and Who brings down to the grave - and Who heals; and makes alive; and brings folk back to full bodily integrity, on resurrection day. Deuteronomy 32:39; First Samuel 2:6-8; Job 19:25-27.

Giving 'redundant' human embryos to science for experimentation

3406. Twelfth: Should redundant human embryos be "donated to science" - that is, arrogantly be appropriated by certain Scientists - and then used for experimental purposes? Not only could they then be used for research in detecting and eliminating abnormalities either in themselves or for the sake of future generations. But it is conceivable that frozen human embryos could also be kept for 'spare parts' in the correction of other defective human embryos or even adult human beings.
3407. This is somewhat reminiscent of 'harvesting the dead.' As the Rev. Dr. Francis Schaeffer has warned,²³⁷ "to obtain organs for transplants forces acceptance of new definitions of 'death'" - and of new and deathlike conditions (such as 'suspended animation').
3408. Yet inasmuch as frozen human embryos are **not dead** - the ethical consequences of 'harvesting' **their** body parts or even experimenting on their 'living' substances, are **far** graver than dissecting corpses in order to 'harvest' their transplantable hearts and corneas and kidneys for living human beings. In the case of defenceless 'Inferiors' (such as frozen embryos), this is a indeed a grave transgression by their 'Superiors' (such as strong-hearted adults) - of the Lord God's Sixth Commandment against killing.²³⁸

235. QQ. & AA. 129^{i-w} & 130^m.

236. Paras. 2989f & 3035f.

237. See Clifford's *op. cit.*, pp. 3552f.

238. See the baby Douglas case, and the other cases, mentioned in paras. 1761-92.

Grave sin of mistreating human embryos and other babies

3409. Thirteenth, mistreating human embryos and other babies is a grave offence. Jesus says: "O Father, Lord of Heaven and Earth...You have hidden those things from the wise and prudent and have revealed them to babes.... Whosoever shall offend one of these little ones who believe in Me, it were better for him that a heavy stone were hanged about his neck and that he were drowned in the depth of the sea.... Take heed that you do not despise one of these little ones.... It is not the will of your heavenly Father that one of these little ones should perish." Matthew 11:25 & 18:6-14.
3410. Mistreating tiny human beings is a very serious transgression of the Fifth Commandment ('Honour your father and your mother'). For the Fifth Commandment requires not only that 'Inferiors' (such as babies) obey their 'Superiors' (such as their parents). It also requires all 'Superiors' (like mothers and their Doctors) to care for their 'Inferiors' (including embryos).
3411. For "it is required of Superiors, according to that power they receive from God and that relation wherein they stand, to love...and bless their Inferiors" by "protecting and providing for them all things necessary for soul and body (Job 29:12-17 & Isaiah 1:10-17 & First Timothy 5:8)" - while never "careless[ly] exposing or leaving them to...danger. Genesis 38:11-26 & Acts 18:17." Thus the *Westminster Larger Catechism*.²³⁹
3412. The above Schaefferian statement about "suspended animation" is very important. So too is the statement of the *Westminster Larger Catechism* about not "exposing" any "inferiors" to "danger." In their light, we are now better placed to evaluate the report of Monash Professor William Walter's statement about sending frozen human embryos off into outer space.²⁴⁰

Religious dedicatability of human embryos even before transfer

3413. Fourteenth: What about the religious or ritualistic dedicatability of such *IVF* embryos before their transfer into a womb; or before their being used in scientific research; or before their being frozen? From a Calvinistic viewpoint, the *IVF* embryos should never be fertilized outside the human body in the first place. However, once that has been done - those embryos should not be baptized until after their birth; and, even then, only if conceived within or otherwise adopted into the covenant of grace.
3414. This is so, because Calvinism considers also human embryos to be accessible to the saving grace of God long before their later birth - and indeed even if they never get baptized at all. See: Jeremiah 1:5; Luke 1:15; 1:36-44; Romans 11:16; First Corinthians 7:14. From the Baptist view, however, there would seem to be no objection to the ritual of dedicating the *IVF*-embryos even before removing them from the petri dish.
3415. From the Roman Catholic and Eastern Orthodox viewpoint, one would expect the *IVF*-embryos to need at least a conditional baptism - before they could be assumed to be regenerated. As regards such *IVF* embryos destined not for immediate implantation in a womb, but instead planned for interim freezing (where almost half could be expected to die) - one would perhaps expect them to receive a purported baptism by Rome and by Eastern Orthodoxy before or soon after the freezing of such embryos is commenced.

²³⁹. *Daily Sun*, Brisbane, Sept. 30th 1982, p. 9.

²⁴⁰. *Op. cit.*, pp. 8f.

3416. Now Rome and the Eastern Orthodox hold that no human being dying without baptism, can ever go to Heaven - but only to Limbo. For they could hardly expect an allegedly-undesiring embryo to receive a "baptism of **desire**" (*sic*). Hence Rome's strong perception of the need for dying embryos to be baptized even intra-uterinely, and at least conditionally, in cases of ectopic gestation.²⁴¹ Yet even these religious considerations should once again require man's questioning of the propriety of all these test-tube procedures.
3417. Fifteenth and last: Should any woman be exposed to the medical, psychical and all of the other dangers which would accompany her being implanted artificially with her own *IVF* embryos? Who is morally and legally responsible for injuries caused to the woman? Who is accountable for abnormalities in, and for even the post-nidational death of, implanted embryos? How do the legal concepts of "malice" and "negligence" and "waiver of rights" and "just intent" function in *IVF* cases - as regards the mother, her husband, the medical team, and the embryo or embryos concerned (both at that time, and later)?²⁴²
3418. How will the *IVF* baby later feel about the circumstances of his or her own conception, if and when he or she grows up? Might the *ex utero* nature of the first week of his or her life (right after his or her *IVF* conception) not cause some or other as-yet-undetected psychic abnormality? With all of these manifold problems with *IVF* as such - would married couples not be much better off adopting already-born children needing good homes?

The documentary *IVF* movies *Julie's Baby* and *Tomorrow's Child*

3419. Significantly, the American movie *Julie's Baby* - about the first successful *IVF* birth in the United States (in Norfolk Virginia) - states that all of the *IVF* embryos were then transferred into the mother's womb. It was also stated, however, that it would have been good first to have investigated them **outside** the human womb - in order to try to **improve** the human stock. It was also stressed to the wife, prior to the removal of her egg-cell(s), that abortion would have to be considered if the *IVF* embryo transfer were to prove unsatisfactory - and that such an abortion was not a moral question.
3420. The later Australian movie *Tomorrow's Child*, however, makes no such objectionable statements about abortion and artificial engineering - although it does futuristically trace the growth of an *IVF* child all the way to "birth" without ever at any time being transferred into the mother's womb. Yet the January 27th 1982 article thereon in *Woman's Day*, claimed that the movie shows "slow-motion close-ups of the freezing and thawing of a human embryo...locked in suspended animation for several months." Indeed, Dr. John Leeton, an Associate in the Monash *IVF* Team, was on September 30th 1982 stated to have said:²⁴³ "We have been using two-to-three-day-old embryos, for some eighteen months, in *in vitro* fertilisation research."
3421. From all of this, then, it seems quite obvious that the earlier Norfolk Virginia policy of implanting all of the *IVF* embryos into the woman, had not been adhered to. At least, not in Australia.

Motives for and results of *IVF* need to be distinguished

3422. After either immediate or ultimate transfer of the *IVF* embryo or embryos into the womb of the mother

^{241.} *Op. cit.*, p. 164.

^{242.} *Ib.*, pp. v, 49, 57-60

^{243.} Cited in Australian Presbyterian Living Today, July 1995, pp. 7f.

and/or into the womb(s) of some other woman or women, each embryo either dies there unimplanted or alternatively takes root there - with or without further artificial assistance. If each embryo implants, he or she may or may not then survive to full-term - whether deformed or undeformed, as the case may be.

3423. Yet after fertilization of her egg(s) - whether before or after subsequent implantation - the mother may ail, or even die. Then the possibility arises, before implantation, of trying to transfer the embryo(s) either from the petri dish or the refrigerator to elsewhere.
3424. After implantation, such transfer elsewhere is of course more problematic. Yet even then, there is still the possibility of further embryo transfer (at least theoretically) from the womb of the ailing or dying mother, and into some other woman's womb or women's wombs (or even into an animal's womb or into a mechanical womb or into an artificial incubator).
3425. At least *IVF* as such may well have a laudable **motive**, even when its procedures remain objectionable. Hence, the motive is indeed laudable when *IVF* is considered solely to try and help still-childless married couples to have their very own child(ren). Indeed, even after illicit *IVF*, if the mother ails or starts to die - it is certainly laudable to try to preserve and enhance the life of the either unimplanted or the implanted embryos as long as possible in every morally-acceptable way.

Questionable motives for and procedures in and abuses of *IVF*

3426. However, the motive is often far different to that! For the *IVF* technique can be abused, and indeed already is being abused, in a grave manner altogether irreconcilable with Christian morality. Thus *IVF* is sometimes used to promote: (1) *IVF* by alien sperm; (2) decisions by a healthy mother as to whether she should carry her own healthy child or not; (3) pregnancies with *IVF* embryos fathered by alien seed; (4) *AID* as a backup procedure for *IVF*; (5) deep-freezing of *IVF* embryos unwanted at that moment, or even ever, by the mother; and (6) transfers of frozen human embryos into the womb(s) of a woman or women other than that or those of their mother or mothers.
3427. The above, which we regard as abuses, are all establishable from the essay 'IVF and ET' (alias '*In Vitro* Fertilisation and Embryo Transfer') - written by the Monash *IVF* Team's Drs. John Leeton & Alan Trounson & Carl Wood (in the 1982 book *Test-Tube Babies* edited by Professors Walters and Singer). Admitted Leeton and Trounson and Wood:²⁴⁴ "A control system is needed, when testing the sperm-egg interaction in unexplained infertility. This control is applied by placing one egg with fertile matched donor sperm, as well as another similar egg with the husband's sperm.... Fertilisation with donor sperm but not with husband's sperm indicates sperm abnormalities in the latter.... In those situations where only a donor-matched inseminated embryo is cultured, the couple has to decide whether to accept this embryo or not.
3428. "This situation has already resulted in a successful pregnancy. If pregnancy does not result, the couple is advised to proceed to artificial insemination by donor sperm (*AID*).... The couple may refuse to accept the donor-inseminated embryo which with their consent, could be preserved and stored by deep-freezing for future transfer into another recipient."

Evaluation of practices admitted in Monash's *Test-Tube Babies*

²⁴⁴. *Op. cit.*, p. 9. 245.

3429. The emphases in the last two paragraphs are all ours (F.N. Lee). Nevertheless, with or without our emphases, those emphasized statements are profoundly disturbing. For they show that even way back in 1982 (when the book *Test-Tube Babies* was published) the Monash *IVF* Team's Drs. Leeton and Trounson and Wood were already open to some very questionable procedures.
3430. Even then, there was: (a) impingement by donor sperm as well as by a husband's sperm into the same batch of a wife's own hyperovulated eggs. There was: (b) implantation as an *IVF* embryo of the egg fertilized with the donor's sperm into a wife's womb if her other egg artificially impinged with her husband's sperm did not fertilize. Too, there was: (c) recommendation of a *de novo* deliberate *AID* (or Artificial Insemination by Donor) straight into the wife, wherever her own previously-implanted *IVF* embryo from donor semen failed to nidate or to make and keep her pregnant. There was: (d) deep-freezing of the donor-inseminated embryo, if the biological mother and her husband did not want him or her. And there was: (e) subsequent thawing him or her out of such deep-freeze - for transfer even into a person other than his or her own biological mother.

Impact of the Rios case on the disposal of frozen embryos

3431. That was way back in 1982. By George Orwell's year of 1984, however, a very significant problem was created by the simultaneous death in Chile of the Americans Mr. & Mrs. Rios - the parents of the two frozen unidentical twin embryos Master Rios and Miss Rios (or alternatively either the Masters Rios or the Misses Rios), who were then being preserved under liquid nitrogen in Australia. Melbourne's Dr. Wood soon denied Mrs. Rios was their biological mother. He was promptly repudiated in this by Otto Friedrich - in the latter's medical article *A Legal, Moral, Social Nightmare* (subtitled *Society Seeks to Define the Problems of the Birth Revolution*).
3432. Immediately South Australia's then-Minister of Health (one Dr. Cornwall) chimed in that frozen embryos stored in state hospitals there, would be destroyed - if the domestic relationship of the "parents" was terminated through death or separation. All couples entering their *IVF* program, would be required to sign papers to this effect. To this, Dr. John Kerin (Head of Adelaide's *IVF* Program) replied he could not follow his own State Government's regulations for destruction of frozen embryos - and would have to resign if the South Australian Government refused to change its stand. For "spare" embryos should be given to childless couples, he said - and "the frozen embryo is destined to develop as a human being."
3433. During 1989, the Public Questions Committee of the Presbyterian Church of Queensland reported it had just been told by representatives of the Queensland Fertility Group: that, because it may result in three rather than in two sets of chromosomes in the cell (thus causing deformity), an egg fertilized *in vitro* is "disposed of" if the head of more than one sperm penetrates the egg's wall; that the freezing of sperm leads to a "decreased fertility" thereof, and the freezing of embryos "adversely affects them" as some cells "are killed" by the procedure; and that the Group itself follows the policy guideline stating that "an embryo is deemed to cease to exist" - wherever "one or both of the parents die or the marriage breaks up."

Abortion alias compulsory cacothanasia and *IVF* embryo disposal

3434. By this time the relationship between abortion and/or *IVF* embryo disposal on the one hand, and compulsory euthanasia on the other, should be clear to the intelligent reader. Both in euthanasia and in the not-unrelated 'test tube baby programme' there is a grave misassessment of human rights. The very word euthanasia - Greek *eu* (good) + *thanasia* (death) - is a grave misnomer. It should rather be

called 'cacothanasia' - from the Greek *kakos* (bad) + *thanasia* (death). For abortion is certainly a very bad death, for the fetus. So too is *IVF* embryo disposal.

3435. Already in 1982, a striking statement on 'The Moral Status of the Embryo' by the pro-*IVF* writers Kuhse and Singer appeared in a printed book. Helga Kuhse, BA (Hons), was then Research Fellow in the Centre of Human Bio-ethics at Monash University. Peter Singer was a Professor of Philosophy at Monash University (and co-editor of the pro-*IVF* book *Test-Tube Babies*).²⁴⁵ Their remarkable 'moralizing' about the relative insignificance of the human zygote - which Singer elsewhere compared to a lettuce - makes it easy to see how *IVF*-embryo disposal could and can be dismissed in a very cavalier way.

The denial of basic human rights to disposable human embryos

3436. Kuhse and Singer said²⁴⁶ "a human being is a being possessing, at least at a minimal level, the capacities distinctive of our species - which include consciousness, the ability to be aware of one's surroundings, to be able to relate to others, perhaps even rationality and self-consciousness." Those "capacities" - found among postnatal specimens of even lower mammals - are lacking, Kuhse and Singer seem to have implied, among human embryos. Yet we ourselves must insist that human embryos too "at least at a minimal level" have all of those "capacities." See Luke 1:36-44.
3437. Continue Kuhse and Singer: "To claim that every human being has a right to life solely because it is biologically a member of the species *homo sapiens* is to make species membership the basis of rights. This is as indefensible as making race membership the basis of rights."
3438. By their above reference to "race" Kuhse and Singer here seem to mean not the human race as such but an 'ethnic' race within the human race. That would mean that membership in a 'ethnic' race (such as the Australoid or so-called 'Aboriginal' race within Australia) - is "indefensible" as a "basis of rights" (such as 'Abstudy' benefits not available to other Australians).
3439. On the other hand, if Kuhse and Singer instead here meant one's membership not of an 'ethnic' race but rather of the human race as such - they would have been denying that every prenatal member of the human race "has a right to life solely because it is biologically a member of the species *homo sapiens*." In either case, they would have meant by "it" what we ourselves must insist is in fact either 'he' or 'she' - *viz.* a prenatal male or female human being.

Devaluation of human embryos akin to racial discrimination

3440. The above reasoning of Kuhse and Singer - however it is to be interpreted - is discriminatory to the core. Because it clearly implies the elevation of an *IVF* scientist's assumed 'right to experiment on *IVF* embryos' (in what could no doubt be claimed to be 'in the best interests of humanity as a whole') - far above the 'right to life' (if any) of every *IVF* embryo.
3441. Indeed, must this kind of reasoning not also further imply that a wealthy White *IVF* Scientist has more 'right' to 'experiment' on a poor Black mother's *IVF* embryo - than that poor Black mother's *IVF* embryo has even a 'right to life'? And could Hitler himself not have 'justified' Nazi experiments on Jewish embryos with exactly the same kind of reasoning?

^{245.} Paras. 2258f.

^{246.} *Op. cit.*, p. 9 (see para. 3453).

3442. Helga Kuhse and Professor Singer here rejected as "indefensible" any 'right to life' of their fellow human beings simply because the latter **are** their fellow human beings. "Indefensible," they said, is the "claim that every human being has a right to life solely because it is, biologically, a member of the species *homo sapiens*."
3443. Mercifully, Kuhse and Singer do seem to have admitted - way back in 1982 - that human embryos are indeed at least human beings. But they did not then affirm that *homunculi* (alias 'tiny little men') should enjoy "the separate and equal station" of *homines* (alias 'men') among "mankind" - nor enjoy the human rights and truths so "self-evident" in the 1776 U.S. *Declaration of Independence*. We mean "these truths" - that "all men are created equal" and "are endowed by their Creator with certain unalienable rights"; and that "among these are Life, Liberty and the pursuit of Happiness."
3444. Indeed, in 1982, Kuhse and Singer did not seem to accord any basic 'human rights' to human embryos. The latter were thus denied the protection required to be given to all human beings "including the unborn" - according to the United Nations' *Declaration of Human Rights*. More importantly, such a denial also runs counter to the 1948 World Medical Association's *Declaration of Geneva*. That states: "I will maintain the utmost respect for human life from the time of conception."

Some Nazi experiments tame compared to some IVF laboratories

3445. One should understand that when surplus IVF babies are abandoned to die - simply removing them from their vital environment is, in fact, so-called 'mercy killing' (euphemistically termed 'passive euthanasia'). Some would call it cold-blooded murder. For the deliberate destruction of unwanted human embryos, is far worse than the voluntary euthanasia and even the compulsory liquidation of unwanted adult humans.
3446. In the Australian Federal Parliament, Queensland National Party Senator Boswell said²⁴⁷ before the Senate in Canberra on June 7th 1995 that the 1994 *House of Lords Report of the Select Committee on Medical Ethics* (in Great Britain) found setting secure limits on voluntary euthanasia to be impossible. Considering the arguments for euthanasia, that *Report* concluded:
3447. "We do not believe that these arguments are sufficient to weaken society's prohibition of intentional killing. That prohibition is the cornerstone of law and of social relationships. It protects each one of us impartially, embodying the belief that all are equal. We do not wish that protection to be diminished and we therefore recommend that there should be no change in the law to permit euthanasia.... The death of a person affects the lives of others, often in ways and to an extent which cannot be foreseen. We believe that the issue of euthanasia is one in which the interest of the individual cannot be separated from the interest of society as a whole."
3448. Senator Boswell then with extreme gravity added his own comment. "Contrast this approach with the callousness of the prominent advocate of pro-euthanasia, Dr. Helga Kuhse. At a conference on the right to die, she said: 'If we can get people to accept the removal of all treatment and care - especially the removal of food and fluids - they will see what a painful way this is to die. And then, in the patient's best interest, they will accept the lethal injection'...."
3449. "In 50 years," concluded Senator Boswell, "euthanasia has metamorphosed from a Nuremberg war crime

²⁴⁷. *Op. cit.*, p. 139

to legalised compassion. Leo Alexander, an observer at the trial of Nazi Doctors at Nuremberg, wrote: 'It started with the acceptance of the attitude, basic in the euthanasia movement, that there is such a thing as a life not worthy to be lived. This attitude in its early stages concerned itself merely with the...chronically sick. Gradually, the sphere...was enlarged - to encompass the socially unproductive, the ideologically unwanted, the racially unwanted, and finally all non-Germans.'

3450. "Why should we have so much faith in ourselves that abuses would never happen here? Australia has its own dark corners.... Adopting that 'it could never happen here' syndrome, means that we are blind to the existence of those dark corners in the human *psyche* - and blind to the real lessons of World War II, when the insanity of a few infected the reason of many at the cost of human life. Lest we forget."
3451. However, the sad truth is that it has already happened here. By denying their humanity, Nazi Germany was able to abandon and destroy adult Jews and Gypsies - who were, however, indeed able to defend themselves. Similarly, by denying their humanity, Modern Australia abandons and destroys even tiny Australians - who, unfortunately, are not even able to defend themselves. In Europe they call it Auschwitz and Buchenwald. In Australia we call it abortion and *IVF* embryo abandonment. Lest we forget.

The icy and frigid limbo of the frozen human embryo

3452. Now let us take a look at the 'limbo' of the frozen human embryo. Before George Orwell's ominous year of 1984, large numbers of animal young had already been born after freeze-thaw embryo transfer of frozen *IVF* animal embryos into animal wombs - with approximately the same abnormality rate as that encountered in embryo transfer of non-frozen *IVF* animal embryos. Yet successful transfer was not achieved with frozen human embryos - until March 1984 (in Melbourne). Immediately, Victoria's Premier Cain then warned: "The *Brave New World* [of Aldous Huxley] is now upon us."
3453. Earlier, in their 1982 essay on *IVF and ET*, the Monash University *IVF* Team's Drs. Leeton and Trounson and Wood had made a startling statement. "**So far**," they noted,²⁴⁸ "no pregnancy has developed following the transfer of a freeze-thawed human embryo - although it **has been shown** that human embryos beyond the eight-cell stage of development, may survive freezing and thawing and **continue to develop** in culture." My emphases (F.N. Lee).
3454. The above 1982 statement was based on the then-successful freeze-thawing of frozen animal embryos - and upon the correct anticipation that frozen human embryos would soon be thawed and successfully implanted and then grown in wombs (as was later announced to have occurred in 1984). This suggests human experiments are conducted unannounced, before later announcement (hopefully after achieving success therein). Yet a number of bizarre consequences flow from this. Such include also the following.
3455. First, to **freeze** a human embryo or to '**suspend** its animation' for an unspecified time - could **to some degree** be construed as a transgression of the Sixth Commandment ('you shall not kill'). For that injunction requires us also to promote the **development** of human life.²⁴⁹
3456. Second, to thaw a human embryo (previously frozen when beyond the eight-cell stage of development) - and later to **develop** that thawed embryo in culture, alias **outside a woman's body** -

^{248.} Cf. paras. 1362-64.

^{249.} Paras. 3954f.

is to transgress the Sixth and also the Fifth and the Seventh Commandments. For it thus: endangers the embryo; dishonours his or her parent(s); and disregards the spouse.

3457. Third, yet later to **transfer** the still-living thawed embryo from a "culture" and then to place him or her into a woman's womb in cases where there is **no prospect** of successful impregnation - is to **kill** that embryo. That is to transgress the Sixth Commandment - even more radically than was done when previously freezing and later thawing him or her.

Deliberate disposal of human embryos - without tears?

3458. There is also often a grave misuse of *IVF* in the important matter of disposal of the embryos. Clearly, no tears need be shed in such disposals - once one has first questioned and later denied that unimplanted *IVF* embryos are human beings. Indeed, in our modern throw-away society, it then becomes hard to distinguish unwanted human embryos from the rest of the trash. Perhaps this is why even most churches would find it odd to conduct burial services for those least of Christ's little brethren.
3459. Monash's Drs. Leeton and Trounson and Wood have discussed various usable embryo disposal procedures, which we and many others consider to be altogether irreconcilable with Christian Ethics. "Those embryos which are additional to the number requested by the woman for transfer during that treatment cycle," the above-mentioned Doctors have explained,²⁵⁰ "could be freeze-stored for thawing and transfer in a later egg-producing cycle. The alternatives that would need consideration if freeze-storing techniques were not available, are either disposal or use for further research interests - for example, embryo structure or biochemistry...."
3460. "Donor embryos for infertile recipients may be indicated, when *IVF* is impossible in an infertile woman.... The sperm of the infertile woman's husband could be used for *IVF* of the Donor's egg.... To achieve ET [alias Embryo Transfer] from a donor to a recipient, it would be necessary to either synchronize the egg-producing cycles of the Donor and the recipient, using hormone therapy, or [to] freeze the donor [donated] embryo for subsequent thawing and transfer to the recipient."
3461. In other words, if an infertile married woman cannot have her very own baby, it "may be indicated" (say the above Doctors) for her to receive by embryo transfer and to carry in her own womb to full term - an *IVF* embryo totally unrelated to **her**. That would be an embryo brought into being in a petri dish from some other woman's egg cell - from sperm supplied by either the recipient's own husband, or alternatively from some unknown alien.
3462. Surrogate human wombs (*SHWs*) again came into the limelight, in connection with their employment after *AID* and *IVF*. Professors Walters and Singer considered this, at the end of their co-edited 1982 book *Test Tube Babies*. In *SHWs*, they carefully and cautiously explained,²⁵¹ "one of the most difficult problems that may arise is that of foetal abnormality. Would the prospective parents be emotionally capable of accepting an abnormal baby, if this unfortunately occurred?"
3463. "To some extent, antenatal intra-uterine diagnostic tests in the early second trimester of pregnancy would enable some abnormalities to be diagnosed and the pregnancy to be terminated." Yes, **'terminated.'** That is the word carefully chosen by Dr. Walters and Dr. Singer themselves!

^{250.} *Op. cit.*, p. 130.

^{251.} *Courier-Mail*, Nov. 2nd 1981.

IVF embryo disposal quite irreconcilable with Christian Ethics

3464. In the opinion of this present writer (himself a Professor of Christian Ethics), Dr. Walters and Professor Singer seem to be out of step with Christian Ethics. Amazingly, they also seem to have been blissfully unaware of the appalling 1980 California decision that children can now postnatally sue their own parents for not aborting them - if the abortion-declining parents were timeously told by their Doctor(s) that those children would or could be born deformed.²⁵²
3465. Indeed, in their suggestions that "surrogate motherhood is ethically acceptable and similar to adoption,"²⁵³ Walters and Singer even seem to have been unaware that the World's very first successful human *IVF* Practitioner (Dr. Robert Edwards) himself rejected *SHMs* - also for *IVF* purposes.²⁵⁴ Very significantly, even in the mid-1990s, there is strong resistance to this - even among secularists in Queensland and elsewhere.
3466. At the end of their 1982 book *Test Tube Babies*, the co-editors - Medical Doctor William Walters and Philosophy Professor Peter Singer - baldly state "that the [human] embryos does not count as a person," and hence that "there is no objection to experimenting on it without its consent."²⁵⁵ Very many find such 'experimenting' on a human 'embryo' to be morally revolting, even if he or she were **not** in fact a 'person.' Significantly, on their very next page, also Dr. Walters and Professor Singer themselves unwittingly **imply** that a human embryo is indeed a person - or at least becomes such.
3467. For there they ask: "What of the future individual who will be produced if the procedure of *IVF* and *ET* [alias 'Embryo Transfer'] is successful? This future individual will become a mature human being. Will this human being have been the subject of an experiment that took place without his or her consent? That seems to be the case...."
3468. The implication is obvious. If a mature human being was once "the subject of an experiment" which took place at his or her own *IVF* and *ET* before his or her birth, then he or she must ['personally'] then have been there - precisely in order to be "subject" to that "experiment."
3469. Extremely interestingly, even Walters and Singer admit that "if there is a possibility of the embryo being conscious, the ethics of performing an experiment on it are very different from when consciousness is out of the question." Lamentably, Walters and Singer obviously did not reflect very adequately upon the 'consciousness' implications of the two embryos mentioned in Luke 1:36-44 - before publicizing their own unsubstantiated opinions.

Some of the very thorny legal problems connected with IVF

3470. Let us now look at some of the legal problems connected with *IVF*. In October 1981, a Queensland lawyer remarked: "Just think what would happen if a man left his money to his grandchildren, and one wasn't born for 400 years. Would the winding up of the estate be delayed until then?" Similarly, the Chairman of the Australian Law Reform Commission, Mr. Justice Kirby, asked: "Is it acceptable that a child of our generation should be born decades or even centuries hence?" Not surprisingly, he has

^{252.} *Woman's Day*, Jan. 27th 1982, p. 8.

^{253.} Cited in Schaeffer & Koop: *op. cit.*, p. 48.

^{254.} P. Ramsay: *Shall We Reproduce?* (in *JAMA*, June 2nd 1972, p. 1346).

^{255.} Para. 2543f.

called for "early consideration of the ethical and legal consequences of test-tube babies."²⁵⁶

3471. A question Mr. Justice Kirby saw as needing to be resolved, is this. Should there be legal control of the selection and screening of Donors? Other questions asked way back in 1981 included the following. What limitation, if any, should be imposed on experimentation with embryos? Who owns the embryos? Should the medical team have the right to destroy unused or abnormal ones? Since then, the Melbourne *IVF* Team's Dr. Carl Wood has replied: "The parents own the embryo, and they decide what happens to it - not the Scientists."²⁵⁷
3472. Now we ourselves do not believe that even the parents should be allowed to "decide what happens" to the embryo - any more than they have the right to rid themselves of that same child either before or after his or her birth. See Ezekiel 16:20-21. We notice that nothing has been said about the "ownership" of the pre-embryonic zygote, nor of the pre-fertilized eggcell extracted from the mother or Donor. A similar question could and should be asked regarding the "ownership" of the masturbated semen used in *IVF* procedures both before and after it is sold at the 'slave market' of the *AID* Clinic.
3473. Further legal questions include the following. Should human embryos be transferred to the wombs of lesbians and animals? Should (frozen) embryos be implanted into a wife after the death of her husband - or even before his death, in cases where he becomes sterile or infertile? What happens to the (frozen) embryo if the marriage is dissolved? What should be done with the frozen embryos if there is a dispute between the couple over the size of the family? Will the names of the parents of the embryo be recorded for the future, and who would have access to that record? Should the names of genetically retransmittable diseases which the embryo may carry, be filed away? What if no husband or wife is involved? Should the sperm of a stranger be allowed to fertilize the egg of another stranger and the resulting embryo then be allowed to be placed in the womb of a third stranger?
3474. Mr. Justice Kirby also asked some further questions. Is it realistic to envisage that the end product of Professor Wood's work will be the human hatcheries in Aldous Huxley's *Brave New World*? Is there really a fear that poor people will carry the children - fertilized in a laboratory - of wealthy, elegant women who 'worship' sterility [or, better stated, who worship their own 'not-getting-themselves-pregnant' but who yet desire that children of their own be born for them after being carried by a 'Surrogate Human Womb']? Is it just a jest to talk of a World in which famous people would auction for charity desirable children selected from a data bank for their supposedly-attractive physical or intellectual qualities?
3475. Embryos 'created' in the laboratories of biologists - including *IVF* embryos 'created' before implantation into the womb - all raise special questions. Especially the *ex utero* disposal of these live *IVF* embryos, presents grave ethical and moral problems.

Final ethical and legal considerations condemn *IVF*

3476. The famous and non-religious University of Chicago Biologist Dr. Leon Kass rightly asks:²⁵⁸ "Who decides what are the grounds for discard? What if there is another recipient available who wishes to have the otherwise unwanted embryo? Whose embryos are they? The woman's? The couple's? The Geneticist's? The Obstetrician's? The Ford Foundation's?"

^{256.} *Courier-Mail*, Nov. 2nd 1981.

^{257.} *Woman's Day*, Jan. 27th 1982, p. 8.

^{258.} Cited in Schaeffer & Koop: *op. cit.*, p. 48.

3477. Shall we say that discarding laboratory-grown embryos is a matter solely between a Doctor and his plumber? ... We have paid some high prices for the technological conquest of nature - but none so high as the intellectual and spiritual costs of seeing [even **human**] nature as mere material for our manipulation, exploitation, and transformation.... We are already witnessing the erosion of our idea of man as something splendid.... Clearly, if we come to see ourselves as [just so much] 'meat' - then 'meat' we shall become!"
3478. We agree then with Protestant Ethics Professor Rev. Dr. Paul Ramsay of Princeton Presbyterian Theological Seminary who insists:²⁵⁹ "I must judge that *IVF* constitutes unethical medical experimentation on...future human beings, and therefore it is subject to absolute moral prohibition." For even marital *IVF* necessitates unjustifiable pre-*IVF* surgery on or flushing out of the wife, in order to harvest her egg(s). Indeed, just like *AIH*, also *IVF* requires compulsory masturbation - but not the required marital sexual intercourse which should be the direct cause of the impregnation.
3479. *IVF* never takes place in the one and only and indeed the required place where all human conception should - namely within the new tiny human being's biological mother's body. Whether single or multiple, *IVF* always exposes the new human being to the danger of being harmed by synthetic chemicals in petri dishes.
3480. It also often raises problems regarding the disposal of new human beings deemed to be 'redundant.' It does not address the even more important matter of freezing tiny human beings. It ignores the problems surrounding the unthawing and the utilization of unthawed humans in these *IVF* procedures, especially where his or her mother suddenly dies or divorces the embryo's father.
3481. Finally, *IVF* also ignores the increased likelihood of deformities connected with this procedure in new human beings. It also especially and entirely ignores the as-yet-unknown connection between *IVF* and future disabilities of a psychological, social or even physical character - once these tiny humans grow up into adults.

Conclusion: all varieties of *IVF* are morally unacceptable

3482. Conclusion. So, by 1995 a very weird scenario was developing anent *IVF*. Some humans may now have up to three "fathers" - married-daddy, donor-daddy and adopting-daddy. They may also have up to six "mothers" - married-mommy, fallopian-egg mommy, flushed-womb-mommy, mommy-test-tube, surrogate-mommy and adopting-mommy.
3483. This may yield up to nine parents - ten, if either a parttime or perhaps rather soon even a nine-month incubator-mommy is added. It may yet reach eleven, if a part-gestation mechanical incubator were to be used after part-gestation within a mommy-monkey - instead of only two, as stated in Genesis 2:24f.
3484. No doubt some Scientists would then simplify this, by implanting *IVF* human embryos into female chimpanzees or orangutangs for the entire nine months of the gestation. Then the human baby would never once have been inside his or her biological mother. This latter has indeed already happened in *IVF*-embryos implanted into surrogate human wombs. Way back in 1987 A.D., the 48-year-old Mrs. Pat Anthony for the full nine months surrogately carried the *IVF*-child of her own daughter, the 25-year-old Mrs. Karen Ferreira-Jorge.

²⁵⁹. P. Ramsay: *Shall We Reproduce?* (In *JAMA*, June 2nd 1972, p. 1346).

3485. If and when this is tried successfully on female chimpanzees, one can only hope their human *IVF*-implants will behave in a fully-human way. If not, such mommy-monkey *IVF*-programmes would hopefully get discontinued. In that event, mankind might just again 'revert' (or rather progress) to having only two parents - each heterosexual and both human - as stated once and for all in Genesis 2:24f, as well as in Matthew 19:3-9 and Ephesians 5:25-33. See para. 2226f.
3486. In light of the above, we add our own weight to the growing chorus of those calling for a complete moratorium in respect of all human *IVFs*. Again we appeal to Genesis 1:26-28 and 2:16-25 *cf.* Matthew 19:4-6. For those passages clearly establish monogamous marital intercourse alone as the sole permitted method of human reproduction, and condemn all attempts of humans to breed by way of bigamy and/or *SHW*- and also through masturbation and subsequent *AID* or *AIH* or *GIFT* or *IVF*.
3487. We object: to the masturbations; to the drug-induced hyperovulations; to the fertilizations outside of the mother's body; to simultaneous multiple *IVF* fructifications; to the arbitrary and artificial implantation of only some artificially-manufactured *IVF*-embryos; to the discriminatory freezing or non-implantational disposal of some or all of the rest of such embryos as may be deemed redundant; and to the recent kidnapping and transportation and wrongful implantation of yet others into even racially-incompatible non-mothers (the Challenger case).
3488. We protest against this challenge to marital intercourse itself as the only God-ordained way of human reproduction²⁶⁰. We also protest against the incalculably-dehumanizing impact of *IVF* as such - upon egg-donors, semen-donors, doctors, nurses, hospitals, embryo-storers, embryo recipients, law-makers, moralists, childless couples, parents, relatives, trendy professors - and last (and certainly by no means least), the *IVF* children themselves.
3489. Yet, toward the year 2000f, the test-tube baby program - just like communism and polygamy and all other unnatural schemes - contains the seeds of its own destruction. The future belongs to the nuclear family, from one man and one woman in one flesh. Grounded in creation; promoted by the incarnation; and embodied in the congregation - it remains indestructible. All deviations from it are destined to wither. Only the family of God, in the Church of Jesus Christ - baptized into the heavenly family of Father, Son and Spirit - is the echo of the old and the vanguard of the new humanity.

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Para. 2543f.