both intense and proximate).

Generally speaking, then, one would have to say that HIV infected individuals are morally incapable of marrying and having children even if not strictly forbidden by law. And if a couple is already married when the virus is contracted they clearly should not engage in conjugal intercourse simply to gratify or to satisfy sexual desires. Since conjugal intercourse is to be an expression of selfless love, it is obvious that one should never put his or her spouse at life's risk through intercourse if one is infected with HIV.

(To be continued.)

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Do Married Couples Have a “Right” to a Child?

Frequently, in discussions about fertility and the use of such techniques as artificial insemination and in vitro fertilization, the claim is made that a married couple has a moral “right” to a child. After all, one of the goods of marriage is the procreation and education of children. Therefore, if a married couple is not able to have a child through normal genital activity, why should they be prevented from using contemporary biological techniques in order to have a child of their own?

The Church, as is well known, teaches that it is morally wrong to generate human life outside the marital act (cf. Congregation for the Doctrine of the Faith, Instruction on Respect for Human Life in Its Origin and on the Dignity of Human Procreation, 1987). Many people, both Catholic and non-Catholic, can readily understand why the Church teaches that it is morally bad for a couple to generate human life by inseminating the wife with sperm provided by a man who is not her husband or by inseminating a woman other than the wife with sperm from the husband (i.e., a "surrogate" mother, who would, after the bearing the child, turn it over to the married couple). They recognize that the choice to generate human life in these ways does violence to marriage and to human parenthood and does a serious injustice to the child.

The Problem of the "Simple Case"

But many of these same people, Catholic and non-Catholic alike, find the teaching of the Church on the immorality of artificial insemination by a husband and the "simple case" of in vitro fertilization a different matter. In both artificial insemination by the husband and the "simple case" of in vitro fertilization, there is no use of gametic materials from third parties; the child conceived is genetically the child of husband and wife, who are and will remain its parents. In both these cases there need be no deliberate creation of "excess" human life which will be discarded, frozen, or made the subject of medical research of no benefit to them. In these cases, there need be no intention of intrauterine monitoring (although there could be) with a view of abortion should the child conceived suffer from any abnormality. Nor need there be, in these cases, the use of immoral means (masturbation) to obtain the husband's sperm, since it can be retrieved in morally acceptable ways. In these cases there is, apparently, only the intent to help a couple, despite their physical incapacity (either by reason of the husband's low sperm production or the wife's blocked Fallopian tubes) to have a child with whom they ardently desire to share life and to whom they are willing to give a home. Do not such couples have a "right" to have a child of their own? Why, many people reasonably ask, is it morally bad—indeed a sin, an offense against God Himself—to make use of artificial insemination by the husband and homologous in vitro fertilization in such cases? Is not the Church's position here too rigid, too insensitive to the agonizing plight of involuntarily childless couples who are seeking, by making good use of modern technologies, to realize one of the goods of marriage? Do not married couples in this situation have a right to make use of these methods so that they can have a child of their own?

It is definitely true that married men and women have rights (and responsibilities) that nonmarried men and women do not have. They have the right, first of all, to engage in the marital act, that is not simply a genital act between two persons who happen to be married but is an act of interpersonal communion in which they give themselves to one another as husband and wife. In direct contrast to genital sex between an unmarried man and woman merely joins two individuals who are in principle replaceable, substitutable, disposable, the marital act unites two persons who have made one another absolutely irrereplaceable and nonsubstitutable by giving themselves to one another in marriage.

In addition, husbands and wives, by giving themselves to one another in marriage, have capacitated

(continued on page 4)
themselves, as St. Augustine put it, "to receive life lovingly, to nourish it humanely, and to educate it religiously," i.e., in the love and service of God (cf. De genesi ad literam, 9.7 PL 34:397). Unmarried men and women to the contrary have not so capacitated themselves. God, in short, wills that human life be given in the marital embrace of husbands and wives, not through the random copulation of fornicators and adulterers.

Is There a "Right" to a Child

Husbands and wives, thus, have a "right" to the marital act and to care for life conceived through this act, but they do not have a "right" to a child. A child is not a thing to which husbands and wives have a right. It is not a product that, by its nature, is necessarily inferior to its producers, rather a child, like its parents. And this is the moral problem with the laboratory generation of human life, including artificial insemination by the husband and the "simple case" of in vitro fertilization.

When a child comes to be in and through the marital act, it is not a product of their act but is "a gift supervening on and giving permanent embodiment to" the marital act itself (cf. Catholic Bishops of England and Wales Committee on Bioethical Issues, In Vitro Fertilization: Morality and Public Policy [London: Catholic Information Services, 1983], n. 23). When human life comes to be through the marital act, we say quite properly that the spouses are "begetting" or procreating, not "making" anything. The life they receive is "begotten, not made."

But when human life comes to be as a result of various types of homologous fertilization, it is the end product of a series of actions undertaken by different persons. The spouses "product" the gametic cells that others use in order to make the end product, in this case, a child.

In such a procedure, the child comes to be, not as a gift crowning the marital act (cf. Gaudium et Spes, n. 51), "but rather in the manner of a product of a making and, typically, as the end product of a process managed and carried out by persons other than his parents" (Catholic Bishops of England and Wales Committee on Bioethical Issues, n. 24). The life generated is "made," not "begotten."

But, as noted already, a human child is a person equal in dignity to its parents, not a product or a thing. A child, therefore, ought not to be treated as if it were a product.

In the Nicene-Constantinople Creed that we say at Mass every Sunday, we profess that God's Eternal Word was "begotten, not made." Human beings, as beings made in God's image and likeness, are, as it were, the "created words," brothers and sisters of God's Eternal and Uncreated Word, that manifest the depths of God's personal love for every human person. Thus human beings, the "created words" of God, like his Eternal and Uncreated Word, ought to be "begotten, not made." Husbands and wives have no "right" to make a child. They have the right to give themselves to one another in the marital act and, in and through this act, to receive the gift of life.

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