Making Babies for Bone Marrow

On June 4, 1991 Anissa Ayala, a 19 year-old victim of leukemia, received a bone marrow transplant from her 13 month-old baby sister, Marissa. The special feature of the transplant is this: Abe and Mary Ayala, the parents of Anissa and Marissa, had deliberately conceived Marissa so that she could become a bone marrow donor to her sister.

Some ethicists, like Dr. Robert Levine at Yale University School of Medicine, spoke of an ethical impropriety. "It seems to me", he said, "that when a primary motive for conceiving a child is to produce tissue or an organ, we are getting very close to seeing this new being as a means to another end." On the other hand, Dr. Norman Fost of the University of Wisconsin Medical School argues this way: "Of all the reasons why people have children, I think this is one of the better ones, to save a life." Dr. Fost also indicated that it would be acceptable to abort a fetus which was not of the right tissue type.

As of this writing there is no authoritative Catholic evaluation of the actions of the Ayalas. However, this author believes that such an evaluation would hinge on two considerations. Their actions would be morally acceptable if 1) they fully intend to love and respect the child who is going to serve as an organ donor, and 2) their proxy or presumed consent in permitting their baby to become a non-voluntary marrow donor can be ethically justified.

Love and Respect for Donor Child

Regarding the first point it should be noted that the Ayalas had indicated that they would not abort their unborn baby if testing had revealed it could not serve as a donor. This would seem to support their intentions to love and respect their child rather than simply treat her as a means to an end. In the Catholic tradition of medical ethics we often discuss the principle of double effect whereby as action has both a good and an evil effect. It seems that parents who conceive a child to serve as a bone marrow donor must intend a double good effect, to love and respect the child donor and to save someone's life or health.

The fact that the occasion of conceiving a child is the need for a marrow donor does not automatically classify the decision as immoral or unethical. Babies are often conceived for pragmatic reasons, to save a failing marriage or to provide more assistance on a family farm, for example. The key consideration focuses on the intention of the parents to love and respect the child they are conceiving. The intention to abort an unborn baby who could not serve as a donor is a clear and convincing indication of parents who have no intention to love and respect their child.

Several of the ethicists interviewed about the Ayala case revealed their own espousal of the moral acceptability of abortion on demand. They commented that since women can now have abortions with no questions asked and no reasons given, it should be permissible to abort a fetus which was conceived to serve as a marrow donor but could not do so. Their logic runs like this: having a reason for rejecting the unborn child makes the rejection more acceptable since society doesn't even insist on having a reason. Those of us who consider abortion a radically discriminatory and unjust killing of our helpless unborn brothers and sisters can find no reason to be sufficient cause for the direct killing of the innocent.

Is Presumed Consent Sufficient?

The second consideration in conceiving a baby to become a marrow donor turns on whether the parents' proxy or presumed consent can be sufficient to justify the non-voluntary removal of the bone marrow.

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from their infant child. The New York Times account of the procedure on June 4, 1991, said "There is little risk to the marrow donor, other than discomfort. The donor is anesthetized while doctors poke long needles into their hip bones and withdraw precious tubes of the dark red marrow." But there is some risk in the use of an anesthetic.

Can we approve of the non-voluntary placing of a 13 month-old infant under anesthetic and removing of an important bodily substance? There would be no hesitation to approve if this were done for the benefit of the infant herself. On the other hand, if the parents gave the consent and then sold the marrow to the highest bidder, their consent would be clearly unethical.

Catholic teaching forbids non-therapeutic experimentation on human embryos and infants. Some Catholic ethicists would argue that this prohibition also applies to procedures which directly benefit another person as in the Ayala case. Other ethicists have argued that an infant or child could be subjected to "minimal risk" for the sake of experimentation and for the benefit of others. However, the amount of risk and discomfort involved in bone marrow transplant procedure probably exceeds "minimal risk."

Thus, in my opinion, the chief difficulty in justifying the Ayala transplant stems from the presumed consent granted by the parents. I believe ethicists in the Catholic tradition will find themselves reluctant to excuse this consent even though the parents are presuming consent for an act of love of a family member. This highly publicized transplant will surely trigger further study of this issue of presumed consent.

Rev. Donald McCarthy, Ph.D.  
PJC Senior Educational Consultant  
Church of St. Antoninus  
Cincinnati, Ohio

Zygotes, Embryos, and Persons: Part I

The essay by Thomas A. Shannon and Allan Wolter, O.F.M, in the December, 1990 issue of Theological Studies provides a good summary of the arguments used to support the contention that the human zygote and preimplantation embryo are not persons. Some of the arguments are based on a limited understanding of the phenomenon of twinning.

In their article, "Reflections on the Moral Status of the Pre-Embryo," Shannon and Wolter make the following claims: (1) the zygote does not have within itself sufficient genetic information to develop into an embryo; to do so, it needs to be supplied with information from the mother, and this can be given only after implantation; (2) although the zygote marks the beginning of a "genetically" distinct life, since it can give rise to twins, it is neither an "ontological" individual nor necessarily the precursor of one; (3) the "ontological" individual in being after implantation is not a person since the "biological presuppositions" for personhood are not yet established; at the earliest, such "presuppositions" are present only at the eighth week of gestation [in fact, Shannon and Wolter think that these "presuppositions" are present only around the 26th week of gestation].

To support the first claim Shannon and Wolter appeal to an essay by C. A. Bedate and R. C. Cefalo ("The Zygote: To Be or Not To Be a Person," Journal of Medicine and Philosophy 14 [1989] 1641-1645). Bedate and Cefalo had argued that recent research shows that the preimplantation embryo can develop into a hydatiform mole and likewise that postimplantation cellular differentiation and information necessary for the development of the embryo result from the interaction between embryonic molecules and molecules supplied by the mother. Shannon and Wolter defend their third claim by developing a variant of the "delayed nominization" argument previously advanced by such writers as Joseph Donceel to show that early human embryos cannot be rightly considered as human persons.


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My purpose here is to offer a critique of the first two claims made by Shannon and Wolter based on some important recent studies. In a second part to this article I will offer a critique of their third claim, again on the basis of important recent studies.

The Human Potential of the Human Zygote

As has been seen, Shannon and Wolter rely on Bedate and Cefalo to support their first claim, name-