

Salt and Light Papers provide important information and analysis to help Christians and Churches to engage with 21st century social issues

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IMPLICATIONS OF THE ECHR DECISION TO DESTROY EMBRYOS

One case has dominated the ART news recently, that of Natallie Evans. This is the background. In 1999, Miss Evans met Howard Johnston and they began living together. In October 2000, she was diagnosed with ovarian tumours. The required removal of her ovaries would render her unable to conceive naturally, though she would still be able to carry a normal pregnancy. In order that she might one day have children she agreed to have some ova harvested and for these to be fertilised by sperm from her partner Howard Johnston.

In November 2001, the couple underwent IVF at the Bath Assisted Conception Clinic and six of their IVF embryos were frozen and stored for future use. Both Evans and Johnston gave the required written consent for the creation, use and storage of these embryos. Later that month, Miss Evans had an operation to remove both of her ovaries. But by May 2002 their relationship had ended, and in July of that year, Mr Johnston wrote to their fertility clinic requesting that their embryos be destroyed.

Miss Evans went to law requesting the use of the stored embryos. Her action failed in both the High Court and the Court of Appeal. Leave to appeal to the House of Lords was denied. The Human Fertilisation and Embryology Act (1990) makes it plain that both gamete donors have a clear and unambiguous right to withdraw consent to the use and storage of IVF embryos. On 14 February 2005, Miss Evans applied to the European Court of Human Rights on the grounds that the UK law, which required the destruction of her six stored embryos, was a breach of her human rights. In March 2006, that Court decided 5-2 against her. An appeal was lodged. On 22 November 2006, Miss Evans made her final appeal before the seventeen judges of The Grand Chamber of the European Court of Human Rights, but on 10 April 2007, they unanimously ruled against her – her right to become a mother did not outweigh Mr Johnston's right not to become the father of their children. The embryos were ordered to be destroyed.

This prolonged case raises all sorts of tangled issues – consider just seven. First, we ask and expect mothers to defend and nurture their children, whether born or unborn, and we commend them when they do just that. Natallie Evans tried to do just that, but the system was against her.

Second, one cannot but feel sympathy for Natallie Evans. She wanted children and so, at one time, did Howard Johnston. Moreover, they both signed a contract stating that wish. What is more, they actually became a mother and a father as soon as those embryos were 'made'. It is obvious that they 'belonged' to somebody – call them the gamete donors, the couple, mum and dad, whatever, parenthood was inescapably chosen by Miss Evans and Mr Johnston.

Third, when one party breaks the IVF contract, the law cannot dissolve that bond of parenthood, instead the law rigidly and cruelly, even absurdly, insists that human life must be destroyed. Human embryos thus become the bargaining chips, mere commodities, the pawns in a broken relationship – they are provided with zero protection.

Fourth, if Mr Johnston had died before withdrawing his consent, the transfer of the embryos to Miss Evans' womb could have proceeded. The fact that a living ex-boyfriend can deny a mother the opportunity to gestate her children is bizarre – it is truly, an extraordinary state of affairs.

Fifth, was Mr Johnston's action so very different from thousands of other men/fathers, who get their girlfriends naturally pregnant and then decide to scarp? However sad and cowardly a deed that is, at least no embryos die as a direct result. It may be an easy way out for the father, but not so for the expectant mother. The obligations of parenthood are clearly not equal.

Sixth, does anyone, or even everyone, have a right to children, a right to become a parent? 'No' must be the common and commonsense answer. But is there a right *not* to be a parent? Abortion is generally considered as a woman's right not to be a parent. But a man who cannot face parenthood is not allowed to force a woman to undergo an abortion. Nor, on the other hand, can his desire for fatherhood prevent a woman from aborting. Moreover, a mother can give her child up for adoption, but the father can have no say in the matter. So why is the choice to have, or not to have, children so arbitrary? In one case the father is the arbiter, in another it is the mother – the unborn child of course never has a say. The secular humanist's beloved concept of maintaining autonomy over one's body and reproductive rights begins to crumble in the real world of broken relationships and careless reproduction. No legal tinkering is going to iron out these genuine predicaments.

Seventh, because of the very nature of IVF, with all its artificiality and irregularity, such bioethical dilemmas will inevitably occur again. Some sort of solution would be to allow only ova, rather than embryos, to be frozen and stored for women about to undergo operations that will result in their infertility. Such freezing and storage is already available for men, but the required technology for ova lags behind that for sperm.

What then is the real answer? Three things are required. First, we must uphold and promote the model of Christian marriage – that lifelong, exclusive covenant between one man and one woman. When such wholesome marriages become the rule the majority of relationship problems will disappear. When chastity before marriage and fidelity within marriage become the norm, promiscuous sex, unwanted pregnancies, lies and cover-ups will fade away.

Second, we must maintain that sexual intercourse, pregnancy and parenthood are designed for, and appropriate only within, the marriage covenant.

Third, we must recognise that the use of assisted reproductive technologies encourages bioethical disasters – these procedures are to be avoided.

Of course, critics will sneer that ideals such as these are unattainable – but why should we be constantly striving for second or third best? Such defeatism is egregious. As cheerless as the Evans' case has been we must acknowledge that if it were not for cohabiting, promiscuous sex and IVF it would never have come about. What a trio of problem-causing catastrophes they are.

On the other hand, the application of biblical Christianity is always entirely practical and beneficial. Its wisdom shines through – how marvellous that you can be 'transformed by the renewing of your mind' (Romans 12:2). Moreover, the end of abortion, infanticide, euthanasia, embryo destruction and so on, depend ultimately upon a return to the Book. Easy to say, harder to do. Yet the application of biblical ethics is for the good of all men and women and children. Yes, the entire answer has been carefully written out for all to read, understand and obey – it is 'through our knowledge of Him' that 'has given us everything for life and godliness' (2 Peter 1:3).

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