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## Human Fertilisation and Embryology

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Item Type	Preprint
Authors	Church of England
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Download date	2026-06-10 05:37:55
Link to Item	<a href="http://hdl.handle.net/20.500.12424/228885">http://hdl.handle.net/20.500.12424/228885</a>

# Human Fertilisation and Embryology

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The development of medical techniques for assisting conception has led Christians to think carefully about the connection which needs to be made - morally rather than scientifically - between marriage (as understood by Christians), sexual intercourse, conception, birth, and the nurturing and parenting of children. In earlier times it was enough to rely on a fairly simple notion that what was 'natural' was 'right'. It seemed to follow that anything which could be judged 'unnatural' (or even, perhaps, unusual) was wrong.

A good illustration of this general approach to issues of human fertilisation and embryology (and how it has developed) can be found in a note prepared by Bishop Hugh Montefiore in 1983 on the Church of England's view of AID. In 1959, he noted, the practice of Artificial Insemination by Donor (now known as Donor Insemination) had been declared to be 'morally wrong and socially harmful'. A Memorandum of Evidence, submitted to the Government argued:

'Artificial insemination with donated semen involves a breach of marriage. It violates the exclusive union set up between husband and wife... For the child there is always the risk of disclosure, deliberate or unintended, of the circumstances of his conception. We therefore judge artificial insemination to be wrong in principle and contrary to Christian standards.'

But Bishop Montefiore then went on to suggest that in a more pluralist society there was also a divergence of attitudes within the Church:

'Not everyone would see the donation of semen by a third party as an intrusion within a marital union which violates its integrity. There are those who hold that the nexus between husband and wife excludes no more than physical intercourse, and that the semen donated by a third party is no more than a mere fertilising agent which imports nothing alien into the marriage relationship and does not adulterate it as physical union would.

There is therefore no objection in the continuance of the practice of AID according to law, and provision under the NHS probably curbs some of the abuses in private clinics which are operated for commercial profit.

The example of AID highlighted four sets of problems: the morality of the action itself, its legal consequences, the genetic element, and the personal consequences for a child in terms of its sense of identity. But such problems arose in relation to a number of different techniques and there was clearly a need for thought to be given to the general principles which should govern decisions relating to human fertilisation and embryology.

## **GENERAL ISSUES**

In 1983 the Board made a short and preliminary submission to the DHSS Inquiry into Human Fertilisation and Embryology set up by the Government under the Chairmanship of Baroness Warnock. In 1984 the Board made a detailed response to the Report of that Committee. The following year the report, *Personal Origins* (CIO, 1985) was published on the theological and ethical issues in this area. This is the most comprehensive attempt to tackle these issues by the Church of England.

The first debate in the General Synod on this subject was held before the publication of *Personal Origins* in February 1985. The Synod, by a narrow margin, rejected the position set out by the Board in its response to the Warnock Committee on the subject of research using human embryos up to 14 days old. In July 1985 when speakers were able to draw on the recently published *Personal Origins* and look at a wider range of relevant issues the following motion was carried:

'That this Synod

- i. commends the report *Personal Origins* to the dioceses and to the wider Church for study, debate and response on the questions raised in the area of human fertilisation and embryology for Christian attitudes and practice,
- ii. regards as essential the suggestion in the Warnock Report for a national licensing authority (already welcomed by the Board for Social Responsibility) to regulate research and to control infertility services, and welcomes the suggestions made by the Board that such an authority should continue the debate on the moral aspects of technologies concerned with human embryology and fertilisation and to this end membership of the authority should include representatives from the social work and legal professions and from members of the Churches skilled in moral theology.'

In February 1988, the General Synod debated a Private Member's Motion (Dss Una Kroll) on the Warnock Report and carried the following motion:

'This Synod in the light of the commitment of HM Government to proceed to legislation on Human Infertility Services and Embryo Research:

- i. reaffirms the General Synod Resolution of July 1983, "that all human life, including life developing in the womb, is created by God in his own image and is therefore to be nurtured, supported and protected";
- ii. welcomes the commitment of HM Government to establish an Independent Statutory Licensing Authority to regulate research and infertility services;
- iii. supports the proposal to leave all surrogacy arrangements outside the protection of the law;
- iv. requests the Board for Social Responsibility to review and report on the acceptability of AID as a solution to the problem of infertility, having regard in particular to the psychological risks to the children so conceived and their families, as the children grow in awareness of their origins.'

The establishment of the Human Fertilisation and Embryology Authority (HFEA) in 1991 was widely welcomed, building as it did on the six years of work of the Interim Licensing Authority. The Authority issued a draft Code of practice and an ecumenical response to this was prepared by representations of several Churches including the Church of England. In 1993 the Authority issued a consultation paper on Sex Selection to which the Board responded. In 1994 the Board responded to the Authority's Public Consultation Document on *Donated Ovarian Tissue in Embryo Research and Assisted Conception*.

The Board issued a second edition of *Personal Origins* in 1996 to take account of developments in assisted conception techniques. The new legislation of the Human Fertilisation and Embryology Act 1990 and the creation of the regulatory body, the Human Fertilisation and Embryology Authority.

In November 1997 the General Synod carried the following Motion:

'That this Synod, believing that children are a gift from God in creation and that the welfare of any child created by third party donation of eggs or sperm is of overriding importance, including the need of the child for a father:

- a. affirm marriage as the ideal context for the procreation and rearing of children;
- b. note the ethical considerations of gamete donation contained in ***Personal Origins***;
- c. believe that treatment should normally be given to women only during years when, under normal circumstances, they might conceive; and,
- d. welcome the decision of the Human Fertilisation and Embryology Authority to phase out payments for donors.