

ARGUMENTATION REGARDING THE IN VITRO DISPUTE

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Abstract

The article is an attempt to recognise, collect and precise the philosophical and ethical arguments essential for description and evaluation of *in vitro* method, being the method of artificial fertilization, together with medical, psychological, legal, theological and other arguments which are referred to both- by supporters and opponents of that method of artificial procreation. The formulation of various arguments is connected with philosophical and ethical theory assumed by their authors. For that reason their presentation has been preceded by a brief characteristic of selected bioethical standpoints which appear in dispute over *in vitro* method (both classical standpoints - personalism, deontology, utilitarianism, as well as contemporary ones - principlism, casuistry, cultural bioethics, ethics of concern etc.). The last part is an attempt to evaluate individual arguments, to find a compromise acceptable by various parties of the bioethical debate as well as to define the role that bioethics can fulfil in the framework of wide social debate.

The method of extracorporeal fertilization introduced into procreation medicine thirty years ago has been applied more and more often, due to the phenomenon of ever-growing phenomenon of infertility as well as development of techniques connected with *in vitro* method. In principle the method in question consists of three stages: obtaining the reproductive cells, fertilization outside woman's body (in laboratory conditions; *in vitro* – “in glass”) and transfer of multi-cellular embryo to the uterus where it is implanted and thus the pregnancy begins. The basic types of that method is homologous *in vitro* fertilization (the gametes' donors are the prospective parents) or heterogonous *in vitro* fertilization (in that case one or both gametes come from the extraneous donors).

The method of extracorporeal fertilization has been a subject matter of numerous debates and disputes taking place in various environments: scientific, political, religious, connected with widely understood media etc. It is often the case that there appear irrational arguments in the scope of such discussions (expressed both by the supporters and opponents of that method regarding supported fertilization). Some arguments are not formulated on the

base of knowledge, and sometimes the speakers resort to ignorance, their arguments make reference to emotions, common opinions etc. instead of putting forward the substantial facts based on medical expertise, legal norms as well as philosophical and ethical settlements. Therefore it is relevant to make efforts aiming at systematic presentation of arguments that are quoted during the debates regarding in vitro method. The precise formulation of one's own arguments, becoming familiar with opinions of opponents as well as other participants of the debate is a crucial condition regarding bioethics understood as the social debate – that would prove the society's maturity as well as maturity of various circles participating in disputes of ethical nature. We shall start with a short presentation concerning the bioethical standpoints appearing in the debate.

Standpoints appearing in bioethical dispute

The arguments that appear in the dispute regarding in vitro method are formulated on the basis of philosophical and ethical presumptions of various bioethical trends. When analyzing the literature concerning the subject matter in question, it can be noticed that there are three main classical justifications for the moral norms of particular importance: Christian personalistic bioethics based on theological assumptions, underlying the following: the dignity of a human being, the idea of sanctity and inviolability of life (from the moment of conception up to the natural death), the dignity of marriage, the respect for the family, its unity and sustainability as well as the respect for procreation (the process of procreation is governed by two basic values: the life of a human being that was brought to life as well as exclusiveness of giving birth within the institution of marriage); Kant's ethics of duty and deontonomic trend emerging of it, which perceives as morally good everything that derives from accomplishment of duty imposed by a proper authority (an entity that discovers in itself a moral law expressed by categorical imperative, a social class, a country etc.); finally, Utilitarian reasoning that highlights the profit as a norm to evaluate every action, with application of a principal rule regarding maximization of pleasure, happiness and profits for the largest number of persons possible (BIESAGA, T. 2006, s. 55-56).

The other modern bioethical standpoints that express their opinions upon the subject matter are as follows: the principlism (there are four main rules to be respected in the framework of that trend: patient's autonomy, beneficence, nonmaleficence and justice),

communitarianism (common bioethics with a special respect for tradition and culture of a given society), casuistry (searching, by consensus, for exemplary exceptional case for current moral evaluations), feministic ethics of care-taking (that emphasizes the autonomous decision of a woman), or cultural bioethics as well as ethics of concern (underlying the necessity of care-taking, sympathy and concern).

The pluralism of standpoints and assumptions present at the dispute regarding in vitro method is reflected in a multitude of opinions regarding that technique of supported procreation. The bioethical standpoints mentioned above could be divided into two basic groups: one that entirely rejects that method (Catholic personalism) and the other gathering the trends that either fully accepts it, or accepts it with some additional specifications (utilitarianism, deontology and modern bioethical standpoints).

As far as personalism is concerned, its evaluation regarding in vitro method in all its varieties is totally negative as the method in question infringes the dignity of a human being. In the process of in vitro method bringing a new creature to life is artificial and inconsistent with nature; a new human being becomes brought down to the status of “produced item”, and is not an outcome of intimate conjugal love. Moreover, there exists a thread of killing the supernumerary embryos, cryoconservation, using the embryos for other purposes e.g. medical experiments. The human dignity is also destructed by: procedures of genetic engineering governed by eugenic way of thinking; donation of gametes; possibility of reduction of embryos (in case of multiple pregnancy); application of the institution of the surrogate mother; parenthood of couples not being married, of single persons or homosexuals. What is more, the in vitro method threatens the conjugal dignity, the respect for procreation as well as unity and durability of marriage. The act of procreation can take place solely within the marriage and in line with natural predispositions. The artificial fertilization disregards the conjugal sexual act which aims at spouses’ unification and procreation, substituting it with technical action (SZEWCZYK, K. 2009, s. 195; ŚLIPKO, T. 2009, s. 169-195).

When referring to assumptions of deontonomic trend regarding bioethical issues, including in vitro method, it should be stated that there are no precise clear rules of conduct concerning these matters. That approach does not provide us with ready made substantiations for moral commands, they should be settled by proper authorities. Depending on authority’s will and decision (e.g. an individual’s will or biding legal provisions etc.) the methods of

artificial fertilization and other biomedical proceedings will be evaluated as morally suitable or not.

On the ground of utilitarian assumptions the in vitro techniques are usually positively evaluated. Such an evaluation is based on the following assumptions: an embryo is not a human being (thus its death within the in vitro proceedings cannot be perceived as unethical); the in vitro method, considered as curing method, brings many profits- above all for infertile couples (the longed - for offspring), and to some extent it is also profitable for the society (genetic improvements, examination of matrix cells etc.) (SINGER, P. 2003, s. 160). As a criterion regarding the accessibility to that method in both its aspects – homologous and heterogonous – the utilitarian points at the ability of prospective parents (or a parent), longing to have their offspring, to provide their children with proper living conditions (SINGER P., WELLS, D. 1988, s. 81-83). On the basis of expected profits consideration it can be stated that – from the parents perspective – the in vitro method should be made widely accessible as it contributes to removal of infertility drama and to making true the dream of having a child. But from a child's perspective such evaluation is not so unanimous as there exists the condition of providing it with proper conditions. Similarly, as far as the social profits are concerned, on one hand there exist some profits (development of medicine, fighting the demographical depression etc.), still on the other hand there arise the issue concerning the costs. The issue is relevant especially when there is a debate regarding in vitro financing with the resources coming from state's budget: with ever-growing lack of financial resources maybe they should be used to deal with other, more profitable issues like for example: fighting the cancer, the poverty, construction of infrastructure, co-financing in the framework of educational system etc.

The modern standpoints of bioethics are those of medical ethics, therefore they limit the scope of their interest focusing on the development of biomedicine, medical society activity, relations between a doctor and a patient etc. Solutions concerning moral problems and dilemmas that arise on the ground of medicine, including those connected with in vitro method, are conditioned by adopted – not always consciously – assumptions, references to opinions and convictions predominant in a given society. The most frequent standpoint in these environments will be a positive evaluation of artificial procreation methods. As an example, such evaluation is presented by cultural bioethics and its derivative – ethics of concern limited by justice. Among the main circumstances that allow for positive evaluation there are present the following three facts: infertility – seen as a disease – concerns many

people, becoming the source of their suffering; medical techniques, although they do not cure the infertility not being corrective service, still they present a possibility of having children; the methods of supported procreation are the manifestation of reproductive rights and they contribute to enlargement of reproductive freedom of citizens (SZEWCZYK, K. 2009, s. 200-201). Therefore the main principle regarding that standpoint is concern, sympathy and aid offered to people going through the drama of infertility.

Argumentation regarding the bioethical dispute

The presented general assumptions of philosophical and ethical nature concerning various bioethical standpoints are the base of arguments which contribute to moral approval of rejection of in vitro method. The group of arguments includes: philosophical (anthropological, ethical), theological, medical, psychological arguments etc.

The basic moral issue concerning in vitro fertilisation is a conflict of rights of two parties – these of parents and a child. The parents (and the supporters of in vitro method) refer to the right of having the progeny, whereas in case of child the crucial aspect is the right of life prescribed to every conceived human being. The solution of that dilemma depends on which of these rights will be awarded the priority, as well as on adopted ethical theory and assumed view regarding the human nature (CZARNECKI, P. 2008, s. 87).

Question regarding the moral status of in vitro method is strictly related to the question concerning the status of human embryo. Here we should indicate the difference between descriptive and normative (estimative) meaning the concept of a “human being”. Being a person from the descriptive perspective means that an individual belongs to *Homo sapiens* species (which is a result of being conceived by human parents). Such an approach is a scientific instrument of biological systematics and it is not connected with any estimative judgments. The normative idea of a human being presents different option. From that point of view such term is applied to describe fact that a human being belongs to the circle of moral community created by the persons, whereas these persons enjoy having moral status and moral rights including the most important one – the right to live. Both above mentioned approaches must not be applied interchangeably. The descriptive meaning of the idea of “human being” is dealt with by widely understood biology, which is unable to prove the

characteristics indicated by normative conceptualization of human being – typical for normative ethics that makes reference to other philosophical disciplines. The detailed areas of studies such as biology or genetics can only provide ethics with arguments in support or against as far as a given normative solution is concerned, thus they fulfil the auxiliary function (SZEWCZYK, K. 2009, s. 235).

The above mentioned settlements are crucial when deciding on human embryo status as well as when drawing the criteria of humanity, which is determination of the moment when the developing human embryo has the characteristics indispensable to become a person – an individual with rights and obligations which realization, due to obvious facts, is postponed to later stages of life. In bioethical literature there have been formulated and discussed various criteria regarding humanity, among others: criterion of fertilization, genetic criterion, criterion of continuity of developmental route of human creature, genealogical criterion, birth criterion and developmental criteria (neurological criterion, animation criterion, ability to live independently outside the mother's organism, as well as biological, psychological and social criteria). The philosophical reflection over these criteria, supported on the differentiation between descriptive and normative conceptualization of human being, leads to the conclusion that there should be a clear distinction between question regarding moment when human life begins and question regarding the moment since which that life requires full respect and protection provided by others. The dispute over the above mentioned criteria is basically the dispute over values, not over facts. Without regard to additional axiological assumptions, the fact that human embryo belongs to human species is not enough to give reasons for the standpoint that all methods of human being annihilation is always morally wrong (PRZYŁUSKA-FISZER, A. 2001, s. 155-156).

The supporters of in vitro method assume the humanity criteria that postpone the moment of awarding an embryo with a status of person further behind the very moment of fertilization. With that view it can be justified the standpoint that submitting oneself to in vitro proceedings neither is nor can be a subject of moral judgment making reference to welfare (rights) of an embryo. It is an autonomous decision of parents or other persons that resort to the artificial fertilization and the consequences of such decision concern solely the persons who consciously took such decision (CZARNECKI, P. 2008, s. 88). Such a thesis finds justification in current empirical, phenomenalist trend of bioethics that conditions the acknowledgement of a person status with certain biological, emotional and awareness – connected aspects. According to that view, a creature that due to any possible reasons is

unable of conscious expression of its plans or interests cannot be concerned a person, an individual with rights and duties. From that perspective people are perceived as future, present and past persons.

The supporters of in vitro method mostly make reference to developmental criteria which are of alike formal structure as they assume the existence of an attribute acquired by an organism in a given stage of development which results in awarding an organism with the status of human being (SZAWARSKI, Z. 1987, s. 176). The neurological criterion belongs to that group as it assumes that the attribute deciding upon being or not being a human being is the activity of brain. As the entire nervous system is formed at the third month after the fertilization, it is a moment since which one may consider an embryo to be a human being (ŚLĘCZEK-CZAKON, D. 2004, s. 63).

Another developmental criterion is the one concerning animation, which can be interpreted with application of secular or theological approach. The secular interpretation is connected with idea of Aristotle who supported the concept that an indication of humanity is a possibility of feeling embryo's movements, which is at 40th week of pregnancy for males and 90th day for female embryos. The theological interpretation was introduced by Saint Thomas of Aquin who claimed that the moment indicated by Aristotle does not refer only to embryo's movements but it is an indication of gaining the soul. Saint Thomas propagate the theory of indirect (successive) animation which was bidding for Church until the half of XIX century (however it still has its supporters). Presently the Church assumes the theory of direct animation (in a very moment of fertilization) (ŚLĘCZEK-CZAKON, D. 2004, s. 65).

That group of criteria includes also the criterion of autonomous existence which claims that embryo can be considered a formed human being in about 28th week of pregnancy (or perhaps even in 24th week of pregnancy when referring to the most modern incubators), from that moment an embryo is able to function outside the mother's organism.

In literature regarding subject matter in question there have been mentioned other developmental criteria – biological and psychological. The developmental biological criteria include, beside the above mentioned criteria: neurological and that of ability of autonomous existence, the criterion concerning formulation of zygote which takes place about 21 hours after fertilization when the process of zygote forming terminates, as well as criterion of implantation which takes place about 14 days after the fertilization. When the process of implantation terminated there is no more a possibility of zygote splitting into twins and there

begins the process in which the ovule of nervous system starts to be formed (so called “primitive streak”). As far as developmental psychological criteria are concerned, we need to include: the criterion of conscious sensing of pain, criterion of conscious pursuit of self interests’ realization, criterion of establishing a conscious cognitive and volitive contact with the surroundings as well as criterion of taking conscious moral responsibility for oneself and for the society (BIESAGA, T. 2006, s. 101-102).

The other group is made up of social criteria that make reference to social acceptance. Two basic ones are: criterion of acceptance of newly conceived life by mother, parents or society; the criterion of acknowledgement of humanity from social and material point of view (BIESAGA, T. 2006, s. 102).

The supporters of in vitro method also make reference to the criterion of birth that awards the status of becoming a person at the moment being born. That criterion is supposed to be supported by linguistic, anthropological, legal and philosophical arguments. Those referring to linguistic practices underline the fact that in order to distinguish between various developmental stages of embryo there have been applied different terms, whereas the term “human being” can be applied only once the creature has been born. As far as anthropological argumentation is concerned, it is claimed that the human being is not born as a person in a true sense of the word, one can become a person in a process of socialization through acquisition of language and culture that one belongs to. The argumentation making reference to abiding legal provisions points out that usually the embryo is not awarded the rights equal to those awarded to a born child, and according to philosophical argumentation human rights should be admitted only to those who meet the requirement indispensable to be called a person i.e. to be self-aware and to be a subject of physical experiences and states (ŚLĘCZEK-CZAKON, D. 2004, s. 69-71).

All the above described criteria of humanity postpone the moment of awarding the status of human being far beyond the very moment of fertilization. When adopting these assumptions it should be stated that proceedings connected with in vitro method and regarding the human embryos do not threaten the human welfare nor do they infringe the human rights, thus the method under consideration is morally fair.

On the other hand, the opponents of in vitro method will agree with the opinion of J. Lejeune, the geneticist, who claims that: “due to an extraordinary progress of genetics we invaded the privacy of embryo. Adoption of the fact that after the fertilization there becomes

created a new human being is not a matter of preferences or opinions. The human nature of that creature from the moment of conception up to the old age is not a metaphysical thesis that can be disputed- it is a genuine experimental fact” (MICHALIK, R. 1986, s. 8). That standpoint incorporates the conviction that at a moment of fertilization there is created and organism with its unique identity; that every human being - independently of developmental phase, should be respected for the sake of itself; that a human embryo is a rightful human being, both from ontological and moral perspective- thus it is a rightful subject just like any fully developed human being living independently- especially as far as right of existence is concerned (CZARNECKI, P. 2008, s. 88).

The Catholic Church expresses its opinion quite clearly, claiming that: “human being should be respected as a person, from the very beginning of its existence” (*Donum vitae*, 1987, I,1). “The life of each human being from the moment of conception should be respected in absolute way as it is a sole creature on the earth that God meant for Himself, and the rational soul of every person is directly created by God; the entire existence bears in itself the image of God. The human life is saint as from the very beginning it calls upon the creative action of God and it will always make a special reference to the Creator – its unique aim. God himself is a Lord of Life, from the very beginning till the very end. Nobody, in any circumstances, should claim the right of direct destruction of an innocent human being” (Dv, introduction, no 5).

The supporters of awarding the status of a person right from the moment of fertilization also make reference to the rule of potentiality. According to it “it is wrong to kill a potential human being. The fertilized human ovum is a potential human being, hence it is wrong to annihilate a human zygote” (SINGER, P. 2003, s. 150).

The opponents of in vitro method adopt the criteria indicating that humanity starts at the very beginning, at the moment of conception. Among these criteria the following can be enumerated: criterion of fertilization – the moment when the life begins; the genetic criterion referring to creation of genetic code which determines specific characteristics and properties of development concerning the new creature; criterion of continuity of developmental track of a human being (the continuum); genealogic criterion – parental origins and belonging to humankind (BIESAGA, T. 2006, s. 101).

The personalists make reference to the rules by Saint Thomas regarding the ontic-anthropological status of a human being – *agere sequitur esse*, according to which every

action taken by a person is secondary in relation to its existence: the actions can be taken as there exists a human being, not the other way around. All the actions of living and conscious creatures do not create their nature but they are the expression of that nature. On that basis they reject the developmental, biological and psychological criteria together with social ones (*Dignitas personae*, 2008, I,8). To support their standpoint they emphasize that from the very moment of conception the embryo possess the basic feature of a living organism, i.e. already defined, stable, determined developmental track. From the very beginning (fertilization, conception) an embryo is not a grouping of loose, not connected cells, but it is a self – organizing system. Both prenatal and postnatal human development makes some kind of continuum and non of its stages can be considered ultimate in defining a person or a human being (BIESAGA, T. 2006, s. 102-103).

From the perspective of personalism all people with no exceptions (healthy or ill, black or white, believers or non-believers etc.) are persons. Any person should not be deprived in any phase of the personal development, from the time of being a zygote until the old age, the subjective and proper moral rights, especially the right of existence. All the medical proceedings that do not respect that rule from the perspective of personalism are morally wrong.

Apart from making reference to definition of a person and humanity criteria, the parties participating in the debate regarding the moral status of in vitro fertilization resort to other argumentations. The supporters of assisted procreation refer to an argument that can be called “the medical argument”. The important assumption here is the statement that the methods of artificial procreation are medical proceedings which enable the infertile couples to have the offspring. As it is commonly known, the infertility has been acknowledged the social disease by World Health Organization – the disease that afflicts ever-growing group of people all around the world (CZARNECKI, P. 2008, s. 87). That illness is of demographical dimension with a strong psychological aspect. It is often the case that the reaction for the diagnosis of infertility can be received by a person suffering from it similarly to the reaction for the diagnosis of a tumour or cardiac infraction. Therefore, if medicine can provide people with a chance of fighting the infertility thus limiting the suffering of given persons, simultaneously reducing the demographic depression, the medicine should be permitted to apply various techniques, whereas people should have a right to make use of them.

Responding to the objection claiming that the artificial fertilization is not a therapeutic procedure due to the fact that it does not cure the infertility (a woman after the treatment remains infertile) there should be noticed the fact that medicine, apart from strictly curing services, provides also corrective services (e.g. spectacles, endoprosthesis etc.). For that reason the techniques of assisted procreation are corrective treatments (SZEWCZYK, K. 2009, s. 195).

Within the range of argumentations regarding in vitro fertilization appears the standpoint claiming that the beneficial outcomes of that treatment are important as it satisfies the overwhelming desire of having children. The willingness to come up with help towards people suffering from infertility drama is a sufficient argument supporting the idea of artificially assisted procreation and of all medical treatments supported by it. These techniques are the stunning success proving the human genius that should govern the moral aspects and costs which have to be incurred when endeavouring to have offspring (SINGER, P., WELLS, D. 1988, s. 46-80).

On the other hand, the opponents of artificial procreation point at the argument that can be described as “technological” one. Such an argument made on the basis of *Donum vitae* Instruction highlights the threat of substituting the natural procreation with the technique of production of embryos, obtaining the “project children”. The acceptance of in vitro method, especially in its heterogonous version, will increase the scope of techniques aiming at manipulations with human embryos which would be like stepping on inclined plane. Such acceptance could lead to substitution of reproductive pattern with technological paradigm- the new people will be “produced”. Both male and female gametes will be treated as merchandise which can be sold or purchased with a given sum of money. Yet they are body’s elements which fulfil very important functions from biological and cultural point of view – they give birth, sustain the biological continuity between parents and their offspring. Due to the fact that the persons, life and its continuity are ascribed with various symbolical values, therefore to certain extend also gametes possess some “descendant value”, and treating them as a subject of trade means trafficking of values. Moreover, the possibility of human embryos trade would be like people – trafficking (SZEWCZYK, K. 2009, s. 192-200). Although the medicine elaborated the methods of artificial procreation which enable the infertile couples to have children, it does not mean –according to that method opponents – that what is technically plausible must automatically become moral (right) and always result in positive outcomes.

The argument regarding the outcomes regards also the necessity of destroying the supernumerary embryos. The Church, awarding the human being with the status of a person from the moment of fertilization of the egg cell up to the natural death, in *Donum vitae* treats as equal the destruction of the embryos with abortion which is subsequently treated as homicide (Dv II,B,5). Moreover, in case of heterogonous in vitro there takes place a violation of family's durability, the relation of kinship and personal relation within marriage are falsified which may result in discord, lack of harmony and injustice regarding entire social life (Dv II,A,2). Thus the negative outcomes regarding application of artificial procreation do not only affect a given family, but they stretch throughout the entire social life.

What is more, the opponents of in vitro method resort to the argument of "sustainability of traditional family and a child's welfare". That argumentation is usually directed against the supporters of heterogonous in vitro method, still it makes reference, to some extent, to all in vitro techniques. Its authors claim that the method in question can infringe the sustainability of traditional family and threaten a child's welfare. A serious threat is lack of limitations regarding the selection of procreation partners due to existence of sperm and egg cells banks offering the uncontrolled possibilities of obtaining offspring. Anybody who has a right to be provided with medical proceedings can have children and – subsequently – can be provided with proceedings of assisted procreation – e.g. solitary women, homosexual couples, people living in relations not formally legalised. According to the supporters of in vitro method the only criterion of having children with application of in vitro is a guaranty of creation of proper housing condition for the prospective children just as it is in case of adoption (SINGER, P., WELLS, D. 1988, s. 81). That is why even a married couple that does not meet that requirement should not be permitted to apply the in vitro method, whereas people living in other forms of relations or solitary persons can be granted such permission (SZEWCZYK, K. 2009, s. 196). Such criteria infringe the sustainability of traditional family consisting of a father, a mother and children. The solitary women, homosexual couples, people living in informal relationships become thus "families", whereas a child of such "family" is deprived of complex parental love – that of a father and a mother, as well as of traditional environment for development, education, formation of the features regarding own personality and character.

Part of that argumentation are also genetic reasons. Popularization of heterogonous methods will result in growing number of widely understood couples having children not genetically connected with the legal parents. It will alter the traditional model of family in

which case the offspring is a descendant, also from the genetic point of view, of its parents. And here a question arises- should children know their genetic parents? Should the biological mother and a biological father keep in contact with their child? (SZEWCZYK, K. 2009, s. 197).

The genetic questions are connected with a threat of incest, which is ever more justified in the era of the world being a “global village”, and the possibility of moving around is basically unlimited. Will it not lead to the situation that it will become indispensable to examine the possibility of prospective spouses to be siblings?

The other doubt concerns the fact that in case of zygote donations it can be considered the “prenatal adoption”. The popularization of surrogacy will further complicate the relations of kinship and parenthood – it could happen that a child will have three mothers – a donor of the egg cell, a surrogate and the legal mother). The supporters of in vitro method as the counterargument point at the phenomenon of divorce which result in similar complications. However in case of in vitro technique such complications are, to some extent, allowed in advance, whereas in case of divorces they are the outcome of often dramatic situations (SZEWCZYK, K. 2009, s. 197).

In case of argumentation based on the pattern of family sustainability as well as child welfare there are questions regarding the rationality of existence. If we consider the “natural” method of conception and giving birth to a child, there is always a factor of pure chance present, even if parents consciously decide to have a child by, for example, giving up the so far applied contraception measures. In case of in vitro method there is no chance present when taking into consideration selection of an embryo to be implanted as well as procedures regarding supernumerary embryos. In future a child can ask a question difficult both for itself and the parents: why is it that I am alive and my brothers and sisters are not? (CZARNECKI, P. 2008, s. 91).

Here there should be quoted the argument included in *Donum vitae* Instruction (“argument of child’s dignity”). The document states that breaking the rule of unity of significance regarding the conjugal act and falsifying the body language infringe the dignity of a child conceived in such a way. Such child is brought down to the level of the outcome of scientific technique as well as becomes a subject of manipulation and technological ruling (Dv II,B,4,c).

That argument also refers to surrogacy, emphasizing its objective lacks in relation to mother's love obligations, conjugal fidelity and responsible motherhood. The surrogacy insults the dignity of a child together with its right to conception, pregnancy and being raised by own parents, as well as it introduces, to the detriment of families, the partition between physical, psychological and moral aspects that constitute the motherhood (Dv II,A,3).

The supporters of in vitro fertilization underline the idea of bringing help to people suffering from infertility, but according to the method's opponents they overlook the costs and victims that have to be sacrificed in order to reach that target. According to assumptions adopted by personalistic ethics, the development of science, techniques, progress and liberty as well as the desire of having offspring are placed within the entirety of human, conscious activity, still they cannot be performed in case they are harmful for moral rights of any human being, especially a child. Child's welfare, its rights should be most highly respected (ŚLIPKO, T. 2009, s. 174).

When responding to the argument regarding the sustainability of family, the supporters of artificial fertilisation resort to "the argument of partners' welfare". The infertility is a dramatic situation that causes huge stress to the partners (spouses) which can negatively influence the relationship's sustainability. Having offspring also influences psycho-physical wellbeing of a woman who feels fulfilled as a mother, as well as a man who thus accomplishes his tasks – also as a head of family, and ensures the continuation of family line. The lack of offspring contributes to creation of various complexes, the reciprocal reluctance of the partners, the lack of satisfaction. Taking an effort of assisted procreation, even if it fails, still can lead to reinforcement of the conjugal ties, sense of closeness and reciprocal trust and respect as well as it can bring sense to their life (SZEWCZYK, K. 2009, s. 195). To confirm rightness of that argument we should quote the results of sociological and psychological examinations performed in countries where in vitro method has been widely applied and which indicate that a common reason for dissolution of marriages is infertility which is difficult to accept, whereas a possibility of having a baby, even with application of artificial procreation, brings the spouses together (ŚLĘCZEK-CZAKON, D. 2004, s. 124). Thanks to the methods of artificial procreation many a family survived and overcame its difficulties, whereas the potential, negative effects can be limited e.g. by means of proper legal regulations.

When referring to the argument concerning a child's welfare they quote the argument which makes a clear evidence to the motivation of prospective parents. As an infertile couple is able to undergo the proceedings connected with assisted procreation, which are burdened with a high risk of failure, which are long term, which bring psychological and physical discomfort and which mean the vast financial charges – it all proves that their desire and motivation to have a baby must be huge and undoubtedly sincere. It is highly probable that in such environment the proper conditions for child's development will be created. A baby being so heartily anticipated and longed-for can count on immense love, care and concern on the part of its parents (SZEWCZYK, K. 2009, s. 195).

For the opponents of extracorporeal fertilization the “theological argument” makes an important argument. The fact of acknowledgement of God's existence makes its foundations. It has been described in details in encyclical by John Paul II – *Evangelium vitae* (1995). The entire document is saturated with important appeal regarding the necessity of respecting the life from the moment of conception until the natural death. There are two basic issues incorporated in that argument: first of all the sanctity of life based on sanctity of God Himself who is a Donor and Lord of life, its Creator. The human life comes from God, it's His gift, His manifestation, and participation in His invigorating divine breath (Ev 2. 39). Life is always good as it is a revelation of God in the world, a sign of His existence, a trace of His glory (Ev 34, Dp 8). The fact of sanctity of life puts unconditional commitment of its protection, which was expressed by means of commandment “Thou shalt not kill”. The other issue being a foundation of that argument is an assumption adopted by Catholic theology that God Himself is present in human parenthood (Ev 43, Hv 8, Dp 6). The presence of God is of direct character, it is not limited down to settlement of biological principles of procreation. Behind the very beginning of each human being life there directly stands the creative act of God. Hence some authors quotes the concept of so called “conjugal triangle” – made up of God and the spouses. In the context of that argumentation assumptions, in vitro fertilization infringes the principle of life's sanctity and a sanctity of passing the life.

That argument appears also in secular version – so called accusation of “playing God” put against, among others, every way of making procreation a technical act. Without making any references to theological reasons, it warns against taking over the position of creator by people not only through application of nature's mechanisms to call into being the new life but also through control over natural processes and influence on future people features. The evaluation of in vitro method is the same, *mutatis mutandis*, as in case of Catholic theology –

it is a form of intrusion in nature which can not be morally approved (CHYROWICZ, B. 2009, s. 14).

Here it should be mentioned that the opponents of artificial fertilization also resort to the “argument of natural law- the dignity of marriage”. It was comprehensibly presented in encyclical by Paul VI *Humanae vitae* (1968). It is based on assumption that God is an author of the plan embracing the totality of world, which gives a proper place and nature to all the components of the world, among which there are people with all their actions. In that document the term “nature” is applied interchangeably with terms “internal purposefulness”, “sense”, “meaning”. The nature of a given human action is determined by the place in the world foreseen in God’s plan. One of such actions (act) is the conjugal act- its nature and place is indicated by God and foreseen in the world’s plan (Hv 8). It is a manifestation of love which, being personal, is simultaneously sensual and spiritual as well as integral, faithful, exclusive and fertile (Hv 9). The spouses should adjust their conduct to the plan of God-Creator (Hv 10), and that plan indicates the marriage as a sole area for sexual acts (Dv II,A,1; Dp 12. 16). The sexual acts have two basic functions – unification and procreation. These two functions are strictly related and cannot be separated (Hv 12). The natural link between these two open the spouses at the possibility of passing the life, this way they become a kind of co-operators of God who is the source of all life. Each sexual act which would separate the unifying function and procreation function is in discrepancy with God’s plan and is wrong from the moral point of view (SZEWCZYK, K. 2009, s. 180; NARWOCKA, A. 2001, s. 82).

Also the instruction *Donum vitae* invokes the rule of inseparability which forbids the separation of unifying and procreative meaning of conjugal act. It also refers to masturbation being the most common way of getting the sperm in the procedure of in vitro method (Dv II,B,6). Masturbation itself, being a solitary form of ejaculation, according to the Christian ethics is a violation of purposefulness of human sexual organs which are to arouse life in the act of copulation of a man and a woman. It is the same in case of in vitro method in which case masturbation is a separate action, being solely a mean to obtain the material needed for later fertilization. The masturbation cannot be applied in order to have offspring (the end does not justify the means) (ŚLIPKO, T. 2009, s. 184-185).

Currently in case of in vitro fertilization, in both kinds of it, the technical means lead to separation of procreation act from carnal and spiritual unification of spouses. Making the

procreation technical entails “de-humanization” of such an important act for people. Therefore all proceedings of that kind are wrong and should be morally disapproved.

The instruction clearly indicates that conjugal act is of carnal and spiritual character. In the spouses’ bodies and by means of them the marriage is made complete and spouses can become parents – a father and a mother (Dv II,B,4,b). A natural and proper place to conceive a baby is exclusively the marriage. The artificial fertilization in vitro not only destroys the dignity of marriage, but it also ruins the function of unification and procreation. What is more, it is inconsistent- especially the heterogonous in vitro method – with proper vocation of parents as well as a child’s right to be conceived and born within marriage and as a result of marriage (Dv II,A,2).

As far as that argumentation is concerned, it is compatible with “argument of body language” formulated by John Paul II in Exhortation *Familiaris consortio* (1981) and regarding the question of using contraception. According to that document the sexual behaviour can be concerned a language which material manifestation (carrier) is body language (Fc 32). When using language a person can communicate either truth or false. The truth of body language is reciprocal, complete gift made of oneself, the mutual acceptance of spouses and their openness with view to fertility. The speaking body is a manifestation of human nature, a human being able to love and to pass life (procreate) (SZEWCZYK, K. 2009, s. 181-182).

The Instruction *Donum vitae* makes reference to that argument, stating that fertilization outside the body of spouses – as it is in case of in vitro method- becomes meaningless and deprived of values expressed by body language and unification of spouses (Dv II, B,4,b). On the other hand, in vitro supporters refer to “argument of embryology”. The source of that argument is in empirical data of embryology which examines the human development from the moment of conception until the moment of birth. The supporters of artificial fertilization techniques point out that not the entire 13-day zygote, the pre-embryo, will turn into foetus- it partly will turn into trophoblast which consequently will turn into placenta; within two first weeks since fertilization a woman is not aware of being pregnant and pre-embryo located in her reproductive tract does not belong directly to mother’s organism; at that time it is not certain yet whether out of one zygote they will be created only one embryo, two or even more; there exist also a possibility that two zygotes created as a result of fertilization will join into one organism. Therefore the pre-embryonic phase of

development is considered by some authors to be pre-human and they claim that zygote and neonate are not the same individuals so a creation of zygote itself cannot be considered to be a creation of separate (personal) human life (PIĄTEK, Z., 2012, s. 51-52).

And important issue in discussion over the in vitro method is the fact revealed by embryology that in natural processes of procreation of humans not less than 75% of fertilized egg cells dies before the termination of pregnancy, especially before implantation in the uterine walls- they are excreted from the organism and a woman is often unaware of that miscarriage (is it that God convicts two-thirds of human beings for lack of possibility to turn into a mature person?). The supporters of in vitro method base on it the other argument – a zygote, up to a moment of implantation, should be referred to as pre-embryo, pre-human; unformed embryo is not a human being, it is possible that it will become one (PIĄTEK, Z., 2012, s. 51-52). According to in vitro supporters the subject of that medical procedure is undifferentiated pre-embryo which full development will start no sooner than after implementation in a woman's uterus. The only difference between natural and artificial fertilization regards only two weeks of zygote development which in case of natural fertilization take place within a woman body, whereas in case of artificial one in a probe. An estimated number of miscarriages connected with natural and artificial procreation is comparable therefore, on the grounds of embryology, it should be stated that in vitro technique, being an activity aiming at enabling infertile partners to have children, should be at least acceptable within the ethical discourse.

The supporters also quote the “argument of health and reproduction rights”. The argument was empowered by so called Cairo programme adopted in 1994 by United Nations Organization. That programme is based on the definition by World Health Organization according to which reproductive health is a state of full well-being in physical, psychological and social perspectives, in all aspects connected with reproductive system, its functions and processes-and not only a lack of disease or indisposition. Reproductive health understood this way means that people are able to conduct satisfying and safe sexual life and that they are able to procreate, enjoying the freedom of choice concerning the question: if, when and how many children they want to have. The last condition provides men and women with the right to access the proper information and to use safe, efficient and financially approachable methods of family planning as well as with health service which would secure the safety of pregnancy and birth giving, and which would offer to couples the high possibility of having healthy offspring.

Thus reproductive rights indicated by the programme are the manifestation of people's rights regarding reproductive health and if such rights have been awarded then the national authorities are obliged to provide their citizens with conditions enabling their full realization, which concerns mainly right to be provided with health service. The impact is put here on aware and autonomous decision of a subject taking procreative decisions including the access to methods offered by medicine. The methods of artificial procreation, including in vitro method, are thus the tools to realize the reproductive rights resulting from health definition adopted by that Programme (SZEWCZYK, K. 2009, s. 195).

The opponents of in vitro method also raise the "argument connected with the necessity of redefining the issues concerning infertility, motherhood and fatherhood". Application of methods of assisted procreation, including in vitro method, requires the alternation of these definitions. Previous definition of infertility indicates reproductive system defects, however acceptance of in vitro method – especially heterogonous one – may lead to necessity of enlargement of that definition so that it could refer, beside the reproductive system defects, also to individual sexual preferences as well as preferences concerning selected features of future child which cannot be obtained in natural way (eugenic way of thinking). Including previously mentioned individual sexual preferences would make it indispensable to provide the homosexuals and solitary women with in vitro techniques. According to the extended sense of definition, being in line with possibilities offered by in vitro method, these persons are infertile because of the way of life and preferences they selected. In case of possibility of planning features of future baby (e.g. intelligence, sex etc.) there appears a threat that if the newborn baby did not possess the desired features, the frustration experienced by the parents would be similar to that experienced by the couples unable to procreate (ŚLĘCZEK-CZAKON, D, 2004, s.119-121).

In addition the terms "motherhood" and "fatherhood", as a result of popularization of in vitro method, must be reformulated. Application of these techniques, especially together with possibilities of gametes donation and surrogacy, deprives both motherhood and fatherhood their hitherto natural character imprinted in human biology, changing these roles into phenomenon more and more culturally conditioned (SZEWCZYK, K., 2009, s. 198). It is no longer obvious which of women – egg cell donor, receiver or surrogate – should be called a mother. When looking at some attempts of legal regulations there appears a clarification that mother is a woman who gives birth, nevertheless in case of combinations connected with in vitro method such explicitness is often unsatisfactory. The similar doubts appear in case of

father: is father a donor of gametes, a man “ordering” gametes or a man being a husband/partner of a woman giving birth to a child? Due to all these conceptual problems the opponents of in vitro method object to its legalization and popularization.

Moreover, the opponents of in vitro method quote the “cultural argument” connected with moral norms that function within a given culture or society and are generally accepted. These norms concern the social acceptance of, as an example, informal relationships – both hetero and homosexual, the right to have offspring by persons living in such relationships and by solitary women. An important aspect here is a question regarding acceptance of in vitro method itself and its consequences. The norms rooted in society also regulate the issues of infertility and the methods of its fighting. The supporters of bringing changes would claim that cultural acceptance of new norms is just a matter of time and education of society, nevertheless the opponents emphasize that these changes are going too far and they threaten the foundations of a given culture and society. It is worth noticing that bioethical reflection is of crucial importance here, which contributes to balancing of the citizens’ reproductive autonomy with children’s welfare as well as sustaining the continuity of cultural changes regarding such delicate issues as sexuality and procreation (SZEWCZYK, K. 2009, s. 198).

The other important argument for the opponents is that concerning “responsibility for future generations”. It usually appears in a context of problems regarding natural environment ethics, population ethics as well as bioethics. It makes reference to parents pursuance to provide their children with optimum level of development conditions, safety, decent life as well as influence which is exerted on human life, behaviour, social status, values etc. by decisions taken by previous generations (parents, grandparents) (CHYROWICZ, B. 2009, s. 20).

Nowadays the possibilities of human, especially in the field of reproduction medicine and genetic engineering, justify the fact that interferences being made today may influence the life of the future generations, including these which existence is only predictable. In that context there arises the question regarding not only the fate of particular individuals but the entire humankind. There have been taken the attempts to create the new discipline of applied ethics – genEthics (the ethics of gene) that would accomplish the task of defining the scope of responsibility for future generations, including the decisions concerning interference in psycho-physical (genetic) condition of humankind. Thus that argumentation aims at drawing the attention to long-going consequences of action presently taken and necessity to properly

apply the scientific achievements as well as to protect generations to come (CHYROWICZ, B. 2009, s. 21-22).

A couple of words should be dedicated to previously mentioned “argument of inclined pane”. It appears particularly often in bioethics, especially in discussions and argumentations regarding the beginning and the termination of life and genetic examinations. Similarly to the argument of responsibility for the future generation, that argument aims at showing that the actions currently undertaken (in micro scale) can endanger in future the entire humankind (CZARNECKI, P. 2008, s. 93). The scheme of that argument is as follows: if we allow for practice A which is not harmful but arises a moderate resistance, it will unavoidably lead to practice Z – horrible and highly unwelcomed. That argumentation warns against taking first step – even if it is taken with good intentions and in good faith; still, it may cause entering the wrong way where taking every next step will become more and more dangerous and at the end of that way the outcomes may turn out to be fatal for an individual or society. They “may”, as there is no evidence that the action leads on inclined pane thus to eventual harm (SZEWCZYK, K. 2009, s. 188-189). The argument of inclined pane is sometimes defined as domino effect or effect of the tip of wedge. The first term evokes the image of avalanche effects of minor – at first – infringes in the area of e.g. morality; the other one – the image of final complete split that started with a small crack.

That argument is usually formulated in so called logical version (based on analysis of concepts) and casual (empirical) version when the casual relation between evaluated actions and adverse outcomes should be indicated (SZEWCZYK, K. 2009, s. 189-190). The opponents of these arguments oppose to it claiming that applied terms are blur (logical version) or that it is difficult to establish the casual relations between actions (empirical version). The argument of inclined pane is sometimes called a tool to exaggerate the threats, which is applied by opponents of new actions of behaviours. The opponents also say that it is a confusion caused by joining two versions of the argument – logical with empirical one, and as an example they point at the reasoning that it should be forbidden to destroy supernumerary embryos as it leads to infanticide and euthanasia: the authors of such argument first expand the notion of human being so that the embryos could be included in order to foresee the empirical results of walking on inclined pane – the concept opened with expanded notion (SZEWCZYK, K, 2009, s. 190).

The opponents of in vitro method who formulate that argument most commonly indicate that when reaching the end of that inclined plane there will be found the natural way on reproduction substituted with production of children, objectification of human being with in vitro techniques, annihilation of human subject with the cloning techniques, genetic manipulations and commercialization (BIESAGA, T. 2006, s. 138).

That argument is also applied when the opponents of in vitro method want to warn that human desire to have offspring together with uncritical trust in technology can result in common application of ever more sophisticated methods in the future, which side effects will be medically and socially wrong (SZEWCZYK, K. 2009, s. 191).

Towards compromise

When evaluating the arguments formulated both by supporters and opponents of in vitro method it is worth to start their consideration with question whether these arguments are convincing, unquestionable and irrefutable proofs regarding accuracy of substantiated evaluations?

In case of many arguments it is essential to define the status of human embryo as well as to determine the criteria of humanity. For thousands years the philosophers have been questioning: what is a human being? what is an essence of humanity? What is a group of features that decides it is an essence of humanity? A human being has been characterised as a rational existence, a personal being able to transcend, a free being with self consciousness and aware of mortality; a social and historical being realising itself by means of creative work; an existence able to have a desire to live etc. We can multiply the philosophical definitions regarding the essence of humanity, yet there will never be a complementary characteristics of that essence. Even merging all the hitherto depictions considering that subject matter will not result in obtaining a full picture of human being. Adopting various definitions of human person by different parties of the bioethical debate, the establishments concerning the status of human embryo do not make the firm foundations for arguments formulated in the debate over in vitro method. The similar lack of conclusions regards the criteria of humanity. As is commonly known, there is not one criterion adopted by everybody,

and applying a selected one is inevitably disputable (ŚLĘCZEK-CZAKON, D. 2004, s. 60-74).

The other arguments referred to in the dispute over in vitro method are not decisive as they make reference to various philosophical and ethical assumptions. Although arguments of the supporters seem to be rational and based on the expertise in the field of medicine, psychology or legal provisions, they reveal its roots in utilitarian concepts (which underline profits), deontology (based on accomplishment of one's duties), principlism (especially autonomy and philanthropy), ethics of concern etc. It is evident as they underline the reproductive rights and emphasise the profits for the infertile marriages being the result of application of artificial procreation methods. On the other hand, the arguments of in vitro opponents, although they also make reference to discoveries of detailed science, are mainly based on Christian personalism that includes the theological justifications: faith in God, divine provenance of moral norms, idea of sanctity and inviolability of human life, the dignity of marriage as a sacramental union, transcendental dimension of procreation etc. – however these arguments are not convincing for non-believers.

The ethical rules quoted to oppose the in vitro method can be challenged as well. The argument of inclined pane seems to loose its power when confronted with real life. For many years, especially in the countries of Western Europe or in the USA, the in vitro method has been commonly accessible and applied and it has resulted neither in rapid, thoughtless application of techniques concerning it nor in displacement of natural procreation, nor in destruction of such values as traditional family, marriage etc.

The extremity of the standpoints present in the dispute regarding bioethics is quite visible. Adoption of such extreme approaches result in lack of agreement, nevertheless the discussions aiming at defeating the opponent provide us with valuable material in a form of discrepant views, opinions, evaluations, quoted facts and formulated arguments. As long as the dispute is based on substantial, rational arguments, it gives the opportunity not only to become familiar with the opposite party standpoint, but also to reanalyze own assumptions, to notice and remove the errors traced in own argumentation etc. Still, there is a need of opening to the dialogue, of abandoning sometimes fundamentalist approach towards own assumptions, of respecting the opinion of others.

Opposing these extreme standpoints in the dispute concerning in vitro method brings up the question if there is anything that both – the method's opponents and supporters – have

in common? The general welfare – above all the welfare of a child, parents and other persons that method can regard – may be considered such common ground and a point of reference to start the discussions aiming at reaching a compromise. The concern about the persons, although differently understood, can be a foundation to search for agreement, to elaborate such a standpoint that could possibly be accepted by everybody.

The compromise reached between the extreme standpoints on the ground of philosophical and ethical assumptions, although seems to be difficult (for some even impossible), should be the foundation of all legal provisions regarding the bioethical concepts, including in vitro method. The target of bioethics itself should be as follows: by means of confronting various standpoints and with respect of pluralism of views, to look for common grounds, to reject the extreme opinions and to formulate the proper recommendations which will make the basis for legal provisions. Bioethics – apart from being the arena of philosophical and ethical debates – would fulfil the ancillary function regarding legislative proceedings.

The set of standpoints and arguments appearing in the context of in vitro method and juxtaposed in the present article is in line with conviction that pluralism of bioethical standpoints, multitude of arguments formulated on their grounds is a value. In the public space there is a place for various standpoints and for substantial, rational discussion aiming at elaboration of such a standpoint which would be acceptable by different parties of theoretical dispute as well as by the majority of society. The ongoing debates – if free from emotions, fashionable opinions, irrational or fundamentalist approaches – provide the opportunity to make one familiar with the convictions of other participants of the debate, they induce to thorough reanalysis of own assumptions, to removal of erroneous statements and to improvement of argumentation. Moreover, if enriched with medical knowledge, precise philosophical and ethical establishments and if open to principles of dialogue, they contribute to creation of legal provisions being proper, acceptable and suitable to be introduced. Its non-ideological presence in widely understood media is also valuable as it contributes to the fact that the issue of bioethics is not limited to academic disputes.

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