



Lessons from legislation on IVF – a personal perspective

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The draft Bill on IVF (*in vitro* fertilisation) was supposed to regulate a medical procedure. Yet, its very name ‘Protection of Embryos Act’ reflects that the concern lies with the embryo’s status rather than with IVF itself.

The approach reflects the government’s intention, which never questioned that IVF can be useful to infertile couples wishing to have a baby. Nevertheless, one must reflect upon the constant changes in position from the ecclesiastical authorities, which have a rightful claim to still reflect most of Malta’s values. Comprehending the historical context of the present bill’s fruition will help understand the current situation.

IVF has been discussed for more than 25 years. The Bioethics Consultative Committee worked on many issues to provide politicians with a bill which reflected Maltese values and morality.

Bioethics in Malta started after the 1987 elections and Faculty of Theology members were instrumental in its formation. Minister Hon Dr L. Galea who was Minister of Social Policy supported this committee. It later fell under the Minister for Health.

The committee soon published a document on Reproductive Technology. A strong reaction followed with sharp exchanges between the Minister and Archbishop. This reaction should have been an early warning of what was to come. The Curia was represented on the committee, and many committee members were Catholic, however what was agreed within the committee does not always reflect the position and wish of the parties involved.

The present bill has changed little from the original document. The moral theologians on the committee always said that IVF

can and should be acceptable so long as legislation respects the family concept and the embryo’s status. With these guidelines in mind, we thought that IVF should be offered to legitimate couples, with no embryo freezing or experimentation. This was a *sine qua non*, as the conservative government in power would question these values. Morally, the committee was guided by the Church document *Domun Vitae*, which expressed concern on IVF, calling it illicit since it goes against normal human procreation. However, the same document says that if laws on reproductive medicine are contemplated, Catholic politicians should be guided by two principles: respecting the family and embryo.

“Theologians always occupied 20 – 40% of the Bioethics Consultative Committee”

The final document should be considered an official agreement since theologians always occupied 20–40% of the BCC (Bioethics Consultative Committee). The Curia’s reactions clearly show that this was inadequate. When push came to shove, the Bishops went back to basics and spoke fervently against IVF, warning about the danger to the embryos. The bill had taken these issues into account since it only allows limited freezing to safeguard an embryo whose mother, for example, falls ill in the process. The embryo will be implanted immediately after her recovery.

The first lesson to be learnt is that there needs to be official agreements between the leaders of publically influential groups — consultancy is inadequate. Differences of

values bring about conflict; it is not enough to resolve disputes. In this case, it was assumed that there was no conflict, that all parties were agreeing in principle to IVF but had to resolve the disputes. It cost us dearly to realize that the leaders of the Church were not happy with the *values* involved.

A second lesson is that we need to be sure what we are talking about. We cannot speak about different moral problems within the same pot. Therefore, the legality of IVF has nothing to do with problems such as embryo freezing. This led to many issues being confused, like IVF being labeled as wrong *because* of embryo freezing and experimentation that occurs in other countries but not in Malta. The misunderstanding shows that the issues have also been misinterpreted.

Lesson three is simple: make no assumptions. The moral position has always been clear, but having ecclesiastical representatives at all stages does not mean that the Curia will agree — despite continuous reassurances that their representatives are on the committee. I would like to think that this was not done purposely, but moral theologians have suffered a big loss along the way.

Bioethics committees cannot continue to assume that theologian’s advice will satisfy the Church. Many people working in good faith on the committees have suffered considerable damage to their careers unless they pulled the traditional line. ●

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