

## Ethical Concerns for Assisted Reproductive Technologies

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**The development of assisted reproductive technologies has provided new options for infertile couples in their pursuit of parenthood. As a result of the successful implementation of in vitro fertilization (IVF), gestational surrogacy is now an alternative. Other technology, such as genetic enhancement, could potentially become available for human beings soon; however, numerous ethical concerns have been raised by the fact that it requires germline engineering. The concerns brought about by these new reproductive technologies will be addressed in light of the teachings of the Roman Catholic Church and of the following ethical theories: Kantian, evolutionary, utilitarian, and virtue ethics.**

The use of IVF has generally been viewed as a positive solution for people who suffer from infertility and wish to have genetically related children. There are some who argue that infertility should not be viewed as a disease, and that it is unethical to try to bypass it through the use of assisted reproduction. Therefore, for the purpose of this discussion, it is important to mention different categorizations of infertility.

Some would view infertility as a disease that results from “specific physical dysfunctions in the reproductive organs...including such conditions as congenital malformations of the reproductive organs, endometriosis, hormonal imbalances, and immunologic factors.”<sup>1</sup> When viewed as a disease, infertility can be alleviated by medical treatment. This view allows for insurance coverage of infertility treatments. However, if infertility were to be categorized as a disease, it is possible that those who would rather not be “treated” to normalize function might be stigmatized.

A different outlook classifies infertility as a disability. A disability can be managed or bypassed without the need for

medical treatment, whereas in the case of a disease, medical treatment would be the ultimate solution.

### Success of IVF and Associated Issues

Regardless of whether we classify infertility as a disease or a disability, using IVF has a much higher success rate than natural conceptions. IVF treatments have had relatively good per-cycle success rates over the past decade. To put things into perspective, the average fertile couple will have a 15-20% chance to naturally conceive any given month, while the live birth rate via IVF treatments for women under age 35 is 40%, and for women over the age of 35, is 22-30%.<sup>2</sup>

Those who oppose IVF fear that the intrinsic value of human life will be lost. Of course, intrinsic value is not solely found within individuals themselves, but it is something that is conferred upon someone by others. With this in mind, it is reasonable to conclude that if even a single person were to attribute worth to a child born from IVF treatments, that child would have value as a person. Another great concern for those challenging IVF is that children who are

<sup>1</sup> The New York State Task Force on Life and the Law. 1998.

<sup>2</sup> Sunderam, S., Kissin, D., Flowers, L., et al. 2009.

conceived through IVF become “a means to an end of adult happiness, vanity, or obsession with genetic lineage.”<sup>3</sup> According to Kantian ethics, if IVF were used merely for the contentment of potential parents, it would be morally inappropriate because it is not performed from a sense of moral duty.<sup>4</sup> Here, proponents’ passionate feelings towards the infertile adults would be irrelevant. Conversely, if the adults sought to have a child via IVF with the finest motives, seeking to make sacrifices in order to provide the best life for the child, it is possible that Kantian ethics would deem the treatment morally sound on these grounds.

In the course of its history, the Roman Catholic Church has generally opposed any type of interference with natural pregnancy. The use of IVF by Church members is condemned, particularly because the Church claims IVF takes away from the sanctified act of procreation between spouses.<sup>5</sup> Another major concern is that IVF deals with the manipulation of embryos. The Catholic community believes human life begins at conception; therefore, it regards this manipulation as contempt for human life. The fact that not all embryos are used in the treatments poses a critical issue. Because all embryos are seen as human lives, the disposal of unused embryos is analogous to murder in the eyes of the Church. Interestingly, the restrictive position of the Church on this matter has not entirely discouraged Catholics from gaining access to this technology.<sup>6</sup>

Social Darwinists have a hard time accepting IVF as a form of procreation for those who are not necessarily “the fittest.” In this case, infertile individuals would be considered less than adequate for

reproduction, making the survival of their genes unsuitable for the rest of the population. However, evolutionary theory also maintains that progress is desirable and unrestrained competition should be a part of society. Taking this perspective, IVF could simply be seen as a competing strategy for a select few to go around the physical impediment of infertility. Progress is always desirable when it leads to better chances of survival, and IVF provides a fighting chance for infertile persons who want to reproduce.

From a utilitarian perspective, IVF would hold value because it would be in the best interests of a large portion of society. The inability to have children may significantly hinder some people from living a fulfilling life. Many individuals would benefit from bypassing the obstacles in their path toward parenthood. Also, since parenthood is one of the major ways in which human beings pass on knowledge, culture, and belief systems, the whole of society could potentially benefit from this technology. Nevertheless, some would debate that IVF is not in the best interests of the future child because said child is more likely to be born with abnormalities than a naturally conceived child.<sup>7</sup> There are also speculations regarding how the future child will perceive its own humanity in light of the manner in which he or she was conceived. There is currently no evidence that supports the idea that IVF children are more prone to develop psychological issues than other children. The lack of substantial knowledge of these consequences severely undermines the arguments against IVF that provide potential difficulties of children conceived this way as reasoning for their reservations. Opponents of IVF also

<sup>3</sup> The New York State Task Force on Life and the Law. 1998.

<sup>4</sup> Marshall, J. 2001.

<sup>5</sup> *Donum Vitae* II, B, 4.

<sup>6</sup> Kendal, E. 2015. Reports indicate that Catholics and non-Catholics access IVF in similar numbers.

<sup>7</sup> Sifferlin, A. 2012. Studies conducted by UCLA researchers found that babies born from IVF were 1.25 times more likely to be born with abnormalities.

question the wisdom of setting IVF as a priority for medical funding, given that it is not a life-threatening condition. They argue that resources should be reserved for research of life-saving medical treatments. In accordance with the utilitarian view, this allocation of resources would be for the greater good. However, the use of these resources is not a problem because IVF could be funded in the same ways that other non-life-saving services (e.g. cosmetic surgery) are.<sup>8</sup>

Virtue ethics upholds the notion of supreme human goodness as the basis of morality. The judgment of right and wrong lies within those who possess both intellectual and moral virtues. From this point of view, IVF would have to be for the exaltation of human good. Depending on one's interpretation of human good, IVF can either be seen as a blessing or as a source of affliction. The ability to overcome biological constraints that prevent them from conceiving naturally can be seen as a sort of justice for infertile persons. On the other hand, some may consider the inability of infertile persons to accept their infertility as a lack of moral virtue. However, it is also true that virtue should be pursued for its own sake, independently of social pressures, and not for any other reasons. From this point of view, the individuals who seek IVF should do so to bring goodness into their lives; the goodness arriving as a result of the nurturing of a child.

## Surrogacy

Thanks to IVF, gestational surrogacy is another option that has been made available for those seeking parenthood. This technological development has made it possible for a great variety of people to attain a biological child, when only decades ago, this would have been impossible.

Among those who benefit from this advance are homosexual couples. This marks a significant shift in the societal norms for family dynamics. However, the main issue is not necessarily whether gestational surrogacy itself is an immoral act. It is the commercialization of surrogacy that raises ethical questions.

A market for surrogacy is already available in many parts of the world. Fertility clinics in India offer much lower prices for surrogates than any Western countries. Most of the women who serve as gestational surrogates arrive from impoverished regions seeking to improve the lives of their families. The low prices attract many Western couples who wish to acquire a child without breaking the bank. Obviously, this could potentially encourage exploitation of the needy. If women decided to partake in a surrogacy agreement (or were pressured by their families to do so, intentionally or unintentionally) because of financial necessity, their choice is forced, desperate, and coerced. However, if a woman's motive is to derive a feeling of self-worth from providing the gift of a child to someone who would otherwise not be able to have a child, then she is not being exploited. The director of one of these fertility clinics, Dr. Nayna Patel, assures the public that the women in the clinic are not coerced in any way and that they do it to provide the gift of parenthood to less fortunate couples.<sup>9</sup> Even if most of the women really felt this way, it is certainly true that women in developing countries are at high risk of exploitation in this manner. Interestingly, the United States has become one of the preferred destinations in the world for intended parents to seek surrogates due to very weak regulation of surrogate arrangements on the part of the

<sup>8</sup> Singer, P. & Wells, D. 1983. Contains an expanded argument for fund allocations.

<sup>9</sup> See Lu, R. 2014.

government.<sup>10</sup> Surrogacy laws vary greatly from state to state; some provide minimal interference (e.g. Colorado), while others completely ban surrogacy contracts (e.g. New York).

Kantian ethics would oppose any kind of surrogacy that was not altruistic in nature. In commercialized surrogacy, regardless of compensation, the intended parents are using the surrogate as a means to an end. Renting a woman's womb denies her of the innate dignity she is meant to possess. On the other hand, an altruistic surrogacy would require no payment to the surrogate. The bearing of a child not her own would be seen as an act of kindness. Similarly, when seen through the lens of virtue ethics, only altruistic surrogacy would be deemed acceptable. Not only would the intended parents in a commercial surrogacy agreement lack moral goodness by subjecting a woman to potential physical and psychological hazards brought on by the pregnancy process, but the woman herself would also lack moral goodness because she is motivated to a certain extent, by greed. In contrast, the utilitarian view would approve of the commercialization of surrogacy. As long as everyone benefitted from the transaction in most cases, there would not be much opposition from this perspective. Observing the issue from an evolutionary position, a market in gestational surrogacy would be beneficial because it would allow people to pass on their genes, when they were unable to do so before. Altruistic cases of surrogacy are rare, given that women are less likely to put themselves at risk and endure the struggles of pregnancy in order to bear a child they will not be raising. Therefore, if the only way for infertile couples to pass on their genes was through

the compensation of a surrogate mother, there would not be much of an issue.

### The Catholic Response

The reasoning behind the ban that the Catholic Church places on the commercialization of gestational surrogacy is based on four different kinds of "injustices." The first is the injustice against the surrogate child. According to the Congregation of the Doctrine of the Faith, a child's basic human needs must be met by being "conceived, carried in the womb, brought into the world and brought up within a marriage."<sup>11</sup> The mother-child connection is considered a child's right; it is also deemed necessary for the child to go through normal human development. There is also the fear that surrogacy dehumanizes children because the main source of their existence is a financial transaction. The second objection is centered on the injustice against the surrogate mother. The Church believes that surrogate mothers do not uphold "the obligations of maternal love, of conjugal fidelity and of responsible motherhood."<sup>12</sup> These failures are seen as harmful to the mother. Because the woman is selling her ability to bear a child and is putting herself in danger of numerous physical and psychological risks, the agreement between the two parties seems highly unfair and potentially exploitative if the surrogate mother belongs to a demographic of low income level. The third objection claims there is an injustice against the intended parents because they deny themselves the gift of viewing their child as a product of their "mutual self-giving" within marital sexual acts.<sup>13</sup> This is by far the weakest argument of all. It is safe to say that not many people would resort to surrogacy if they were able to naturally

<sup>10</sup> The Surrogacy Experience 2010. A short summary of the laws for each state is provided.

<sup>11</sup> *Donum Vitae*: II, A, 1.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

conceive children through their procreative acts. This argument could apply in cases where a couple was perfectly able to conceive, but perhaps the woman did not want to go through the difficulties of pregnancy and chose surrogacy out of convenience. However, it is absurd to accuse couples of negating themselves the chance of conceiving a child through sexual intercourse when they suffer from infertility issues. Finally, the Church believes all of society suffers an injustice as well. Here, the fear of misuse of surrogacy arrangements is the main issue. As with any service or merchandise, there is the potential for fraud and abuse in the surrogacy market. The belief is that the exploitation of this particular market may lead to the downfall of the overall morality of society.<sup>14</sup>

### Germline Engineering

Once only a possibility within the realm of science fiction, the era of germline engineering is now upon us. Soon, many will have the opportunity to decide the criteria they want their children to meet, both physically and intellectually. However, we must also decide where our boundaries lie when it comes to enhancing our descendants. Savulescu provides an argument for the moral obligation of genetic enhancement. He believes that it is not just about providing the best chances of survival anymore; we are meant to provide the best lives for our children.<sup>15</sup> This entails genetic enhancements that would allow them to excel in specific areas, leading to improved chances of success in an increasingly competitive world. Parents already seek the improvement of their children through the

school system. Proponents of genetic enhancement maintain that it would not be different from trying to improve a child's chances of success by means of education. Kantian ethics would find that the germline treatment of individuals without their consent would be a grave offense to their autonomy.<sup>16</sup> However, it could also be argued that nobody really chooses what characteristics with which they will be born. Evolutionarily, the use of genetic enhancement could be seen as a new stage for the human race. Being able to eliminate some of the randomness in our genes would allow us to skip the effects of natural selection altogether.

Genetic enhancement would not be viewed favorably by a virtue ethics standpoint. Character as a result of hard work is a virtue that is valued by most cultures. It is earned through discipline and perseverance in the face of adversity. However, this particular virtue, along with others, would be diminished by providing genetic enhancement to our children. An example would be that of genetically enhanced muscles. If parents were to choose stronger-than-usual muscles for their children, they could ensure that their children became champion athletes without much work.<sup>17</sup> This would not only shrink the development of character in the children, but it could also greatly decrease their levels of humility. Sandel argues that the idea of giftedness provides a sense of humility because one is not really responsible for one's success; it was all up to genetic chance. By thinking that we are completely in charge of our success, we attribute credit only to ourselves and acquire hubris.<sup>18</sup>

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<sup>14</sup> *Donum Vitae* III.

<sup>15</sup> Savulescu, J. 2005. He does not, however, think that all genetic enhancements are ethical. He suggests a list of criteria that would make certain enhancements permissible.

<sup>16</sup> Gunderson, M. 2007.

<sup>17</sup> Sandel, M.J. 2007. He provides a detailed scenario and attempts to articulate what it is exactly that would raise some ethical red flags.

<sup>18</sup> *Ibid.*

It is unlikely that Utilitarians would support enhancement through genetic engineering. The use of this technology would likely increase the gap between the wealthy and the poor. Due to its great expense, this opportunity would only be available to the most affluent. By allowing the rich to become even more equipped to compete for resources, the poor would not stand a chance. Society may even begin to think that the rich hold the positions that they do because they deserve them more than the poor.

The Catholic Church is in favor of scientific innovations, but remains hesitant when such discoveries threaten to undermine human dignity. There is much uncertainty in the effects of germline engineering in human beings, as it is an emerging technology. The potential for genetic enhancement leads many to wonder if moral principles would be damaged in the process of creating enhanced human beings. The fact that the modified germ cells have unknown effects on the progeny is a great source of worry for the Church. For this reason, it condemns the use of germline gene therapy. It remains, however, fairly open to the concept of somatic cell gene therapy. Because it seeks to eliminate genetic defects that may cause disease in an

individual and there is no passing down of modifications, not many in the Catholic community would have a hard time accepting somatic cell gene therapy. The problems arise when modifications are sought for purposes beyond medical need.

### Conclusion

Technological advances in the field of reproduction pose challenging ethical questions that will have to be confronted by this generation and those to come. The Catholic Church approaches most of these questions with a strong disapproval of the use of human life for experimentation. One can make arguments supporting or condemning techniques like IVF, gestational surrogacy, and germline engineering depending on the ethical theory one subscribes to. While IVF itself is not as controversial as it was a few decades ago, the opportunity of a market for gestational surrogacy that IVF has made available still remains a divisive topic. However, the potential for genetic enhancement of our offspring through germline engineering remains by far the most troublesome issue of all. Nevertheless, it is necessary for the debate to continue in order to ensure the best future for those who will inherit our world.

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