SLIDE 1 Assisted Reproductive Technologies

New technologies such as artificial insemination, in-vitro fertilization and surrogacy have dramatically changed the landscape for all those who struggle with becoming pregnant. Assisted Reproductive Technologies (ART) have provided opportunities for becoming parents that, in previous generations, would have remained childless. In 2004, the President’s Council on Bioethics issued a report which asserted that, “the development and practice of assisted reproductive technologies have yielded great good” by relieving the suffering of many afflicted with infertility and helping them to conceive children.

Yet these new technologies also raise a variety of ethical issues including the well-being of the “donors, prospective parents, and their resulting children.” There is also concern over the use and disposition of human embryos, and the possibility of technology altering the biological relationships central to human procreation.

(https://bioethicsarchive.georgetown.edu/pcbe/reports/reproductionandresponsibility/chapter2.html).

SLIDE 2 Ethical Concerns with Assisted Reproductive Technologies

The well-being of children born with the aid of ART is an important ethical concern. Some studies indicate that there may be a small increased risk to children conceived with ART. This risk takes several forms. In-vitro fertilization and intra cytoplasmic sperm injection bring a slightly greater risk for spontaneous abortion and for birth defects. They also run a greater risk for multifetal pregnancies (Iziak 2016). The overall incidence of such harms is low enough that infertile couples have not been deterred in their efforts to conceive using ART and clinicians routinely advise their patients that such data should not dissuade them from pursuing infertility treatment. Still risks do exist and they increase in relationship to the overall health of the parents.

The wellbeing of the woman is also a concern. As in the case of most medical procedures, there is some risk involved for women who are directly involved with ART. In cases where donor sperm or ova are used and in cases involving surrogacy the possibility of confusion of parent-child relationships can create stress.

One important consideration is how enhanced control over procreation changes the traditional understanding of human reproduction and our attitudes toward it. The President’s Council on Bioethics (2004) identifies three area of particular concern. ART raises novel possibilities for altering the biological relationships that are central to normal sexual reproduction, and thus for confounding the human relationships that follow from it.

*Through ART, it is now possible for a surrogate (or an adoptive parent) to carry and give birth to another couple’s biological child; it is possible for a woman to become pregnant with an anonymous donor’s*
sperm; it is possible for a deceased male to become a biological father after death; and it is possible to produce a child with genetic material from three progenitors.

ART also raises the possibility moving toward an asexual, manufacturing model of human reproduction. Also, ART might affect our general understanding of or attitudes about parenthood and childhood, by making sexual reproduction simply one option among many.

Finally, the process of ART usually produces more excess embryos. In part this is because large numbers of embryos die at every stage of the process and therefore many “backups” are created. The disposition of these “surplus” embryos is of ethical concern. A small number of these embryos are donated for “adoption” by other couples. Some are donated for research. Others are kept frozen indefinitely or destroyed.

SLIDE 3 Utilitarian Analysis-Beneficence

As a moral theory that evaluates actions based on their likelihood of producing more good or more harm, a utilitarianism approach is one tool for ethical decision making. Weighing the benefits against the burdens of ART is a first step. Using the criteria of beneficence and non-maleficence we begin by assessing beneficence. The principle of beneficence assesses ART by looking at the good it produces.

ART is very effective in addressing issue of infertility. Children can be a great blessing and those people who pursue having children by means of ART have put a great deal of time, effort and expense into conceiving children. This not only affirms their commitment to the child, but when parents are directly involved in the process, they are brought closer by sharing pregnancy, delivery and child rearing. ART allows a wider range of adults to become parents.

SLIDE 4 Non-Maleficence

When considering ART for a utilitarian perspective, it is not enough to consider the good that ART produces. The principle of utility also requires that a technique or procedure does not harm those involved. The criteria of non-maleficence examines potential risks and burdens of ART and compares them to the good produced.

One of the potential risks that come from using ART to conceive children is the potential for even greater emotional pain for those who fail to conceive through ART (Idziak 2016). There is less knowledge of the genetic heritage of any child conceived with donor sperm or eggs. This could be a potential problem later in life. The likelihood of multiple fetal pregnancies if greatly increased using IVF. In some cases, these multiple births can be a great burden on families. Finally, there is a slight increase in the risk of abnormal pregnancies and miscarriages using IVF and ICSI.

All pregnancies bring some risks and burdens but the great potential of good from having children is accepted as outweighing the risk. ART brings some additional risk and burdens that are real and should be considered case by case. Still, in most cases these increased risks and burdens are small and as a result physicians routinely recommend medical interventions to their patients wanting reproductive assistance. (Presidents Council 2004).
Kantian Analysis of Assisted Reproductive Technologies

While utilitarian ethics looks at consequences, Kant’s approach to ethics seeks universal principles that can be derived through reason. Kant believes his categorical imperative is the foundation for moral actions. Kant expresses the categorical imperative in two ways. “Always choose that action that will serve a universal maxim or principle.” And “Always treat others as an end and never merely as a means.”

Normally for Kant, our duties to others came from the fact that others were autonomous, rational beings. Treating others as autonomous beings can be understood as a universal duty for all people. I want others to respect my autonomous decisions and in return I respect their autonomous decisions. In Kant, respect for persons is directly connected to autonomy and to the ability to reason. We have duties to respect persons because they are rational and they are autonomous.

Of course there are some humans who through injury or infirmity cannot reason. Those with damaged brains or dementia will never be rational or autonomous. Infants, on the other hand may not be rational or autonomous but this is only a temporary condition. Yet in both cases we treat the damaged and the young as if they were persons and not as if they were objects.

The ethical treatment of embryos is directly related to its status as a person. According to the categorical imperative, a non-person can be treated merely as a means. Therefore, there are no ethical duties to an embryo if it is not a person. On the other hand, if the embryo is a person, then it can never be used merely as a means to accomplish some other end.

There is no consensus over the status of embryos. It could be argued that an embryo and fetus are similar to an infant in their potential to become rational autonomous beings and should be treated as such. Yet embryos are not rational and they are not autonomous and in that way they are not fully persons.

Kantian Analysis

In the United States it is not legal to buy or sell embryos. This, on the surface, indicates that embryos are more than mere objects. On the other hand, the fact that embryos which are no longer wanted are destroyed or used in research implies that they were not considered persons and were used merely as a means to some further end.

In addition to the embryo, there are other “persons” that need to be considered. These are the parents and/or donors of the embryos and the resulting children. While donors and surrogates who make a rational, autonomous decision to help infertile patents conceive are certainly being treated as an end and not as a means, there may be some concern that donors or surrogates who by reason of some outside influence, especially economic influence, are not acting freely. Also, if a man dies suddenly it is possible to harvest sperm for later use. In this case he is not considered to be autonomous and is treated merely as a means.

Whether or not someone is treated merely as a means may have to do more with individual autonomy with the specific treatment.
SLIDE 7 Unused Embryos

In many cases of IVF there are embryos that remain unused. This may be the result of a successful pregnancy, because the process has become too expensive, or because the parent has given up. There are five possible outcomes for such an embryo: (1) it may remain in cryostorage until transferred into the mother’s uterus at a future time; (2) it may be donated to another person or couple seeking to initiate a pregnancy; (3) it may be donated for purposes of research; (4) it may remain in cryostorage indefinitely (there is no clear understanding of how long an embryo can safely exist in this state); or (5) it may be thawed and destroyed.

Under a Kantian understanding it would only be ethical to destroy or use an embryo in research if it were not a person.

SLIDE 8 Natural Law Analysis of Assisted Reproductive Technologies

A natural law analysis of an ethical issue typically begins with asking the question of purpose. In the case of ART the question could be formulated “what is the natural purpose of the process of conception to birth?” Natural conception begins with sexual intercourse. ART introduces the possibility that intercourse may no longer be essential to conception. Does this matter? While it has always been possible for people to produce babies without unifying as couples, the two have been considered to be linked by some perspectives in such a way that one without the other diminishes the act. This is in part because of the difficulty in bearing and raising children. Natural law advocates would argue that removing sex from conception may diminish the bonds needed to care for a child from pregnancy through childhood.

The Roman Catholic Church has included this natural law reasoning to argue against artificial birth control as well as against the use of ART.