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Stacey Hennes
Cedarville University

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Embryos: Children or Commodities?

By Stacey Hennes

Introduction

In the United States of America, about one of six couples is unable to conceive a child after trying for a year (Caplan, 1986). An epidemic rise of infertility has led to increased demand for medically assisted reproduction. At the forefront of reproduction technologies is in vitro fertilization (IVF). Yet IVF has led to thousands of frozen embryos whose fate is the source of a national debate. This paper will discuss the source of frozen embryos – IVF, and will propose embryo adoption as a solution by discussing its background and the legal matters surrounding it.

Background

IVF involves hyperstimulating a woman's ovaries, and then harvesting her eggs using ultrasound guidance. The eggs are then fertilized with sperm, and the embryos are developed for three to five days. Finally, the embryos are implanted in the woman's uterus. One of the major ethical problems associated with IVF is the issue of remaining embryos. Normally, 14-20 eggs are harvested and fertilized during IVF, however only six of the embryos are implanted in the uterus. This leaves approximately fourteen leftover embryos that must be frozen and stored in a lab (Sullivan, 2004).

So what is the fate of the frozen embryos? This question is the source of a fierce debate between those who desire to exploit embryos for their stem cells, and those who believe that embryos are actual persons who deserve respect because of the sanctity of their lives. Unfortunately, regardless of which side of the debate prevails, the majority of frozen embryos will be destroyed because they cannot be implanted successfully after they have been frozen over several years (Francis, 2000). Therefore, the only solution that truly rescues the frozen embryos is embryo adoption.

Adopting Embryos

Nightlight adoption agency has a program called “Snowflakes” that promotes embryo adoption. The Snowflakes program matches families with leftover frozen embryos with families that might adopt them. To date, Nightlight has matched 230 families (with 1584 embryos) with 145 adopting families. 81 babies have been born so far, and 10 adopting families are currently expecting at least 15 babies (Nightlight, 2005).

Snowflakes provides at least six embryos to each adoptive family, and will even match an adopting family with two genetic families to achieve that number. The adopting must agree to work with small numbers and to possibly mix embryos from different sources in utero. The reason the program requires the adoption of six embryos at one time is based on the statistical success rate of embryo transfer. Reports from various clinics suggest a 50% success rate in thawing and 30% success rate in implantation of the previously frozen embryos. Therefore, if half of the six embryos survive thawing (resulting in three embryos transferred) the subsequent implantation rate of 30% would suggest that potentially one child could be born from the transfer of those three embryos. If all of the embryos transfer successfully, and the adoptive family decides that they do not want to implant all of them or to keep the embryos for use at a later date, the responsibility for the embryos reverts back to the original genetic family (Nightlight, 2005).

Embryo adoption is a valid and humane solution to save the approximated 100,000 frozen embryos in the United States, and it is also a way for infertile couples to enjoy the blessings of children. Unfortunately, to date few states have any statutes covering embryo adoption. Most reputable specialists in this field recommend the creation of contractual documents between genetic and adopting parents, to clearly define the agreements of the adoption (adoption.com, 2005). In the Snowflakes program, embryo adoption is governed by the same laws as domestic adoption, until new laws can be developed.

The U.S. Office of Women’s Health and the Office of Population Affairs (both under Health and Human Services) recently offered first time funding for the Frozen Embryo Adoption Awareness program. The grant

was for 1 million dollars, and half of the money was awarded to the Snowflakes program (Chisholm, 2005). The goal of the grant money is to increase embryo adoption awareness and to develop specific guidelines. There is a growing interest in new laws that control and monitor embryo adoption; these will be necessary as this option becomes more popular. Legal precedents will reassure the public.

One of the underlying problems with embryo adoption is that many genetic families do not wish to donate their embryos. One IVF clinic states that their average embryo donation rate is 17%, since biological parents do not seem comfortable having other children that look like their own. This raises the question of the personhood of embryos (Chisholm, 2005). Biological parents realize that embryos have the potential to become their children, yet they treat them as property. They do not wish to implant them in their own bodies, but they do not want them to have the opportunity to live with another family either. This attitude may seem selfish, irrational, and impractical, when so many infertile couples desire to have a baby, and when so many orphaned babies need homes.

The executive director of Nightlight has put it this way:

Couples who create embryos through IVF do so at an expense of tens of thousands of dollars and an emotional roller coaster ride . . . Although the genetic parents plan to use 88% of these embryos for future attempts to build their family, 12% are literally in frozen orphanages. Some refer to this 12% as 'excess embryos.' The word 'excess,' is dehumanizing and inaccurate (Imbody, 2005, p. 2).

Biological parents should be aware of their options concerning embryo adoption. Fertility clinics have the opportunity to accomplish that goal by providing parents with more information, and by reassuring them that it is a legal, safe, and rewarding procedure.

Conclusion

IVF has been the principle method whereby infertile couples may attempt to conceive a child of their own. Yet this has resulted in "leftover" frozen embryos in fertility clinics across the United States. These embryos are the subject of many ethical debates.

Tragically, most frozen embryos will be destroyed in some manner. Embryo adoption provides a way to save such embryos and to treat infertility at the same time. Couples have the opportunity to both have a baby and to save a life. The idea of embryo adoption is relatively new, so there are not many legal guidelines established. Better laws reassure and protect both genetic and adoptive families.

As America continues on its utilitarian path, it becomes easier to commodify everything, including children. Embryo adoption reminds society that children are a blessing and a reward that we should not ever take for granted.

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