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Creating and Sacrificing Embryos

- What is the Discarded-Created Distinction? (DCD)
- The DCD position is a **compromise position**; it claims that: the use and **derivation** of stem cells from spare IVF embryos is justified, while the **creation** of research embryos is not
 - If we derive stem cells from embryos that were already created, then this is fine
 - But, creating them especially for research purposes is not okay
 - What is justified and what is not lies in the distinction between whether the embryo has been created for another purpose and is to be discarded, or when it's created solely for the purpose of research
- Devolder: the DCD position is **very weak**
 - She thinks that DCD is the *classical objection* for creating embryos for research
 - i.e. creating embryos for other reasons is fine (as in IVF), but creating them for the purpose of research is bad
- **The main reason for the weakness**: inconsistency between the "**revealed**" and the **professed** beliefs of the DCD defenders
 - Those who defend the distinction between a discarded embryo and a created embryo hold 2 positions which are not consistent w/ each other
 - i.e. ppl who agree w/ DCD claim that there is a difference between a discarded embryo and a created embryo
 - They say one thing, but when you analyse what they say they claim another thing

- They're **hypocritical**
 - The revealed position says one thing; the professed position says another
 - Devolder criticizes them for being hypocritical
- Devolder: once IVF is accepted as a morally legitimate procedure, the creation of research embryos must be accepted as well
 - **Lebacqz thinks this too!**
 - IVF, as part of the procedure, involves over-producing embryos and some of them are going to be used for research
 - If we accept this, then we should also accept that it's ok to create embryos for research
 - The distinction argument (i.e. DCD) does not hold in this case
 - There's no diff between a discarded embryo and a created embryo if we are to accept both IVF and the creation of research embryos

Deriving Stem Cells from Spare IVF Embryos

- The defenders of the DCD position often quote such principles as (6) *(to defend why it's okay to use spare than create embryos)*:
 - **The principle of beneficence and non-maleficence**
 - Your intention is to do good and not to do harm
 - Since the embryos are already created, may not be implanted, may be discarded, then let's see if we can benefit from them more
 - **The right to freedom of research**
 - We have this freedom as long as we don't harm what we shouldn't be harming
 - **The principle of progress in science**
 - *Experimentation* is part of this progress in science
 - We can't really progress unless we experiment; need empirical validation; need *living entities* to do this
 - **The principle of proportionality**

- If we have 1000 spare embryos that will be discarded but we need to do research bc we're on the verge of making a new discovery, then it may be ok to use embryos
 - **The principle of subsidiarity**
 - **The principle of waste avoidance**
- --> **The idea behind these principles is that they're suppose to justify why it's okay to use spare embryos**
- Devolder: none of those principles, however, *justifies* the DCD position; they only express why one may want ESCR to continue
 - ESCR = embryonic stem cell research
 - **These principles only justify why one would want to continue w/ ESCR, but do not justify why one would want to start researching on embryos in the first place**

Arguments *Against* the Creation of Research Embryos

- If one can justify why creating research embryos is morally indefensible, one will be able to justify the DCD position
 - If you can justify why it's morally wrong create embryos for research purposes, then you have to agree w/ the ppl who think it's okay to use the embryos that are to be discarded
- 6 arguments **against** the creation of research embryos which Devolder refutes:
 - She thinks that if she refutes/goes against these arguments, then the DCD argument collapses
 - **i.e. she thinks it's okay to create embryos for research, and that in some cases there's no difference between spare and created embryos**
- The **main complaint** against the creation of research embryos: their instrumentalization
- When we create an embryo solely for purposes of research, we are treating it, and respectively, human life, only as a means to an end
 - Thus, we would be defying the embryos' original purpose (i.e to become a human being)
 - An embrvo is thought to be an early form of human life

- In other words, **Kant's principle of autonomy and human dignity is violated**
- Devolder: when we **use spare IVF** embryos for research, **our goal is to alleviate *suffering* and *increase well being***
- Why is our goal interpreted as different when we create research embryos?
 - o The **purpose** in both cases, whether we use spare embryos or create embryos, **seems to be the same**
 - o The motive is the same, and the goal is the same
 - o Why is there a diff?
- The DCD defenders claim that by creating research embryos we get involved in a **distinct kind of exploitive attitude** which is not commensurate/does not correspond w/ the moral status of embryos
 - o i.e. We somehow ignore the moral status of embryos and we exploit them
- But what is this special exploitive attitude and what is the moral status of embryos?

1) **Creation of research embryos is not compatible/commensurate w/ the moral status of embryos**

- According to this view, even though the embryo is not a person, it has an ***intrinsic value***, that is, a value which is *independent of human intentions*
 - o The embryo doesn't have to do anything
 - o It's valuable bc it's a human embryo, an early form of human life
- There is no agreement, however, on what this intrinsic value is, or what the consequences for certain research practices exactly are
 - o i.e. this intrinsic value of embryos is vague; we don't know what this value is, but we think it has one
- Some suggest that the human embryo has a *symbolic* value
 - o The shift moves away from the embryo to the **impact** of certain practices on the communal respect for human life

- Devolder: but according to this view, the value of the embryo is determined according to the parental project: if the embryo is to be implanted, then its value is great, if its fate is to be a "spare" then its value significantly decreases
 - o The value of the embryo, then, becomes contingent on whether or not it will be allowed to grow into a human
- Then, the parental project outweighs the value of the embryo itself
 - o Thus, this argument doesn't seem to be viable
 - o This is bc of the contingency that the value of the embryo depends on what it will become
- Devolder is **not** arguing against IVF

3) **Intention/foresight distinction**

- The use of spare IVF embryos for stem cell research is justified on the grounds of the principle of **double effect** (i.e. **intention/foresight** distinction)
 - o i.e. it seems ok to use spare IVF embryos for research bc they are the side effect of the intention to create embryos for implantation
- According to this principle, the **real intention for creating an embryo is to implant it**, but we **anticipate/have foresight** that there will be some **non-intended side effect** such as the destruction of the spare embryos
 - o The intention is to get a baby, but in order to accomplish this you have to over-produce embryos and you know that not all of them will be implanted (and this is what's anticipated)
 - Why? Bc you're giving 1-2 embryos the best chance to survive
 - o There's a diff between what you intend to do and what you anticipate will happen
 - The intention is what's more important
 - E.g. bombing a facility that makes weapons; if there's a village near this facility, then you anticipate that ppl will die as collateral damage; but, the intention behind bombing the facility is to defeat the enemy and restore

peace

- Devolder: according to the principle of double effect, it is the **creation of spare embryos that is the non-intended side effect**, not the research on embryos, or the destruction of embryos
 - The intention is to create embryos for implantation; the non-intended side effect of this is the creation of SPARE embryos
 - They don't have a problem w/ experimenting on embryos that are going to be discarded anyway; it's better not to waste
 - The research aspect is not the problem
 - The problem is where the embryos come from
- How, then, do defenders of DCD justify the use of spare embryos for research?
 - The spare embryos were created w/ the intention of being used; becoming a spare embryo is not what's anticipated
 - They're created bc they're not all going to be used; this is the nature of IVF procedures
 - Thus, how is one to defend the use of spare embryos if they don't have a problem w/ the research itself?
- On consequentialist/utilitarian grounds: if we will benefit more from doing research on the human embryo, then the **benefit outweighs the harm** or destruction of the embryo
 - i.e. instead of destroying the spare embryos or throwing them away, if we're going to benefit from them then we can use them for research
- Devolder: what becomes clear from this position of the double effect is that the value of the human embryo **is not perceived independently** of human intentions
 - It's all about what the intention was in the first place
 - There is a contingency here -- it all depends on the intention and once it becomes depends on the intention, then theres no diff bc it's all for a good cause
 - *The problem w/ the double effect is the human intention and whatever it is*

WHATEVER IT IS

- **Whether we're creating embryos to be implanted or to be used for research, the intention in both cases is good**
 - Thus, Devolder thinks there's no diff

4) **The creation of research embryos entails a different kind of exploitive attitude**

- Another argument (for DCD defenders) why it's wrong to create embryos for research
- **This exploitive attitude is similar to the one that Leon Kass was talking about**
- The "different kind of exploitive attitude" comes from the fact that at least a spare IVF embryo has had a chance of becoming a person, while research embryos have never had that chance
 - i.e. at least the intention w/ the spare embryos is that they will become human beings
 - But w/ research embryos, this intention is not there
 - **Research embryos are not even given a chance to become human; only used as a means/tools and are thus exploited**
- Devolder: to test if this reasoning is good enough to justify the DCD position, consider the following *thought experiment*.
 - Suppose that we decide to donate the same percentage of randomly selected research embryos to IVF clinics as IVF clinics donate to research centers
 - If this were to happen, is it still arguable that there's an exploitive attitude towards embryos for research purposes?
 - What argument could a defender of DCD put forth against this practice?
 - The "exploitive" part seems to be coming from the fact that you're creating the embryo for the purpose of research and not giving them a chance to become humans
- Devolder: to be sure, not a strong one
 - She thinks there aren't any good arguments that go against

this thought experiment

5) We can instrumentalize embryos only for reproduction

- w/ IVF, there is a sense of instrumentalization of embryos bc we create more than we intend to actually use/implant
- But, this is for the purposes of reproduction
- Devolder: there is a lot of non-reproductive use of embryos that surrounds the reproductive use, e.g. the creation of spare embryos to protect women against the risks of hormone treatments, to gain more efficiency and safety in freezing procedures, etc

6) Harm/omit benefit

- Embryos used in IVF procedures **prevent harm** to actual infertile couples while in the case of research embryos, they **benefit** unidentified population
 - The prevention of harm is towards a known population, whereas the benefit (of using research embryos) is towards an unknown population
- Furthermore, infertile couples will be made worse off than they would otherwise be (w/out IVF procedures) while sick ppl (in need of stem cell treatment) will not be harmed by not engaging in stem cell research
 - Infertile couples will be worse off w/out IVF; sick ppl who need stem cell treatment will NOT be worse off
 - i.e. infertile couples will never have a child w/out IVF
 - But, stem cell treatment will not harm ill ppl further
 - Thus, in one case there's a **tangible benefit (via prevention of harm)**; in another case, it's **not a tangible benefit (bc stem cell research is not targetting a specific person)**
- The underlying principle: the principle of non-maleficence is **stronger** than the principle of beneficence
 - We seem to think that as long as we're not doing any further harm, then benefitting is secondary
 - We might not be able to benefit. but it's ok as long as we

don't do harm

- Devolder: 2 main issues w/ this position:
 - We forget that infertile ppl do benefit from fertility treatments (if we banned IVF, which the defenders of DCD do not want, we will not be harming the infertile ppl, we will be **simply omitting to benefit them**)
 - IVF is not just about preventing harm to infertile couples, but they actually can benefit from it
 - It's not about harming infertile couples, it's about omitting them the benefit of potentially having a child
 - The couple will not be directly harmed
 - From here, one has to argue that benefitting a child-wishing person is better than benefitting a sick person (and Devolder thinks this is absurd)
 - This shows that it's not right to say that the principle of non-maleficence outweighs the principle of beneficence
 - IVF gives a tangible result at the end, and the other's benefit is too far into the future
 - Not harming is not the same as benefitting
 - Omitting to benefit is not the same as harming
- **What is a more defensible position for ESCR?** --> how can you defend the use of ESCR???
- For Devolder, the fact that one has a **respect** for an entity does not mean that one cannot **use** this entity as a resource for a goal which is believed to be important (e.g. the use of cadavers for research is considered perfectly legitimate)
 - **Using a utilitarian approach here**
 - Just bc you respect something doesn't mean you can't use it if the goal is really good
- Thus, we can respect embryos by ensuring that they are used w/ care in research that:
 - **Generates substantial benefits** (such as alleviating pain and suffering) for humanity
 - **Ensures that embryos will not be wasted**

- **Ensures that embryos will not be wasted,**
- **Ensures that embryos will be used only if there is no better alternative**
- Conclusion: once we have accepted the creation of embryos for IVF, that is, for the benefit of infertile ppl w/ a child-wish, as the DCD position has, we do not have moral grounds to refuse the creation of research embryos
 - It seems to be about the intention of the moral community
 - It's about the attitude
 - It's about what they desire
 - It's about what's beneficial
 - A crucial aspect of IVF is that there'll **always** be spare embryos