

LIFE UNDER GLASS: THE ETHICS OF EMBRYO ADOPTION



JUSTINA VAN MANEN & JONATHON VAN MAREN

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Canadian Centre for Bio-Ethical Reform

ISBN: 978-1-7781072-2-1
ISBN: 978-1-7781072-3-8 *eBook*

Published and distributed by Christian Heritage Press
www.christianheritagepress.ca

* Note: all Bible passages within this book are taken
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Cover design by Ederra Designs

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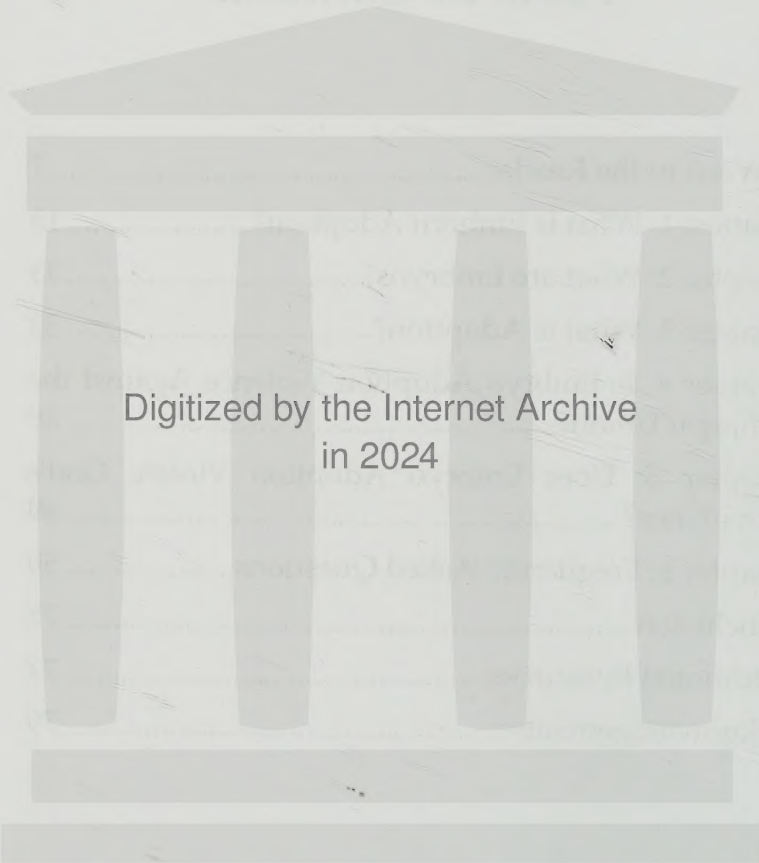
Dedication

*To the precious children, frozen in time and in need of
rescue, and to all those who did not survive the thaw.*

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A Word to the Reader

I first began thinking through and debating the issue of embryo adoption in 2011. I had been working in the pro-life movement for several years and joined the Canadian Centre for Bio-Ethical Reform full-time that year. Naturally, the discussions between my colleagues and I centred largely around issues of prenatal ethics—the equivalent of "shoptalk" for an organization dedicated to education and outreach on the issues surrounding life in the womb.

For all of us, In Vitro Fertilization (IVF) was an uncontroversial issue. From the pro-life perspective, it was morally wrong. But embryo adoption was something else entirely. Many of my colleagues were Catholic, and the Vatican had released a formal instruction titled *Dignitas Personae* ("the dignity of a person") in 2008. *Dignitas Personae* addressed IVF, selective reduction, embryo donation, and other issues, and took a cautious approach to embryo adoption, expressing concern but declining to condemn it outright.

A lively and fascinating debate began among top Catholic ethicists over the tragic reality of human beings being stored in freezers and what an ethical

response to this might be. At a bioethics conference in July 2011 at Christendom College in Front Royal, Virginia, renowned philosopher and professor of moral theology Dr. Janet E. Smith argued that embryo adoption was, in certain cases, a morally licit response to this tragedy. Rev. Tadeusz Pacholczyk of National Catholic Bioethics Center took the opposing position, stating that no moral response to the problem of orphaned embryos existed.

While the details of their respective arguments for and against embryo adoption will be examined in the ensuing chapters, I find it interesting to observe that the instincts of those who work in the pro-life movement are often different than those who do not. Pro-lifers are trained to view children in the womb as full human beings; that at fertilization, a real, whole, living human being, created in the image of God, exists. While pro-life people intellectually believe this, their responses to issues like embryo adoption often reveal that this intellectual view often gets forgotten in practical application. "But what about *real* children?" is one common response to embryo adoption.

In short: The fact that the embryos we are discussing in the issue are children created in God's image *must remain at the centre of the debate*. While that may seem like an obvious point to make, it is not. Many people grappling with this issue appear to forget that we are talking about real children.

The issue of embryo adoption is undoubtedly complex. The very existence of these frozen children is an

injustice; their orphanhood is an injustice; the sick society that played God to create them has done a terrible thing.¹ Many people look at the way these children came into being and the extraordinary difficulty of rescuing any of them and conclude that there is simply no way it can be done—that children created in such an unnatural fashion can only be left to expire. Moral law and natural law have been broken too many times, and there is no licit way to retrieve them.

But others—and here is where I think the instincts of pro-life thinkers play a role—start not with the awful circumstances of their creation but rather begin with the *indisputable fact of their existence*. If these children exist *and* these children are children, do we have any

¹ In detailing why IVF is an unethical procedure, it is not our intention to pass judgment on the couples that have made this decision in the past. Dealing with infertility is extremely painful, and as couples seek answers as to why they are unable to conceive, they are often very quickly directed towards IVF as the solution to their struggles. Individuals may pressure their spouse, and couples may be pressured by their extended family as well as their fertility doctors to go down this path. In addition to this, many churches do not take a stand against IVF, and may even support a couple in choosing this route. It is not surprising, then, that some couples follow the advice given to them without completely considering the implications of these decisions on their pre-born children. While the pain of infertility does not give us license to do whatever it takes to have a child, we should not pretend to understand this suffering if we have not experienced it personally. When having these conversations, it is good to be reminded of Jesus' words in John 8:7: "... He that is without sin among you, let him first cast a stone . . ."

moral responsibility to them at all? Do the circumstances of their existence remove any moral obligation to them as our biblical neighbours? If there are couples willing and able to pursue embryo adoption prayerfully and within carefully set moral boundaries, should we deny these children the opportunity to be rescued?

The approach taken by ethicists who believe there is no moral response to the tragedy of frozen children usually starts with the unethical circumstances surrounding their creation and storage as well as that of the entire reproductive technology industry. As they wade through the tangled ethical webs we have created, they conclude that there is nothing that can be done. The approach taken by ethicists who believe embryo adoption is a morally licit response, on the other hand, usually begins with *the fact that these children are already here*—and working towards the possibility of rescuing some of them.

These respective approaches could be summarized this way: *These children should not exist, and nothing can be done versus these children do exist, and that reality must shape our response to rescue.* These frozen children are not theoretical. They are not simply a moral conundrum. They are *children*, and that fact must remain at the centre of this debate rather than as a corollary admission.

After years of carefully studying the issue and discussing it with ethicists, apologists, and others, I believe that embryo adoption can be an ethical solution

to the tragedy of orphaned children trapped in freezers. This is not to say that embryo adoption cannot be pursued in an unethical way—as with any other form of adoption, that can be the case. In this booklet, we will examine both why embryo adoption can be pursued ethically, as well as some parameters to consider.

Jonathon Van Maren, The Canadian Centre for Bio-Ethical Reform

Chapter 1

What is Embryo Adoption?

"Good afternoon and welcome to the White House. I have just met with twenty-one remarkable families. Each of them has answered the call to ensure that our society's most vulnerable members are protected and defended at every stage of life. The families here today have either adopted or given up for adoption frozen embryos that remained after fertility treatments. Rather than discard these embryos created during In Vitro Fertilization or turn them over for research that destroys them, these families have chosen a life-affirming alternative . . . The children here today are reminders that every human life is a precious gift of matchless value." – President George W. Bush

As scientific advances made it more likely that cures for diseases such as cancer and Alzheimer's could be developed in the foreseeable future, the push to expand research in these areas increased. These efforts largely focused on embryonic stem cell research, as the potential for these cells to differentiate into any body cell type was something scientists believed could open the doors to countless life-saving discoveries—discoveries that outweighed any ethical concerns regarding the humanity of the embryo. As such, when the bill to expand embryonic stem cell research crossed

the desk of President George W. Bush, he faced tremendous pressure to shake off any such ethical concerns and sign it. Could he really say that embryos were valuable in the same way that born people, suffering from diseases or waiting for organ transplants, were valuable? How could he justify throwing away the chance to gain immense scientific knowledge for the sake of a tiny being that could hardly be seen without the use of a microscope?

How indeed? Human life is intrinsically valuable throughout every stage of development. Human beings are unique, living individuals from the moment of fertilization. These were facts that the president believed to be true, but in the face of the emotional arguments brought forward in favour of using human embryos for research, President Bush needed something powerful to validate his concerns. He found this strength in meeting embryo-adopted children; children whose lives would be signed away, should he agree to approve the bill.

The President's speech from the East Room of the White House was the first time many people had heard of embryo adoption. Today, two decades later, the possibility of adopting embryos is still unknown to many – if not most – people. Before we can discuss the ethics of embryo adoption, we must first answer the question: *What is it?*

When people think of adoption, the images that generally come to mind are of parents bringing newborns home from the hospital after a birth mother

has signed adoption papers or packing for an overseas trip to bring home a toddler that has been placed in an orphanage. When a pregnant woman shares that her pre-born child is adopted, she is often met with confusion. "You mean you did IVF (In Vitro Fertilization)?" they might ask.

Embryo adoption is *not* IVF, though the adopted children have been conceived through IVF. The process of In Vitro Fertilization uses the genetic material of the parents to create embryos outside of the womb. In contrast, embryo adoption takes no part in the *creation* of human beings. Embryo adoption only involves children *already* in existence. In the same way, embryo adoption does not involve the adoptive couple using sperm or egg donors, nor is it a form of surrogacy. Embryo adoption is not a fertility treatment: it is a form of adoption.

Naturally, people ask how such adoption can take place. A popular adoption quotation states: "*Never forget that you didn't grow under my heart, but in it.*" How, then, can a woman carry her adopted child in *and* under her heart? The process of IVF has resulted in hundreds of thousands (many estimates surpass the million mark) of embryos in freezers across North America. For economic reasons, many parents create more embryos than they hope to transfer and carry to term, as tragically, many of these children do not survive the process.

This has resulted in embryos remaining literally frozen in time after parents have "completed" their families

and either have no desire for more children or are medically unable to care for them themselves. Many of these embryos are simply donated to research or destroyed. Some parents choose to freeze their children indefinitely, paying yearly storage fees to their respective fertility clinics. Many couples are uncomfortable with these options, some because they understand that the embryo is a living human being, and others, while not willing to acknowledge the humanity of the embryo, cannot bring themselves to throw away what they view to be a "potential life."

For those who firmly believe that these embryos are living human beings, these options are not valid. This has led to parents turning to a final option, adoption, as the only way to affirm the lives of these children.

Hannah Strege was the first embryo-adopted child to be born in North America, the first "snowflake baby" and the catalyst for Nightlight Christian Adoptions *Snowflakes Embryo Adoption* program. When Hannah's adoptive parents, John and Marlene, discovered that they would be unable to conceive biological children, they asked a question that would change the lives of hundreds of families: "Can frozen embryos be adopted?"

It hadn't been done, but that didn't mean that it *couldn't* be done. The Streges explored many of the ethical questions we will consider in this booklet by reaching out to their church leaders, ethics professors, and Dr. Dobson of *Focus on the Family*. The conclusion the Streges and those they consulted agreed upon was that

embryos are children and, as such, ought to be treated in the same way that born children are. The Streges connected with the director of Nightlight Christian Adoptions, which was already facilitating domestic and international adoptions, and a new form of adoption became available.²

When parents of frozen embryos approach an agency such as Nightlight to make their embryos eligible for adoption, the agency matches these children with adoptive families that have completed their registration and training program and have had a home study done. Several medical tests are also performed to ensure—as far as is possible—that a woman is capable of carrying a pre-born child. Once a family has adopted one or a group of embryos, they begin preparing for a Frozen Embryo Transfer (FET). The mother will begin a month of careful monitoring, ensuring that her womb is a safe, healthy environment in which to transfer an embryo.

In most cases, the embryo (generally frozen 5-6 days from fertilization) is thawed on the same day as the transfer, and a doctor uses a catheter to place the child inside his or her adoptive mother's body. This is where the medical process ends: there is no way to ensure that the embryo will implant in the walls of the woman's uterus. After the famous "two-week wait," a blood test will be able to detect HCG, known as the pregnancy

² John Streges details their story in his new book *A Snowflake Named Hannah: Ethics, Faith, and the First Adoption of a Frozen Embryo*.

hormone, in a woman's bloodstream. If this hormone is present, adoptive parents may celebrate that their precious child has nestled herself safely into her mother's womb and has continued to grow. If all continues to go well, they will get to hold their child in their arms nine months later.

Embryo adoption is similar to any other type of adoption in that it involves genetic parents relinquishing their parental rights and adoptive parents assuming these rights and responsibilities. Embryo adoption is unique, however, because of the age and, more specifically, the required care of the child in question. When assuming the responsibility of care for born children, the needs of these children are similar: food, shelter, clothing, and, of course, love. While the needs of embryos can be described in a similar way, they need the nurturing ability of their adoptive mother's body in a way that born children do not: they need the warmth and safety of her womb.

So what is embryo adoption? It is the adoption of children during the earliest stages of their development. It is the commitment to providing these children with everything that they need to grow and thrive, including the nurturing environment of a mother's womb. It recognizes the infinite value of every child—both born and pre-born—and seeks to fulfill the need all children have for a safe and loving home.

As previously mentioned, while embryo adoption has been available in North America since 1997, it is still a

relatively unheard-of form of adoption (although this is rapidly changing). Many who first hear of embryo adoption immediately think of In Vitro Fertilization (IVF) and assume that embryo adoption is another fertility treatment. It is important to emphasize that while embryo adoption does permit women to experience pregnancy and bond with their adopted child from the earliest stages of their development, it is not in any way a cure for infertility itself: an adopted child of any age is not a direct result of the conjugal union of a married couple. The primary purpose of the many fertility treatments available today is to fulfill most couples' desire to have a child genetically related to them. This is why many couples turn to IVF. If IVF is not an option for them, many couples will opt for the option they consider to be "second-best"—egg or sperm donation. This means that they will be able to have a child that is genetically related to at least one of his or her parents.

Embryo adoption is not a fertility treatment. A society that does not view embryos as living human beings created in the image of God may consider embryo adoption as another means of treating infertility. It is not.

As with any type of adoption, the child's right to be treated with love, respect, and dignity is the primary focus. It is the responsibility of the adopting parents to ensure that this focus remains both steady—without defaulting to their own longing for a child—and clear—treating pre-born children as human beings, even when society seeks to blur this truth. Embryo

adoption can be handled unethically both by adopting parents and the organizations facilitating the embryos placements. An important distinction must therefore be made between embryo adoption and embryo donation. While these terms are often used interchangeably, one term treats the embryo as a human being, while the other dehumanizes him or her. The term embryo donation is used by organizations who follow the adoption model as well as those who don't (this terminology is problematic and will be addressed in chapter six.)

Embryo donation is a process where couples who have "completed" their family or are medically unable to gestate any more of their frozen embryos sign the rights and responsibilities they have towards these children over to the fertility clinic of their choice. This clinic, in turn, places these embryos with families they deem fit. This process is anonymous; the genetic parents are not informed who has adopted their offspring, and the adoptive parents have no identifying information about the genetic parents of their children. It is possible that embryos are placed with several different families, resulting in genetic siblings who are not aware of one another's existence. The ethical issues surrounding the rights of children to know their background are similar in these instances to sperm and egg donation.

In treating "donated" embryos in the same way they treat donated oocytes and sperm, clinics covertly deny that these children are unique individuals. This route may be attractive to couples (in that it is generally far

less costly than going through a more traditional adoption process). Even couples who believe that these embryos are children may be tempted to go this route, suggesting that these children need to be adopted as well. While this is true, it must be emphasized that it is the responsibility of adopting couples to ensure that, as far as is possible, they treat embryos as the children that they are. Children in third-world countries have been placed for adoption by corrupt agencies. While these children also need loving homes, and our hearts ought to break for the plight they find themselves in, these agencies must be exposed and dismantled, not supported. In the same way, pro-lifers must seek to expose how our society treats embryos and work to change the status quo rather than working within a profoundly dehumanizing system.

There are adoption agencies in both Canada and the United States who seek to treat embryos as the human beings that they are. In going through most, if not all, of the steps of traditional adoption, couples ensure that both they and the organization are focused on the children's best interests. The focus of fertility centres is on the couple desperately seeking to have a child. The focus of adoption agencies is to ensure that children are placed in safe and loving homes. This difference is a crucial one.

Embryo adoption should never be described as a "wonderful opportunity" for infertile couples to experience pregnancy. The reality of children in freezers is a tragic one—a point we will reiterate throughout this book. But adoption adds an element of

redemption to these stories. As with any type of adoption, children without families receive loving parents, and parents are blessed with the priceless gift of children. However, there is no doubt that difficult ethical questions surround the process of embryo adoption.

Chapter 2

What are Embryos?

To answer the question of whether embryo adoption can be an ethical option for Christian couples, we must first answer the question at the heart of the matter: *What are embryos?*

Are embryos to be considered equal to born children and, as such, orphans in need of rescue? Are embryos living, growing, human beings created in the image of God (Genesis 1:26-27) with eternal souls? If they are, that reality should shape our response to their plight. They are not simply a theoretical ethical quandary — they are children whose lives have begun, with souls that will never die.

The Bible is clear when it speaks about life in the womb—from Scripture, we can clearly deduce when "ensoulment" (when a human being receives a soul) occurs—at the moment a new human being exists. Some passages include:

Job 10:18: "Wherefore then hast thou brought me forth out of the womb? Oh that I had given up the ghost, and no eye had seen me!"

Psalm 22:10: *"I was cast upon thee from the womb: thou art my God from my mother's belly."*

Isaiah 49:1: *"Listen, O isles, unto me; and hearken, ye people, from far; The LORD hath called me from the womb; from the bowels of my mother hath he made mention of my name."*

Jeremiah 1:5: *"Before I formed thee in the belly I knew thee; and before thou camest forth out of the womb I sanctified thee, and I ordained thee a prophet unto the nations."*

Luke 1:15 & 41: *"For he shall be great in the sight of the Lord, and shall drink neither wine nor strong drink; and he shall be filled with the Holy Ghost, even from his mother's womb . . . And it came to pass, that, when Elisabeth heard the salutation of Mary, the babe leaped in her womb; and Elisabeth was filled with the Holy Ghost."*

The story of the Lord Jesus as an embryo being greeted by John the Baptist who was then a fetus is an extraordinarily powerful testament to the reality that we are who we are from the first moment of our existence—before we are born. God's direct hand in creating and granting life from the moment of fertilization is also clear throughout the Scriptures:

Job 31:15: *"Did not he that made me in the womb make him? and did not one fashion us in the womb?"*

Psalm 139:13-16: *"For thou hast possessed my reins: thou hast covered me in my mother's womb. I*

will praise thee; for I am fearfully and wonderfully made: marvellous are thy works; and that my soul knoweth right well. My substance was not hid from thee, when I was made in secret, and curiously wrought in the lowest parts of the earth. Thine eyes did see my substance, yet being unperfect; and in thy book all my members were written, which in continuance were fashioned, when as yet there was none of them."

Isaiah 44:2a: "*Thus saith the LORD that made thee, and formed thee from the womb, which will help thee . . .*"

God reveals Himself through His Word, and He also chooses to show Himself through nature, His creation. Science never contradicts Scripture—it powerfully illustrates the truth of God's Word. Biology informs us that with the union of a sperm cell and an ovum (egg), a whole, distinct, living human being comes into existence, namely, an embryo. The embryo is distinct; she received half of her DNA from her father and half from her mother, resulting in a unique combination of genes that have never existed before and will never exist again.

The embryology textbook *The Developing Human: Clinically Oriented Embryology, 10th edition* states the following: "Human development begins at fertilization when a sperm fuses with an oocyte to form a single cell, the zygote. [This] marks the beginning of each of

us as a unique individual."³ The basic psychology introductory textbook *Psychology: Themes and Variations, 3rd edition* asserts that: "Development begins with conception. Conception occurs when fertilization creates a zygote, a one-celled organism formed by the union of a sperm and an egg. All other cells in your body develop from this single cell."⁴ and the *Developmental Biology* textbook *11th edition* labels its seventh chapter: "Fertilization: Beginning of a New Organism."⁵ The idea that life begins at fertilization is something we all ascribe to, simply by stating that the duration of a healthy pregnancy is nine months. We know this—it is common knowledge that a pregnancy is nine months—yet it demonstrates an understanding that something very significant happened nine months prior to birth.

Dr. Maureen Condic studies this concept more in-depth in her paper "When Does Human Life Begin?" She explains that scientists look at a cell's composition and behaviour to establish its type. The **single-celled embryo, also called a zygote**, needs to be examined to see whether it can be called a unique individual. While mentioning the zygote, people often refer to the "fertilized egg." In reality, there is no such thing.

³Moore, Persaud, Torchia, *The Developing Human: clinically Oriented Embryology, 10th edition*. Philadelphia, PA: Elsevier, 2016. p. 11.

⁴Doug McCann & Wayne Weiten, *Psychology: Themes and Variations, 3rd Canadian edition*. Toronto, ON, 2013. p. 491.

⁵Scott F. Gilbert & Michael J.F. Barresi, *Developmental Biology, 11th edition*. Massachusetts, U.S.A, 2016. p. 217.

Condic explains that at the instant of sperm-egg fusion, the sperm and egg cells no longer exist, and a cell distinct from both parent cells is created. After studying the cell composition and behaviour of the zygote versus the sperm and egg cells, Condic wrote the following:

Based on [the] factual description of the events following sperm-egg binding, we can confidently conclude that a new cell, the zygote, comes into existence at the "moment" of sperm-egg fusion, an event that occurs in less than a second. At the point of fusion, sperm and egg are physically united – i.e., they cease to exist as gametes, and they form a new entity that is materially distinct from either sperm or egg. The behaviour of this new cell also differs radically from that of either sperm or egg: the developmental pathway entered into by the zygote is distinct from both gametes. Thus, sperm-egg fusion is indeed a scientifically well defined "instant" in which the zygote . . . is formed.⁶

Simply put, the zygote (embryo) is distinct from both the sperm cell and egg in genetic and molecular composition due to the merging of cells in the instant of fertilization. The zygote's behaviour is different from its parent cells. The goal of the sperm cell is to

⁶ Condic, Maureen. "When Does Human Life Begin?" *The Westchester Institute For Ethics & the Human Person, White Paper Volume 1, Number 1* (October 2008). pg. 5.

find an egg and penetrate it, while the goal of the egg cell is to permit penetration. Once penetration occurs, the zygote creates a sort of protective shield to prevent any other sperm cells from penetrating it, showing different behaviour from its parent cells from the very moment of fertilization.

Therefore, it is revealed through both Scripture and Creation that embryos are living, growing human beings. Human beings are different from animals in that humans have souls created for eternity.

There are many questions, however, that we cannot answer. Theologians have grappled with the questions of where the millions of miscarried children go after they die and have struggled with the idea that God's plan for their lives was so brief. In the context of this discussion, people might reasonably ask how a soul can be frozen. We cannot know the answers to these questions, but that does not mean that what we *do* know is inconclusive. We know when a new, living, unique human being comes into existence. We know, in short, the facts necessary to reach solid ethical conclusions.

A note of caution is also necessary here. While grappling with whether embryo adoption is ethical, some have inadvertently put forward arguments that could be used to justify very early-term abortions. If, as some have wrongly theorized, the embryo is not a human being with a soul, it is a simple thing to justify abortifacient methods of birth control that ends a human life in the zygote or blastocyst stage; or to

justify the morning after pill or any form of abortion that happens before the proposed point of ensoulment. If the child in her embryonic stage of life is not a human being with a soul, then the arguments of pro-abortion advocates are valid, and aborting a human being at its earliest stages is merely the removal or expulsion of a soulless clump of cells. This, at a minimum, would make these early abortions a matter of far less consequence than the murder of a child.

It must be stated: Those grappling with the ethics of embryo adoption are not making the argument that abortion can be justified to kill zygotes, or blastocysts, or embryos—but the arguments they are making *can and likely will be used* by those who follow this logic to their inevitable conclusions.

Consider this possible scenario: A pastor or church leader states that he is unsure of whether a (frozen or not) embryo, blastocyst, or zygote has a soul. What would a girl, or couple, considering using the morning after pill—which can destroy human life at that stage—conclude from hearing this? Even if they recognize that using an abortifacient is wrong, they may well feel more comfortable or justified in doing so because they are not killing a human being. Again, premises lead to conclusions—and the premise that a human being does not possess a soul leads inevitably to the conclusion that early forms of abortion are not murder.

As ethicist Dr. Charles C. Camosy, professor at Fordham University and the author of several books on abortion, noted: "I wonder if some pro-lifers

actually believe our own rhetoric about the personhood of the embryo. If there were hundreds of thousands of frozen 4-year-olds in need of rescue and adoption, wouldn't the tone of the theological and ethical discussion sound quite different?"⁷

How must we treat embryos?

Because embryos are living human beings, created in God's image, we must accord them the same respect as born human beings, which means that all actions that willfully endanger the life of human embryos are wrong. Such actions would include hormonal birth control (due to its abortifacient capabilities), In Vitro Fertilization (IVF), and abortion.

With regards to embryo adoption, IVF must be addressed in particular. The field of reproductive technology addressing infertility has grown massively over the past two to three decades, and there have been huge advances in various Artificial Reproductive Technologies (ART). IVF in particular has been put forward as a way for couples to have children that are entirely genetically related to them. However, we may not create embryos in order to fulfill our desire for children. Life and death are in the Lord's hand alone (1 Samuel 2:6). As such, all artificial reproductive technologies that involve us taking life into our own hands need to be unequivocally condemned. While the desire for children is not wrong (1 Sam. 1), the Bible teaches that it can be corrupted, and being consumed

⁷ A Catholic dilemma: Should IVF embryos be adopted?

with this desire and unwillingness to bow under the cross of infertility is sin against God (Genesis 30:1). Embryos may not be created in order to fulfill our desire for children, and we are not permitted to treat them as commodities to be bought and sold.

What is the ethical solution to the problem of frozen embryos?

However, while IVF and any other method that endangers the lives of embryos must be condemned, many people inside and outside of the church still engage in these practices. Because the process of IVF often results in a large number of embryos being created, many of these embryos are discarded after a couple has decided that their family is complete, or if for medical reasons a mother is unable to carry more children. These embryos were frozen during days 3-5 of their development. As a result, it is estimated that there are more than 1,000,000 embryos left in freezers across the United States and an estimated 100,000 embryos in Canada.

If the genetic parents cannot transfer their embryos after creating them through the process of IVF, they must decide what they are going to do with them. They have the following options:

- a) Keep them frozen indefinitely, which simply delays the decision to be made and ultimately results in the death of these children.
- b) Destroy them, which directly ends their lives.

- c) Donate them for scientific research, which also directly ends their lives.
- d) Place them for adoption by another couple.

Since embryos are living human beings created in God's image, they are our biblical neighbours in the same way that born human beings are. At this point, the only way frozen embryos can be rescued, the only way their lives may be respected and, through providence, preserved, is through adoption. The only solution to the tragic reality of children in freezers that *does not result in their death* is adoption.

We will deal with the ethical concerns surrounding this type of adoption in the following chapters.

Chapter 3

What is Adoption?

Adoption is a fundamentally Christian idea. Though the biblical examples we have of physical adoption are few, there are several prominent cases.

1. Moses was adopted by Pharaoh's daughter.
 - a. Exodus 2:10: "*And the child grew, and she brought him unto Pharaoh's daughter, and he became her son. And she called his name Moses: and she said, Because I drew him out of the water.*"

2. Esther was adopted by her cousin Mordecai.
 - a. Esther 2:7: "*And he brought up Hadassah, that is, Esther, his uncle's daughter: for she had neither father nor mother, and the maid was fair and beautiful; whom Mordecai, when her father and mother were dead, took for his own daughter.*"

3. Joseph acted as an earthly father to Jesus.
 - a. Matthew 1:18-25: "*And she shall bring forth a son, and thou shalt call his name JESUS: for he shall save his people from their sins.*"

- b. It is important to note that Joseph assumed his fatherly duties before Jesus was born—*while He was still a pre-born child.*

In the New Testament, adoption is used to describe the legal standing between God and His Church.

- Romans 8:15: "*For ye have not received the spirit of bondage again to fear; but ye have received the Spirit of **adoption**, whereby we cry, Abba, Father.*"
- Romans 8:23: "*And not only they, but ourselves also, which have the firstfruits of the Spirit, even we ourselves groan within ourselves, waiting for the **adoption**, to wit, the redemption of our body.*"
- Romans 9:4: "*Who are Israelites; to whom pertaineth the **adoption**, and the glory, and the covenants, and the giving of the law, and the service of God, and the promises . . .*"
- Galatians 4:5: "*To redeem them that were under the law, that we might receive the **adoption** of sons.*"
- Ephesians 1:5: "*Having predestinated us unto the **adoption** of children by Jesus Christ to himself, according to the good pleasure of his will . . .*"

The concept of adoption, particularly referring to a legal standing, is explained in Lord's Day 13 of the Heidelberg Catechism, questions 33 and 34:

Why is Christ called the only begotten Son of God, since we are also the children of God?

Because Christ alone is the eternal and natural Son of God; but we are children adopted of God, by grace, for His sake.

Wherefore callest thou Him our Lord?

Because He hath redeemed us, both soul and body, from all our sins, not with gold or silver, but with His precious blood, and hath delivered us from all the power of the devil; and thus hath made us His own property.

The Westminster Confession, Chapter 12, is headlined: **Of Adoption**. It reads as follows:

All those that are justified, God vouchsafeth, in and for His only Son Jesus Christ, to make partakers of the grace of adoption: by which they are taken into the number, and enjoy the liberties and privileges of the children of God; have His name put upon them; receive the Spirit of adoption; have access to the throne of grace with boldness; are enabled to cry, *Abba, Father*; are pitied, protected, provided for, and chastened by Him as by a father; yet never cast off, but sealed to the day of redemption, and inherit the promises, as heirs of everlasting salvation.

Further, the Scriptures are very clear in outlining the responsibility the church has towards the vulnerable, in particular, the orphans.

- Deuteronomy 16:14: *"And thou shalt rejoice in thy feast, thou, and thy son, and thy daughter, and thy manservant, and thy maidservant, and the Levite, the stranger, and the **fatherless**, and the widow, that are within thy gates."*
- Job 31:16-22: *"If I have withheld the poor from their desire, or have caused the eyes of the widow to fail; Or have eaten my morsel myself alone, and the **fatherless** hath not eaten thereof; (For from my youth he was brought up with me, as with a father, and I have guided her from my mother's womb;) If I have seen any perish for want of clothing, or any poor without covering . . . If I have lifted up my hand against the **fatherless**, when I saw my help in the gate: Then let mine arm fall from my shoulder blade, and mine arm be broken from the bone."*
- Isaiah 1:17: *"Learn to do well; seek judgement, **relieve the oppressed, judge the fatherless, plead for the widow.**"*
- Jeremiah 22:3: *"Thus saith the LORD; Execute ye judgement and righteousness, and deliver the spoiled out of the hand of the oppressor: and do no wrong, do no violence to the stranger, **the fatherless**, nor the widow, neither shed innocent blood in this place."*

Since a biblical command goes out to care for the fatherless, have them within our gates, and provide for them inasmuch as we are able, it is clear that God's

Word supports adoption. This call can be answered in different ways. Caring for the orphan may not mean adoption for everyone. Others, however, choose to adopt infants or older children through domestic adoption, international adoption, and fostering-to-adopt. It has only been recently that embryo adoption has risen as a way to adopt children.

Many of the objections to embryo adoption are actually objections that would apply equally to any form of adoption, and thus it is important to reiterate that adoption is a fundamentally biblical principle and a Christian duty.

Chapter 4

Is Embryo Adoption Violence Against the Conjugal⁸ Union?

The concern that, because embryo adoption may result in pregnancy, the special union of husband and wife is circumvented, deserves to be thoroughly addressed. There seems to be a misplaced sexualization of pregnancy that leads some to believe or speculate that embryo adoption may in some way violate the conjugal union.

Through Scripture, the natural process of pregnancy is described. Scripture speaks of husbands "going in unto" their wives, of "knowing" them, and, as a result, of mothers conceiving and bearing children. This natural process is beautiful and a gift from God. The idea that pregnancy can occur in any other way causes understandable discomfort: becoming pregnant through embryo adoption is *not how things were created to be*. However, in saying this, we must look at why embryo adoption is possible in the first place.

⁸ According to the Merriam-Webster Dictionary, conjugal is defined as: *of or relating to the married state or to married persons and their relations*.

Embryo adoption is not meant to *circumvent* the union between man and wife. In facing an ethical dilemma profoundly unique to our technologically advanced age, embryo adoption is meant to *respond* to the reality that children, created in the image of God and with souls for eternity, are being discarded and left to die.

Further, embryo adoption does not attempt to devalue the union of man and wife. The union of man and wife may result in *conception*, the creation of a child that bears the characteristics of both his/her father and mother. Embryo adoption does *not* involve an adoptive couple removing conception from its natural context: this has already occurred through the process of In Vitro Fertilization. A child has *already been conceived*. While embryo adoption is still unique in that a mother gives birth to her adopted child, this child cannot be seen as the fruit of her womb in the same way that a biological child is. This mother was not involved in the creation of her child, yet she was permitted to use her body to nurture her, in the same way that she may use other parts of her body to care for her children.

Essentially, embryo adoption does not disrupt a natural process: *it attempts to remedy a disruption that has already occurred*.

To explain this, let us examine a few commonly asked questions.

How is embryo adoption not a form of third-party reproduction?

Embryo adoption is not a form of third-party reproduction because an embryo is a distinct human being with unique DNA. Embryo adoption is not surrogacy, as the embryo is not transferred to another person's womb with the intent of going back to the genetic parents. The embryos legally become the adoptive parents' children, who have the full intent and *responsibility* to raise them in a loving home. Further, there is *no use of donor sperm or donor eggs*, so adopting and carrying embryos is not a breach of the marriage union in that way.

Isn't it a breach of the marriage union to carry a child not your own?

First, adopted embryos *are* the children of the couple who have adopted them before they are transferred into their mother's womb. Adoption refers to a legal standing. Legally, embryos are adopted and brought to the adopting couple, with all the rights and responsibilities that this entails before any medical procedures are undertaken.

Women are given special maternal abilities to care for their children. Every month, their bodies prepare for the possibility of pregnancy, and as a pregnancy nears its close, their breasts prepare to provide their child with food. After embryos are legally adopted, they are the mother's children. A woman's body is created to nurture and nourish her children, and as such, she may

also offer her body in this way to her adopted pre-born children.

Secondly, a breach of the marriage union indicates a transgressing of the seventh commandment, found in Exodus 20:14, "*Thou shalt not commit adultery.*" Lord's Day 41 of the Heidelberg Catechism elaborates on this commandment in Questions 108 and 109:

What doth the seventh commandment teach us?

That all uncleanness is accursed of God; and that therefore we must with all our hearts detest the same, and live chaste^{ly} and temperately, whether in holy wedlock or in single life.

Doth God forbid in this commandment only adultery and such like gross sins?

Since both our body and soul are temples of the Holy Ghost, He commands us to preserve them pure and holy; therefore He forbids all unchaste actions, gestures, words, thoughts, desires, and whatever can entice men thereto.

The word that is emphasized in both questions is the word *chaste*, stating that the seventh commandment forbids us to behave in an unchaste manner. Unchaste is defined in the Oxford Languages Dictionary as "relating to or engaging in sexual activity, especially of an illicit or extramarital nature." Essentially, the seventh commandment refers to actions of a sexual

nature. Pregnancy—carrying a child—is *not sexual in nature*.

Further, the creation of these embryos was *not a result of sexual intercourse*. Fertilization occurred in a petri dish in a science lab. When adopting children who have already been born and were conceived by another couple, we do not understand this as a breach of the marriage union. In the same way, embryo adoption simply introduces a very small child into a family at a very early stage of his or her life.

Natural discomfort with embryo adoption often stems from the fact that it is the response to a *profoundly unnatural and unethical procedure*, IVF. It is a tragic and painful fact that these children should not have been created in the first place. However, they *do* exist, and they are our biblical neighbours. While we may be uncomfortable with a situation unique to our technologically advanced era, any ethical response to this problem must start with treating these children as our equals, and, as providence allows, adopting them into our homes.

What do experts say about the concern that embryo adoption violates the conjugal union?

The debate surrounding embryo adoption has been ongoing for several decades, particularly in Catholic circles, and some helpful insights can be gleaned from these discussions.

Dr. Jeff Mirrus, the co-founder of Christendom College, responded at length to the concern of Joseph Mazzara that embryo adoption might violate the conjugal union. From his essay "On Melting Snowflakes and Saving Babies: The State of the Question:"

Mazzara seemed to retreat into a rhetorical question: How can a woman become pregnant with another man's child without having, in effect, committed some form of adultery? But this question (as at least one critic pointed out) assumes what it hopes to prove, for the obvious response is that a woman can become pregnant without being adulterous precisely through embryo transfer. Embryo transfer cannot be pre-defined as involving the sin of adultery because the fact of pregnancy has no bearing on the sinfulness of adultery. While pregnancy with another man's child, in the usual course of things, is *evidence* of adultery, the sin of adultery does not consist in the pregnancy at all, but in engaging with another in what is supposed to be a conjugal or marital act, with its implications of complete self-giving, of lifelong fidelity and commitment to one's spouse. Pregnancy may or may not be a consequence and, if so, it may be regarded as either fortunate or unfortunate. But it has nothing to do with the intrinsic immorality of adultery.

In short: the concern that embryo adoption might violate the marital union is largely based on a

misplaced sexualization of pregnancy. Dr. Janet E. Smith, a philosopher and professor of moral theology, concurs with this view in her 2009 article "Adopting Embryos: Why Not?":

When *Donum Vitae* speaks against spouses becoming parents with anyone other than each other, I believe it means that spouses should have sexual intercourse and conceive a child with no one other than their spouse. Certainly, spouses adopt children and become parents through adoption. I am one of those who think that gestation is a very different process from conception and that it is moral for a woman to gestate another woman's child, much as it is moral for her to breast-feed another woman's child.

Smith then concludes: "I cannot see how gestating a child not conceived with one's spouse breaks the marital bond in any way."

Dr. Russell Moore, an American theologian and ethicist who previously led the Ethics & Religious Liberty Commission of the Southern Baptist Convention and served as the dean of the School of Theology at the Southern Baptist Theological Seminary, concurs with this view in his 2010 article "Is Embryo Adoption Immoral?":

Adopting parents are not complicit in the "production" (I shudder to type such a horrible word in reference to a human creature) of these

children. Again, the children are already conceived. The adopting parents are no more endorsing the technologies involved than parents adopting from an unwed mother are endorsing fornication or adultery. Embryo adoption also doesn't carry with it the violence to the one-flesh union that comes with surrogacy or sperm donation, in which one spouse's genetic material is joined with a stranger's.

In a 2019 commentary, Moore expanded on the point:

I think with embryo adoption, we're dealing with a child who already exists. If we believe that life begins at conception, then embryo adoption is not coming in and trying to manufacture or commodify life. Instead, we're taking a child who already exists and simply needs the care and ecosystem to move to the next stage of life. Someone who is participating in embryo adoption...is doing the exact same thing as someone who is adopting a child who is a year old or 12 years old, just at a different stage of development. And so I think embryo adoption is a perfectly ethical and a good thing for Christians to be called to do, because we're called to care for widows and orphans in their distress. That includes those that the world would call embryos.

Dr. Jay R. Malone, Assistant Professor of Pediatrics and Critical Care Medicine at the Washington University

School of Medicine, also addresses this issue (and others) extensively in "Ethics of Cryopreserved Embryo Adoption" in *Health Care Ethics USA*:

The man and woman procuring the laboratory-based insemination of an ovum are the couple who have separated procreation from the marital act, and then compounded their error by leaving their offspring in a state of cryopreservation. However, the adoptive couple seeks only to remedy an unjust situation that has already occurred by adopting the embryo as their own child.

To reiterate: from an ethical and moral perspective, it makes no logical sense to claim that embryo adoption is violence against the conjugal union.

Chapter 5

Does Embryo Adoption Violate God's Providence?

When considering the morality of embryo adoption, some might ask whether adopting embryos is an overriding of God's providence in a couple's life. God's sovereign good pleasure governs all aspects of life. Ephesians 1:11 tell us: "In whom also we have obtained an inheritance, being predestinated according to the purpose of Him who *worketh all things after the counsel of his own will.*" Lord's Day 10 of the Heidelberg Catechism explains what the providence of God is in Questions 27 and 28:

What dost thou mean by the providence of God?

The almighty and everywhere present power of God; whereby, as it were by his hand, He upholds and governs heaven, earth, and all creatures; so that herbs and grass, rain and drought, fruitful and barren years, meat and drink, health and sickness, riches and poverty, yea, all things come, not by chance, but by his fatherly hand.

What advantage is it to us to know that God has created, and by His providence doth still uphold all things?

That we may be patient in adversity, thankful in prosperity, and that in all things which may hereafter befall us, we place our firm trust in our faithful God and Father, that nothing shall separate us from His love; since all creatures are so in His hand, that without His will they cannot so much as move.

The providence of God is clearly seen in the opening and closing of the womb: this is shown throughout Scripture. In Genesis 30:2, Jacob answers Rachel after she demands that he give her children by saying: "*Am I in God's stead, who hath withheld from thee the fruit of the womb?*" In Genesis 33:5, Jacob introduces his family to his brother Esau by saying: "*The children which God hath graciously given thy servant.*" In 1 Samuel 1:5 we read: "*But unto Hannah he gave a worthy portion; for he loved Hannah: but the LORD had shut up her womb.*" Thomas Jacomb, an English Presbyterian minister who lived from 1622-1687, wrote:

It is the Lord Who withholds this mercy. For He gives it or withholds it as seems good to Him. Providence is not more seen in any of the affairs and concerns of men than in this of children; that there shall be many or few, some or none, all falls under the good pleasure and disposal of God.

Why some are granted children and others are not is something we cannot understand. Biblically, infertility is sometimes shown as a curse. Michal, the daughter of King Saul and wife of King David, was unable to conceive children after she despised David for dancing before the ark of the Lord (2 Samuel 6: 20-23). In Genesis 20:18, we read: "For the LORD had fast closed up all the wombs of the house of Abimelech, because of Sarah Abraham's wife." Hosea 9:16 outlines the punishment of Ephraim: "Ephraim is smitten, their root is dried up, they shall bear no fruit: yea, though they bring forth, yet will I slay even the beloved fruit of their womb."

Although infertility is shown, in some cases, as the direct punishment of God, that does not explain the situations of Sarah (Genesis 16), Rebekah (Genesis 25), Hannah (1 Samuel 1), the wife of Manoah (Judges 13), Elizabeth (Luke 1), and so on. When His disciples wanted to know whose fault it was that a man was born blind, Christ explained in John 9:3 that everything works to fulfill the purposes of God. He answered their questions by replying: "Neither hath this man sinned, nor his parents: but that the works of God should be made manifest in him."

Since, then, the withholding of children is in God's hands, couples must bow under this cross. No one is deserving of the least of God's blessings, and children are not an exception to this. However, when we speak of the withholding of children in this case, we must differentiate between biological children and adopted children. In considering God's hand in infertility, we

understand that in His sovereign good pleasure, God does not crown the union of man and wife with the conception of children. This, however, does not necessarily mean that a couple is meant to be childless. This differentiation is important, not only to adoption in general, but to embryo adoption in particular.

If we believe that an infertile couple is meant to be childless, the perceived overriding of God's providence would translate over to *all types of adoption*. Adopting an infant or older child could also be seen as a couple refusing to accept their childless state. Further, bowing under a cross does not necessarily mean that we may not attempt to use means to help us bear it. For example, people threatened with blindness are permitted to wear glasses, and those dying of lung disease to accept a lung transplant. We are permitted certain means to address difficult circumstances in our lives. Adoption is not only permitted, but it can be seen as based on the biblical principle of caring for the orphan.

In considering embryo adoption, there are some ethical concerns that differ from other types of adoption because these children must be nurtured within a mother's body. Since a woman may become pregnant with her adopted child in this type of adoption, the question may be asked: is this overriding the providence of God in the opening and closing of the womb? The first point that must be clarified is this: embryo adoption is no more a cure for infertility than any other type of adoption is. When a couple is faced with infertility, the loss of children is not the greatest

loss. Infertility does not necessitate childlessness: what it forces a couple to face is that they will never be blessed with a child who is a physical manifestation of the love they share as husband and wife. While embryo adoption permits women to experience pregnancy, allowing them to bond with their adopted child from the earliest stages of their development, it does not take away the cross of infertility itself: an adopted child of any age is not a direct result of the beautiful union of a married couple.

Secondly, it is important to emphasize that embryo adoption is not to be seen as a wonderful opportunity for women to experience pregnancy. It is only possible for couples to adopt embryos because the process of In Vitro Fertilization (IVF) has resulted in hundreds of thousands of children frozen in the earliest stages of their development. The reality of children in freezers is a tragedy. We would never say that orphanages full of parentless children are wonderful opportunities for infertile couples to build a family. The fact that there are orphaned, abandoned, and unwanted children is a tragic consequence of sin. God created man and wife, and through this beautiful union He blesses couples with children. The existence of infertile couples and orphaned children is a clear sign that we live in a terribly broken and sinful world. Embryo adoption, then, cannot be seen as a special opportunity. Rather, it must be seen as an ethical response to an unethical situation.

Another important point to consider is that while human beings may try to control pregnancy, ultimate

sovereignty is always the Lord's. In embryo adoption, the embryo(s) are taken from the freezer, thawed, and transferred into the uterus at the appropriate time in a woman's cycle—when the uterine lining is thick and most hospitable to the implantation of a pre-born child. While embryos may be placed within a woman's womb, this does not ensure that the child will thrive: embryos cannot be implanted into the uterine lining through human intervention.

Human beings may take the utmost care in trying to create conditions where implantation will certainly occur, but we see that it is medically impossible for them to do so—they are entirely unable to sustain the life of embryos by physically implanting them in the uterus. In this way, becoming pregnant must still be a matter of prayer and require an acknowledgment of the ruling hand of God's providence.

This providence can also be seen in whether a couple is able to go forward with embryo adoption in the first place. The specific causes of infertility vary, but factors are distributed equally between men and women. If a couple is infertile, 1/3 of the time the cause is found in the husband, 1/3 of the time with the wife, and 1/3 of the time it is a combination of factors. This means that infertility may be caused by the woman's uterus being an inhospitable environment for pre-born children, both biological and adopted. Again, we can see that human beings cannot force pregnancy: a suitable environment for a child cannot be created purely through scientific methods.

While people may attempt to use this reasoning to justify IVF, saying that human intervention is permissible because only God can ultimately bless the means is faulty for several reasons. First, taking the *creation* of life into our own hands is the primary concern with regard to IVF. Further, every step in the process of IVF is dangerous to the embryo, and because of this, IVF can be seen as the willful endangerment of living souls. Providence is not absent from this process, but that does not excuse our actions.

In Genesis 45:4-8 Joseph explains to his brothers how the providence of God was evident in how he was sold into Egypt, saying: ". . . it was not you that sent me hither, but God . . ." Later, in Genesis 50:20, Joseph reassures his brothers once again that he will not punish them for their actions, stating: "But as for you, ye thought evil against me; but God meant it unto good, to bring to pass, as it is this day, to save much people alive." This does not mean that what Joseph's brothers did to him was justifiable, but it shows that God's providence is never absent from any situation. Sinful actions may result in something good: while pre-marital sex is wrong, we would not say that the child resulting from this unlawful union is not a gift of God.

What we must ask, then, is whether embryo adoption is an *ethical* solution to an *unethical* problem, or if it is merely a type of IVF. What makes IVF and embryo adoption different from each other are both the *process* and the *motive*. First, IVF involves taking into human hands the creation of life, whereas embryo adoption

does not. Secondly, the purpose of IVF is not only to have a child, but to have a child genetically related to his/her parents. While the desire may be to have a child in embryo adoption, there should also be a desire to respond to children in need. Embryo adoption does not give parents a genetic child; it may cure childlessness, but it does not attempt to cure infertility. IVF circumvents the natural process of conception, but we cannot say the same of embryo adoption. While IVF specifically removes the significance of the sexual union in the *creation* of a child genetically related to his/her parents, embryo adoption does not devalue this union any more than any other type of adoption does.

When couples are faced with infertility, many questions arise in their hearts. We must be careful how we react to life's trials, avoiding anger and bitterness, and making all things matters of prayer. We may not stand up against the crosses that we are meant to bear, but that does not mean that we are not permitted to prayerfully use means that may help us bear them. While a couple may be infertile, that does not necessitate childlessness. At the same time, a childless couple may not feel that the way is open for them to adopt any children, born or pre-born.

The providence of God is not something that we may pretend to understand, as outlined in Job 11:7-9: "Canst thou by searching find out God? canst thou find out the Almighty unto perfection? It is as high as heaven; what canst thou do? deeper than hell; what canst thou

know? The measure thereof is longer than the earth, and broader than the sea."

Every couple must together prayerfully examine where providence is leading them and strive to make decisions that follow the guidelines set out for them in God's Word: "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbour as thyself."

Chapter 6

Frequently Asked Questions

Throughout this book, you will notice that we have not made the case that embryo adoption is *always* ethical. Embryo adoption can be pursued in unethical ways for unethical reasons, as will become clear in the answers to many of the concerns brought up by those who justifiably worry that embryo adoption can open the door to abuse.

In examining embryo adoption many ethical concerns must be considered. Because adopting a child at such an early stage of development has only recently become possible, we have no clear precedent for dealing with these types of adoptions. Adoption of born children, both domestically and internationally, are practices that we are generally familiar with. Because of this unfamiliarity, the concern may be that not condemning embryo adoption will open the door to all sorts of misuse. It is important to note, however, that while embryo adoption is unique from other types of adoption in that adopted children must be transferred into their mother's womb, many of the ethical considerations are similar for all types of adoption. In considering these similarities, it can be

seen that the discernment of each individual adopting couple is of crucial importance.

Picking and Choosing a Child?

One of the greatest considerations for an adoptive couple is which type of adoption they decide to pursue. Domestic infant or older child adoption, adoption through a public agency (such as the Children's Aid Society), and international adoption are all ways in which a couple may be blessed with children. There are children living in poverty both here in North America and around the world who need a loving home. A couple must prayerfully examine which path they are called to pursue. The question may then be asked: with so many born children in need, is adopting embryos responding appropriately to the need of children for Christian care and guidance?

Which child is in the most immediate need?

We have a Christian duty towards *all* children in need. There is a clear biblical call to care for the orphans and the fatherless (Psalm 82:3, Isaiah 1:17). Children living in poverty in North America and across the world may not be brushed aside. However, when we ask which children are in the most immediate need, we cannot only differentiate between the born and pre-born. If we place the born and pre-born in opposition to one another, we are not treating the pre-born as human beings created in the image of God in the same way that born children are. Treating the born and pre-born

differently sets a dangerous precedent for how we are to treat children in the womb. If we truly believe that the pre-born have souls from the moment of conception, then we must treat them as equal to born children.

Secondly, if we place children on a spectrum based on who is in the most immediate need, we must also differentiate between born children. This would lead to many more difficult questions. When a couple decides which adoption path to travel, they must choose which country they will adopt from. Whether they choose to adopt a foster child from their home province or state, or an infant from a single mother, or a toddler from Africa, the question could be asked in this situation as well: which child is in the most immediate need? If we choose to adopt a child from Tanzania, are we then neglecting the need of the former child soldiers in Somalia? Defining which child is in the most immediate need is an ethical question that is essentially unanswerable.

Further, if adoption decisions are based on a child's need, it can be argued that the embryos across North America face a very immediate need for several reasons:

1. These frozen children are in imminent danger of death. If they are not adopted, they will never have the opportunity to continue their development and will die in a freezer. This is not typically true of other types of adoptions;

most do not find children in life vs. death situations.

2. There are currently more people willing and able to adopt born children than embryos. This is evidenced by the long waitlists for domestic infant adoption, as well as the increasing difficulty to adopt internationally. Not only are there not as many people willing to adopt embryos, but many couples are also physically unable to do so. Because there are so few adoptive couples, most of the adoptable 600 000 frozen embryos will simply be discarded and left to die.
3. If a woman is able to carry children, the vast majority of secular couples choose IVF or another form of third-party reproduction, as they prefer to have their own genetic children. In our society pre-born children are largely viewed as commodities to be bought and sold, not human beings created in God's image.

Is it possible to choose a designer baby through embryo adoption?

Another concern in choosing which child to adopt surrounds the idea of genetic testing. Today's society treats children as a right, a possession to obtain to complete one's own life. This means that they may specifically want a girl with blonde hair and blue eyes, who is predisposed to be a talented artist. These issues primarily arise with third-party reproduction, where a

couple must order sperm or eggs from a specific donor. A couple creating a designer baby would almost certainly want to use at least some of their own genetic information, rather than adopt a child genetically unrelated to both of them.⁹

While it is unlikely that embryo adoption will be abused in this way, that does not mean it could never happen. This emphasizes the importance of working with a reputable adoption agency that does not allow adoptive couples to do any kind of genetic testing or alterations to the embryos. However, this ethical concern is also applicable to other types of adoption. Adoption agencies provide a detailed checklist for adoptive parents to fill out when applying for private adoption. It requires them to consider if they are willing to adopt a child whose biological parents have a history of anything from depression and ADHD, to blindness, heart conditions, and cancer. When it is possible to diagnose the child, adoptive couples will be asked if they are willing to adopt a child with Down Syndrome, a club foot, or cleft palate.

⁹ Even if a couple decided not to include any of their own genetic material in the child they plan to “create”, it is unlikely they would turn to embryos created by another couple through IVF due to the simple fact that these children are not created by “designer” individuals. In most cases couples turn to IVF because they are unable to naturally conceive children, and it is not unusual for infertility to be caused by genetic factors. Further, unless an embryo is genetically modified (and this research is still very new), he/she will receive genes that are problematic in some way: e.g. a predisposition to breast cancer, depression, heart disease, etc.

In public adoption, a couple must consider the same questions; and further, if they are willing to adopt a child that they know has experienced some level of trauma (e.g. neglect, physical/mental/sexual abuse). In some ways, embryo adoption allows less room for choice, rather than more. If there is no genetic testing done on the embryos, there is no way to choose a boy or a girl, or to decide that a particular child is not suitable for one's family after the child is born and they are certain of particular challenges that the child may have.

Throughout the adoption process, a couple is faced with many decisions that seem to ask them to pick and choose what child they want for their family. This emphasizes the importance of couples approaching this process prayerfully, thoughtfully discerning which path they feel providence is leading them to take. Each couple has been given special gifts and talents. Some couples may have hearts ready to welcome a child from another country, whereas other couples would love to adopt a child with a specific disability. Trying to label children based on who is the most needy, and directing couples specifically to one type of adoption could deny the providential circumstances an individual couple is placed in.

A Child's Relationship to Their Genetic Family

Open Adoption

Another concern that people may have with embryo adoption is the relationship that this child may have

with their genetic family. This child will likely have living genetic parents and siblings. This is something that adoptive couples must decide how to handle along with the agency that they work with, and there is much research and debate devoted to the topic of openness in adoption. Once again, this question applies to all the different types of adoption. Currently, all adoptions in North America have some degree of openness. At the very least, all adopted children will be able to access their files when they reach the age of 18. Most adoptions also have some level of contact between the birth parent(s) and the child they placed for adoption.

How a couple navigates the relationships between their adopted child and their child's genetic family will vary, but an ever-increasing focus on openness in adoption as well as technological advances are ensuring that closed adoption will become increasingly rare. DNA databases allow children from around the world to search for genetic relatives, and many adopted children are doing so, *with or without the help of their adoptive parents*. In one particular case, a young man used Google Earth and his memories as a child in India to locate his birth family.¹⁰ In another case, grandchildren of a woman who had been adopted used the internet to find the woman's birth mom and half-siblings.¹¹ In many other cases, social media has been used as a route for those who have been adopted to find their genetic siblings or parents.

¹⁰ This story is told in *A Long Way Home* by Saroo Brierley.

¹¹ *The Waiting*, by Cathy LaGrow.

There is no guarantee that an adopted child will want to search for their genetic family, but if they do, there are many ways this can be done, and therefore this consideration is relevant to all types of adoption.

Will a child be returned to his/her genetic parents?

Because embryo adoption is unfamiliar to many, some may worry that there is a risk that a child born through embryo adoption will be returned to their genetic family. This is a question that concerns couples with any type of adoption. In the case of private adoption, at least in Ontario (at the time of writing), the birth parent(s) are required to wait at least seven days before they can give written legal consent to the adoption. They then have 21 days to change their minds about the adoption. Once this period has passed, an adoption worker has to monitor the adoption placement for six months, and then write a report to the government making a recommendation to approve or refuse a placement. If the placement is approved, a judge needs to issue an adoption order, at which point the adoption has become legal. This means that private adoption of an infant is uncertain for at least six months after the child's birth.

When adopting through a public agency such as the Children's Aid Society, there is a minimum six-month probationary period that has to take place after a match. Once that time frame has passed and if the adoption worker consents to the placement, an Ontario court judge has to approve and finalize the adoption. The focus in the public system is largely on

reunification with genetic relatives. This means that if any genetic relative such as an aunt, grandfather, or older sibling expresses interest in adopting the child, they will receive priority, regardless of how long the child has resided in their prospective adoptive parents' home.

In the case of embryo adoption, the placing couple signs a legal document giving up all rights to the embryos, transferring these rights to the adoptive couple via a legal agreement facilitated by the adoption agency. Any children born through embryo adoption will have the same last name as the adopting couple, and the child's birth certificate will have only the adoptive parents' names on the birth certificate. This is the only type of adoption that does not require court approval to be finalized. While there are many stories of adopted children being forcibly returned to genetic family members, there has not, as of yet, been a case of a child born through embryo adoption being taken away from his/her adoptive parents.

The Buying and Selling of Children: Will embryo adoption cause a boom in IVF?

In a society that treats human beings as commodities, it is important to question if embryo adoption could facilitate a market for selling human embryos. In considering if this could become a reality, we need to consider the principles of supply and demand. First of all, it is important to note that it is unlikely that there will ever be a large demand by couples for embryos. The desire of most couples is to have a child that is

genetically related to them, which is why they turn to IVF. If this is not an option for them, many couples will opt for the option they feel is "second-best" to this—egg or sperm donation. This means that they will be able to have a child that is genetically related to at least one of his/her parents. Because embryo adoption is the adoption of a child not genetically related to them, many people will not even consider this as an option for their family.

The lack of demand for embryos is evidenced by the relatively quick matching process in adoption agencies for couples adopting embryos, in contrast to the extensive infant adoption waiting lists in North America. For example, Nightlight Christian Adoptions generally has adoption-ready couples matched with embryos between 2-4 months. In contrast, in Ontario there are only two Christian-based adoption agencies, both of which have, at minimum, a six-month waiting period just to be interviewed by the agencies and become active on their list of prospective adoptive parents. Once a couple gets on the list, they join 30-80 other couples who are trying to adopt through the same agency. In recent years the number of private adoptions has decreased significantly. Beginnings Family Services, one of the larger private agencies in Canada, facilitates about 15 infant adoptions per year and has approximately 75 prospective adoptive couples on their waiting list. That being said, even if there was a high demand for embryos—and it is reasonable to suggest that the number of couples considering embryo adoption will increase due to the difficulties faced in other types of adoption—the

enormous number of embryos in storage at this point could supply a large demand for decades to come, and this is without taking into account that many couples continue to do IVF and freeze their "extra" embryos, adding to the numbers already frozen.

Additionally, embryo adoption is a costly endeavour. Couples are required to pay upwards of \$20 000 CAD to adopt embryos with at least \$10 000 more needed for medical treatments. This money is spent *without the guarantee of a born child*: adopted embryos may not implant in the womb, and those that do may be miscarried. In contrast, sperm and egg donation, and in some cases IVF as well, are less expensive and are in some areas covered by medical insurance. While this is of no ethical consequence, it is important to recognize that the decision to adopt embryos cannot be a decision frivolously made.

To avoid creating a market for embryos, this ultimately must be regulated by agencies who have the intention to find a home for children, rather than making a profit. In proper situations, no one profits from the buying and selling of embryos. The adoption agency will pay a fee to facilitate the adoption, and no money is paid to the placing couple. Again, this concern is also applicable to other types of adoption. With the high demand for infants, the risk of a market being created is that much higher. Additionally, adoption is a large business for the developing world, and there are often illegal profits being made and children being abducted for reason of sale. A couple needs to do research to

ensure they are using a reputable adoption agency for any type of adoption.

But doesn't embryo adoption both condone and facilitate IVF, at least to some degree?

People who adopt embryos do not, by default, support IVF. The genetic parents' decision to do IVF was not the choice of the embryo, and people who adopt embryos that were conceived during the IVF process are not condoning IVF *any more than people who adopt infants who were conceived outside of marriage condone extramarital sex*. The vast majority of children placed for adoption after they are born have also been conceived in immoral ways. Many have been conceived through extramarital sex, or even through the horrific act of sexual assault or incest. Yet we would *never* say that these children are not valuable and should not be adopted and/or excluded from the sacrament of Holy Baptism because of how they were conceived. Ezekiel 18:20 states, "*The soul that sinneth, it shall die. The son shall not bear the iniquity of the father, neither shall the father bear the iniquity of the son: the righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be upon him.*" If we claim that embryos conceived through IVF are not our neighbours in the same way that born children are, we are holding these children responsible for the sins of their parents. Further, this claim sets a serious precedent that will be addressed further in this chapter.

Those who adopt embryos may not only do so to fulfill their own desires for a child. Many who seek to adopt embryos do so not because they cannot conceive

genetic children of their own (either naturally or through an artificial reproductive technology), but do so because they recognize the value of these children and *desire to rescue them from an almost certain death*.¹²

Shouldn't everyone be adopting embryos then?

In advocating for treating embryos as human beings in the same way we treat born human beings, we are *not* saying that everyone should adopt embryos, in the same way that we do not tell everyone that they ought to foster needy children, or adopt children from a third-world country. Each couple has been placed on a different path. Providence does not open the way to adoption for everyone. In the same way, embryo adoption is not feasible for many couples, infertile or otherwise, for a myriad of reasons (eg. medical or financial reasons). The decision to adopt any child must not be made lightly. Decisions regarding something as complex as embryo adoption must be made prayerfully and only after extensive research.

If agencies are promoting embryo adoption, aren't they also accepting of IVF and other unethical ART practices?

Not necessarily. While this may be true of some organizations, this only emphasizes that we must choose who to work with only after extensive research. For example, Nightlight Christian Adoptions in the

¹² Nate Birt details one such story in *Frozen, But Not Forgotten: An Adoptive Dad's Step-by-Step Guide to Embryo Adoption*.

United States has an embryo adoption program. In response to the question *Does Nightlight encourage the creation and freezing of embryos?*, the website states:

No, we are trying to provide a loving option to the families of the over 600,000 embryos frozen in clinics throughout the United States. As people (and clinics) have become more aware of all their available options in regards to the disposition of their embryos following in-vitro fertilization and become more attentive to the possibility of having remaining embryos, we have noticed an increased effort to limit the number of embryos that are created and to have plans in place for the disposition of their embryos following IVF. We would really prefer to work ourselves out of a job!

Agencies such as Nightlight focus on how embryos are human beings and ought to be treated with respect. They require potential adoptive parents to sign a contract stating they will not have an abortion for any reason, and they refuse to do any genetic testing on the embryos themselves. They will not allow couples to choose to have boys or girls, and they accept any embryos into the program regardless of how long they have been frozen. Couples placing their embryos for adoption do not receive any financial compensation for this. Therefore, embryo adoption is not the buying and selling of human beings; it is the adoption of human beings at a very early stage in their development.

If embryos are human beings, why do many adoption agencies speak about donating them? How can you "donate" a human being?

While agencies that have opened embryo adoption programs generally do so with the intent to affirm the value and dignity of pre-born children, the language surrounding embryo adoption is often problematic. For example, agencies encourage couples to "donate" their embryos, a term that would never be used to describe born children. In the case of a birth mother signing away her parental rights over her infant, we say that she has "placed" her infant for adoption. Embryos that have been placed in the program may be referred to as "extra" or "excess" embryos. When we think of using these words to describe born children placed for adoption, we can see just how dehumanizing it is to use such terminology. Pre-born children are children.

The fact that many people, pro-life people included, speak of donating them, or refer to them as "extras," is deeply troubling. The words we use to speak about frozen embryos matter. Every effort must be made to use words that highlight their humanity, rather than use words or phrases that showcase the inhumane nature of a society that permits abortion throughout all nine months of pregnancy. Parroting the words, used by people who support abortion, orphans these precious children over and over again.

Conclusion

When a couple is considering embryo adoption, there are many difficult ethical considerations. There is no question that with embryo adoption—as well as in every other aspect of life—there is potential for human corruption. However, it is important to recognize that many of these ethical questions are similar to all types of adoption. It is true that embryo adoption is unique to all other types of adoption in that these children can only be rescued by being carried within their mother's womb. Despite this difference, when we question whether a couple will choose a child based on selfish desires, or whether single parents will be able to adopt children, or whether the adoption of these children will result in them being bought and sold, etcetera, these questions are applicable to any of the different adoption processes. The purpose of acknowledging this is not to trivialize the importance of these concerns, but rather to point out that every type of adoption requires vigilance and discretion on the part of the adoptive couple. Adoption of any sort may be corrupted, and this makes it difficult to promote any particular type of adoption specifically. However, in the same way, condemning any type of adoption leads to difficult questions regarding a neglect of Christian duty.

Conclusion

Condemning Embryo Adoption

While actively promoting embryo adoption may not be the most desirable course of action, it is important to consider the potential fallout of *condemning* it. The essential question in discussing embryo adoption is this: are embryos living children with souls, created in God's image? If they are, then we ought to treat them in the same way we treat born children. If we do not pass judgment on born children based on how they were conceived, we ought not to pass such judgment on embryos conceived through In Vitro Fertilization.

As soon as we make a difference between born children and pre-born children, a very slippery slope is created. If embryos are not worthy to be adopted, then we cannot say that they are in equal standing to born human beings. If that is true, how can we say that birth control and IVF itself are wrong? Further, how can we condemn abortion? The arguments people use in favour of abortion do not generally say that the embryo has *no* value, they simply say that embryos are *different* from born human beings and are therefore *less* valuable. If embryos are not human beings in the same way that born people are, then abortion is not murder

in the same way that ending the life of a born human being is. Essentially, having different rules for how we treat different groups of human beings is what led to abortion in the first place. Once we make a distinction between the born and the pre-born, we through our actions are stating that pre-born children are not created in the image of God and do not have souls for eternity. It cannot be said that pre-born children are partial human beings; we either have a soul or we do not.

The issue of embryo adoption seems complex at first glance, especially when considered in the context of IVF. However, the Bible is clear on life in the womb, ensoulment, and how we are to treat our neighbour, particularly the most vulnerable among us. We are not permitted to say, as the priest and the Levite (Luke 10:25-37), that we are not responsible for these children because they are not related to us or (perhaps) not within our church circles. Embryos are children, regardless of the way they were conceived, and how we are to treat them is a question that cannot be quickly tossed aside. When we acknowledge their lives to be as precious as those of children after birth, a biblical approach can only be one of compassion for souls in danger of perishing. As such, embryo adoption, when pursued in the right way, is an ethical solution to an unethical situation.

Additional Resources

Additional information on the process of In Vitro Fertilization and the ethical concerns surrounding it:

- *Conceived by Science: Thinking Carefully and Compassionately about Infertility and IVF* is a thorough and compassionate book written by Stephanie Gray Connors. It can be purchased on Amazon.
- "What should be our Stance on In Vitro Fertilization" is a summary of a document written by Rev. Cornelius Sonneveld. It can be accessed on the website [The Reformed Pro-Lifer](#).
- "In Vitro Fertilization: A Human Rights Perspective" by Maaïke Rosendal can be found on the blog page of the [Canadian Centre for Bio-Ethical Reform](#).

Information on the humanity of pre-born children and how we can defend them:

- *Stuck: A Complete Guide to Answering Tough Questions About Abortion* by Justina Van Manen can be ordered through thebridgehead.ca.

A resource exploring the complexities of adoption and our Christian duty towards orphans:

- *Adopted for Life* by Russell Moore.

Acknowledgements

To our spouses, Ben and Charmaine. This project was a collective effort, and, if we may say so, we make a great team!

To our children, Jackson and Daniel, Charlotte and Lincoln. Every day you ask more questions, inspiring us to search for answers.

To our parents. Your support for any work furthering the cause of protecting pre-born children is unwavering.

To Charmaine, not only a supportive wife but an incredible editor. From discussing the initial idea of this book to analyzing every sentence for structure and grammar to figuring out titles and covers—you have been part of this project from the (very) beginning.

To Caroline Heikoop, Cana Méndez-Campos, and Faye Sonier for taking your time and expertise to give constructive and beneficial feedback.

To those who have provided invaluable research and insights throughout this process—you know who you are.

To those who work tirelessly on behalf of pre-born children and to those who support them. Your dedication is inspiring.

May we all be burdened with the souls of these precious frozen children.

Soli Deo Gloria.

Made in the USA
Coppell, TX
10 June 2023



17941804R00046

Because of the widespread use of In Vitro Fertilization (IVF), hundreds of thousands of children across North America are stored in freezers. Can Christians do anything for these children? Are there any ethical responses to this profoundly unethical situation? Can these frozen children be adopted? *Life Under Glass* seeks to address these difficult questions.



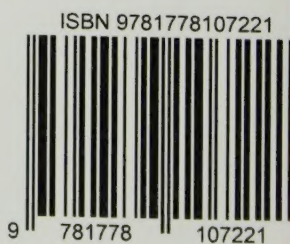
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P9-BDV-144