



Germany and Italy Have Done It — Shouldn't We?

"In the United States today, we urgently need Embryo Protection Laws."



Nearly 500,000 human embryos are currently stored in liquid nitrogen tanks in fertility clinics in the United States, a number comparable to the population of a mid-sized city like Cleveland or Tucson. By contrast, only a handful of human embryos have been frozen and held in storage tanks in the entire country of Germany.

The reason for this striking difference lies in the fact that Germany enacted an Embryo Protection Law during the 1990's which included provisions outlawing the freezing of human embryos. Italy has similar legislation in force. Both countries closely regulate *in vitro* fertilization treatments, and allow the production of no more than 3 embryos at a time, all of which must be implanted into their mother. Both countries forbid the production of extra embryos, experimentation on embryos, embryo cloning, and genetic testing of embryos.

The United States has largely failed to establish any reasonable legal or ethical framework to regulate its own multi-billion dollar infertility industry, and the result has been aptly described as a kind of "Wild West of Infertility," a lawless frontier where nearly anything goes, including the routine freezing of scores of humans who are still in their embryonic stages. Indeed, this

practice remains one of the great ongoing humanitarian tragedies of our time.

Not much ethical reflection is needed to appreciate the serious injustice involved in freezing another human being. The freezing and thawing process subjects embryonic humans to significant risk, and up to 50% of embryos may not survive the process. In many cases, stored embryos end up being abandoned by the couples who create them, condemned to a kind of perpetual stasis, and locked in time in the harsh wasteland of their liquid-nitrogen orphanages. Countless parents then find themselves caught in agonizing dilemmas about what to do with their offspring held in suspended animation. This injustice, once it has been foisted upon human embryos, is then used by others to argue on behalf of an even more egregious offense against their dignity, namely, the destructive strip-mining of embryos to acquire their stem cells.

The argument that embryos will "just be thrown away anyway" has been very effective in convincing lawmakers and politicians to rally on behalf of scientists who desire to destroy human embryos for research. By appeal-

Making Sense of Bioethics

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ing to a kind of American pragmatism that tries to “maximize return on investments,” the embryo’s subjugation has become nearly complete in our society, as he or she is reduced to a mere “thing,” an object to be manipulated — valuable primarily for how he or she can serve the interests and desires of others.

Dr. Chi Dang, a professor of medicine at the Johns Hopkins University School of Medicine, building on the argument that frozen embryos will otherwise be discarded, put it this way during a recent interview:

"The question is: Is it ethically more acceptable to destroy these embryos by pouring acid on them, or do you deploy these clusters of cells to create new cell lines that could benefit us in the future?"

By promoting such false dichotomies and constructing these kinds of ethical sand castles, we have begun to slip into a kind of complacency, a deadening moral slumber regarding our most basic duties towards the weakest and smallest of humans.

Writing in the *New York Times*, Gary Rosen once observed that even a basic course in Ethics 101 ought to be enough to let us see the problem

here, namely, that we should not be treating other people as a means to our own ends, but as ends in themselves. Yet even the most basic ethics can be hard to square with the efficient, cold, clinical discussions of "harvesting embryos" and "deploying clusters of cells." While the language of embryonic stem-cell scientists and their supporters remains thoroughly professional, it still exudes, in the words of Rosen, "an unmistakable whiff of cannibalism."

In the United States today, we urgently need Embryo Protection Laws. The temptation to dehumanize our own human brothers and sisters is a perennial one, hearkening back to the time in our country when slaves could be considered three-fifths of a person for purposes of congressional representation. Treating embryos as zero-fifths of a person constitutes an even more deplorable human rights violation. The smallest members of our human family deserve legal protection. Laws like those in Germany and Italy, while they would not stop every injustice done to embryos, could go a long way towards stemming the tide and assuring that further forms of laboratory barbarism and human exploitation do not become commonplace.

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