

Does Rule Utilitarianism Support In Vitro Fertilization (IVF)?

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Abstract

Assisted reproductive technology (ART) by in-vitro fertilization (IVF) is presently a common technology that has successfully treated millions of infertile couples the world over. Rule Utilitarianism deals with the tendencies of actions to produce more pleasure and concerned with long term consequences. This study aims to have a good grasp of Rule Utilitarianism's views on IVF. The ethical issues concerning IVF, including the use of reproductive technology, the right to a child, the status of embryos, the age of mother and the procreation autonomy have been discussed. The result is that a Rule Utilitarian might support the procedure of IVF if there is strong evidence to support the view that it will lead to a society in which the welfare of its members will be served.

Keywords: In Vitro Fertilization, Rule Utilitarianism, The right to a child

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Introduction

Reproduction defines the beginning of the human life cycle. Assisted reproductive technology (ART) by in-vitro fertilization (IVF) is currently a conspicuous technology that has magnificently treated millions of infertile couples the world over. The prevalence of infertility has been calculated as ranging from 4 to 14% worldwide (Bahamondes & Makuch, 2014). The panorama of the infertility field changed dramatically with the proclamation of the birth of Louise Brown in 1978 through in-vitro fertilization (IVF), and popularly referred to as the world's first test tube baby (Rosenberg, 2007). Though IVF makes it possible for many couples to have children who would not otherwise be able to do so, it has created a myriad of legal, ethical and social challenges.

In the preliminary stages, IVF was criticized as an un-ethical course of action because people did not think it was right for the ovum to be fertilized outside the woman's body. However, once this procedure was blossomed how successful it was many people changed their views on it, and saw how it has benefited so many families' lives. People began to change their aspects on IVF once they saw it from a utilitarian point of view, because they saw that IVF treatment brought about the greatest good for the greatest number of individuals. To see how they came to this decision, the utilitarian point of view for IVF treatment should be studied. Utilitarianism is interested in the greater good. Utilitarians inquire what the outcomes of infertility treatments are. They would balance the pleasure of having a baby against the distress of unsuccessful treatments.

This derives to a research question: Does Rule Utilitarianism support In Vitro Fertilization?

Background

Infertility is generally defined as a woman not being able to become pregnant after the couple has tried for 1 year (Butts & Rich, 2016). It is approximately one-third of infertility cases are due to male factor, one-third to the female factor and the remaining third to a combination of both male and female or unidentified causes (Bahamondes & Makuch, 2014).

The overall prevalence of infertility was estimated to be 3.5% - 16.7% in developing countries and 6.9 – 9.3% in developed countries (Bahamondes & Makuch, 2014). In Hong Kong, one in six couples in the territory is infertile, compared to one in 10 two decades ago (Yau, 2013). The diagnosis of infertility may become a life crisis, which is a disruption of their life project for most couples. The situation of involuntary childlessness may lead to diverse psychological problems, such as low self-esteem, feeling of blame, distress, depression, anxiety, and reduced sexual interest (Bahamondes & Makuch, 2014). Infertility is considered a major life issue consorted with psychological suffering and long-term consequences. People who might want the fertility treatment including couples who cannot conceive naturally, lesbian and gay couples who wish to be parents, single people who are not in relationship but wish to be a parent and older women who are post-menopausal and want a child. Childlessness is a physical as well as psychological condition, "human reproductive

technology has developed, not because doctors and scientists have been consumed by an overwhelming desire to ‘play God’, but because of pressure from ordinary people with a desperate wish for a child” (Wyatt, 2000).

“In vitro is a Latin phrase that means ‘in glass’, and in embryology, and in contrast with ‘in the uterus’ ” (Munson, 2008). IVF is a process in which eggs (ova) from a woman’s ovary are removed. They are fertilized with sperm in a laboratory procedure, and then the fertilized egg (embryo) is returned to the woman’s uterus and for in utero development (Munson, 2008). In-vitro fertilization (IVF) is the most common technique in assisted reproductive technology and in most cases the final recourse for infertility treatment. It has four basic phases: superovulation, egg retrieval, fertilization and embryo transfer (Yenkie et al., 2012).

Utilitarianism and IVF

1. Utilitarianism

Utilitarianism is an ethical theory with classical precursors established in the contemporary period by Jeremy Bentham (1748-1832) and John Stuart Mill (1806-73) to “promote fairness in British legislation during the eighteenth and nineteenth centuries when the interests of the upper classes tended to prevail and the sufferings of the lower classes were neglected” (Driver, 2014).

Utilitarianism is one of the most influential approaches to normative ethics in the history of philosophy. It is one of the best known and most cogent moral theories, with the idea that the moral worth of an action is merely determined by its contribution to overall utility in maximizing happiness or pleasure as summed among all people. In the physiology of utilitarians, the option to be chosen is that make best use of utility, in which the action or strategy that produces the largest amount of good (Munson, 2008). The utility of an action is determined by the extent to which it generates greatest happiness principle. Utility is a measure in economics of the relative gratification from, or desirability of, the goods consumption. Utilitarianism can thus be described as a reductionistic quantitative approach to ethics (Mastin, 2008). The principle focuses attention on the consequences of actions, and do what produces the best consequences. No action is in itself right or wrong. “Those actions are right that produce the greatest happiness for the greatest number of people” (Munson, 2008). Utilitarians support equality by the same consideration of interests, and they cast-off any discrimination between individuals, and any arbitrary distinctions as to who is worthy of concern and who is not (Mastin, 2008).

The Classical Utilitarianisms, Act Utilitarianism (Jeremy Bentham) and Rule Utilitarianism (John Stuart Mill), identified the good with pleasure with overall aim in evaluating actions should be to create the best results possible. In the following, IVF will be discussed based on the perspectives of Rule Utilitarianism.

2. Rule Utilitarianism

Rule Utilitarianism deals with the inclinations of actions to produce more contentment and the least amount of pain, and concerns with long term consequences. When faced

with a choice, Rule Utilitarianism states that, one must look at potential rules of action to determine whether the generalized rule produces more happiness than otherwise, if it were to be adhered continually. Thus, an action should only be performed if it follows a rule that morally should be followed constantly. Rule Utilitarians may reach a decision that there are some general exception rules that allow the breaching of other policies if this increases happiness (Mastin, 2008). Morality should be inferred as a set of rules. The aim of these rules is to maximise happiness. Rule Utilitarians consider that we can maximise utility only by establishing a moral code that contains rules, which will produce better outcomes than other viable rules. The utility principle is used to gauge rules and is not applied directly to individual actions. Once the rules are determined, compliance with these rules provides the paradigm for gaging individual actions (Nathanson, 2016).

In Utilitarianism, John Stuart Mill contends that virtue not solely has influential value, but is constitutive of the decent life. A person without virtue is morally deficient, is unable to promote the good. There he seems “to associate virtue with aesthetics, and morality is reserved for the sphere of right or duty” (Driver, 2014). Rule Utilitarians believe that it is rights and justice that provide way when rules that approve of breaches in some cases produce the greatest level of utility. Rule Utilitarianism states that, when faced with a choice, one must look at potential rules of action to determine whether the generalized rule produces more happiness than otherwise, if it were to be constantly followed. Thus, an action should only be carried out if it follows a rule that morally should be pursued at all times. Rule Utilitarians may concur that there are some general exception rules that permit the breaking of other rules if this increases happiness (Mastin, 2008).

One objection to Rule Utilitarianism is that in some conditions the utility of violating a certain rule could be greater than preserving it. It is, for instance, a rule utilitarian who lives by the rule “tell the truth”, sometimes will find oneself compelled to lie with the aim of building up utility. John Stuart Mill disputes that refusal to break a normally constructive rule in cases where it would be beneficial to do so appears irrational for a utilitarian and is a kind of rule-worship (Prevos, 2004).

3. Ethical issues of IVF

In the case of reproductive technology, ethical stances grounded on courtesy of what furthers the future good of potential offspring, their families, their individual parents, and the moral criterions of value of the larger society (Morrison & Furlong, 2014).

a. Use of Reproductive Technology

The extraction of gametes and in-vitro conception, namely the partition of reproduction and separated from the physiology, emotional psychology and harmony of sexual intercourse. This generates ethical issues of a spiritual sort that touch upon the merit of man and life (Chatzinikolaou, 2010). Ethically, the dilemmas stem from the lack of intercourse between spouses up to life of the embryos, in case the oocytes and the sperm are furnished from the same parents. The semen is amassed for IVF, the emotional dimension of the marital act is not attained. Considering only the physical aspect of procreation, and another issue appears by the interference of the third party

concerned in this act, the clinician, or / and the surrogate mother (Firuleasa et al., 2010).

The ethics professionals are debating the dehumanization and the medicalization of the reproductive health process, which is attacking directly the divine dignity of human reproduction because of the vanishing of the emotional-physical union between partners. There are voices who state that conventional family values are weakened and the balance between the new technocratic authority and the patriarchal authority is inverted (Firuleasa et al., 2010).

For Utilitarianism, reproductive technology is morally allowed if the advantages of the technology outweigh the harms. Currently most utilitarians would see a net benefits in using IVF if its risks to the offspring could be reduced to an agreeable level. Rule Utilitarianism is a division of the broader utilitarian view that regards actions as moral if they tail a set of rules that lead to the greater good. It acknowledges that technologies could increase net happiness in particular cases but contest a civic policy that allowed their use. If there is solid evidence to assert the view that the application of reproductive technology will lead to a society in which the welfare of its members will not be served, then a Rule Utilitarian would be on rigid ground in disputing that reproductive technology ought to be aborted (Munson, 2013). Rule Utilitarians concern about the IVF would go against the general principle of social welfare for the largest number of people as being used for selfish advantage. There is still a high failure rate leading to social misery even though many happy children/parents are produced as a result of IVF success. Also, there is less money for other treatments. However, the willingness of infertile couples to take on IVF is a sufficient clue that the perceived benefits to them outweigh the loads of financial costs and mental and physical risks.

b. The right to a child

A rights based ethic can become individual as new-born babies do not own any duties towards others but they have rights. This right to self-ownership is a basic moral concept. According to this view of morality, there are obligations as well, but these are derived from the basic rights (Tannsjo, 2008). In most cases of IVF, as the required number of embryos cannot be known from the beginning, taking into account the low success rate, usually more embryos are transferred into the mothers' womb, hoping that at least one of them will be successfully implanted. Embryos can, in principle, be designed, stockpiled, exchanged and implanted in just about any womb, and reproduction is increasingly independent of gender, age, sexual orientation and other aspects of the human body (Hanevik et al., 2016). The need of multiple embryo transfer for better success rate leads to the problem of multiple pregnancies. The undesired multiple pregnancies thus increasing perinatal mortality rates due to low birth weight, preterm deliveries and other pregnancy complications (Allen et al., 2006). Additionally, the health risks, both to the infant and the mother, increase spectacularly with increasing number of infants. The multiple pregnancies achieved through this method comprise the subsequent reduction of embryos (Firuleasa et al., 2010).

IVF offspring are more likely to support the idea that everyone has a right to have a

child, and they support the assisted reproduction practice (Munson, 2014). Rule Utilitarianism believed that if providing fertility treatment created an ideal balance of pleasure over pain, with more families being more happier than those dissatisfied or in insulting conditions then, the right to a child should be a law. John Stuart Mill dedicated on the quality of a pleasure and the well-being of people. Rule Utilitarianism would contemplate the higher pleasure of having a child. It gratifies the mind and the pain caused in pregnancy and childbirth would not affect a mother's aptitude to enjoy higher pleasures in lifespan.

c. The status of embryos

The status of the embryo, namely what degree is the embryo a human being is a crucial question in decision-making regarding research utilizing pre-implantation embryos or embryonic stem cell research. Along with the diversification of IVF devices, have multiplied also the types of embryos experiments. They aim to develop the knowledge on many aspects of immunological compatibility, and on human DNA (Firuleasa et al., 2010). In many countries, the permissive or absent legislation allows the use of embryos and even of fetuses acquired by causing the miscarriage on experimental uses, being claimed the therapeutic nature of the research to solve some incurable diseases, particularly those of genetic nature (Firuleasa et al., 2010). However, the techniques are advancing continuously and that means the destruction of a large numbers of embryos, modifying and marketing and even abuse of people and processes (Firuleasa et al., 2010). The frozen embryos have an unclear fate. Some of them remain frozen for an infinite period of time, children that have been created and then frozen. Some of the frozen embryos may be defrosted later for a repeat cycle of IVF, and the majority do not survive. In some occasions, embryos are donated to other couples or some may be destroyed or provided for research.

Utilitarianism aspires maximum benefit of trial and how it is conducted, and can give entire justification for individual research. Rule Utilitarianism starts with general principles without exception to the rule from which specific acts can be forbidden. It follows rules that promote the greatest happiness. John Stuart Mill defines an individual as someone who has the ability to workout their freedom. An embryo has no autonomy and hence is not a human (Munson, 2008). For this reason it cannot attribute in the higher and lower pleasure contention. If the embryo is accepted as a form of human life then it should be preserved, but it may not be considered a person with rights at this premature stage. An embryo may, if possible, suffer a lower pleasure but because it is not intelligently grown it cannot undergo psychological or emotional pain. Therefore, it can be justified the use of embryo research because the amount of higher pleasure it will produce outweighs the lower pleasure. The benefits of embryo research are justifiable in Utilitarian standings. The strength of pain caused by diseases is great, the duration of which is lifelong (e.g. Parkinson's, Alzheimer disease). And the pleasure obtained from the provision of cures for degenerative diseases thus prevailed over the costs of embryo research.

d. Age of mother

A long series of disputes, when it was found that the treatment of infertility can be practical to postmenopausal women, allowing them to have children when,

biologically, this would not have been possible. Some experts believe that a pregnancy at older age raises major moral problems as long as the mother has confined time to live mostly to provide emotional and physical stability needed for the child. Considerable moral anguish has been expressed about the welfare of children born to aged mothers (Firuleasa et al., 2010).

Under some circumstances, utilitarianism can conclude that one has a positive responsibility to reproduce no matter the age. Rule Utilitarianism inclines to bypass individuals, looking instead at net sums of well-being or happiness. It is the belief according to which the only basic requirement of morality is to maximise net aggregate welfare. Happiness is a necessary state of welfare (Bagattini & Macleod, 2015). That being so, it counts conditions with more cheery people as superior to situations with fewer happy people. More jolly people means more happiness, and is therefore considered better.

4. Procreation Autonomy

Viewing the issue of IVF, moral principle of procreation autonomy would be considered as of the utmost significance. The principle of autonomy declared that “rational individuals should be permitted to be self-determining”, in which “one acts autonomously when one’s action is the result of one’s own choices and decisions” (Munson, 2008). Autonomy is substantial as it is a condition for moral duty and through the exercise of autonomy that individuals can shape their lives (Munson, 2008).

Procreation is primarily imperative for being “an expression of a couple’s love or unity” (Robertson, 1994). Assisted reproductive technology (ART) by IVF aims to help people who are incapable of fulfilling them overcome social and physical fences that prevent successful pregnancy, and to serve these very precious interests. Procreation and founding a family is an essential natural good and an expected outcome for a married couple. A right to procreate, which is grounded on the right to sovereignty and on the right to raise a family. In turn, this entails the right to control one’s body and make imperative decisions in respect of it, involving the determination to have offspring. A right to procreate may also be centered in the strong appeal people have in creating a child, giving birth, and parenting (Brake & Millum, 2016).

Rule Utilitarianism reflects that if having a child will make people deeply discontented, likelihoods are the child's not going to turn out too happy either, and sad people do not contribute much to other people's happiness. Hence, people who arbitrate that they would be bad parents have a justly concrete moral injunction, *prima facie*, not in favor of reproducing; people who believe they would be great parents have a reasonably strong responsibility to reproduce, particularly if they consider it would make them happier. The fact that many infertile couples are willing to spend moneys and risk the emotional and physical demands of IVF rather than adopt a child signifies a strong psychological and physical need for biologic offspring that may not be determined by social pressures but because of procreation autonomy.

Discussion

The right to a child using IVF presents many moral concerns and have varied perspectives from different ethical theories. Formerly, rights were seen to come from God – being made by God and being blessed gave us rights. Some still hold this notion were others argue that we are human and therefore have higher intrinsic value than other creatures, just because our rights come from nature, and others dispute that rights come from the obligations that we have towards others (Tannsjo, 2008). The overall problem with IVF is that it eliminates life as it generates life. It carries the gist that the chance of one child surviving brings with it the need of many other children (embryos) having been created and then dying.

Utilitarianism assigns rightness and wrongness to all options in all choice settings, which given appropriate empirical information, has clear inferences for all moral decisions. “It has internal coherence since no action can have an outcome that is both better or worse than that of any alternative action” (Munson, 2008). Utilitarianism would contemplate the pleasure and pain concerned. All actions are adjudicated by consequences. The cost of health service would be considered by the happiness of the greatest number and whether money could be better consumed on life-saving procedures. Rule utilitarianism proposes that civil, societal, and moral rules be pursued so far as the general happiness that results is at least as good as would be achieved by violating the rules; moral rules should eventually contribute to the overall greatest good (Pohlman, 2015). They would support IVF if it would contribute to the overall greatest happiness for the people concerned.

Conclusion

ART by IVF has played a vital role in shaping the lives of many individuals throughout the world. IVF along with its potentials and consequences, on one hand has significantly contributed to solving the infertility problem, on the other it has transformed unfulfilled desires or persevering demands into unanswered dilemmas.

A Rule Utilitarian might support the procedure of IVF if there is strong evidence to strengthen the view that it will lead to a society in which the welfare of its members will be served. Family life is considered as a bedrock of society, and there is greater social unity when family life prospers. As a result, IVF is beneficial. Moreover, while people are living longer with the global ageing in the years to come, there is expense for the government expenditure and a necessity for younger people of working age to pay for it. IVF helps to increase the figure of young population in society. IVF treatment would provide a person with the ability to live through a higher pleasure they would not naturally be able to, in terms of lower and higher pleasures. Thus, Rule Utilitarianism would probably support this.

In conclusion, to answer the research question, Rule Utilitarianism supports IVF if it follows a set of rules that always produces the greatest social utility and the greatest happiness. Future studies can be conducted to explore different types of ethical theory on reproductive technology.

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