

EMBRYO ADOPTION: IMPLICATIONS OF PERSONHOOD,
MARRIAGE, AND PARENTHOOD

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Abstract

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Embryo Adoption: Implications of Personhood, Marriage, and Parenthood

One's personal claims regarding personhood will influence his moral belief regarding embryo adoption. In Chapter One, I consider the personhood of the human embryo. If the human embryo is a person, we are morally obligated to permit the practice of embryo adoption as an ethical means to save human persons. However, for those who do not claim that an embryo is a person at conception, embryo adoption is not a necessary practice because we have no moral obligation to protect them. There are still others who claim that personhood is gained at some point during gestation when certain mental capacities develop. I offer my own claim that consciousness and sentience as well as the potential to be self-conscious mark the beginning of personhood.

Embryo adoption raises several questions surrounding the institution of marriage. Due to its untraditional method of procreation, embryo adoption calls into question the role of procreation within marriage. In Chapter Two, I explore the nature of the marriage relationship by offering Lisa Cahill's definition of marriage which involves both a spiritual and physical dimension, and then I describe the concept of marriage from different perspectives including a social, religious, and a personal perspective. From a personal perspective, I explore the relationship between marriage and friendship. Finally, I describe how the concept of marriage is understood today and explore the advantages to being married as opposed to the advantages of being single.

Embryo adoption changes the way we customarily think about procreation within a family because in embryo adoption, couples are seeking an embryo from another union

to be implanted into the woman. This prompts some philosophers to argue that embryo adoption violates the marriage relationship. In Chapter Three, I further consider the impact of embryo adoption on the family as an extension of the marital relationship as well as the impact of embryo adoption on the traditional roles of motherhood and fatherhood. I examine motherhood by looking at how some philosophers define motherhood and when these philosophers claim a woman becomes a mother. After considering these issues regarding motherhood, I examine the same issues surrounding fatherhood.

Peg Brand, PhD., Chair

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INTRODUCTION

Advances in science have resulted in a surplus of human embryos. These spare human embryos from procedures such as in vitro fertilization (IVF) have resulted in a phenomenon known as *embryo adoption*. Embryo adoption gained consideration in 1996 after a British law implemented in 1990 required the destruction of embryos not utilized after five years. Though the United States does not have a law guiding how long unused embryos can remain frozen, the masses of unused embryos in the United States have also prompted infertile couples to begin utilizing embryo adoption (Berkman 2003). Surveys indicate that 9,000 of the 400,000 frozen, spare embryos in the United States are available for embryo adoption (National Embryo Donation Center (NEDC)).

In embryo adoption, couples can choose to donate their frozen, spare embryos to other people who wish to adopt an embryo. After these embryos are adopted, a few embryos are implanted into the adopting woman's uterus with the hope that at least one embryo will attach to her uterus and gestate until a live birth. Neither the adoptive mother nor the adoptive father contribute to the embryo's genetic makeup. However, the adoptive mother is able to experience gestation and give birth to the child.

Embryo adoption has roots in traditional adoption. In both instances, a child is being raised by parents who are not genetically related to the child. However, unlike traditional adoption in which the adoption occurs after the infant is born, embryo adoption begins with the implantation of the embryo and enables the woman to have the experience of pregnancy with the resulting birth of an infant. In the past, people have used traditional postnatal adoption as a means to acquire children. In postnatal adoptions, parental rights and responsibilities are transferred to the adopting couple after the child is

born. However, with embryo adoption, frozen embryos are adopted and then implanted into the uterus of the adoptive mother. Therefore, parental rights and responsibilities are bestowed upon the adoptive parents during the gestational period as opposed to in the postnatal period as with traditional adoption.

I must note that “embryo adoption” is not a universally accepted term. There is controversy over this term I have chosen to utilize in this thesis. Some of those opposed to the term “embryo adoption” such as Catherine Althaus, William May, and Nicholas Tonti-Filippini prefer to use the term “embryo rescue”. These people claim that the embryo is a person. Thus, a couple is giving the chance at life or rescuing another human being in this process.

Other philosophers such as John Berkman prefer to use the term “embryo adoption” to describe this process. He claims that when a woman chooses to gestate an abandoned embryo, she becomes the gestational mother of the embryo (Berkman 2003). She thus consents to adopt this embryo through its gestation and throughout the rest of its postnatal life.

Helen Watt would further argue that we utilize the term “embryo adoption” as opposed to calling it a form of surrogacy because embryo adoption implies the gestation of the embryo with the intention to adopt whereas surrogacy occurs with the intent to later give up the gestated embryo (Watt 2001). Because in embryo adoption the couple does not give up the embryo after it is gestated, we cannot refer to this process as surrogacy.

Along with Berkman and Watt, I have chosen to utilize the term “embryo adoption”. I do not claim that the embryo is a person at the time in which the procedure

occurs. Therefore, I do not claim that “embryo adoption” is a rescue event. I further use the term “embryo adoption” because adoption denotes intent to take responsibility for the future human being throughout his life, and in this process of embryo adoption, a couple does intend to take responsibility for the embryo from the time it is implanted and beyond - as opposed to surrogacy in which a couple gives up the gestated embryo after its birth.

The unconventional nature of embryo adoption has raised significant ethical issues. In Chapter One of this thesis, I will address the personhood of an embryo by evaluating several philosophical arguments. I will discuss the nature of marriage as well as the role of procreation within marriage in Chapter Two. Finally, in Chapter Three, I will explore the nature of parental roles and how these are challenged by embryo adoption. Although embryo adoption puts several issues under ethical consideration, which I will discuss throughout these chapters, I will defend embryo adoption.

CHAPTER ONE: WHEN AM I A PERSON?

In this chapter, I am considering the personhood of the human embryo. If I conclude that the human embryo is a person, we are morally obligated to permit the practice of embryo adoption. Different people define personhood in different ways because people use their own various moral and metaphysical beliefs to help inform them about what constitutes personhood and when personhood originates. These beliefs will influence a person's moral belief regarding embryo adoption. For those who claim that an embryo is a person at conception, embryo adoption is an ethical means to save human persons that have been created but are not being allowed to develop naturally and who will inevitably die if they remain frozen and are unable to gestate. Therefore, embryo adoption allows us to treat embryos with the same rights and protections with which we treat other persons by allowing these embryos to gestate and be born; whereas, if the embryo, who is a person, would remain frozen, we would be denying the embryo its rights and protections by allowing the embryo to die.

For those philosophers who do not claim that an embryo is a person at conception, embryo adoption is not a necessary practice. Because the embryos that remain frozen and unused after IVF are not persons, we have no moral obligation to protect them with the same rights and considerations that we grant to other persons. Because we are not morally obligated to treat these embryos as we treat other persons, we are not obligated to permit embryo adoption. Therefore, we can discard the surplus of embryos without moral discord.

I must note that there is disagreement over whether human organisms are essentially persons. That is, do we begin to exist when we begin to exist as persons, or do

we begin to exist as persons at an earlier or later time than when we begin to exist as human organisms? Philosophers such as Eric Olson claim that human organisms are distinct from human persons. We are essentially human organisms and begin to exist as such two weeks after conception with the appearance of a primitive indicating individualization and the presence of one or more human organisms from an egg (Ford 1988). However, we do not begin to exist as persons until we have the “certain key psychological capacities” such as the capacity for consciousness. Our psychological properties such as our consciousness may cease to exist long before our human animal ceases to function (Olson 1997). Thus, the human animal that continues to exist is you void of any psychological properties (Eberl 2005).

Other philosophers, including Lynne Rudder Baker, argue that “we are fundamentally persons who are constituted by human organisms” (Rudder Baker 2005). Being fundamentally persons, we are characterized as having a first-person perspective in which we can “have thoughts about ourselves and also conceive of ourselves as the subjects of those thoughts while being constituted by our bodies”. However, the human person is not identical to the human organism. Therefore, our human organism can come into existence before we become persons because a first-person perspective that constitutes personhood does not develop until birth.

I claim, along with Jeff McMahan, that we are essentially minds or are essentially conscious. Therefore, to be a person we must have “the capacity for consciousness” (McMahan 2002). However, our organisms are not identical with our consciousness. Thus, our organisms can begin to exist before we begin to exist as persons with the capacity for consciousness (McMahan 2002). I do not have sufficient time to defend this

claim within this thesis. However, please note that when I refer to our existence throughout this paper, I am referring to our existence as persons. I am not referring to when we begin to exist as organisms.

In this chapter, I will provide a general description of personhood. I will then examine arguments from philosophers who claim that an embryo is a person at conception. I will also examine the arguments of philosophers who claim that an embryo is not a person at conception. I will then look at more moderate positions claiming that an embryo becomes a person gradually through the gestational process. These philosophers claim that an embryo is not a person at conception but becomes a person either during gestation or after birth. I will also examine the argument that personhood is gained with the acquisition of certain properties at a point during gestation. Finally, I will offer my own claim that the psychological characteristics of consciousness and sentience, which occur with brain activity as well as the potential to be self-conscious which is incurred with consciousness and sentience, mark the beginning of personhood.

Though people define personhood in several ways, people usually claim that personhood is associated with having certain mental capacities such as having consciousness, including the ability to be sentient or feel pain. The ability to reason, including having beliefs and knowledge, being self-motivated, and having the capacity to communicate, as well as being self-aware, are also capacities that indicate personhood (Warren 1978). These capacities also allow persons to coexist with other persons.

When an embryo is a person like a developed human is a person, its life has merit and is owed the support, protection, and rights that any other person has. Therefore, we are morally obligated to give consideration to the embryo's "needs, interests, and well-

being” because it is a member of the moral community (Warren 1997). This consideration obligates us to certain *prima facie* duties to the embryo as a person. These *prima facie* duties include fidelity, reparation, gratitude, justice, beneficence, non-maleficence, and autonomy (Beauchamp and Childress 2001).

Also, in respecting the embryo as a person like any other developed human is a person, the embryo’s life cannot customarily be taken; just as we would not ordinarily take the life of a developed human (Green 2002). Therefore, we have a duty not to allow the spare embryos to remain unused. Rather, we are obligated to allow them to gestate and be born. If the embryo is not a person like other developed humans are persons, developed humans do not have a moral obligation to protect embryos and thus are not obligated to gestate them.

When does a person with such moral status who is owed rights and protections come into existence? In a legal sense, personhood is acquired at birth when a new human being becomes part of the human community (Gillon 2001). With this personhood, an infant is separate and equal to his mother and has the rights and protections of other developed humans. I will, however, depart from personhood in a legal sense and examine when personhood originates with respect to the metaphysical and ethical dilemmas that this issue raises.

Philosopher John Crosby claims that we must assume that the human embryo is a person at conception. He argues that our personal *being* and our personal *consciousness* are distinct such that our personal being can exist without our personal consciousness (Crosby 1993). Therefore, because a developed person can exist without consciousness, it

is logical for an embryo to exist as a person from the time of conception without consciousness.

He argues that we, as persons, experience ourselves subjectively such that the “self-possessing person is embodied in the lived body”. Thus, we experience ourselves as persons and lead our own lives. This *personal being* is not necessarily dependent upon our consciousness. Children and those people with mental retardation are persons, but they have “inadequate conscious conditions”. Thus, because children and those human beings who are mentally retarded are persons but have an inadequate consciousness, we can infer that a person cannot be reduced to his consciousness (Crosby 1993). Furthermore, we can exist and persist as persons when we are not conscious. For example, we exist as persons without consciousness when we sleep. When we awake from sleep, we then persist as a person just as we did before we fell asleep. Therefore, we are beings that are not dependent upon consciousness

Because our *personal being* and *our personal consciousness* are distinct, developed humans can exist as persons independent of consciousness. Therefore, it is plausible for an embryo to exist as a person before consciousness exists (Crosby 2003). Thus, according to Crosby, we must assume that an embryo is a person at fertilization.

John Finnis too claims that an embryo is a person from conception. According to Finnis, “An entity which, remaining the same individual will develop into a paradigmatic of a substantial kind already is an instance of that kind” (Finnis 1994). An embryo is a substantial kind of a human being that will develop into that human being. Thus, the embryo is an instance of the human being. Therefore, Finnis argues that the embryo and the developed human being are one and the same being that are at different stages within

development. Because the embryo and the developed human being are different instances of the same substance, the embryo is a person just as the developed human being is a person (Finnis 1994).

Going back to the 13th century, Thomas Aquinas claims that an embryo is a person if the embryo has a rational soul that “gives unity and being to an organism” (Meyer 2006). For a rational soul to be present, the rational soul must exist in a human being with the “appropriate organic structure” and with the potential for “the rational soul’s proper operations” (Eberl 2000). If Aquinas would have had access to our current knowledge of embryology, he would know that the human being with the potential for “the rational soul’s proper function” is present from conception (Eberl 2000). Thus, at conception, an embryo is a human being who is also a person.

When conception occurs, the embryo contains functions that guide its development including a complete genome. Thus, the embryo has the organization that gives it the potential to become a fully developed human being with rational thought that is informed by a rational soul (Brown and Eberl 2006). After conception, if the embryo implants into the uterus and attaches to the uterine lining, this environment will allow for its development into a developed human being with rational thought which is informed by a rational soul, and because the embryo is being internally guided by a rational soul, the embryo can be categorized as a rational being. Thus Aquinas, if he were alive today, would regard the embryo as a person.

If an embryo is a person from the moment of conception, we are obligated to treat the embryo as we would treat any other person. It is thus our concern, as persons, that there are spare embryos that remain frozen. In allowing these persons to remain frozen,

we are inhibiting them from experiencing life. Thus, we are not giving these spare embryos the rights and protections that we are obligated to give them as persons. Embryo adoption is a permissible way to fulfill our moral obligation to not kill another person. In the case of embryo adoption, allowing spare embryos to remain frozen is allowing them to die. Therefore, in fulfilling our moral obligation not to kill another person, we must make it permissible through embryo adoption to thaw and implant these frozen embryos and then allow them to gestate.

Critics of this interpretation of Aquinas, such as Norman Ford, claim that the embryo at fertilization is not the same entity as the embryo which is formed fourteen days after gestation. It is not the embryo at fertilization, but it is the embryo at fourteen days that will persist until the developed human beings ceases to exist. According to Ford, the mitotic cell divisions that occur up to this period result in multiple individual human beings which are not an “individual substance” with the capacity for rational thought (Ford 1988). Then, around day fourteen, a primitive streak, a thickening of cells that is the earliest indication of embryonic development, is present. Therefore, further division is not possible while cell differentiation within the embryo is evident. This primitive streak also illustrates the embryo’s potential to develop a cerebral cortex and thus acquire rational thought as well as be “informed by a rational soul” (Eberl 2000). Therefore, the fourteen day old embryo acquires personhood. Thus, an embryo becomes a person around day fourteen when this potentiality for rational thought is evident.

Other critics argue that the embryo could not be a person at conception. In the 17th century, John Locke claims that “a thinking intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing, in different times and

places; which it does only by that consciousness which is inseparable from thinking, and, as it seems to me, essential to it: it being impossible for any one to perceive without perceiving that he does perceive” (Locke 1975). He calls this a person’s consciousness. However, his reference to consciousness is like our concept of self-consciousness. According to Locke, consciousness holds the identity of a person and is the only mental capacity that constitutes the essence of a person. Therefore, according to Locke, someone must be conscious or “consider itself a self” to constitute a person. Therefore, a person must have a conception of himself (Locke 1975). For example, when a person looks in the mirror, his consciousness allows him to identify the person in the mirror as himself. According to Locke’s definition of consciousness, an embryo is not conscious. An embryo cannot distinguish between itself and its environment nor can it distinguish itself from others around it. An embryo also does not conceive of itself through different times and places. Because an embryo does not fulfill these qualities, the embryo is not conscious according to Locke’s definition of consciousness. Therefore, the embryo is not a person.

Just like Locke, contemporary philosopher Michael Tooley also claims an embryo is not a person at conception because an embryo at conception is not self-conscious. According to Tooley, embryos along with fetuses and infants should not be treated as persons because they are not self-conscious. In being self-conscious, a person realizes himself separate from others, and because he is self-conscious, he desires a future or continued existence which is definitive, Tooley argues, of being a person (Tooley 1972).

Tooley argues that something is a person “only if it possesses the concept of its self as a continuing subject of experiences and other mental states, and believes that it is

itself such a continuing entity” and desires to be a continuing entity over time (Tooley 1972). Beings that are not self-conscious do not have a desire for their own continued existence. Without this desire for continued existence, beings do not have a right to life. An embryo is not self-conscious, and thus does not realize itself apart from others nor does it have certain experiences and mental states. Therefore, embryos do not desire continued existence and are not persons nor do they have a right to life.

In applying Locke and Tooley’s arguments to the practice of embryo adoption, we would not be morally obligated to grant embryos the rights and protections of other persons. Because we are not morally obligated to protect these embryos as we would other persons, embryo adoption is not necessary for the purpose of protecting the rights of the embryo. It is not morally wrong to dispose of these spare embryos or to keep them perpetually frozen because the embryo does not have a personhood that we are obligated to protect.

Judith Jarvis Thomson claims “the fetus is not a person from the moment of conception”. Instead, she refers to the fertilized ovum as “a newly implanted clump of cells” which would be categorized as property and not a person (Thomson 1971). In the stage at which the embryo is a clump of cells, it does not have potentiality to be a person because this clump of cells is not of the same kind as the developed human being. It is hard to give a clump of cells, void of organs, limbs, and other qualities associated with being a person, the same moral respect as we do a person (Thomson 1971). To claim that an embryo is a person is analogous to claiming that an acorn is an oak tree. However, an acorn and oak tree are two entities just as a person and an embryo are two entities that are at different stages of development. An oak tree springs from an acorn like an embryo

gradually becomes a person. Thus, the earlier and incomplete stages of development are not the same as the later, full-grown, and complete stages of an entity.

Peter Singer claims that an embryo is not a person because it does not have the ability to have the necessary mental capacities such as sentience that result in interests or experiences (Singer 1979). These interests arise from sentience, which allow persons to have experiences such as pleasure, happiness, and anticipation of the future. All sentient beings have interests, and we have a moral obligation to these interests. However, “Since no fetus is a person, no fetus has the same claim to life as a person” (Singer 1979).

We as humans, according to Singer, should not value our own species above other nonhuman species. Some animals such as pigs and chickens have some mental capacities that human embryos do not have. Therefore, “the life of a newborn is of less value than the life of a pig, a dog, or a chimpanzee” (Singer 1979). The difference between nonhuman animals and human embryos is that human embryos have the potential to become persons. However, this potentiality does not classify the embryo as a person but merely a *potential* person. A potential person is not morally equivalent to a developed person who, in actuality, possesses all of the qualities of personhood. Because an embryo does not fit the criteria for personhood but only has the *potential* to have personhood, an embryo is not a person. Therefore, an embryo is not a member of the moral community that is owed equal moral rights and protections of developed persons (Warren 1978).

Mary Ann Warren describes what she calls the “Sentience Only View” in which sentience is a necessary condition for personhood and is the only requirement for full personhood. Therefore, if a being is sentient we have a moral obligation to treat it with full moral status. Some nonhuman organisms are sentient, and under the Sentience Only

View, these nonhuman organisms would have a moral status equivalent to the moral status of a developed human being (Warren 1997). For example, mice are sentient animals, and because a mouse can feel pain, its moral status is equivalent to my moral status as a developed human being.

Warren presents the environmentalists' objection to the Sentience Only View. Environmentalists object to the Sentience Only View because it does not give moral status to any organisms without sentience such as plants. Some environmentalists claim that plants should have moral status because of their important role in the biological community (Warren 1997). In giving moral status to plants, we would be morally obligated to protect the plants.

Warren responds to the environmentalists by arguing that granting equal moral status to all sentient beings "would severely endanger our own survival" (Warren 1997). In granting all sentient beings equal moral status, we would be prohibiting activities that are essential to survival such as hunting animals and plants for nourishment or farming. For example, farming to produce vegetables and fruits inadvertently kills small sentient beings such as worms and other insects. However, we, as human beings, need the food produced from farming for nourishment to survive.

Because there are so many problems with the Sentience Only View, Warren argues that sentience is only one consideration to which others should be added (Warren 1997). Therefore, Warren offers a Sentience Plus View that tries to escape some of the weaknesses that the Sentience Only View cannot escape. In the Sentience Plus View, sentience is a criterion for moral status. However, sentience is not the only criterion for moral status unlike the Sentience Only View. We have a moral obligation to any

organisms that are sentient, but based upon the organism, we can grant a stronger moral status to certain organisms over others. Therefore, sentience gives organisms some moral status but not necessarily full moral status.

David DeGrazia argues that sentience is central to personhood such that an embryo becomes a person at the point during gestation when the fetus becomes sentient. With sentience, an embryo is able to perceive sensations from our environment, such as pain. Because sentience is a state of consciousness, an embryo must also have consciousness to have sentience. An embryo acquires sentience around twenty to twenty-four weeks gestation. Therefore, an embryo also acquires personhood around twenty to twenty four weeks gestation (DeGrazia 2005).

Though Don Marquis does not claim that an embryo is a person at conception, he uses a concept called the “future of value” account to argue that we are still morally responsible for frozen, unused embryos given that embryos are not persons but have the *potential* to become persons. He claims that the person resulting in the future is a continuity of the embryo at conception. Therefore, the embryo will eventually have valuable experiences and activities that occur with personhood (Marquis 2006). Before conception, there is no entity that is the same entity as the later person that has the valuable life. The embryo is thus an antecedent to a person in the future of value.

Because the future person is a continuity of the embryo, we have the same moral obligation to embryos as we do to the future persons. Therefore, in not allowing the embryos to gestate through embryo adoption, we are inhibiting the embryos from all potential for value in its future. This potential for value in its future consists of all of the commodities of life that a person would have experienced if the embryo would have been

allowed to gestate (Marquis 2002). Thus, we are obligated to protect the person's future of value by also protecting the embryo. If we allowed the embryos to remain unused, we would be depriving the future person of a valuable future filled with experiences that it would have (Marquis 2002). Embryo adoption allows us to protect the embryo by allowing it to gestate so that it can continue into personhood. Thus, the future person who continued from the embryo can have the experiences and carry out activities in its future.

Critics to Marquis' future of value account, such as Jeff McMahan and Mark Brown, claim that there must be psychological connectedness between the embryo and the future person in order for us to be concerned about the welfare of the embryo after conception. For embryos to have psychological connectedness, embryos have to be able to construct mental representations of valuable futures over time. This cannot occur before the ability to be self-conscious. Therefore, the embryo is not connected to itself in the future. Thus, we, at most, need to be weakly concerned about the life of the future person at the embryonic stage (Brown 2002; McMahan 1999).

Robert Lovering also claims that "futures are valuable insofar as they are not only dominated by goods of consciousness, but are experienced by psychologically continuous persons" (Lovering 2005). Therefore, along with Brown and McMahan, Lovering argues that an embryo is not a person because an embryo does not have psychological continuity and thus is not a person to begin with. In order to speak of a future of value, we must refer to a person. Marquis cannot refer to the future of value of an embryo. Therefore, the embryo cannot continue through the development of the future, and because an embryo cannot experience its future through this continuity, the embryo does not have a future of value.

Although much earlier, Locke would also disagree with Marquis and claim that the embryo does not have a future of value. The embryo has the potential to become a person who would have a valuable life of a later stage of the person. For an embryo to remain the same entity through the development of the person, a spiritual substance, much like a soul, must continue from the embryo into the person with consciousness remaining intact (Locke 1975). The spiritual substance contains a person's consciousness. However, an embryo does not have this spiritual substance because an embryo does not have consciousness.

Derek Parfit claims that the essence of a person is the "psychological connectedness" or "continuity" between mental events. We survive as persons through time as long as the R-relation persists from my person-stage now to my person-stage in the future. This R-relation involves overlapping links of psychological connectedness. Therefore, a person constitutes the R-related continuum of person stages, and memory is a component of this continuum or connectedness. Personhood begins with the first R-related stage and ends with the last R-related stage (Parfit 1984).

Parfit further claims that we are not able to be human beings without sentience. Personhood can only be given to those human beings who are sentient because sentience indicates that there will be a future person-stage who is R-related to it (Parfit 1984). An embryo void of sentience has no indication of future person-stages that are R-related. Therefore, an embryo is not a person. Thus, we are not morally obligated to carry out embryo adoption for the sake of saving the person's future of value because the embryo and the person are not psychologically connected. While the person has a future of value, the embryo does not have a future of value. Because the embryo and the person are not in

relation to each other, we do not have to protect the fetus for the sake of the future person's value.

Earl Conee does not identify a point in gestation at which a fetus becomes a person. He instead takes a moderate position by claiming that an embryo becomes a person gradually throughout gestation. Personhood is slowly acquired as development progresses as opposed to being abruptly acquired. There is not a definite point that separates non-persons from persons (Conee 1999).

The more developed the fetus is, the more importance or more value it has because it has a greater degree of personhood. As the fetus progresses through gestation and nears birth, the fetus becomes closer to being fully gestated and thus is owed more of our protection. An embryo at conception would not gain the protection that a fetus at eight months gestation should receive. Because embryo adoption occurs just after conception with implantation of the embryo into the uterus and then the gestation process occurs, the embryo would not be owed any protection.

Warren Quinn uses this concept of gradually acquiring personhood through gestation by offering the *process* theory of personhood, in which it is claimed that "fetal development is a process in which an individual human being gradually comes into existence". Thus, there is a gradual increase in personhood. Quinn compares an individual gradually coming into existence with a house that is under construction, and is gradually being built (Quinn 1984). Beginning with conception, an embryo is a person in the making as it gradually becomes a person in the gestation process. Therefore, the fully developed person already exists in the embryo to a certain degree, and as gestation

progresses and the embryo becomes closer to this full personhood, the moral consideration we owe the embryo also increases.

The embryo is not merely changing the properties it possesses, but is changing as a being by gradually developing into full personhood. However, “through all these changes it will remain one and the same biological organism” (Quinn 1984). As the embryo gradually comes into existence through the process of gestation, it becomes more like us. Therefore, the embryo has an increasing moral claim to the rights and protections that fully developed persons have as gestation progresses.

Critics of the process theory claim that personhood is instantaneous. These critics would include those people who believe personhood begins at the instant of conception. They argue that the gradual change presented in the process theory is incoherent because gradual change occurs to an individual who already exists but acquires new properties over time. However, the process theory claims that personhood can be acquired during the time in which the individual is still developing but does not fully exist (Quinn 1984). Therefore, an embryo could not acquire personhood gradually because it would already exist as a person before it could undergo gradual change as part of the process theory.

Some philosophers claim that an embryo becomes a person at some point during gestation when certain properties develop. McMahan claims that to be a person, “one must have the capacity for self-consciousness” (McMahan 2002). Thus, one is essentially an embodied mind or “essentially an entity with the capacity for consciousness” (McMahan 2007) and though “we coexist with our organism throughout our life”, our organism exists before we begin to exist.

Because we are not identical with our organisms, McMahan further claims that our organism can continue to exist after we cease to exist. Thus, he uses our death as persons to illustrate when it is that we begin to exist as persons. McMahan argues that we cease to exist when higher-brain death occurs in which we continue to function as living organisms, but we permanently lose the capacity for consciousness. Therefore, it is natural to say that we begin to exist as persons when we develop the capacity for consciousness. Since brain function resulting in the capacity for consciousness does not begin until after twenty weeks of gestation, we do not begin to exist until around twenty weeks gestation (McMahan 1999).

Leonard Sumner holds that all sentient beings have a degree of moral standing, and sentience is the criterion by which we judge moral standing. However, sentience varies and therefore moral status varies with gestation. The more developed the being is, the greater degree of sentience the being has and the greater the moral status. With a greater degree of sentience, an organism has a greater moral standing (Sumner 1981). For example, a fetus at eight months development is less developed than an adult human being. Therefore, a fetus at eight month gestation has less sentience than a fully developed human being. Thus, a fetus has less moral standing than a fully developed human being.

I claim, along with McMahan, that we are essentially minds. Thus, to be a person, an entity must have the capacity for consciousness. In claiming this, I am making it known that I am a property dualist. Though I do not have time to defend this position, in being a property dualist, I argue that our mind is separate from our brain but cannot exist without the presence of our brain as it is emergent from the brain. I also claim that with

this capacity for consciousness, we gain the capacity for sentience. Though there is controversy over when these capacities arise, consciousness and sentience are estimated to occur between twenty and twenty-four weeks gestation (Gillon 2001).

I must note that I am using the term *person* in the way in which I believe you are using the term *person*. I am referring to person in a metaphysical sense in which personhood indicates the presence of certain nonmoral psychological properties that are properties which are descriptive of all and only persons without regard to moral concepts (Beauchamp 1999).

I do not claim that complete personhood is acquired at this time when the fetus develops the capacity for consciousness and sentience because complete personhood consists of “the ability to use language, rationality, and moral agency” (Steinbock 2006). The fetus certainly does not have all of these properties of personhood until some later point in development.

Also, self-consciousness is a property of personhood that does not occur until later in development. Unlike consciousness and sentience which are acquired with brain activity, a human being’s self-consciousness does not develop until more sophisticated cerebral activity occurs, which happens with maturation after birth. Self-consciousness further sets human fetuses at a higher moral standing than other nonhuman animals because although nonhuman animals have psychological lives, nonhuman animals do not develop self-consciousness to the extent that developed human beings do (Mitchell 1992).

Though a fetus does not have complete personhood which comes from having consciousness, sentience, and self-consciousness, the fetus is conscious, sentient, and

does have the potential for complete personhood (self-consciousness). These are significant characteristics that convey partial personhood. Thus, consciousness and sentience along with the potential for complete personhood (self-consciousness) attribute a fetus with having a sufficient degree of personhood to afford them the protection that we give to other persons. Therefore, when the fetus develops the capacity for consciousness and sentience and thus the potential for self-consciousness, the fetus should be respected as having personhood and the potential to become a further developed person.

Although there is biological functioning leading up to neural formation as well as a primitive streak which indicates the beginning of the embryo growth and development earlier in gestation, these are only precursors to the brain functioning that occurs between twenty to twenty-four weeks gestation. At twenty to twenty-four weeks when the brain allows for sentience and consciousness, the brain becomes the basis for intellectual activity. Before this time, the fetus does not have a functioning brain. Thus, we cannot describe the fetus as having the capacity for consciousness and sentience because brain functioning is not present to convey this capacity.

Consciousness results from mental states made possible through brain activity occurring between twenty and twenty-four weeks gestation. These mental states allow persons to have experiences because they are able to have an awareness of their surroundings and their sensations. From these experiences, they have interests. Through these interests, they can value their own life as well as others' lives by identifying others' interests and values. Therefore, we have a moral obligation to protect those persons with consciousness because they have interests and rights worth protecting.

At the time of embryo adoption, an embryo does not have brain activity. Therefore, an embryo does not have consciousness. Thus, an embryo cannot have the mental states that allow for awareness or experiences. Because an embryo, at this point in gestation, cannot have these mental states, the embryo does not have interests. Because the embryo does not have interests, we are not obligated to protect these interests through the practice of embryo adoption.

Sentience is also made possible through consciousness. It is a state of consciousness in which we are aware of and able to perceive sensations from our environment (Gillon 2001). Sentience is a morally significant capacity because it allows us to have experiences and relate those experiences to other human beings. For example, because I am sentient, I can feel that placing my hand on a hot stove is painful. I can also identify with the pain of another person when he places his hand on a hot stove. Therefore, with sentience, we can value our own lives and experiences as well as relate to and value the lives and experiences of other persons. Sentience is also important to personhood because our sentience and resulting similar experiences and interests also allow us, as people, to live together in a moral community.

People usually think that it is morally wrong to inflict pain and cause harm to a person (Beckwith 1991). Without sentience, we would not have the ability to experience anything including the ability to experience pain. Without having painful experiences, a person cannot be harmed. A presentient embryo cannot have experiences such as painful experiences. Thus, they cannot experience harm. Because a presentient embryo cannot feel pain and thus cannot be harmed, they are not persons. Therefore, we do not have a moral obligation to treat these embryos with the rights and protections of other persons.

Marquis disagrees with me by claiming that because the future person is a continuity of the embryo, harming the presentient embryo would be harming the value of the future person because the presentient embryo is identical to the future person who will develop. Therefore, we have a moral obligation to protect presentient embryos, and in protecting the presentient embryo, we are also protecting the future person because the presentient embryo can one day be a person.

However, I reply to Marquis by arguing that even though the presentient embryo could give rise to a future person, the presentient embryo can never be identical to the future person because persons are essentially conscious (likewise embryos are essentially non-conscious). Thus, the person cannot be identical to the presentient embryo because the person cannot exist without consciousness, and the presentient embryo is not conscious. Therefore, because the sentient person cannot be identical to the presentient embryo, we cannot harm the presentient embryo's future of value and do not have a moral obligation to protect the presentient embryo.

Critics might argue that experiences of harm are being confused with the reality of harm. A person can be harmed without experiencing the hurt that is associated with being harmed. For example, a human being who is unconscious may stop breathing and die. Thus, he is harmed, but because he was unconscious when he died, he did not have the experience of harm. Therefore, just because an organism cannot experience harm does not mean that they cannot be harmed.

Embryo adoption occurs prior to gestation. At the point where embryo adoption occurs, the embryo does not have sentience nor has the embryo ever had sentience. Because the embryo is not sentient, it cannot have experiences such as pain. Thus,

embryos are not persons, and do not have an interest to live. We are not morally obligated to protect their moral status because they have none. Therefore, embryo adoption is not necessary in order to protect the interests of these embryos because these embryos are not persons and thus do not have interests.

Critics to my claim, such as Peter Singer, who argue that sentience is a necessary condition to personhood, would argue that if sentience is a condition of personhood then sentient nonhuman animals would qualify as persons as well. This shared characteristic of sentience gives both persons and nonhuman animals the ability to experience harm. Persons usually argue that it is morally wrong to inflict harm on anything that can suffer from the harm for no good cause (Singer 1979). Therefore, why are we morally obligated to protect the interests of persons who are sentient while we do not have a moral obligation to nonhuman animals who are sentient?

I claim that while both developed persons and some animals are sentient and thus have experiences such as pain, developed persons have a stronger moral status because they are rational and self-conscious. Furthermore, human fetuses have stronger moral rights than nonhuman animals because they have the potential to be rational and self-conscious to the degree that a developed person is rational and self-conscious. Therefore, humans have a higher moral status than nonhuman animals because humans are rational and self-conscious.

Humans also have a higher moral status than sentient animals because humans are self-conscious in that humans are aware of the world around them and their experiences within the world allowing them to have goals and aspirations. Humans also have psychological continuity such that they can take these experiences in the past or present

and recall them in the future, where as animals cannot think or reason and thus are not self-conscious. While animals are conscious in that they are aware of their bodies and the world around them, animals do not have psychological continuity such that they cannot conceive of their past or their future (Carruthers 1992).

With consciousness and sentience, Francis Beckwith argues that persons who are comatose, momentarily unconscious, and sleeping would be nonpersons in these instances in which they are out of conscious and thus not sentient. However, it is not reasonable for consciousness and sentience to be necessary criteria for personhood because those people who are comatose, momentarily unconscious, and sleeping still persist as persons without the qualities of consciousness and sentience (Beckwith 1991). Therefore, a reasonable person would not tolerate putting someone who is sleeping to death because he is still a person.

I claim that those persons who are comatose, momentarily unconscious, and sleeping were once actively sentient. With their current state, their sentience is dormant. Thus, persons who are comatose, momentarily unconscious, or sleeping have the potentiality to be sentient again. However, they did not cease to have this capacity. They continued to have the ability to be conscious. However, they did not exercise this capacity until they regained unconsciousness, but they did not cease to be the same person as they were before their consciousness was halted.

If those who are comatose, momentarily unconscious, and sleeping have no capacity to regain consciousness and thus sentience, they no longer exist as a person. They are dead. When a person is brain dead such that the person's whole brain has ceased to function, he no longer has an inherent capacity for consciousness or sentience. Thus,

he no longer can function as a person. Therefore, it is not morally wrong to withdraw the medical support that maintains his bodily function because his brain is not functioning, and he does not have the mental capacities necessary for life as a person. Furthermore, we are justified in withdrawing life support because the resulting death of his body cannot deprive him of his personhood. He was deprived of his personhood when his brain stopped functioning.

In the case of a human embryo, embryo adoption occurs before gestation begins. Therefore, unlike the comatose, momentarily unconscious, or sleeping persons, the embryo has never had personhood. Embryos do not have brain activity until 20-24 weeks of gestation, and therefore, they do not have mental capacities such as consciousness. Unlike temporarily unconscious persons, they do not have the potential to return to conscious or sentience. Therefore, they were never persons.

I argue that because embryo adoption occurs before gestation, we are not morally obligated to treat the embryo as a person. Prior to 20-24 weeks gestation, an embryo does not have the capacity for consciousness or sentience. Therefore, because embryo adoption occurs prior to gestation, an embryo is not conscious or sentient during embryo adoption and thus is not a person. At the time of embryo adoption, the embryo is rather a mere precursor to a human organism (DeGrazia 2005). Therefore, the embryo does not have interests or a claim for the rights and protections as other developed persons have, and because embryos are not persons, we are not morally obligated to carry out the practice of embryo adoption. Therefore, I must find support for embryo adoption elsewhere.

Although I claim that we are not obligated to carry out the practice of embryo adoption because embryos are not persons to whom we are morally obligated, I argue that embryo adoption is a favorable means of having a child because it benefits the couple. Unlike the embryo, the man and the woman participating in embryo adoption are persons. Therefore, they have rights, including the right to procreate. If the couple wishes to procreate by means of embryo adoption, who are we to deny them of this right? Thus, even though embryos are not persons, embryo adoption remains a favorable and ethical means of procreation for those husbands and wives who are persons.

Embryo adoption further remains favorable as a means of reproducing because it allows us to utilize otherwise unused embryos by implanting them into a uterus and allowing them to gestate until birth. There are spare frozen embryos that are taking our resources including energy and space while they remain frozen and stored in a freezer. It takes energy to keep the embryos in a frozen as well as space to allow them to remain in the freezer. Thus, embryo adoption allows couples to utilize the surplus of embryos for their own desires while also keeping us from having to expend our energy and resources. Therefore, we are obligated to make embryo adoption a permissible means of procreation.

CHAPTER TWO: MARRIAGE, SEX, AND EMBRYO ADOPTION

Embryo adoption places the institution of marriage under question because in embryo adoption an embryo that is not genetically linked to either parent is placed into the uterus of the wife. In addition to placing the institution of marriage under question, embryo adoption raises the question of when procreation is appropriate. This controversy is sparked because embryo adoption is an untraditional way of procreating children within a marriage.¹ Therefore, we are also forced to examine the relationship between procreation and marriage.

Some philosophers claim that embryo adoption is immoral because it violates the union of marriage by implanting an embryo into a woman that is not genetically linked to either spouse. However, other philosophers argue that the practice of embryo adoption is justified and does not violate the marital union because marriage and procreation are separate activities. I claim that although embryo adoption calls marriage and procreation into question, embryo adoption does not hinder the marriage relationship because procreation and marriage are not intrinsically linked. Therefore, embryo adoption remains favorable as another way to procreate within marriage by allowing a couple to experience parenthood without violating the union of their marriage. I also claim that because marriage and procreation are not intrinsically linked, it is moral to utilize embryo adoption outside of the marriage relationship such as in same sex partnerships or single parent situations.

I will begin by exploring the nature of the marriage relationship. Is marriage a naturally occurring relationship, or is it socially imposed? I will begin by offering Lisa

¹ According to Reginald Finger, PhD. of the National Embryo Donation Center, from 7 embryo adoption programs throughout the United States in 2006, 213 adopted embryos were transferred which resulted in 97 pregnancies.

Cahill's definition of marriage, and then I will describe the concept of marriage from different perspectives including a social, religious, and a personal perspective. Socially, I will look at marriage as a contractual relationship and as a commonwealth. I will then explore marriage from the religions of Catholicism, Lutheranism, and Calvinism. From a personal perspective, I will explore the relationship between marriage and friendship. Finally, I will describe how the concept of marriage is understood today. After considering the marriage relationship, I will also reflect upon the advantages of being in a marriage relationship and will explore the role procreation plays within a marriage. I will conclude by considering the relationship between marriage and procreation as well as considering whether embryo adoption violates the marriage relationship.

In my discussion of marriage, I am referring to marriage as a commitment between a man and a woman. However, I must note that there are other relationships including same sex marriages or partnerships that involve a mutual commitment between two people much like a marriage relationship between a man and a woman. Although I will not have the opportunity to discuss these same sex relationships and mutual commitments in detail, these relationships can also result in the rearing of children to constitute a family.

The definition of marriage varies among and between cultures as well as through generations. Lisa Cahill claims that the marriage relationship is found in the commitment to share one another's lives both socially and personally. Therefore, marriage has two dimensions including a spiritual and a physical dimension. These dimensions are the core of the relationship, and within this spiritual and physical connection, married couples also

make a commitment to be partners to one another and to share any parental responsibilities equally (Cahill 1988).

The spiritual dimension is captured in the mutual commitment between the couple. They share a mutual commitment to one another, to their children, and to society. The physical dimension of marriage is found within the spouses' conjugal act that enhances their relationship and may result in parenthood. However, this conjugal act does not have to result in procreation. Procreation is secondary to the significance of the relationship between the husband and wife which is the primary significance of marriage. The physical relationship is also indicated by the sharing of material goods (Cahill 1988).

The marriage relationship is a common relationship in so much that it has been a frequent relationship throughout history and continues to be a prominent relationship today. However, philosopher Dan Moller claims that marriage is an abnormal relationship that should not be expected to last because it is not practical to be able to uphold a promise to love someone forever. It is beyond our control as human beings. According to Moller, there is a high probability when you get married that you will cease to love your spouse at some point during the duration of the marriage. Likewise, your spouse could cease to love you at some point during the marriage. Because most reasonable people would agree that it is undesirable to be married without mutual love for one another, and it is probable that the marriage could lack mutual love at some point, marriage is undesirable and not within human nature (Moller 2003).

Moller uses the Bachelor's Argument to support his claim that marriage is an impractical relationship. According to this argument, if marriage is a commitment to be in a lifelong relationship with someone, then it is a foolish relationship because it binds

us to a relationship even after mutual love has ceased. However, if in fact a marriage does cease to exist when love ceases, then marriage loses its authority as a committed relationship (Moller 2003). It would become like any other relationship that is not legally binding such as friendships. Thus, people could easily leave marriage just as people can simply leave friendships.

Critics to the Bachelor's Argument claim that because we do not know if mutual love will cease within a marriage, we should take our chances and get married. It is true that our mutual love may cease to exist at some point within the marriage. However, if our mutual love does not cease, by getting married we will have not lost anything. If we choose to marry and our mutual love does cease, we will have still experienced mutual love for a period of time within the marriage, and when mutual love ceases, we can then morally break our commitment to one another because we made the commitment with the intention that the commitment would always be one of mutual love (Moller 2003). Because the circumstance of mutual love ceased to exist, the couple should not be expected to uphold their commitment.

Some might claim that there is no purpose in getting married if the commitment of marriage is based on the premise that it may end at some point in the future. Thus, people should maintain indefinite, non-binding relationships in place of marriage. However, I would argue to the contrary that indefinite, nonbinding relationships in fact do not provide the asset of long-term stability that is optimal for raising children within an arrangement that is mutually agreed upon and that does not require court intervention, with both parents present full-time; nor does it provide necessary assets for the best possible nurturing of children into adulthood.

Iddo Landau, a critic of Moller's claim, argues that marriage is a common and desirable relationship. Though Landau agrees with Moller that we cannot control our love for another person, there are many actions that indirectly help strengthen and maintain our love for our spouse over time. Landau claims that while love must be present before the marriage commitment is made, the commitment within marriage is also a commitment to perform love sustaining acts which will indirectly help sustain mutual love over time within the marriage (Landau 2004). Therefore, through indirect measures, couples are able to maintain their love for each other throughout their lifetimes and thus maintain a marriage of mutual love.

These love sustaining acts include providing emotional support for your spouse, helping your spouse deal with physical difficulties, as well as sharing your spouse's interests and feelings (Landau 2004). For example, attending the theatre with your wife even though you do not enjoy it is sharing in your wife's interests. Therefore, attending the theatre, in this case, would be considered a love sustaining act. This is an act of support for your spouse and shows her that she is important to you.

Moller replies to Landau by arguing that Landau's claim that love sustaining acts are imperative to a lasting marriage reduces the worth of marriage to a spouse's effectiveness of promising to perform love sustaining acts and the ability to perform these acts. Moller argues that this reduction of marriage to the mere promise and ability to perform love sustaining acts is not practical. Too often, marriages fail despite any love sustaining acts (Moller 2003). For example, even though a wife may share in her husband's interests by playing golf every Sunday or supporting him physically by exercising with him so that he stays healthy, their marriage may still fail in sustaining

mutual love despite these acts of support. Likewise, even if a husband takes up tennis so that he can share in the activity with his wife or always does the laundry to reduce some of his wife's stress, these love sustaining acts may not be able to sustain the couple's mutual love within their marriage. Therefore, marriage cannot be based alone on these love sustaining acts.

Moller claims that the success of a marriage is rather the ability to sustain the *feelings* that the love sustaining acts promote. This ability to sustain feelings in order to promote marriage is much like friendship in that in a friendship, people sustain feelings towards each other for the duration of their friendship. People do not enter a friendship with the intention of performing acts which maintain the friendship. Likewise when people make a commitment to each other in marriage, they often do not consciously consider this a commitment to include these love sustaining acts. They instead consider marriage to be a permanent relationship as opposed to a hope that love sustaining acts will succeed in maintaining their marriage relationship (Moller 2003).

Critics of Moller, such as Landau, would argue that the ability to sustain feelings for the purpose of maintaining a marriage is not comparable to a friendship. Mutual good feelings are shared in a friendship because friends do things for each other that create and maintain these good feelings. For example, when a friend makes dinner for another friend, good feelings are shared between the friends. Unlike Moller, critics would argue that these mutual good feelings could not exist without these acts for each other. Likewise when referring to marriage, the mutual love between a couple would not last unless they did things for each other which helped to sustain these acts.

From a social perspective marriage can be considered a social estate that is bound by the expectations of the community and bound to the laws of the marriage contract. Marriage can also be considered to fulfill the social function of acquiring goods as well as procreation which ensures the perpetuation of a society by raising the children within the existing society (Witte 1997).

Currently, the United States recognizes two types of marriage. These marriages are civil marriages and religious marriages which occur between a man and a woman. Social capital gained during the marriage is seen as a product of the marriage relationship (Borten 2002). Civil marriages are granted by the United States government and give legal rights and obligations to the couple; whereas a religious marriage is a right that is recognized by the church. With religious marriages, the church is the authority for who can and cannot get married (Pawelski, et al. 2006).

In the seventeenth century, John Locke had an image of the marriage and family as a type of commonwealth or organized body of people. In *The Second Treatise on Civil Government*, he claims that marriage and family parallel the vision of the larger political commonwealth. Marriage, like a political commonwealth, is a contracted society in which there is a voluntary association between a man and a woman. Within this association, the man and the woman have the autonomy to create an independent legal and civic entity we refer to as a family. It is when procreation occurs within a marriage that the husband and wife are “obligated to preserve, nourish, and educate” their children (Locke 1986).

By paralleling marriage and family with a political commonwealth that encourages individual rights and liberalism, Locke gives women property rights as well

as responsibility in raising children. However, Locke grants men greater decision-making power within the marriage. In fact, Locke claims that the man is “abler and stronger,” thus encouraging the subordination of a wife to her husband (Butler 1978). Therefore, although Locke imagined marriage and family as a type of commonwealth in which women had responsibility, he perpetuated women’s inferiority to men through his claims that men are stronger and more able than women.

Although the concept of marriage as a contract is popular in the twentieth century, in his nineteenth century book, *Liberty, Equality, and Fraternity*, James Stephen claimed that we are disregarding nature if we allow a contractual view of marriage. This contractual view of marriage falsely assumes that men and women are equal. Along with other people of his day, Stephen claims that “men and women are fundamentally unequal, and this inequality will show itself by making women vulnerable to abuse from men who are superior by nature and will no longer be obligated to protect them and can dismiss them from the marriage when they see fit” (Stephen 1873).

Also in the nineteenth century but unlike Stephen and other people of the century, John Stuart Mill supported marriage as a contract between a husband and a wife. He argues that like a contract, a husband and a wife should be equal both socially and under the law. In *Essays on Sexuality*, Mill, along with his wife Harriet Taylor Mill, further claims that there is no innate inferiority between men and women which would support the treatment of women as dependent upon men or indicate that women are inferior to men (Mill and Mill 1970). They are major advocates for giving women more opportunity within society, including opportunity for education and employment. They also promote

marriage as a relationship that should be filled with understanding and sympathy (Mill 1971; Witte 1997).

Mill's support of marriage as a contract is a major break from the view of his society in which a "woman is dependent for her social position upon the fact of her being or not being married" (Mill and Mill 1970). Unlike others of their time, Mill and his wife claim that social standing should not be a motivation for marriage. Rather, the only motivation for marriage should be happiness and love between two people (Mill and Mill 1970).

During the twentieth century and more frequently today, marriage has been considered a type of contract between two people that can be formed, maintained, and dissolved when the couple deems it appropriate. This contract makes clear each couple's role and contribution within the marriage. The idea of marriage as a contract has helped to promote equality within a marriage because each person is expected to contribute equally to the relationship (Witte 1997).

Many religions also have teachings guiding marriage relationships. In religion-based marriages, men and women adopt certain moral principles and honor certain rituals which they aim to uphold throughout their marriage (Witte 1997). I will give the religious account of marriage from the perspective of three common Western religions including Catholicism, Lutheranism, and Calvinism.

In Catholicism, marriage is a sacrament. In referring to marriage as a sacrament we are referring to marriage as an outward sign and cause of grace which serves to bring us to heaven (Witte 1997). In the Catholic marriage sacrament, the purpose of the marital union is to serve as a function for the procreation of children who should be raised and

educated to love and serve God. Marriage within Catholicism is also the mutual support between spouses (Lawler 2002).

This intention for procreation within the marriage relationship also allows spouses to utilize their sexual desire in a way that is not sinful. Instead, sex has both unitive and procreative dimensions. With the unitive dimension of sex, a couple becomes two in one flesh through their expression of love in which they are vulnerable to and intimate with each other during sexual intercourse. In a mutually supportive relationship, a couple can also procreate through their permanent conjugal union in order to produce children who will serve God, the church, and the community as opposed to utilizing their desire for pleasure alone (Lawler 2002).

The marriage relationship between a husband and a wife also symbolizes the relationship between Christ and Church. Therefore, the relationship between Christ and his Church is a model of the sacrament of marriage; and just as the relationship between Christ and his Church is indissoluble, so is the marriage relationship (Lawler 2002).

In the 16th and 17th centuries, Protestant reformers began to question the model of marriage as a sacrament. Like Catholicism, Protestant religions, including Lutheran and Calvinist religions, claim that a marriage should be a voluntary and mutual commitment between a man and a woman that also provides protection for both spouses and children of the marriage. However, Lutherans and Calvinists do not consider marriage to be a sacrament (Lawler 2002).

In the Lutheran religion, marriage is not a sacrament of the church, but is a relationship that contributes to the lives of the people within the entire community. Thus, the Lutheran religion emphasizes marriage through a social model legalized by the state,

not by a higher power. According to Lutheran teachings, God has given us marriage and families so that we all may be witnesses to his love (Witte 1997). Therefore, marriage is a contract between a man and a woman for the good of the community.

Because of the social model of marriage, Lutheran marriages are subject to civil law as opposed to canon law by which Catholic marriages are held accountable. Because marriage is subject to civil law, Lutherans recognize that marriage relationships can be broken. Thus, divorce is acceptable in situations of adultery, abandonment, and cruelty. Remarriage for the innocent party in these circumstances is also acceptable (Witte 1997).

Procreation within Lutheran belief is not an obligation of sexual intercourse. The sexual relationship within a Lutheran marriage not only functions as a means for procreation, but the Lutheran religion recognizes that the sexual relationship within a marriage allows spouses to express love for one another (Witte 1997).

Unlike Lutherans and Catholics, Calvinists emphasize marriage as a covenant which is an agreement between God and his people and in which God, the couple, and the community all play a role within the marriage covenant that is legalized by both the church and the state. God draws a husband and a wife into a covenant with one another in which they are called to be faithful and make sacrifices for one another (Witte 1997). This covenant, providing permanence and fidelity, signifies the loving relationship between God and his people and is God's way of "organizing, sustaining, and reclaiming relationships established in creation but damaged in sin" (Gushee 2006).

In 1536, John Calvin divided the church into two kingdoms, the earthly kingdom and the heavenly kingdom. Marriage and family belong to the earthly kingdom, and

within marriage, God calls the couple to love and support one another, procreate and care for children, as well as keep one another from sexual sin (Witte 1997).

For some philosophers, marriage is comparable to a friendship. Friendship is the “mutually acknowledged and reciprocal exchange of goodwill and affection that exists among individuals who share an interest in each other” (Aristotle 1985). In the 4th century B.C.E., Aristotle claimed that friendship is a partnership in which each person improves the other person. Thus, he argues that friendship is a type of virtue. According to Aristotle, there are three types of friendships including “friendships of utility, friendships of pleasure, and friendships of the good.” Friendships of utility are based upon a person’s value to another person, and friendships of pleasure are based upon the enjoyment that one person derives from another person. In these friendships, the relationship only lasts as long as there is utility or pleasure to be gained (Aristotle 1985).

However, friendships of the good are based upon the virtue of love and wish for good to come to the other person. Aristotle argues that those who love each other wish goods to each other, and these people wish to spend time together in order to gain the goods of their friendship. This type of friendship between people who are similar in virtue allows for both people to grow from one another (Aristotle 1985).

Because friends have common interests and take pleasure in each other’s companionship, they desire to spend their time together. Aristotle also acknowledges that humans tend to form couples before they form communities. This indicates that couples are integral in the formation of a community and thus are more important (Aristotle 1985). Both friendship and specifically friendship between a man and a woman appear to be effortless and fulfill this tendency to form couples and spend time together. Thus, the

characteristics common to friendship are often characteristics that are common to marriage. Critics of Aristotle would argue that components to a successful marriage such as a sexual relationship resulting in procreation as well as legal obligations including certain duties and obligations are not present in a friendship. Therefore, marriage cannot mimic a friendship (Aristotle 1985).

Though Aristotle finds commonality between friendship and marriage, Aristotle illustrated the patriarchy of his time by perpetuating the inequality between men and women claiming that women are innately inferior to men. He claims that the biological differences between men and women translate to differences in human nature. According to Aristotle, “A man is a male in virtue of a particular ability, and a female in virtue of a particular inability” (Aristotle 1985). He argues that women are “defective by nature” and declares that women are defective males (Aristotle 1985). Therefore, women are not the proper form of a human.

An example of the defective nature of women is their inability to produce semen. According to Aristotle, semen, which a man contributes during intercourse, contains the active principle which is sufficient to transform the matter (i.e., menstrual blood) provided by a woman into a human being. However, the woman, as a gestational mother, only contributes nourishment in order to foster the growth of the human being (Aristotle 1985). Because women are innately inferior to men, men have a likely superiority over women.

In *The Subjection of Women*, John Stuart Mill claims that friendship should be promoted within marriage. In fact, Mill argues that friendship is “the ideal of marriage” allowing for shared thoughts which create a solid foundation for friendship based on

equality which would promote human development. Thus, marriage would become a “school of genuine moral sentiment” that would lead to the progression of society (Mill 1971). In order to promote friendship within marriage, Mill argues that equality between women and men should also be promoted within marriage as well as under the law.

Mill uses the analogy of the relationship between the master and slave to describe the relationship between husband and wife of his time, claiming that society gives women little option but to marry, and become subordinate to their husbands (Mill 1971). He claims that husbands and wives should be able to buy, hold, and sell property. Husbands and wives should also have equal rights to obtain a divorce and remarry.

According to John Stuart Mill and Harriett Taylor Mill treating women with inequality hinders human development. They claim that we are unaware of what women are capable because we have not allowed women to be educated and have careers. Thus, giving women their independence within marriage would encourage equality by allowing women to be educated and enter public life (Mill and Mill 1970).

Earlier than Mill, Mary Wollstonecraft met resistance in the eighteenth century by arguing that marriage should include the features of friendship such as “equality, free choice, reason, mutual esteem, and profound for each other’s moral characters.” Thus, marriage, like friendship, should be a union of equal partners having similar capacities and interests (Wollstonecraft 2001). Marriage should not be a union of unequal partners in which the man regards his wife as property he has acquired.

In *A Vindication for the Rights of Women*, Wollstonecraft argues that because women are not allowed to develop into their potential but are only to be pleasing to men, women become unimportant and weak members of society who cannot be expected to

manage a family or nurture children. The husband is dominant, which results in women who are poor wives and unfit mothers. A marriage between equal partners would result in better marriages, more fit parenthood, and an improved society. According to Wollstonecraft, “Independence is the basis of every virtue” (Wollstonecraft 2001). Also, if women were better wives and mothers, men would spend more time at home than seeking attention outside of marriage. In order for marriage to become more like friendship, women need to be “educated, allowed to expand their capacity to reason, and given greater freedom, independence and choice” (Wollstonecraft 2001).

Since Wollstonecraft’s liberal concept of equality, women in the western world have eventually gained the freedom to work outside the home. With this freedom, women have also experienced a new economic position. This economic position still allows women to be able to pursue their own interests and activities. Therefore, some women in these western cultures have also made their own choice to get married and to have children. Likewise, some women also choose to resist marriage or to get out of a marriage that is not satisfactory (*The Nation*, October 31, 1953). This new sense of freedom and equality has continued into the modern concept of marriage. Although women in the modern western world continue to experience inequalities, women are better able to fight these prejudices because it has become more acceptable to work outside of the home and make their own choices regarding marriage and procreation.

Today, marriage as a private agreement has become more popular as opposed to marriage as a state defined institution. This is illustrated by the non-traditional accounts of marriage that have been introduced into society such as same sex marriages, as well as

marriages that are sexually open in which partners are free to engage in sexual activity with people who are not within the marriage relationship.

Also in more modern times, the focus or purpose of marriage has shifted away from procreation. This is illustrated by the increased occurrence of childless marriages. Instead, support, protection, and mutual respect for the other's desires have become the focus of modern day marriage. Couples are getting married later in life. More women are working outside of the home. Couples are also having fewer children, and divorce is more common. Therefore, more than one marriage in a lifetime and single parenting is also more common.

Marriage, however, has remained a dominant type of relationship. In the United States, most adults are married or will marry at some point in their lives (Waite and Lehrer 2003). Thus, being in a marriage relationship must have advantages which contribute to its desirability. The major benefits within marriage relationships are companionship, happiness, exclusivity, feeling loved and being loved, and intimacy, which also results in self-growth, self-understanding, and increased self-esteem (Sedikides, et al. 1994).

Marriage also has a positive impact upon physical health, mental health, and overall happiness. Marriage is linked to an improved mental health among both women and men because, in a marriage relationship, one's spouse provides emotional support, which decreases depression and anxiety (Simon 2002). For example, when a spouse's parent dies, he experiences depression due to this loss. However, the emotional support provided to him by his spouse helps improve his mental health throughout the mourning of his parent.

The improved emotional well-being that can result from being in a marriage relationship also can result in improved physical wellness. Marriage improves physical wellness indirectly by providing social support which encourages healthy behaviors (Waite and Lehrer 2003). For example, a wife can support and encourage her husband to stop smoking cigarettes.

Married people are also less likely to suffer from a long term illness than unmarried people because people in married relationships tend to be protective of the health of their spouse (Murphy, et al. 1997). For example, spouses encourage their partners to get regular health screenings and diagnostic exams. Also, when affected by an illness, married people have a better survival rate. This increased survival rate is a result of married people getting earlier diagnosis and treatment (Goodwin, et al. 1987).

Assuming both spouses are employed, being married is also economically advantageous. A household with two incomes is going to provide more economic stability than a single parent household with only one income (Sedikides, et al. 1994). As a result of this increased economic stability, more property and assets can be gained within the marriage.

In recent years, studies have confirmed that it is more desirable to raise children within a marriage. The weakened parental role that results from damaged parent-child relationships contributes to behavioral problems and the child's lessened well-being. These studies have indicated that divorce results in behavioral problems in children. Children from a divorced family score lower on tests of well-being as opposed to children of married couples (Amato 2000). This occurs because divorce often results in weakened parental roles which affect the parent-child relationship due to both parents becoming less

affectionate and also resulting in a parent being less able to control their child's behavior (Peterson and Zill 1986).

Children who do not grow up in a household with married parents also have a higher rate of mental illness, as well as decreased physical health and life expectancy. Single parent households also appear to increase the likelihood that boys will engage in misconduct such as crime. Conversely, children living with single mothers, stepfathers, or mother's boyfriends are more likely to experience misconduct such as being victims of child abuse. Lower grades and lower overall academic achievement resulting in children who are more likely to be held back and less likely to finish high school have also been linked to children with divorced parents. (Gallagher 2001)

While it can be advantageous to be in a marriage relationship, critics would argue that being unmarried also has its advantages. Single people have more freedom and independence to discover who they are and to make their own choices. Thus, single people also have more control over their time. With remaining single, people are able to make their own schedule as well as make time for activities and events they enjoy.

Marriage can be stressful because you are obligated to account for your partner's emotions and also handle your own emotions. However, an unmarried person does not have the stressful emotions that can occur within a marriage nor do unmarried people have to account for another person's emotions. Unmarried people do not have to worry about a relationship like married couples do.

. . .

Turning now to the topic of adoption within marriage, embryo adoption introduces an embryo into the woman's uterus and thus into the marital union between

the husband and the wife; whereas in traditional procreation, the embryo is fertilized inside of the wife and is genetically linked to both spouses. Therefore, when considering embryo adoption, we must ask if conceiving children through the conjugal act within marriage is the only *moral* way to procreate and gestate children. However, first we must address the relationship between marriage and procreation. Because the conjugal act within a marriage can result in children, we must also ask if a morally valid marriage should always result in procreation.

Procreation is commonly linked with marriage because the conjugal act between a husband and a wife occurring within a marriage can result in the procreation of offspring. In fact, Maggie Gallagher claims that marriage is a set of obligations that serves the important social goal of having children: “Only societies that reproduce survive” (Gallagher 2001). Therefore, it is often thought that children symbolize the marital union between spouses.

Catherine Althaus claims that the conjugal act cannot be reduced to sexual intercourse, but is also a reflection of love between a husband and a wife. Therefore, procreation and the conjugal act within a marriage cannot be separated. Althaus argues that the conjugal act, conception, implantation, and gestation are all part of one act that is undertaken by both parents. Thus, the conjugal act is a single process that begins with intercourse and ends with the birth of a child. The child resulting from the conjugal union is a reflection of that marital union (Althaus 2005). Althaus’s claim may even imply further that nurturing and caring for the child after its birth is also a reflection of the couple’s conjugal act within the marital union. Because the conjugal act and procreation cannot be separated, embryo adoption would involve a woman seeking pregnancy outside

of the conjugal union of her marriage, and becoming pregnant through another conjugal act (Althaus 2005). Therefore, the woman is separating the unitive and procreative dimensions of her own marital union.

The woman is also violating what Althaus refers to as the nuptial significance of her body. The nuptial significance refers to the woman's personhood embodied through her sexuality and aimed at the inseparability between life and love. The conjugal act reflects this connection between life and love, and the conjugal act takes place within the marital union (Althaus 2005). Because a woman's choice to become pregnant is linked to her sexuality, and her sexuality is expressed in the conjugal union which occurs within marriage, becoming pregnant outside of her marital union is immoral.

Unlike Althaus, Ignor Primoratz claims that marriage and procreation can be separated. Primoratz argues that procreation is not the purpose of humans who have sex: "Today, the view is no longer generally accepted that the single most important fact for our understanding and evaluation of sex is that it makes procreation within marriage possible." Primoratz instead argues that the ideals of sexual intercourse are a personal choice and should not be imposed upon people who do not hold those ideals (Primoratz 1999). Therefore, the Christian ideal of procreation as the purpose for sexual intercourse within a marriage should not be the standard held for all people. In fact, humans often engage in sex without the intention of procreating, and preventative measures are often taken in order to inhibit procreation (Primoratz 1999). Thus, humans engage in sex for mere pleasure or joy. Therefore, procreation is not the ideal or purpose of all humans who engage in sex.

I must note that someone, such as Althaus, might counter Primoratz by claiming that he is making a descriptive claim regarding the intention of humans who engage in sexual intercourse. Therefore, it is unsound to derive any normative claims about whether people should or should not engage in sexual intercourse without being open to procreation.

Elise Clew Parsons also claims that marriage and procreation are distinct and separate. This claim is supported by the prevalence of marriages today that do not result in procreation. Passion can be an end in itself. It need not be justified through procreation. By separating marriage and parenthood, the perceived obligation to have children when you are in a married relationship would be lifted (Parsons 1915). Married couples would be free to have children or not have children.

Immanuel Kant claims that a sexual relationship is only *justified* within marriage as sex outside of a marriage relationship “is in accordance with mere animal nature” (Wilson 2004). Kant also claims that even within the marriage relationship, sex is only *moral* when procreation is possible (Wilson 2004).

Kant argues that in a sexual relationship “a person becomes an object of another’s appetite”. This use of another’s body threatens human freedom, and involves a person being used merely as a means to pleasure instead of an end. Because the body and the person are inseparable, engaging in sexual activity allows another person to exploit one’s body and personhood. Therefore, when a person becomes another person’s appetite, the person is a thing who can be misused by anyone. Thus, when a person has a sexual relationship with another person, he or she risks becoming an object that satisfies another

and thus ceases to be properly treated as an autonomous person. A person can also use himself during sexual activity as an object of fulfillment for his own sexual appetite.

Critics of Kant's argument, such as Wilson, argue that Kant is disregarding the pleasure that sexual activity can bring. Kant assumes that all sexual activity treats the other person as an object of selfish appetite (Wilson 2004). However, in sexual activity, each person can experience passion and sexual satisfaction from the encounter.

Aside from mutual passion and satisfaction Kant continues to contest that in a sexual relationship outside of marriage, each partner does not acquire one another because there is no committed relationship between the couple outside of their sexual activities. Therefore outside of marriage, you are giving yourself to another person but not getting the other person in return (Kant 1795; Wilson 2004). In casual intercourse, one person is the object that satisfies the other person, but the other person is not an object that satisfies the first person because the two are not married and thus do not share a commitment between each other. While they mutually use each other within their sexual encounter, this is purely physical. They are not in a marriage relationship and thus not sharing a commitment which extends beyond using each other's physical beings. Therefore, they are not giving of their "whole person" and receiving the other person in return.

Within a marriage, one surrenders himself as a "whole person" and thus gives his rights as a person to the other individual. However, one can gain their personhood back through the "unity of will" in which all emotions, such as happiness and disappointment, are shared equally by both individuals in the marriage because each person shares the interests and concerns of the other person; whereas, in a purely sexual relationship,

interests and concerns are not shared. Within marriage, the couple can practice monogamy and uphold a mutual possession of each other and their goods. Hence, the sexual relationship within marriage can be viewed as moral (Kant 1795; Wilson 2004).

Although Kant approaches the sexual relationship within marriage as an equality in which one gives of oneself and gets someone else in return, Kant is actually depicting a complementary relationship in which the husband and wife “constitute a single moral person, which is animated and governed by the understanding of the man and the taste of the wife” (Tuana 1992). In fact, Kant does not claim that women were equal to men at all. He argues that women cannot act morally or rationally (Tuana 1992). Because men have a superior intellectual ability, men also have dominance over the women who are intellectually inferior. This dominance of men over women makes women the property of men such that men can act morally and rationally on behalf of women in place of their inability to do so.

I claim that marriage today is a voluntary relationship based upon sharing and partnership between two people who genuinely love each other. Within a marriage relationship, one has responsibilities and obligations to care for and support his or her partner both emotionally and economically. For example, some support comes from the assets such as property and other material goods that are acquired and shared within a marriage. One also has an obligation to make an effort to sustain the marriage through time by providing continual support and care. Marriage is also associated with having a sexual relationship. Because procreation of offspring can result from the sexual intercourse occurring within the marriage, procreation is also associated with marriage.

I argue that marriage is a common relationship insofar as marriage and remarriage are frequent within society. However, while 90-95% of all Americans will marry at some time during their life, over 50% of marriages result in divorce (National Center for Health Statistics). In fact, the “United States has among the highest marriage and the highest divorce rates of any industrialized country” (Shaw and Lee 2007). I claim that the institution of marriage is a socially influenced relationship such that society promotes getting married as a social norm. Thus, people are encouraged to get married. Although society is starting to accept other ways of life, such as same sex partnerships or people getting married later in life, marriage between a man and a woman is still a prevalent social norm and people are encouraged to stick to the norm.

I also claim that the principles that marriage is based upon are desirable. It is human nature to have a desire for partnership and support within a loving relationship and to be in a close and intimate relationship with another person whom we love and who loves us in return as demonstrated by marriage. Therefore, people entering and reentering into marriage relationships frequently are fulfilling their desires for companionship which can be found, but not necessarily, within marriage.

I also claim that marriage as a relationship of love and companionship is also a likely progression of the parent-child relationship. In a parent-child relationship, a parent provides support, care, and guidance for a child so that the child can grow to become an autonomous individual and a productive member of society. These qualities of a parent-child relationship are also common qualities of a marriage relationship as love, support, and guidance is also provided by one’s spouse.

Marriage also holds normative functions within society as it is a relationship which encourages a sexual union, encourages procreation, involves the sharing of resources, and indicates a long-lasting commitment. Therefore, society places certain expectations and obligations upon those people who enter into the marriage relationship so that society can regulate children and family.

Although we as a society should encourage procreation to occur within marriage, procreation should not be the main focus or purpose of a marriage relationship. Without healthy, strong relationships between spouses, children will not benefit from being raised in an environment with married parents. In making procreation the focus of those who are married, we are making those couples who are not ready or do not wish to procreate feel obligated to procreate. Thus, we are creating a situation in which children can be born into a marriage relationship that is not strong and stable and thus not healthy for a child.

Furthermore, we should not make procreation the purpose of marriage because there are also plenty of couples who live happy and fulfilling married lives without procreating children within their marriage. It is the companionship filled with love and caring between a couple that makes marriage as an end in itself. There could be any number of personal reasons why a couple does not wish to procreate. Their decision not to procreate does not make their marriage any less valid or less important or less moral than a marriage that does result in procreation. There are some couples who cannot procreate due to infertility. However, these couples are still able to enjoy valid, fulfilling marriages because of the unitive dimension of marriage in which two people sharing a bond within the relationship.

I have claimed that procreation should not be the focus of marriage because marriage first and foremost is a companionship of love and caring. However, I also move beyond the realm of marriage and claim that it is moral to procreate outside of the marriage relationship. Though procreation within marriage is a reflection of the love between the couple within the marriage, procreation outside of marriage is also a reflection of a person's love for their offspring.

While couples often become parents within a marriage relationship, I argue that people are individually motivated through instincts perpetuated by cultural norms to become parents even outside of a marriage relationship. Thus, embryo adoption can also occur outside of marriage, such as in same sex relationships or in single parenting situations. Love and care for one's offspring, as well as the desire to be a parent in these situations, is no different from the love that a child receives within a marriage relationship. Therefore, it is moral to procreate within relationships or situations that are not marital relationships.

Although I have discussed marriage as well as procreation as being private matters, I do not deny that society has an interest in those people who are married, especially if children result from this union. People are responsible for the success and perpetuation of society. Therefore, it seems likely that society would be invested in the institution of marriage as well as the children that may result from the marriage so that married couples and their children contribute to the success and perpetuation of society.

However, I claim that society's interest and involvement in marriage should be based upon the marriage's capacity to influence society. For example, marriages that include children should have a greater influence on society than marriages that do not

involve children because these children will grow to be contributing members of the society. Thus, society is protecting its future success by influencing the future of the children within these marriages. However, society should have less of an interest in marriages when only assets and property are involved because the future success of society is not directly dependent on these marriages.

. . .

Embryo adoption also causes us to rethink the relationship between procreation and marriage. Traditionally, conception and impregnation occur as a series of events within the woman's body as a result of sexual intercourse whereby the embryo gestates in the mother's womb until birth. However, embryo adoption challenges this traditional notion of conception. Tonti-Filippini claims that embryo adoption makes conception one act and impregnation another separate act (Tonti-Filippini 2003). The embryo is conceived by the joining of another couple's sperm and egg in an IVF process. This fertilized egg is then implanted into the adopting woman's uterus by a medical professional, who is thereby the agent of the woman's impregnation. Along with Tonti-Filippini, Catherine Althaus claims that embryo adoption violates the union of marriage. Althaus argues that in embryo adoption a couple is seeking pregnancy from outside of the marriage relationship and this breaks the relationship between biological parenthood and the partnership of marriage.

Lisa Cahill argues that embryo adoption separates biological parenthood from the psychosocial and physical partnership of marriage. Thus, the ideal situation is for procreation and parenthood to involve a man and a woman who are committed to each other. However, this ideal situation is not always the case. For example, couples are often

physiologically or biologically incapable of procreating children in the traditional sense. Therefore, Cahill claims that embryo adoption is an ethical alternative for couples only when the ideal situation cannot be achieved (Cahill 1988).

William May claims that embryo adoption does not violate the union of marriage. May argues that conception and impregnation are two different acts. In embryo adoption, conception has already occurred prior to the implantation and resulting gestation that constitutes the embryo adoption process. Therefore, there is no marital act involved in embryo adoption. The embryo is already generated, and procreation is not involved. Thus, the woman is not acting contrary to the union of her marriage. She is only contributing to the good of the embryo (May 2005). Therefore, because she is acting for the good of the embryo, the impregnation constitutes a so called rescue attempt, and does not involve a woman violating her marriage

I claim that procreation and marriage are not intrinsically linked. Conception and implantation are independent but related events. They occur on the same continuum of events that results in gestation. However, they are separate events. Thus, it is not immoral to separate these events because separating these events does not violate the union of marriage. Because embryo adoption has no direct connection to the adopting couple's conjugal act, embryo adoption remains favorable within marriage by allowing a couple to experience parenthood without violating the union of their marriage.

I further argue that embryo adoption does not violate the marital union because marriage is based upon more than the conjugal act. The marriage relationship most importantly is a loving, committed relationship between two people. Embryo adoption does not violate this loving, committed relationship. Instead it perpetuates the love

between spouses to the love of a child for a couple who cannot procreate children in the traditional sense. Therefore, embryo adoption still remains a favorable option by acting as another way to procreate within a marriage.

CHAPTER THREE: EMBRYO ADOPTION, THE FAMILY, AND PARENTHOOD

While we examined the impact of embryo adoption on the marital relationship, we must also evaluate the impact of embryo adoption on the family as an extension of the marital relationship. Specifically, I will examine how embryo adoption calls our traditional concepts of motherhood and fatherhood into question. Some philosophers argue that embryo adoption distorts motherhood and fatherhood as well as the union of marriage between a husband and wife. However, other philosophers argue that embryo adoption does not violate parental roles or the union of marriage because the intentions are to bring an embryo to term by assuming parental responsibility for the embryo during gestation and continuing after birth. I claim that while motherhood and fatherhood through embryo adoption are unconventional, embryo adoption is a favorable way of using technology for reproduction.

In this chapter, I will first examine motherhood by looking at how some philosophers define motherhood and when they claim a woman becomes a mother. I will then use these philosophers' claims to evaluate motherhood that is achieved through embryo adoption. When does a woman become a mother in embryo adoption? Does motherhood through embryo adoption differ from motherhood through conception or postnatal adoption? After considering these issues regarding motherhood, I will examine the same issues surrounding fatherhood. Some philosophers claim that a man never becomes a father in embryo adoption because his wife becomes impregnated outside of their conjugal union. I claim that fatherhood in embryo adoption does not morally differ from traditional fatherhood. However, I will first consider the concept of family and parenthood as well as examine traditional postnatal adoption.

Embryo adoption changes the way we customarily think about procreation within a family. In western society, we think of a family as consisting of a man and a woman and the children they procreate together (Mahoney 1995). Thus, the children who are born into the family are genetically related to the couple because the children are a result of the couple's conjugal union which results in the implantation of the embryo into the woman's uterus and her gestating the embryo until its birth. After birth, the couple acts as parents by extending their love and care for one another to their children by providing a safe and secure family environment for the children so that they may be nurtured to learn and grow as persons within society.

Although the practice of postnatal adoption breaks from this norm, it has become another model of family within society. In postnatal adoption, a man and a woman are not necessary for the adoption to take place because the child has already been conceived and gestated before the adopting parent or parents take over the parental rights and responsibilities for the child. Therefore, a single man or single woman, as well as gay couples, can adopt. The adoptive parent or parents obtain the legal status of the natural parents by accepting the role and responsibilities of the natural parents after the child has been born.

Embryo adoption has been more recently introduced within society as a way for people to become parents utilizing the surplus of unused embryos from IVF. Embryo adoption combines elements from both biological parenting and postnatal adoption. In embryo adoption, as in biological parenting, the adoptive woman is able to participate in the gestation and birth of the child. Thus, responsibility for the child is assumed before

the child's birth. However, as in postnatal adoption, neither the adoptive mother nor father is genetically related to the child.

The controversy surrounding embryo adoption occurs, in part, because of this ability to allow the adoptive couple to take responsibility for the embryo before the child's birth. In embryo adoption, the adoptive woman is able to take part in the process of gestation. Therefore, genetic and gestational motherhood are separated. This sparks questions regarding the link between genetic and gestational motherhood. Should they be separated, or are they intrinsically connected such that any artificial separation of them may be immoral?

The father makes no contribution to the pregnancy; whereas, in natural procreation, the father contributes his genes to the child even though he doesn't participate directly in gestation. These issues bring motherhood and fatherhood into question.

Motherhood can be described in three senses: genetic motherhood, gestational motherhood, and social motherhood. In genetic motherhood, the mother contributes her genes to the genetic makeup of the child such that the child will be genetically related to her for the duration of its life. In gestational motherhood, the mother gestates the embryo within her body providing the embryo with nutrients and shelter until its birth. With social motherhood, the woman raises the child within society. She is the "nurturing, nursing, consoling, counseling, teaching, and tending" mother (Tong 1998).

In postnatal adoption, the woman who gives birth to the child is the genetic mother as well as the gestational mother, while the adoptive mother does not take on the role of social motherhood until after the child is born. Therefore, in postnatal adoption,

genetic and gestational motherhood remain linked on the same continuum of events leading to the child's birth. Through a legal transaction, the genetic and gestational mother gives up her role of social motherhood to the adoptive woman. After postnatal adoption, there is no legal distinction in the parent-child relationship between a child genetically linked to its mother and a child who is not genetically linked to the parents.

Throughout the history of postnatal adoption, women who are not genetically related to children have cared for these children after their birth and separation from their genetic/gestational mother. Thus, the exclusivity of pregnancy has been protected. Embryo adoption breaks the continuum and thus the link between genetic motherhood and gestational motherhood by allowing an adoptive mother to also become the gestational mother of the child without being genetically related to the child. While embryo adoption upholds social motherhood, embryo adoption separates genetic motherhood and gestational motherhood which traditionally occur on the same continuum of events before a child's birth. This separation is controversial. This exclusivity of the genetic mother also being the gestational mother of the child and giving birth as a signal of both genetic and gestational motherhood has been protected until recently with the introduction of embryo adoption. Embryo adoption has raised significant questions regarding motherhood. When does a woman become a mother? Is a woman a mother before her embryo is born? How considerable is giving birth as an indicator of motherhood?

Some philosophers, such as Nicholas Tonti-Filippini, argue that genetic and gestational motherhood should never be separated. As discussed in the previous chapter, according to Tonti-Filippini, because a woman becomes a mother through gestation,

separating genetic and gestational motherhood violates the union of marriage because it separates the procreative act within marriage by allowing a woman to become pregnant and thus a mother through a means other than her husband.

Tonti-Filippini claims that a woman becomes a mother through the ontological change that occurs during gestation. In this ontological change, the woman's body and its characteristics change to accommodate the pregnancy which is a union between a mother and her child. Thus, this ontological change brings about a new state of being for the woman (Tonti-Filippini 2003).

In this new state of being, Tonti-Filippini considers the embryo to be a child dependent on the woman's body, and likewise, the woman gives herself "physically, emotionally, cognitively, and spiritually" to her child. Thus, the woman is no longer a woman but is a mother with child (both the genetic and gestational mother). Therefore, throughout the lives of both the woman and the child, "the woman is the child's natural mother, and the child is her natural son or daughter" (Tonti-Filippini 2003).

According to Tonti-Filippini, because implantation is significant in causing this ontological change which results in a woman becoming a mother, only the woman who gestates the embryo and thus experiences an ontological change is the mother of the child. Tonti-Filippini claims that if gestational motherhood is the only way that a woman becomes a mother, then an embryo has no mother before implantation because common genetics do not make a woman a mother. Because genetic motherhood and gestational motherhood are linked, a mother is both the genetic mother and the gestational mother of the child when implantation occurs. However, because Tonti-Filippini claims that an

embryo is a person before implantation, the embryo is a person without parents in the time period between fertilization and implantation (usually seven to fourteen days).

Tonti-Filippini further argues that genetic and gestational motherhood should not be separated because a woman should only become pregnant through her husband. Embryo adoption involves an act of conception in which the woman becomes pregnant by someone other than her husband, a medical technician, through the implantation of a fertilized egg into her uterus (Tonti-Flippini 2003).

Catherine Althaus also claims that genetic and gestational motherhood are linked by the conjugal act within the union of marriage such that the woman participates in the conjugal acts as both the genetic and gestational mother of the child, and this conjugal act is not complete until social motherhood is achieved because at this point the embryo can live independently of the woman's body. Also, the unitive and procreative dimensions of the conjugal act that occur within marriage are inseparable. According to Althaus, "Gestational motherhood is an ontological extension of the conjugal union of the husband and the wife because the embryo is a new person, which is an embodiment of that union" (Althaus 2005).

Althaus argues against embryo adoption because she claims that it constitutes a new conjugal act because a woman is seeking pregnancy without genetic motherhood. Rather, genetic and gestational motherhood ought to be recognized as ontologically connected in *one* conjugal act. Instead, the adopting woman is taking the gestational motherhood from another couple's conjugal union and is creating a new conjugal act by taking on the gestational motherhood of another couple's conjugal union void of genetic motherhood, and by becoming pregnant without genetic motherhood, she is also denying

the embryo “the dignity appropriate to its development and human existence” (Althaus 2005). This dignity is the personal respect that an embryo derives from being a reflection of the conjugal union which resulted in its origination. When genetic and gestational motherhood are separated in embryo adoption, the embryo’s dignity is violated because the gestational mother is not a part of this conjugal union. Therefore, the embryo also is not a reflection of the conjugal union by which it originated. Althaus further argues that embryo adoption would be a moral alternative if technology would allow us to get to the point in which a woman’s body is not necessary for gestation. If in embryo adoption a woman was not needed to gestate the embryo, the woman would not be separating gestational and genetic motherhood (Althaus 2005).

Helen Watt does not defend all forms of IVF, such as surrogate mothering in which a woman gestates another couple’s embryo and then gives it to the infertile couple after birth. But unlike Althaus and Tonti-Filippini, Watt does defend embryo adoption as a morally permissible way to deal with a problem that we should not have in the first place: the problem of spare unused embryos. She claims that embryo adoption is morally permissible because it protects the significance of pregnancy as well as the parent-child relationship and family relationships. She also claims that embryo adoption is permissible because of the adopting mother’s intention to assume the role of the child’s mother after birth (Watt 2001).

With embryo adoption, although gestation is not a symbol of the child’s origin as when the genetic mother is gestating the child, the child’s gestation and birth are a symbol of the child’s future care. Thus, the exclusivity of pregnancy is significantly protected and remains a symbol of “the child’s destiny” (Watt 2001).

The significance of pregnancy is further upheld because it encourages the adopting woman's maternal commitment between herself and her child. Thus, allowing the adopting mother to gestate the child prepares the mother for her maternal role after the child's birth. If a man's wife is gestating the embryo, it also encourages his paternal commitment to the child before birth (Watt 2001). Therefore, with embryo adoption, both parents are able to establish an important bond with the child during gestation before the child enters society. Also, because the adopting mother assumes all maternal responsibility for that child even after the child's birth, the meaning of pregnancy in terms of the uniqueness of the mother-child relationship is protected.

Watt further argues that embryo adoption is morally permissible because of the adopting mother's intention. In embryo adoption, the adopting woman's intention is different than in procreation by means of surrogate motherhood in which the woman gestates the child with the intention of giving it up after the child's birth. In embryo adoption, the embryos are not deliberately created nor deliberately given up. Thus, an embryo has already been created and is being gestated by a woman who has the intention to raise the child as her own and assume all maternal rights and responsibilities. By implanting the embryo into the adopting woman's uterus, the woman "is not acting as the mother of the child but becomes the mother of the child". Therefore, because the adopting mother is not continuing but is assuming maternal responsibility, the adopting mother is also not intending to "fragment the maternal role" as in other uses of IVF, such as surrogate motherhood (Watt 2001).

Also, Watt claims that when the genetic mother and father are not present, embryo adoption does not interfere with family relationships because the child will be

gestated and raised by the adopting family (Watt 2001). In the case of embryo adoption, the embryo has already been abandoned by the mother. Thus, the embryo is gestated by the woman who plans to raise it as her own. Therefore, family relationships are protected because the woman is not interfering in other families but is taking in children to raise as her own family.

Susan Feldman argues that society should revise our thinking of biological motherhood so that we can accept that technology has made it possible for genetic motherhood and gestational motherhood to be two separate roles and thus carried out by two different women. In revising our thinking, Feldman claims that we should not only separate but place a larger significance upon gestational motherhood as opposed to genetic motherhood, and in cases of question, the gestational mother should always take precedence because this “secures the well being of children and the women who bear them” (Feldman 1992).

Feldman claims that gestational motherhood is more important than genetic motherhood. According to Feldman, the genes are not the total determinate of the embryo as a future person. The genes interact with both the “maternal and gestational” environment. The physical and mental work during the gestational process is also an important factor in determining the “nature, well being, and the state of the newborn” (Feldman 1992). The activities of the gestational mother influence the well being of the child such that the embryo’s existence as a person is as strongly influenced by the gestational mother as by the genetic mother.

Feldman claims that if we emphasize the importance of gestational motherhood both women and babies will benefit. Women will feel that they are invested in the fetus

and will be encouraged to live a healthy lifestyle during pregnancy. This healthy lifestyle would benefit the well being of the child as well as the woman's well being. Placing emphasis upon gestational motherhood would also foster the emotional bond and responsibility a woman develops and has for her fetus. This bond will continue after birth (Feldman 1992).

Shulamith Firestone argues that we should abandon biological motherhood for reproductive technology that allows us to gestate children outside of the genetic mother because biological motherhood is the "host of inequality between men and women" (Firestone 1970). According to Firestone, traditional reproduction is the cause of women's oppression within society. This oppression is driven by women's biological differences to men in addition to the fact that such differences operate during a woman's pregnancy, birth, and child-rearing to place her at significant social, physical, and psychological disadvantage within a patriarchal society in which women are treated unequally (Tong 1998). Firestone calls traditional pregnancy "barbaric" and "at best necessary and tolerable". Furthermore, she argues that motherhood brings about feelings of possessiveness which "invokes hostility and jealousy among human beings" (Firestone 1970). Firestone claims that under the current patriarchal system, female biology is limiting and the way to liberate these women is through technology which lessens the biological gap or differences between men and women. Firestone claims that reproductive technology, through a biological revolution, will "free women from their biological constraints in reproducing" by making the reproductive differences between women and men irrelevant within society (Firestone 1970).

These technologies allow women to play a less integral role in child bearing and rearing. For example, with the aid of technology, women do not have to birth the children they raise, and adoption already allows women not to have to raise the children they birth. Because women are able to play a less integral role in child bearing and rearing, they are more free to venture out into society seeking work and entertainment outside of their homes and away from their children. Because women are playing a less integral role in the child bearing and rearing with the use of reproductive technology, genetic and gestational motherhood are also becoming less important (Tong 1998). Therefore, because technology has made genetic and gestational motherhood less important, gestational motherhood through embryo adoption is not morally significant.

Unlike motherhood, there is not a gestational component to fatherhood. Therefore, we can describe fatherhood in only two senses: genetic fatherhood and social fatherhood. In genetic fatherhood, a father contributes his genes to the genetic makeup of the embryo. Therefore, the father is genetically linked to the embryo from conception throughout the rest of the child's life. Social fatherhood commences after the child is born. In social fatherhood, a father takes responsibility for the child's well-being and nurtures the child throughout its life so that the child will be able to function in society and coexist with other members of society.

Traditionally the man genetically linked to the child is considered to be the child's father. Therefore, a man becomes a father when he takes part in the procreation of the embryo. In ideal situations, this genetic father also acts as the social father after the child's birth and throughout the duration of its life.

In postnatal adoption, the father of the child is not genetically related to the child. Therefore, a man becomes a father when he legally becomes the social father of the child by assuming shared responsibility for the child. Thus, after the child's birth, the adoptive father takes the place of the natural father by nurturing and fostering the well-being of the child throughout the duration of the child's life.

In embryo adoption, like in postnatal adoption, the man is not the genetic father of the child, and he takes on the role of social father after the child's birth. However, in embryo adoption, the man does not take part in the conception of the embryo that is implanted into his wife's uterus. Rather, in embryo adoption, a medical technician implants the embryo into the man's wife before the child is born. Whereas, customarily, the husband would play a role in the conception of the embryo and then take on the role of social father to the child who is genetically related to him once the child is born by nurturing and caring for the child to whom his wife gave birth.

Because an embryo is implanted and gestates in the man's wife and then is born without any genetic contribution by the man or relatedness to the man, embryo adoption has raised questions regarding when fatherhood begins, particularly in the case of embryo adoption.

Catherine Althaus claims that fatherhood begins at the conception of the embryo in which a man's genetic material is utilized in the embryo's procreation. Then, after conception, a man enters social fatherhood because his body is not required to sustain the embryo (Althaus 2005). The man then assumes an important role as the social father of that child by loving and nurturing the child throughout gestation by way of attending

prenatal doctor's appointments or preparing the home for a child as well as after the child's birth through directly providing care for the child.

Mary Geach also claims that a man becomes a father at conception as he plays an important role along with the woman in procreation. Just as the woman gives of her body in pregnancy, the man gives of himself to his wife in marriage. When the man as a husband commits the procreative act within the marriage to "the womb of the woman", he becomes the father of any embryo conceived of that procreative act (Geach 1999). Thus, during the conjugal act both the man and the woman contribute to the procreation of the child; these necessary contributions allow the man and the woman to take on their roles of father and mother.

According to Tonti-Filippini, a man becomes a father when pregnancy is achieved through the conjugal union of the spouses which he refers to as "two in one flesh." Thus, a man becomes a father at conception because if the embryo implants into the woman's uterus after the conjugal union, an ontological change would result by which she would become a mother. However, after the father has contributed to the conception of the embryo, it is then the woman's role to become impregnated and gestate the baby until it is time for her to give birth. The father may develop an emotional relationship with the child when his wife is pregnant (Tonti-Filippini 2003). However, after birth, the father can then act as a social father by participating in the process again by taking responsibility to care for and nurture the infant into adulthood.

Tonti-Filippini claims that the dilemma that arises within embryo adoption is that it makes the father's role obsolete because there is no conjugal act for the husband to take part in. Tonti-Filippini argues that the husband is "at best, a mere observer but may not

even be present or involved” (Tonti-Filippini 2003). The husband makes no direct contribution to the pregnancy because the woman becomes pregnant outside of their conjugal union and forms another union with the child void of the husband. Because the husband makes no direct contribution to the pregnancy, the husband never becomes the embryo’s father during the pregnancy (Tonti-Filippini 2003). In place of the father’s contribution of sperm through the conjugal act, the medical technician breaks the unitive and procreative dimensions of marriage by implanting the genetically unrelated embryo into the wife’s uterus which brings about the ontological change that marks the beginning of motherhood.

While embryo adoption causes us to rethink the cultural normalcy of becoming a mother or father, I claim that although there is customarily a continuum from genetic motherhood to gestational motherhood, genetic and gestational motherhood are not linked such that it is morally problematic to break this continuum. Likewise, I claimed in the previous chapter that procreation and marriage are not intrinsically linked. Therefore, the union of marriage is not violated when a man’s wife is impregnated with an embryo that is not genetically linked to him. I also argue that embryo adoption does not impact the traditional role of fatherhood because the man’s wife gestates the embryo. Therefore, he becomes the father of the child through his association or union with his wife, his decision and commitment to adopt the embryo, as well as through his role as the social father of the child as in the case of postnatal adoption. Thus, I argue that embryo adoption remains a favorable means of becoming parents.

In reflecting upon the concept of motherhood, I argue that biological motherhood, involving both genetic and gestational motherhood, and motherhood through embryo

adoption are not largely dissimilar. Gestation, birth, and postnatal nurturing are all events that occur in both traditional motherhood and motherhood through embryo adoption. The differing component is the genetic relatedness that the traditional mother has to the embryo; whereas, the mother in embryo adoption is not genetically linked to the embryo.

However, I claim that genetic relatedness alone is not the most important component in making a woman a mother. I argue that it is gestation and intention for postnatal care that sufficiently identify a woman as a mother. Genetic motherhood confers a likeness in genes. However, gestational mothers invest their time and effort into becoming a parent, which involves bonding and attachment during gestation. Further bonding occurs in the postnatal period with the mother's investment in caring for and nurturing her child. Therefore, because mothers through embryo adoption can bond with their child through gestation and the postnatal period just as do mothers, mothers through embryo adoption are not greatly different from biological mothers with the exception of genetic relatedness, which I claim is not significant to or necessary for motherhood.

According to Barbara Rothman, "People in our society have been substituting for aspects of mothering for a long time" (Rothman 2002). I side with Rothman and argue that embryo adoption is an extension of this concept. Society is using embryo adoption to extend adoptive motherhood into the gestational period in place of the genetic mother. Therefore, the gestational mother takes the place of the genetic mother not only during the gestation period, but after the child's birth as well. Thus, because genetic and gestational motherhood are not intrinsically linked, and embryo adoption allows us to separate genetic and gestational motherhood, I claim that we should expand upon Rothman's claim and allow the employment of this technology that substitutes for an

aspect of traditional motherhood. I also claim that if we employ embryo adoption, we are also utilizing our surplus supply of spare unused embryos, which are not persons as claimed in Chapter One that would otherwise remain unused or be destroyed as waste or as research products.

Tonti-Filippini and Althaus argue that marriage and procreation are linked such that procreation is an extension of the conjugal union. Therefore, embryo adoption violates this conjugal union by allowing a woman to become pregnant by a means other than her husband. I reply that while procreation within marriage is common, it is moral to be married without procreation, and conversely, it is moral to procreate without being married. Therefore, because procreation is not a necessary extension of the couple's conjugal union, separating gestational and genetic motherhood would not violate this conjugal union because marriage and procreation are not intrinsically linked. Thus, a woman who is impregnated during embryo adoption would not be violating the union of her marriage by becoming pregnant by a means other than her husband.

Tonti-Filippini further claims that because a man does not participate in the conjugal act, he never becomes the father of the child. I argue that a man becomes a father during the gestational period in which his wife nurtures the embryo until birth. Because men cannot biologically give birth to children, they become fathers by association through their marriage relationships with their wives. A man becomes a father and bonds with the child through his wife's gestation of the child. Therefore, I claim that fatherhood in the traditional sense does not differ from fatherhood that is achieved through embryo adoption because the wife's gestational period is upheld in both instances. Thus, a man can become a father in both instances through his relationship

with his wife. After the child's birth, social fatherhood is upheld as it is in traditional fatherhood and fatherhood through postnatal adoption because after the gestational period in embryo adoption, the father cares for and nurtures the child within society.

Barbara Berg argues that before birth, the father's relationship consists of a simple genetic contribution to the embryo because during gestation a father does not have the opportunity to establish a bond with the embryo like the mother (Berg 1986).

However, I argue that while genetic relatedness is a component to fatherhood just as it is in motherhood, it is not a necessary requirement for granting fatherhood. Although a father does not develop a bond with the child like the mother does during the gestational period, the father develops a bond with the child by virtue of his union with his wife who is carrying the fetus. He strengthens this bond during the gestational period when he provides care and support to his wife during the pregnancy. This care and support could include financial support, attending prenatal classes, and taking her to medical appointments. He then cares for and nurtures the child after the birth. Thus, before birth, a father has more than a genetic relationship with his child. He develops a loving bond with the child whom his wife is gestating.

Tonti-Filippini and Geach argue that a man never becomes a father in embryo adoption because there is no conjugal union involved for a husband to make a direct contribution to the pregnancy. Thus, the man never becomes the father of the child. However, I argue that the genetic material contributed by the man during the conjugal union is sufficient but not necessary to his becoming a father. The man's intentions to care for the child after its birth and his bond with the child during his wife's gestation

make him a father. Thus, the man becomes a father in a similar way a woman essentially becomes a mother with the exception of the woman's added step of gestating the child.

In embryo adoption, the man should not be questioned in his role as the father. He should be commended for taking on his role as the father. Along with Mullin, I claim that in embryo adoption, the father is doing a pretty extraordinary thing because he is participating in the child's life as a willing caretaker (Mullin 2005). He is sharing in the actual work that contributes to the child's nourishment and growth. This not only enhances his relationship with the child but also strengthens his relationship with his wife and thus strengthens the couple's marriage.

This emphasis on social fatherhood in embryo adoption is similar to postnatal adoption. In postnatal adoption, the man becomes the father of the child after the child's birth when he legally becomes the child's father and intends to love and care for the child. Thus, in postnatal adoption, the father is often commended for his willingness to nurture the child after its birth. I claim that fatherhood through embryo adoption is no less commendable than fatherhood through postnatal adoption.

Tonti-Filippini also argues that embryo adoption violates the union of marriage by allowing a woman to become pregnant outside of her marriage. However, I argue that embryo adoption does not break the union of marriage because in marriage, a man and a woman are one such that the married couple shares in all aspects of each other. For example, although the husband does not contribute in the conception of the embryo, he becomes part of the jointly-shared decision, the gestation, and the father of the child through his relationship with his wife and continues his role in sharing in the child's caretaking after birth.

In invoking Judith Jarvis Thomson's concept of the Good Samaritan, I claim that in embryo adoption the father is not a Minimally Decent Samaritan or even a Good Samaritan. He is a Very Good Samaritan because he gives of himself to share in the caretaking responsibilities. His role as the social father of the child and his caretaking work is more commendable than the contribution of a genetic father. With embryo adoption, he is acting beyond the biological relationship. He is sharing in the child's caretaking and thus doing much more than what is morally required of him. In fact, he is not "morally required to make sacrifices to save the life of another" (Thomson 1971). However, he does make tremendous sacrifices by nurturing the child and sharing in responsibility for the child. Thus, he is freely and willingly behaving as a Very Good Samaritan.

CONCLUSION

“If the purpose of reproduction is to have a child to love, then the best method of bringing a child into a family may vary from one situation to another” (Mahoney 1984). In some cases, the best method to bring a child into a family is to utilize embryo adoption. Although this reproductive technology raises profound questions regarding personhood, marriage, and parental roles, I am suggesting that despite these questions, embryo adoption remains a favorable means of reproduction.

My argument has been that an embryo is not a person at the time of embryo adoption. Therefore, we are not obligated to perform embryo adoption for the sake of the embryo because we have no responsibilities to the embryo as we do to other persons. However, we are obligated to respect the rights of the adopting parents who are persons. Thus, embryo adoption remains favorable because it allows us to fulfill the desires of the adopting parents. Despite the embryo’s lack of personhood at the point of embryo adoption, we must respect that the adoptive parents might not share this claim regarding embryonic personhood. Parents utilizing embryo adoption might claim that the embryo is a person and thus desire to “rescue” the embryo from being destroyed.

With regard to the impact of embryo adoption upon the marital relationship, I have suggested that embryo adoption does not violate the union of marriage because marriage and procreation are not linked. Marriage is more than a conjugal act resulting in procreation. Marriage is a loving relationship between two people. Thus, we can also separate conception and implantation within embryo adoption allowing couples who cannot procreate traditionally to utilize embryo adoption without violating the union of

marriage and without having to utilize traditional IVF which would perpetuate the problem of the surplus of embryos.

With respect to parental roles, I have also suggested that embryo adoption does not violate motherhood or fatherhood. I have argued that genetic motherhood and gestational motherhood are not linked. Therefore, women can break the traditional continuum from genetic to gestational motherhood by separating conception and implantation in embryo adoption without violating the union of their marriage. I have also argued that embryo adoption does not affect fatherhood because men become fathers through their relationship with their wives during the gestational period which continues into social fatherhood after the child is born. Also, men who become fathers through embryo adoption are acting as Very Good Samaritans by sharing in the caretaking work. Thus, embryo adoption is comparable to and as commendable as postnatal adoption because the couple takes on the social roles of mother and father by assuming responsibility for the child. However, embryo adoption goes one step further than postnatal adoption by allowing couples to push back the clock. Couples are able to share in the nurturing process during gestation instead of having to wait until birth.

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