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A moral argument for frozen human embryo adoption

Rob Lovering

Department of Philosophy, City University of New York – College of Staten Island, Staten Island, New York

Correspondence
Rob Lovering, Department of Philosophy, City University of New York – College of Staten Island, 2800 Victory Blvd., Staten Island, NY 10314, USA.
Email: rob.lovering@csi.cuny.edu

Abstract

Some people (e.g., Drs. Paul and Susan Lim) and, with them, organizations (e.g., the National Embryo Donation Center) believe that, morally speaking, the death of a frozen human embryo is a very bad thing. With such people and organizations in mind, the question to be addressed here is as follows: if one believes that the death of a frozen embryo is a very bad thing, ought, morally speaking, one prevent the death of at least one frozen embryo via embryo adoption? By way of a three-premise argument, one of which is a moral principle first introduced by Peter Singer, my answer to this question is: at least some of those who believe this ought to. (Just who the "some" are is identified in the paper.) If this is correct, then, for said people, preventing the death of a frozen embryo via embryo adoption is not a morally neutral matter; it is, instead, a morally laden one. Specifically, their intentional refusal to prevent the death of a frozen embryo via embryo adoption is, at a minimum, morally criticizable and, arguably, morally forbidden. Either way, it is, to one extent or another, a moral failing.

KEYWORDS

comparable moral significance, embryo adoption, frozen human embryo, moral standing, Peter Singer

1 | INTRODUCTION

For a variety of reasons—age, lack of a suitable partner, and more—some women turn to in vitro fertilization (IVF) in an attempt to get pregnant.[1] IVF is a multistep procedure, the most pertinent step for the present purposes being that of freezing human embryos in order to save them for potential future use. Although it is unclear exactly how many frozen human embryos there are in the world, a conservative estimate would put the number in the millions. In the United States alone, for example, the number of frozen human embryos is estimated to be as great as 1 million.[2] And the majority of the world's frozen human embryos will go unused by would-be parents and, eventually, perish.[3]

But is the death of a frozen human embryo (hereafter, simply "frozen embryo") such a bad thing, morally speaking? Some people and, with them, organizations believe that it is; indeed, they believe that it is a *very* bad thing. Regarding people, consider Paul and Susan Lim, an American couple featured in a recent *New York Times* article about embryo adoption. (As the term indicates, embryo adoption is the adoption of a donated embryo for the purpose of transferring it to an adopter's uterus, bringing it to term, and raising the subsequent child.) In addition to being medical doctors, the Lims are evangelical Christians who believe that, as the *Times* puts it, "life begins at conception."[4] Accordingly, when, in their early forties, the Lims decided

[1]According to one report, over 8 million babies have been born through IVF since 1978. See Scutti, S. (Jul 3, 2018). At least 8 million IVF babies born in 40 years since historic first. *CNN*. Retrieved from https://www.cnn.com/2018/07/03/health/world wide-ivf-babies-born-study/index.html.

[2]See U.S. Department of Health and Human Services. (2019). Embryo adoption. Retrieved from https://www.hhs.gov/opa/about-opa/embryo-adoption/index.html; Kaplan, M. (Aug 14, 2015). Fertility clinics destroy embryos all the time. Why aren't conservatives after them? *The Washington Post*. Retrieved from https://www.washingtonpost.com/opinions/fertility-clinics-destroy-embryos-all-the-time-why-arent-conservatives-after-them/2015/08/13/be06e852-4128-11e5-8e7d-9c033e6745d8_story.html?utm_term=.d1aa9c279446; Strauss, E. (Sep 9, 2017). The leftover embryos crisis. *Elle*. Retrieved from https://www.elle.com/culture/a12445676/the-leftover-embryo-crisis/.

[3]Hough, A. (Dec 13, 2012). 1.7 million human embryos created for IVF thrown away. *The Telegraph*. Retrieved from https://www.telegraph.co.uk/news/health/news/9772233/1.7-million-human-embryos-created-for-IVF-thrown-away.html. According to one study, only 6% of couples donate their excess embryos (Strauss, op. cit. note 2).

[4]Lester, C. (Feb 17, 2019). Embryo adoption is growing, but it's getting tangled in the abortion debate. *The New York Times*. Retrieved from https://www.nytimes-.com/2019/02/17/health/embryo-adoption-donated-snowflake.html. As is typical in public discourse on such matters, what, exactly, is meant by "life," and why its "beginning" at conception is significant, goes unstated.

to have another child, IVF was not an option since it typically results in excess embryos. (Elsewhere, Mr. Lim describes said producing of excess embryos as "the moral equivalent of throwing your child out into the field.")[5] What *was* an option, however, was adopting one or more excess embryo. Indeed, Mr. Lim compared the adoption of excess embryos to that of a rescue operation. "To him," the *Times* reports, "transferring donated embryos to his wife's uterus was akin to saving a life. 'These children are being abandoned in a frozen state,' he said. 'If they don't get adopted, they're dead.'"[6] So adopt an excess embryo they did—two, in fact. And they did so, it is worth noting, despite the fact that, due to a previously diagnosed retinal disorder, Mrs. Lim risked losing her eyesight during the pregnancy.[7]

As for organizations, consider the National Embryo Donation Center (NEDC), self-described as the United States' leading comprehensive non-profit embryo donation program. The NEDC, a Christian organization whose mission is "to protect the lives and dignity of human embryos," deems adoption "the most life-honoring solution" to the problem (as they take it to be) of excess embryos.[8] Consider, also, Nightlight Christian Adoptions, a subdivision of which is the Snowflake Embryo Adoption Program. The goal of this program is "to help each donated embryo grow, develop and live a full life"—in other words, to prevent the death of as many excess embryos as it can.[9]

With such people and organizations in mind, the question that I want to address here is as follows: if one believes that the death of a frozen embryo is a very bad thing, ought, morally speaking, one prevent the death of at least one frozen embryo via embryo adoption? By way of a three-premise argument, one of which is a moral principle first introduced by Peter Singer, my answer to this question is: at least some of those who believe this ought to. (Just who the "some" are will be identified shortly.) If this is correct, then, for said people, preventing the death of a frozen embryo via embryo adoption is not a morally neutral matter; it is, instead, a morally laden one. Specifically, their intentional refusal to prevent the death of a frozen embryo via embryo adoption is, at a minimum, morally criticizable and, arguably, morally forbidden. (What I mean by "morally criticizable" and "morally forbidden" will be addressed explicitly when these concepts are invoked next, which is during my defense of the third premise of my argument.) Either way, it is, to one extent or another, a moral failing.

Before moving on, a word about my argument's intended audience is in order. Since the question I am attempting to answer here is "*If one believes* that the death of a frozen embryo is a very bad thing, ought, morally speaking, one prevent the death of at least one frozen embryo via embryo adoption?", I will be assuming for the sake of the argument that the death of a frozen embryo is a very bad thing. My argument should be of interest, then, to those who accept this assumption. But what about those who do not accept this assumption? In what way, if any, should my argument be of interest to them? As I see it, there are at least two ways. First, even if one does not believe that the death of a frozen embryo is a very bad thing, there is philosophical value in determining what might follow from another's believing that it is. Second, if one deems the argument presented here to be otherwise sound, one might choose to employ it as a *reductio ad absurdum* of sorts against any view according to which the death of an embryo is a very bad thing.

2 | A MORAL ARGUMENT FOR FROZEN EMBRYO ADOPTION

My moral argument for frozen embryo adoption is rather straightforward and may be stated as follows:

> P1. The death of a frozen embryo is a very bad thing.
>
> P2. Via embryo adoption, it is in some people's power to prevent the death of at least one frozen embryo without thereby sacrificing anything of comparable moral significance.
>
> P3. If it is in one's power to prevent something very bad from happening, without thereby sacrificing anything of comparable moral importance, one ought, morally speaking, to do so.
>
> C: Therefore, said people ought to prevent the death of at least one frozen embryo via embryo adoption.

The argument is valid, so the only question remaining is whether the premises are true. Since I am assuming P1 is true for the sake of the argument, only P2 and P3 will be defended here. I begin with a defense of P2.

3 | DEFENSE OF P2

P2 tells us that, via embryo adoption, it is in some people's power to prevent the death of at least one frozen embryo without thereby sacrificing anything of comparable moral significance. My use of "some people's" should make it clear that I am not claiming that it is in *everyone's* power to do this. Such a claim would be patently false. To wit, some people lack the requisite means (physical, psychological, financial, social, clinical, etc.) and, thus, power to do so. Others possess the requisite means and, in turn, power to do so but couldn't without sacrificing something of comparable moral significance (more on what such a sacrifice involves in a moment).

[5]Boes, C. (Aug 26, 2013). Great risk, great reward. *WORLD Magazine*. Retrieved from https://world.wng.org/2013/08/great_risk_great_reward?.

[6]Lester, op. cit. note 4.

[7]Boes, op. cit. note 5.

[8]National Embryo Donation Center. (2019). About NEDC. Retrieved from https://www.embryodonation.org/about/.

[9]Nightlight Christian Adoptions. (2019). Why choose our snowflakes embryo adoption program? Retrieved from https://www.nightlight.org/snowflakes-embryo-adoption-donation/embryo-adoption/.

What I am claiming, then, is merely that some people (a) have the requisite means and, thus, power to prevent the death of at least one frozen embryo and (b) can do so without thereby sacrificing anything of comparable moral significance. The first of these, (a), strikes me as apparent enough (see, for instance, Paul and Susan Lim) as not to need analyzing or defending here. So let us analyze and defend just the second of these, (b).

What does it mean to say that these people can prevent the death of at least one frozen embryo "without thereby sacrificing anything of comparable moral significance"? As the reader might have surmised, I have borrowed this language, and the concepts behind it, from a principle invoked by Peter Singer in his "Famine, affluence, and morality" and subsequent works.[10] To say that these people can prevent the death of at least one frozen embryo without thereby sacrificing anything of comparable moral significance means they can do so, as Singer puts it, "without causing anything else comparably bad to happen, or doing something that is wrong in itself, or failing to promote some moral good, comparable in significance to" the very bad thing they are trying to prevent, namely, the death of a frozen embryo.[11]

But who or what decides whether their preventing the death of a frozen embryo will cause something comparably bad to happen, involve doing something that is wrong in itself, and so on? While addressing this kind of question in the context of something he deems a very bad thing, absolute poverty, Singer answers it as follows:

> Just how much we will think ourselves obliged to give up will depend on what we consider to be of comparable moral significance to the poverty we could prevent: stylish clothes, expensive dinners, a sophisticated stereo system, oversees holidays, a (second?) car, a larger house, private schools for our children, and so on. *For a utilitarian*, none of these is likely to be comparable moral significance to the reduction of absolute poverty; and *those who are not utilitarians* surely must, *if they subscribe to the principle of universalizability*, accept that at least some of these things are of far less moral significance than the absolute poverty that could be prevented by the money they cost.[12]

As one can see, Singer holds that, at least in practice, the issue of whether one can prevent the very bad thing of absolute poverty without thereby sacrificing anything of comparable moral significance is to be decided by oneself and, perhaps more to the point, the moral principles to which one adheres. (If one is a utilitarian, one will decide the matter in one way; if one is not a utilitarian but embraces the principle of universalizability, one will decide the matter in another, though perhaps similar, way; and so on.) The issue of whether the people I have in mind can prevent the death of at least one frozen embryo without thereby sacrificing anything of comparable moral significance, then, is to be decided—again, at least in practice—by the people themselves and the moral principles to which they adhere. But that it is to be decided so presents no problem for my argument. For the people I have in mind adhere to a moral principle or set of moral principles according to which the death of a frozen embryo is a very bad thing, the adoption of a child is morally permissible, gestating a genetically unrelated human embryo is morally permissible, and so on. This, in turn, supports the view that, by their own lights, they would not be sacrificing anything of comparable moral significance by preventing the death of at least one frozen embryo, or so I will argue.

With the preceding analysis of what it means to say that some people can prevent the death of at least one frozen embryo without thereby sacrificing anything of comparable moral significance in mind, it is quite clear that it is, in fact, in some people's power to do this. The Lims of the world (not to be confused with the *actual* Lims—although the latter are examples of the former, naturally) are a case in point. By the "Lims of the world," I mean people who have the requisite means (again, physical, psychological, financial, social, clinical, etc.) to prevent the death of at least one frozen embryo; desire a child, either genetically related or adopted; and believe that the death of a frozen embryo is a very bad thing. That they have the requisite means tells us that they have the power to do so. That they desire a child tells us that their having a child would, in their view, be a welcome state of affairs. That they desire a child *either genetically related or adopted* tells us that their having an adopted child would not be, by their own lights, prohibitively morally sacrificial. And that they believe that the death of a frozen embryo is a very bad thing tells us that their adoption of one would, as they see it, involve the prevention of something very bad. Given these things, as well as the existence of organizations through which they could, with relatively little difficulty, adopt a frozen embryo (the NEDC, for instance), it appears that the Lims of the world would not be sacrificing anything of comparable moral significance by adopting a frozen embryo. Indeed, the fact that Paul and Susan Lim adopted two frozen embryos—and did so, it is worth repeating, despite the fact that Susan Lim thereby risked losing her eyesight—is compelling evidence of this. Additional evidence of this is found in the fact that well over a thousand of their fellow Americans—Aaron and Jennifer Wilson, Kevin and Liz Krainman, and many others—have adopted frozen embryos as well.[13]

This is not to say that the Lims of the world would not be sacrificing anything whatsoever. Of course they would—they'd be sacrificing time, money, energy, aspects of their social and professional lives, and more. But none of these sacrifices would be deemed by them to be of comparable moral significance to the death of a frozen embryo, arguably.[14] Simply put, and to employ Paul Lim's language,

[10] Singer, P. (1972). Famine, affluence, and morality. *Philosophy and Public Affairs*, *1*(1), 229–243.

[11] Ibid: 231.

[12] Singer, P. (1993). *Practical ethics*. Cambridge, UK: Cambridge University Press, pp. 231–232, emphasis mine.

[13] See Taylor-Coleman, J. (Jul 18, 2016). The Americans who "adopt" other people's embryos. *BBC News Magazine*. Retrieved from https://www.bbc.com/news/magazine-36450328.

[14] Regarding money, it's worth noting here that transferring donated embryos is less expensive than most other alternatives to natural pregnancy. As Caroline Lester writes, "Adoption can cost tens of thousands of dollars. A single round of IVF—which many insurance carriers do not cover—can run between $12,000 and $17,000. Embryo donation costs an average of $8,000" (Lester, op. cit. note 4).

the death of a "child" would be deemed a far greater moral loss, ostensibly, than that of the collective sacrifice of one's time, money, energy, and so on. Again, the fact that the Lims, Wilsons, Krainmans, and many others have adopted frozen embryos is powerful evidence of this.

To be sure, some might claim that, the Lims of the world notwithstanding, it is not in *anyone's* power to prevent the death of at least one frozen embryo without thereby sacrificing anything of comparable moral significance. But on what grounds would one hold this? It cannot be on the grounds that no one has the requisite means and, with them, power to do so, since that is clearly false (see the Lims, Wilsons, Krainmans, et al.). It must, then, be on the grounds that no one can prevent the death of at least one frozen embryo *without thereby sacrificing anything of comparable moral significance*. In this vein, one might claim that to adopt, gestate, give birth to, and raise a child that once was a frozen embryo would be to sacrifice something of comparable moral significance. Exactly why this would be the case, however, is difficult to discern and is so for a number of reasons.

First, such a claim assumes that *raising* a child that once was a frozen embryo is essential to embryo adoption. Although in practice this might be true (I write "might be" since I am not aware of any laws preventing embryo adopters from putting the resulting child up for adoption), in principle it is not. Accordingly, one may object that, at least in principle and perhaps also in practice, this claim rests on a false assumption. One may also object that, even if raising a child is, in fact, essential to embryo adoption, it is hard to see how this could be so problematic as to render embryo adoption too great a moral sacrifice for *everyone*, including the Lims of the world. This is especially true of the latter since the Lims of the world desire to raise a child.

What's more, without the assumption that raising a child that once was a frozen embryo is essential to embryo adoption, this claim amounts to asserting that to adopt, gestate, and give birth to a child that once was a frozen embryo would be to sacrifice something of comparable moral significance. But why think this? Is it because the embryo is initially frozen? Because the frozen embryo is adopted? Because the likelihood of a successful live birth via IVF is low? Because the adoption involves gestating? Because the adoption involves giving birth? Assuming the death of a frozen embryo is a very bad thing (as we are here), none of these possibilities strikes me as sacrifices that everyone—again, even the Lims of the world—would consider to be of comparable moral significance to the death of a frozen embryo. That the embryo is initially frozen and adopted make for rather small moral sacrifices—if they are moral sacrifices at all—relative to the death of a frozen embryo, particularly in light of the fact that the Lims of the world desire a child, genetically related or adopted. That the likelihood of a successful live birth via IVF is low (around 36%) makes for a slightly larger moral sacrifice, but one no greater than the moral sacrifice involved in an attempt at live birth via intercourse, where the likelihood of success is also low (around 30%).[15] That gestating and giving birth are involved make for even larger moral sacrifices but, as before, not sacrifices that everyone, including the Lims of the world, would consider to be of comparable moral significance to the death of a frozen embryo. Indeed, and once more, the fact that the Lims, Wilsons, Krainmans, and many others have adopted frozen embryos is compelling evidence of all of this.

Granted, some people might believe that the sacrifice of gestating and giving birth to a child that once was a frozen embryo is morally comparable to the death of a frozen embryo. In fact, I can think of many people who fit this bill. The problem is, they are individuals who reject the view that the death of an embryo—frozen or not—is a very bad thing. Finding people who fit this bill who *also* believe that the death of an embryo is a very bad thing is difficult to do—indeed, I know of no such person. Perhaps this is due to the fact that such a person would be something of a bioethical chimera: part "pro-life" (the death of an embryo is a very bad thing), part "pro-choice" (but to gestate an embryo—a frozen, adopted one, at any rate—and subsequently give birth to a child is to sacrifice something of comparable moral significance). In any case, I am happy to grant that such a person might exist. And if she does, then she is not among those who, according to my argument, ought to adopt at least one frozen embryo.

Furthermore, claiming that it is not in anyone's power to prevent the death of at least one frozen embryo without thereby sacrificing anything of comparable moral significance is to assert that, although the Lims of the world may believe that it is in their power to do this, they are mistaken. But wherein lies their mistake? It's not to be found in their nonmoral assessment of whether it is in their power to prevent the death of at least one frozen embryo, of course, since it clearly *is* in their power (see Paul and Susan Lim once more). If a mistake is to be found, then, it is so in one or more of their moral assessments, either of the sacrifice of adopting a frozen embryo or of the death of a frozen embryo.

Beginning with the former, if the claim here is that the Lims of the world are mistaken in their moral assessment of the sacrifice of adopting a frozen embryo, then one naturally wonders in virtue of what this moral assessment is mistaken. Rather than delving into a discussion that inevitably would involve revisiting some of the questions above (Is it because the frozen embryo is adopted, because the adoption involves gestating, because the adoption involves giving birth?), I am going to cut to the chase, as it were, and identify what I take to be the most plausible source of this possible mistake: the Lims of the world's erroneous (as it would be considered here) moral assessment of the death of a frozen embryo. If this is correct, then the present claim is to be understood as follows: the Lims of the world are mistaken in their moral assessment of the sacrifice of adopting a frozen embryo because said assessment is rooted in *another* mistaken moral assessment, that of the death of a frozen embryo. The idea here is that the sacrifice of adopting a frozen embryo is morally incomparable to the death of a frozen embryo and is so in the following way: the former is relatively bad in many respects (physically, psychologically, financially, socially, etc.), whereas the latter is not bad at all or, at least, not as bad as the former. On this account of the claim, then, whether the Lims of the world are mistaken in their moral assessment of the

[15]Wilcox, A. J., Weinberg, C. R., O'Connor, J. F., Baird, D. D., Schlatterer, J. P., Canfield, R. E., … Nisula, B. C. (1988). Incidence of early loss of pregnancy. *The New England Journal of Medicine*, *319*(4), 189–194.

sacrifice of adopting a frozen embryo turns on whether their moral assessment of the death of a frozen embryo is correct.

So, is it? I will not even begin to attempt to address this question here for reasons that the reader will no doubt understand: to do so would require much more space than is presently available. After all, answering whether the Lims of the world's moral assessment of the death of a frozen embryo is correct would involve determining the moral standing of the human embryo (among other things), an issue over which many books and articles have been written. Instead, I will simply say that (a) for the purposes of this paper, I am assuming that the Lims of the world's moral assessment of the death of a frozen embryo *is* correct and (b) if, after much debate on the matter, the Lims of the world are not willing to relinquish this assessment, then the conclusion of my argument remains, for them, in play.

4 | DEFENSE OF P3

P3 claims that if it is in one's power to prevent something very bad from happening, without thereby sacrificing anything of comparable moral significance, one ought, morally speaking, to do so. This is the principle from which the aforementioned language of "sacrificing anything of comparable moral significance" is derived, naturally. Notice that the principle does not tell us which things are, or under what conditions something is, "very bad." As a result, one has to determine whether the death of a frozen embryo is a very bad thing on the basis of something other than the principle itself. And on the basis of what one determines this will vary from person to person. (Both of the immediately preceding claims are implications of Singer's answer to the question of who or what decides whether one's preventing a very bad thing will sacrifice something of comparable moral significance.) For evangelical Christians such as Paul and Susan Lim, for example, presumably it is determined on the basis of God's thoughts on the matter or something along those lines. For Peter Singer, it is determined on the basis of a form of hedonistic utilitarianism (as of 2018, at any rate).[16] And so on. Suffice it to say that it is important that one not conflate the principle itself with that in virtue of which one determines whether the death of a frozen embryo is a very bad thing. And for whatever particular reason(s), the Lims of the world consider the death of a frozen embryo to be a very bad thing.

So, is Singer's principle plausible, as he takes it to be?[17] There are at least four reasons to think so. To begin with, Singer's principle is, on its face, strongly intuitive. Although a moral principle's being intuitive on its face doesn't carry a lot of philosophical weight, it carries some—or so many philosophers (including this author) maintain.[18] What's more, it's being so cannot be said of every moral principle, including some that moral philosophers have long given serious consideration. (One such moral principle, in my view, is ethical egoism's "One ought to perform some action if and only if, and because, performing that action maximizes one's self-interest.")[19] Of course, that a moral principle is intuitive on its face does not entail that it will remain so after being critically scrutinized (and, correlatively, that a moral principle is *not* intuitive on its face does not entail that it will remain so after being critically scrutinized). Even so, that Singer's principle is intuitive—and strongly so—bespeaks, at the very least, theoretical promise.

Second, Singer's principle is, as he puts it, "not denied by any plausible ethical theory."[20] He motivates this judgment as follows:

> It will obviously win the assent of consequentialists; but non-consequentialists should accept it too, because the injunction to prevent what is bad applies only when nothing comparably significant is at stake. Thus the principle cannot lead to the kinds of actions of which non-consequentialists strongly disapprove—serious violations of individual rights, injustice, broken promises, and so on. If non-consequentialists regard any of these as comparable in moral significance to the bad thing that is to be prevented, they will automatically regard the principle as not applying in those cases in which the bad thing can only be prevented by violating rights, doing injustice, breaking promises, or whatever else is at stake. Most non-consequentialists hold that we ought to prevent what is bad and promote what is good. Their dispute with consequentialists lies in their insistence that this is not the sole ultimate ethical principle…[21]

If Singer is correct about this, then this is an impressive fact about the principle. For one is hard pressed to find an "ultimate" (as Singer puts it) moral principle on which both consequentialists and nonconsequentialists can agree—Derek Parfit's recent Triple Theory notwithstanding. And there is ample evidence that Singer *is* correct about this, some of which is presented below in my discussion of two well-known nonconsequentialist critiques of Singer's principle, which recommend merely tempering the principle by way of other moral principles rather than rejecting it altogether. Of course, similar to the first reason, that Singer's principle is not denied by any plausible ethical theory does not entail that it will remain plausible after being critically scrutinized. But it bespeaks, once again, theoretical promise and, in this case, rather significant promise at that.

Third, underlying Singer's principle is what many people—including the Lims of the world, arguably, given their concern for the welfare of frozen embryos—deem a plausible view of moral equality.

[16] Symes, J. (2018). Why Peter Singer abandoned preference utilitarianism. *The Panpsycast Philosophy Podcast*. Retrieved from https://thepanpsycast.com/singer-preference.

[17] Singer, op. cit. note 12, p. 229.

[18] For my brief defense of maintaining this, see Lovering, R. (2015). *A moral defense of recreational drug use*. New York, NY: Palgrave Macmillan, pp. 29–31.

[19] Shaver, R. (Jan 15, 2019). Egoism, *Stanford Encyclopedia of Philosophy*. Retrieved from https://plato.stanford.edu/entries/egoism/.

[20] Singer. *Practical Ethics*. pp. 229–230.

[21] Ibid: 229–230.

This is the view that we ought to give equal consideration to the interests of others—as Singer puts it, to give "equal weight in our moral deliberations to the like interests of all those affected by our actions."[22] On this view, equal amounts of, say, suffering matter equally, morally speaking, and do so regardless of who is experiencing them, *ceteris paribus*. When the amounts of suffering of a stranger and my son are equal (and everything else is, too), the stranger's suffering does not matter any less than my son's despite the fact that I do not know the former—let alone care about him in any significant way—whereas I know the latter very well and care about him tremendously. To motivate this view of moral equality, it helps to observe that my son plays the role of a stranger to most other people. But that he does so does not render his suffering any less important than theirs when their respective amounts of suffering are equal—or so those who embrace this view hold.

Finally, Singer's principle has significant explanatory power, as he demonstrates time and time again.[23] One of his most well-known examples involves a child drowning in a shallow pond.

> The path from the library at your university to the humanities lecture hall passes a shallow ornamental pond. On your way to give a lecture, you notice that a small child has fallen in and is in danger of drowning. If you wade in and pull the child out, it will mean getting your clothes muddy and either cancelling your lecture or delaying it until you can find something clean and dry to wear. If you pass by the child, then, while you'll give your lecture on time, the child will die straightaway.[24]

Morally speaking, what ought you do—save or pass by the child? Most people seem to agree with Singer that you ought to save the child. And Singer's principle can explain this judgment: the death of the child is a very bad thing, it is in your power to prevent that very bad thing, and you can do so without thereby sacrificing anything of comparable moral significance (sacrificing your clothes, plans for the day, etc. is not, most would agree, morally comparable to the death of a child).

But there is another example, one much more pertinent to embryo adoption, which also reveals the explanatory power of Singer's principle. The case, provided by Jeff McMahan, is as follows.

> Imagine, for example, a country with a despotic government that has for decades been sealed off from the rest of the world, in the way Cambodia was in the late 1970s. Over these decades many thousands of people, both real and imagined opponents of the regime, have been killed. For some reason, if any of these people had a single child between the ages of three and five, that child was cryogenically preserved in a state intermediate between life and death. The government has now been overthrown, and its secret laboratories have been opened to scrutiny. Many thousands of frozen children are discovered, though none has living parents, siblings, or friends. How much, if anything, ought strangers to sacrifice in order to restore these children to life? Suppose that the burden of restoring a child to life would be roughly comparable to the burden of pregnancy—for example, each child would have to be connected to the circulatory system of another person for nine months, as in Judith Jarvis Thomson's well-known ''famous violinist'' example … I think that many people would believe that we—all of us together—ought to try to devise ways to save these children that would divide the burdens equally among us. And I suspect that some people—*comparatively* few but in absolute terms a significant number—would feel it morally incumbent on themselves to volunteer to become connected to a child in order to save its life.[25]

The judgment that McMahan thinks many of us would come to—that we ought to try to devise ways to save these children—can be explained by Singer's principle: the death of each of these frozen children is a very bad thing, it is in our power to prevent this very bad thing, and we can do so without thereby sacrificing anything of comparable moral significance (sacrificing one's time, money, energy, social and professional lives to some extent, and so on is not, many would agree, morally comparable to the death of a 3- to 5-year-old child).

To sum up, there are at least four considerations that, collectively, point to the plausibility of Singer's principle: that it is strongly intuitive on its face, that it is not denied by any plausible ethical theory, that underlying it is what many people deem a plausible view of moral equality, and that it has significant explanatory power. These facts do not render the principle conclusively plausible, to be sure. (Has *any* moral principle been so rendered?) But they indicate its plausibility and, in any case, will have to suffice for now.

As for deeming the principle to be implausible, a number of objections have been raised against it. But none, I submit, succeeds in rendering it implausible—decisively so, at any rate. For the sake of space, I will cover just three here, although they are the objections that I have found to be the most persistent and powerful. The three to which I refer are those that pertain to (in a word) practicality, entitlements, and responsibility. Since the first of these presents the greatest challenge with respect to my argument, I begin with, and spend the most time on, it.

[22] Ibid: 21.

[23] See Singer. Famine, affluence, and morality. p. 231; Singer. *Practical ethics*. pp. 229–230; Singer, P. (2018). The Singer solution to world poverty. In R. Shafer-Landau (Ed.), *The ethical life: Fundamental readings in ethics and moral problems* (pp. 231–233). New York, NY: Oxford University Press.

[24] Singer. *Practical ethics*. p. 229.

[25] McMahan, J. (2016). Killing embryos for stem cell research. In H. Kuhse, U. Schüklenk, & P. Singer (Eds.), *Bioethics: An anthology* (pp. 511–512). Malden, MA: Wiley Blackwell.

4.1 | On practicality

The first objection pertains to the (alleged) practical difficulty of living a life in accordance with Singer's principle. This objection is packaged in a variety of ways—some philosophers have argued that the principle is too demanding, others have argued that it is too vague, still others have argued that it involves value calculations that are too difficult to perform.[26] But at their core is the same misgiving: that Singer's principle is too impractical. Although there is much to say on this objection, the following—moving from the more general in nature to the more specific—will have to suffice.

First, although considerations of practicality are certainly relevant when it comes to determining whether Singer's, or any other, moral principle is plausible, the plausibility of moral principles does not rise or fall on the basis of them alone. Other factors that contribute to a moral principle's plausibility include intuitive appeal, explanatory power, simplicity, argumentative support, salience, compatibility, and more.[27] So even if Singer's moral principle were impractical to one degree or another, it would not immediately follow that it was implausible, let alone decisively so. Given this, unless Singer's principle were so impractical that it would be prohibitively difficult to live by, then its plausibility would remain an open question. Having said that, Singer's principle has a built-in fail-safe, so to speak, which prevents it from being prohibitively difficult to live by—more on this in a moment.

Related to the preceding, Singer's is hardly the only moral principle to be objected to on the grounds that it is too impractical. To wit, deontological, utilitarian, natural law, virtue ethical, and divine command moral principles have all been criticized on such grounds, with some criticisms involving the very practical difficulties listed above. Utilitarian moral principles, for instance (of which Singer's is often considered a token), have been objected to on the grounds that they are too demanding. Deontological moral principles have been objected to on the grounds that they are too abstract. Virtue ethical principles have been objected to on the grounds that they are too impotent when it comes to providing guidance for action. And so on. Given this, it is wise not to allow objections grounded in (alleged) practical difficulties to decisively render a moral principle implausible, unless, as addressed above, the principle is so impractical that it would be prohibitively difficult to live by.

Finally, and most to the point, some of these objections fail to demonstrate that Singer's principle is, in fact, too impractical. Take, for example, what is one of the most popular practical-difficulty oriented objections to have been raised against Singer's principle: that it is too demanding. Some philosophers have argued that it is too financially demanding, others that it is too psychologically demanding, still others that it is too epistemically demanding. Since all three of these complaints can be found in John Arthur's "World hunger and moral obligation: The case against Singer," I will focus on it (for others, see the following footnote.)[28]

The context of Arthur's objection to Singer's principle is that of "Famine, affluence, and morality," in which Singer argues that, given his principle, the absolutely affluent ought to assist the absolutely poor and to do so by transferring much of their excess wealth to the latter. And the gist of Arthur's objection is that, when Singer's principle is understood as the *sole* moral principle in terms of which we ought to live, it is implausible. Note that Arthur's contention is not that Singer's principle should be rejected altogether. It is, instead, that the principle should coexist with, and be tempered by, what he refers to as "entitlements," such as (briefly) the having of a moral right to something (X) or the being justly deserving of X.

But why does Arthur think that Singer's principle should coexist with and be tempered by entitlements? Because otherwise it is too demanding, as such too impractical, and, thus, implausible. Specifically, Arthur contends that Singer's principle is too impractical and, in turn, implausible on the grounds that it makes financial, psychological, and epistemic demands that people—most of them, at any rate—cannot meet. The moral principle or set of moral principles (the moral "code," as he puts it) it is rational for one to accept, Arthur contends, should not assume that people are more unselfish, objective, or knowledgeable than they are.[29] And Singer's principle does just that, assumes that people are more unselfish, objective, or knowledgeable than they are—or so Arthur contends. Simply put, most people aren't so unselfish as to transfer much of their excess wealth to prevent the very bad thing of absolute poverty, so objective as to be just as sympathetic to the plight of a perfect stranger as one would be to that of a friend, family member, or even neighbor, or so knowledgeable as to know how best to help those who live in absolute poverty.

Now, for the sake of space, I am going to grant a number of Arthur's claims, particularly that (a) Singer's principle should coexist with and be tempered by entitlements, (b) the moral principle or set of moral principles it is rational for one to accept should not "assume" (to be analyzed shortly) that people are more unselfish, objective, or knowledgeable than they are, and (c) Singer's "principle assumes" (use of scare quotes to be explained during the aforementioned analysis) that people are more unselfish, objective, and knowledgeable than they are—again, most of them, at any rate. But am I thereby

[26] See, for example, Otteson, J. (2006). *Actual ethics*. New York, NY: Cambridge University Press, pp. 130–155.

[27] The list after "intuitive appeal" comes from DeGrazia, D. (1996). *Taking animals seriously: Mental life and moral status*. New York, NY: Cambridge University Press, pp. 14ff. Although DeGrazia deems these criteria in virtue of which a moral *theory* gains plausibility, many of them serve also as criteria in virtue of which a moral *principle* gains plausibility. DeGrazia construes these things as follows:

- *Argumentative support*: Reasons provided for a distinction or judgment are recognized as such (i.e., are not formed for that particular purpose—ad hoc).
- *Simplicity*: Pertains to the degree to which a theory is simple, e.g., containing fewer assumptions.
- *Salience*: Pertains to the degree to which the theory is non-arbitrary in the sense that it is conspicuously different from all other theories.
- *[Explanatory] Power*: Pertains to the degree to which a theory yields judgments beyond the considerations taken into account in forming the theory.
- *Compatibility*: Pertains to the degree to which the theory is supported by "everything else we know."

[28] Slote, M. (2010). Famine, affluence, and empathy. In D. Boonin & G. Oddie (Eds.), *What's wrong? Applied ethicists and their critics* (pp. 146–154). New York, NY: Oxford University Press; Otteson, op. cit. note 26, pp. 130–155.

[29] Arthur, J. (2010). World hunger and moral obligation: The case against Singer. In D. Boonin & G. Oddie (Eds.), *What's wrong? Applied ethicists and their critics* (p. 145). New York, NY: Oxford University Press.

granting that Singer's principle is implausible? I am not. That this is so becomes clear once one analyzes "assumes."

When Arthur claims that Singer's principle assumes that people are more unselfish, objective, and knowledgeable than they are, what, exactly, does he mean by this? Does he mean that these assumptions are essential to the principle in the sense that the principle could not, logically speaking, be what it is without them? If so, then Arthur's claim is false, arguably. To begin with, these assumptions are, at bottom, empirical claims—specifically, claims about how unselfish, objective, and knowledgeable people are. Accordingly, if the principle could not logically be what it is without them, then the principle *itself* would be an empirical claim, at least indirectly and implicitly. But the principle is not an empirical claim, either indirectly or implicitly. It is, instead, a normative—specifically, moral—claim. Accordingly, it appears that these assumptions are not essential but, rather, accidental to Singer's principle, meaning that the principle *could* be what it is without them, logically speaking.

It is at this point that it becomes clear that my granting (a)–(c) does not thereby require me to grant that Singer's principle is implausible. For if, as I have argued, these assumptions are accidental to the principle, then it is not the principle that, ex hypothesi, assumes false things, but something—or, what is more likely as I see it, someone (Singer)—else. Accordingly, arguing that the principle is implausible on the grounds that the principle *itself* assumes false things is simply inaccurate.

It is also fallacious. For the principle's plausibility is unaffected by any false assumptions with which it may be combined. What's affected, instead, is the plausibility of the *conclusion* one draws from such a combination. Accordingly, had it not been assumed (ex hypothesi) that people are more unselfish, objective, and knowledgeable than they are, then Singer's principle would have generated a different conclusion. For, according to the principle, what one ought to do is regulated by whether one has the power to do it as well as by whether one can do it without sacrificing anything of comparable moral significance. And if, due to a level of selfishness that Arthur believes is shared by (most) people, one does not have the power to do it, then it's not the case that one ought to do it. "Ought," after all—and Singer agrees—implies "can." This is the built-in fail-safe to which I referred earlier. Simply put, whether the context is that of absolute affluence/absolute poverty or another, the moment living by Singer's principle becomes prohibitively difficult, that's the moment that its "ought" is trumped by a "can't."

Summing up, Arthur deems Singer's principle implausible when it is understood as the sole moral principle in terms of which we ought to live, does so on the grounds that it is too demanding and, as such, too impractical, and finds the source of its being too demanding in what it assumes. If what I have argued here is correct, then the principle itself does not assume what it is alleged to assume; rather, something or someone else does. At most, then, Arthur's argument demonstrates that, when, *in the context of absolute affluence/absolute poverty*, Singer's principle is *combined with false assumptions*, it generates implausible if not false conclusions. What it does *not* demonstrate is that the principle itself is too impractical and, thus, implausible. Nor does it demonstrate that, because Singer's principle is combined with false assumptions in the context of absolute affluence/absolute poverty, it *must* be so combined in that and—more importantly for the present purposes—every other context.

With the preceding in mind, a question naturally arises in this context: given that I rely upon Singer's principle here, am *I* assuming anything (of relevance) that is false? It seems that I am not. For example, I am not assuming that everyone believes that the death of a frozen embryo is a very bad thing, that everyone who believes that the death of a frozen embryo is a very bad thing has the power to adopt at least one, that everyone who believes that the death of a frozen embryo is a very bad thing and has the power to adopt at least one can do so without thereby sacrificing something of comparable moral significance, that everyone who believes that the death of a frozen embryo is a very bad thing, has the power to adopt at least one, and can do so without thereby sacrificing something of comparable moral significance knows how to go about doing so, and so on. I am merely assuming—safely, given the Lims of the world—that some people have these things, can do these things, and know how to do these things.

4.2 | On entitlements

The second objection to Singer's principle, one related to the first in various ways, pertains to entitlements. Again, what is meant by "entitlements" is the having of a moral right to X or the being justly deserving of X. (In virtue of what one has a moral right to or is justly deserving of X—whether X is an object or activity—is, of course, a metaethical question. For the sake of space, I will forgo tackling this issue here and, instead, refer the reader to some relevant literature in the following footnote.)[30] Arthur cites the right to one's body—roughly, the right to exercise control over one's body—as not only a moral right that people have, but one that trumps Singer's principle's "ought." For instance, it may be that it is in one's power to prevent the very bad thing of another's loss of a kidney by donating one's kidney, and that one can do so without sacrificing anything of comparable moral significance. But, given one's moral right to one's body, it is not the case that one ought to, at least in the sense that it is morally forbidden for one to intentionally refuse to do so.

In order to understand my reply to this objection, a brief digression is in order. For understanding my reply requires comprehending the difference between morally forbidden and morally criticizable acts. Beginning with the former, by an act that is "morally forbidden," I mean an act that is morally impermissible—more precisely, an act that one has no moral right to perform. By an act that is "morally criticizable," on the other hand, I mean an act that is morally permissible—an act that one has a moral right to perform—but ought not, morally speaking, be performed nonetheless. David Boonin motivates this distinction as follows:

[30]See Locke, J. (1980). *The second treatise of government*. Cambridge, MA: Hackett Classics; Rawls, J. (1999). *A theory of justice*. Cambridge, MA: Belknap Press; Nozick, R. (1974). *Anarchy, state, and utopia*. New York, NY: Basic Books; Quinn, W. (1993). *Morality and action*. Cambridge, UK: Cambridge University Press.

> Consider an imaginary billionaire named Donald who has just unexpectedly won a million dollars from a one-dollar lottery ticket. He is trying to decide what to do with the money and has limited himself to the following options: (1) donating the money to several worthy charities, (2) putting it in his savings account, (3) buying a gold-plated Rolls Royce, (4) putting up billboards across the country that read "I hate Ivana," and (5) hiring a hitman to kill Ivana. One thing we are likely to say about this list is that there is a morally relevant sense in which the choices become progressively worse. We would be entitled to aim more moral criticism at Donald for choosing (4), for example, than for choosing (3). This is what I mean by calling an action morally criticizable. But most of us will be inclined to say something more than this: It isn't just that (5) is worse than (4), which is worse than (3), which is worse than (2), which is worse than (1); it is that there is a difference in kind between (5) and the others. The difference might be put like this: Even though it is his money, and so there is some sense in which he is entitled to spend it in any way he wants, still he is not entitled to spend it in *that* way. This is the distinction I have in mind in saying (5) is impermissible while (1) – (4) are permissible.[31]

So although (2) is morally worse than (1), (3) is morally worse than (2), and so on, there is a significant moral difference between (2)–(4), on the one hand, and (5), on the other: the former, although morally criticizable, are acts that one has a moral right to perform, whereas the latter is an act that one has no moral right to perform—it is morally forbidden. With the distinction between morally forbidden and morally criticizable acts in mind, we may now turn to my reply to this objection.

To refresh, given the particular entitlement to which Arthur appeals, the right to one's body, it may be that it is in one's power to prevent the very bad thing of another's loss of a kidney by donating one's kidney, and that one can do so without sacrificing anything of comparable moral significance. But, given one's moral right to one's body, it is not the case that one ought to, at least in the sense that it is morally forbidden for one to intentionally refuse to do so. Even granting (as I have) that Singer's principle should coexist with and be tempered by entitlements—including a moral right to one's body—however, it does not follow that there is no sense in which the Lims of the world ought to prevent the very bad thing of the death of a frozen embryo by adopting one. Indeed, there is a sense—the sense in which it is morally criticizable for them not to do so. This, too, is a moral failing, albeit one that is not as significant as that of doing something that is morally forbidden. And if the argument I have presented here is sound, then their intentional refusal to prevent what they deem to be a very bad thing—the death of a frozen embryo—via embryo adoption is at least that, morally criticizable. That it is so is especially clear in light of the fact that one of the ways in which they could prevent the death of a frozen embryo is by donating the excess money they have (in virtue of which they could have adopted a frozen embryo) to a would-be frozen embryo adopter who cannot afford the adoption fees.

Having said that, their intentional refusal to prevent the death of a frozen embryo might actually be morally forbidden, even given entitlements. Although this is harder to demonstrate, it is worth considering an argument for this claim nonetheless. To begin with, moral rights, including the moral right to one's body, have limits—or so most philosophers who believe in moral rights maintain. The grounds on which they do so varies, naturally. Some argue that moral rights are limited by consequences of one sort or another—usually those that are especially dire, such as, say, the annihilation of the human species—the idea being that when one's having or doing X will result in such a consequence, one's moral right to X ends. Others argue that moral rights are limited by other, more fundamental moral rights, the idea being that when one's having or doing X conflicts with someone's more fundamental moral right to something else (Y), one's moral right to X ends. In any case, on the view that moral rights have limits, that one has a moral right to X does not entail that one's having or doing X is always morally permissible. And one's moral right to X ends when others have a moral claim to something—such as the avoidance of an especially dire consequence or a more fundamental moral right—with which one's having X is incompatible.

Now, most people—including the Lims of the world, undoubtedly—would agree that the moral right to one's body does not entail the moral right to deprive one's own child of the use of one's body on pain of death (e.g., one is not morally permitted to allow one's infant die from starvation on the grounds that one has a right not use one's hands to feed her). With that in mind, one could argue that the Lims of the world's moral right to their body does not entail the moral right to deprive a frozen embryo of the use of their body on pain of death. To be sure, there is a conspicuous difference between so depriving one's own child and so depriving a frozen embryo: the former is one's own while the latter is not. To argue this successfully, then, one would have to show that the fact that the frozen embryo is not the Lims of the world's own makes no moral difference—at least, not a significant one. But this might not be so difficult to do. For this fact does not seem to make much, if any, moral difference to the Lims of the world. Given how Paul and Susan Lim view the metaphysical and moral statuses of frozen embryos, for instance, it seems to make little to no moral difference to them. (Recall, if you will, Mr. Lim's comparison of the adoption of excess embryos to that of a rescue operation.) And as another embryo adopter, Liz Krainman, puts it, frozen embryos "deserve an opportunity to grow and live and be loved just as any child deserves."[32] Assuming (safely) Krainman is using "deserve" in the moral sense, by saying that frozen embryos "deserve an opportunity to grow and live," she is saying that they are morally entitled to these things. This indicates that the fact that the frozen embryo is not her own makes

[31] Boonin, D. (2003). *A defense of abortion*. New York, NY: Cambridge University Press, pp. 4–5.

[32] Dyball, R. (Nov 17, 2014). Meet a woman who adopted her daughter—as an embryo. *People Magazine*. Retrieved from https://people.com/celebrity/embryo-adoption-liz-krainman-shares-her-story/.

little to no moral difference to Krainman. It might also indicate that, by Krainman's own lights, her moral right to her body ends with the frozen embryo's moral claim to these things, since the former is incompatible with the latter.

Summing up, even granting that Singer's principle should coexist with and be tempered by entitlements, it does not follow that there is no sense in which the Lims of the world ought to prevent the very bad thing of the death of a frozen embryo by adopting one. At the very least, there is the sense in which, if they intentionally refuse to do so, their refusal is morally criticizable. And a case can be made for the stronger sense in which it is morally forbidden for them to intentionally refuse to do so.

4.3 | On responsibility

The third and final objection pertains to responsibility. Similar to Arthur, John Kekes considers Singer's principle implausible when it is understood as the sole moral principle in terms of which we ought to live. Another moral principle in terms of which we ought to live, Kekes maintains, is what he calls the "Responsibility-Principle." He describes this principle as follows: "People should be held responsible for the easily foreseeable consequences of their voluntary actions."[33] With this principle in mind, Kekes argues against Singer's principle by claiming that the Responsibility-Principle "affects" it.

> It surely makes a difference to the obligation whether the people living in absolute poverty are responsible for their own suffering. If their suffering is an easily foreseeable consequence of their immoral or imprudent actions, then it is hard to see why other people would have an obligation to alleviate their plight rather than the plight of others who have not brought their suffering upon themselves.[34]

With that in mind, Kekes concludes that Singer's principle "should be revised to say that affluent people have some obligation to alleviate the suffering of those who live in absolute poverty, if the sufferers are not responsible for their own suffering."[35]

Similar to a move I made above, I am going to grant Kekes's claim that another moral principle in terms of which we ought to live is the Responsibility-Principle. Doing so, however, has no ill effects on my argument. For frozen embryos are not responsible for their predicament and, thus, the Responsibility-Principle is consistent with the claim that the Lims of the world ought to adopt at least one frozen embryo. (It's worth noting here that the previous argument involving the claim that the Lims of the world's moral right to their body does not entail the moral right to deprive a frozen embryo of the use of their body on pain of death is strengthened when combined with the Responsibility-Principle.)

[33]Kekes, J. (2002). On the supposed moral obligation to relieve famine. *Philosophy, 77*(4), 512.

[34]Ibid.

[35]Ibid.

5 | CONCLUSION

I have argued here that some of those who believe that the death of a frozen embryo is a very bad thing ought to adopt at least one. No doubt this conclusion will come as a surprise to some of those who believe that the death of a frozen embryo is a very bad thing. After all, some of them have not given much, if any, thought to the existence of frozen embryos, much less to whether the latter raises any moral questions. And for those who have given some thought to the matter and, indeed, to frozen embryo adoption in particular, they often talk about the latter in morally neutral terms, suggesting to me that they consider it a morally neutral matter.[36] But that this conclusion will come as a surprise to them is not, in and of itself, a reason to reject it. If they want to reject this conclusion, they should do so on the basis of the truth values of the premises that support it, as the argument is valid. Since they believe that P1 is true, they are left with objecting to P2 and P3. Whether their doing so will be successful remains to be seen.

CONFLICT OF INTEREST

The author declares no conflict of interest.

ORCID

Rob Lovering https://orcid.org/0000-0003-3696-2466

AUTHOR BIOGRAPHY

Rob Lovering is Associate Professor of Philosophy at the City University of New York – College of Staten Island. He is the author of *God and Evidence: Problems for Theistic Philosophers* (Bloomsbury Academic), *A Moral Defense of Recreational Drug Use* (Palgrave Macmillan), and numerous articles on topics in ethics and the philosophy of religion. He lives in New York City.

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[36]Take, for instance, the Snowflake Embryo Adoption Program's choice of language, as found on their website: "There are now over 1,000,000 embryos in frozen storage in the United States. Will you choose to adopt?" (retrieved from https://www.nightlight.org/snowflakes-embryo-adoption-donation/embryo-adoption/). Characterizing frozen embryo adoption in terms of a mere choice is, of course, a far cry from characterizing it in moral terms. Or take the NEDC's answer, presented here in full, to the question of why one should choose embryo adoption: "Infertility makes a couple feel lonely, empty and incomplete. The joy of having a child is like no other experience in life, fulfilling the heart's deepest desire" (retrieved from https://www.embryodonation.org/adoption/). Similar to before, characterizing frozen embryo adoption in terms of fulfilling a desire, however deep it might be, is a far cry from characterizing it in moral terms. Perhaps even stronger evidence of their deeming it a morally neutral matter is, as Jeff McMahan puts it, "the conspicuous failure of even the most ardent 'pro-life' activists to give frozen embryos a chance at life by offering the use of their bodies for fetal gestation" (McMahan, op. cit. note 25, p. 512).