**February 29, 2024 / The politics of IVF**

**[HALF SECOND OF SILENCE]**

**[BILLBOARD]**

SEAN RAMESWARAM (host): Last week, Alabama’s Supreme Court said that frozen embryos were children and boom!

SCORING IN – Dressing on the side, BMC

SEAN: Just like that, the United States had a new culture war.

*<CLIP> Senator Tammy Duckworth: I warned that red states would come for IVF, and now they have.*

*<CLIP> ABC NEWS:*

*Nikki Haley: When you talk about an embryo, to me, that’s a life.*

*<CLIP> CBS NEWS:*

*Sarah Houston: Obviously an embryo transfer doesn’t mean you’ll end up with a baby, but without that, there’s no hope of us having a baby.*

SEAN: The vast majority of Americans support fertility treatments.

Heck, the vast majority of Americans think insurance should cover fertility treatments.

But on *Today, Explained* we’re gonna hear why some religious conservatives think this process is an abomination.

And why they think their views should be imposed on you.

And what the political implications of this Alabama ruling might be in this here election year of ours.

**[THEME]**

SEAN: We figured none of the Alabama judges who just decided frozen embryos are living children would talk to *Today, Explained* so we went looking for someone who shared their views.

We found Andrew Walker.

ANDREW: I'm an associate professor of Christian ethics and public theology at the Southern Baptist Theological Seminary in Louisville, Kentucky. I'm also a fellow with the Ethics and Public Policy Center as well, which is a think tank in Washington, DC.

SEAN: So what was your reaction when you learned that the Alabama Supreme Court granted embryos personhood last week?

ANDREW: I was stunned. But it was also a very welcomed reaction to the court case because in my view, the opinion had a degree of moral honesty to it, and was carrying forth pro-life principles that many in the pro-life kind of advocacy community have been making for decades at this point. And one of those principles is that a human being is a human being at all stages of their development, and whether the child is inside the womb or, the child is outside the womb, the child is still the child, the child is still a human being.

*<CLIP> Eagle Eye TV:*

*Alabama Supreme Court Chief Justice Tom Parker: At the time that Roe v Wade was decided in 1973, they didn't have the medical evidence and information that we have today that clearly shows that life begins when the union between the sperm and egg occurs.*

ANDREW: If it's a child that is in its embryonic developmental stage, and it's frozen, in my philosophical and theological worldview, that's still a child.

SEAN: I think there might be a lot of people in our audience, Andrew, who hear you referring to an embryo as a child, and they might be confused because literally we have two different words for these things because to a lot of people they are two different things. Can you explain to people how you believe an embryo to be a child?

ANDREW: The philosophy and the biology here are actually, I think, pretty clear. What we know is from the moment of conception, all of the necessary component parts, that comprise that human being, and will propel their development forward, is present from conception. They’re a genetically distinct human being, different from their mother in the womb. Now, obviously, there is size differentiation between a zygote and an 18 month old toddler. But size differentiation is utterly irrelevant to the philosophical principle about what this substance is at the level of their nature, and at the level of their nature, they haven't changed. Their personhood hasn't changed. All that's changed is the developmental state of that same person.

SEAN: I have so many questions I want to ask you. I don't know which one to ask first, but let's just go with, I think, one that's probably on the minds of a lot of our listeners right now. Hearing you lay out the theological argument for why an embryo is a child. Why do you believe that… well, first of all… no I don't want to assume… do you believe that your theological argument should be applied to state laws, to federal laws, to people who do not share your theological values?

ANDREW: In a liberal democracy, everyone has to argue their position and everyone is entitled to argue their position. The positions that I can arrive at about the dignity of the unborn child, or the dignity of the frozen child, those are moral principles that are true, regardless of whether that they're arrived at theologically or philosophically. I'm seeking to be more expansive and protective in kind of the reach of the law to recognize and protect human beings. And I think one of the pushbacks I would have to individuals who want to treat the embryo as less than fully human, or less deserving of rights is for them to need to justify why they would want to restrict the reach of the law to narrow who is then protected by the law. I think that's a very slippery slope.

SEAN: You're saying the majority of Americans have to argue their position, but, but you're in the minority here. Why do you think most people in this country – from, you know, evangelical Christians to, you know, heretics and atheists who believe that this is a good thing, that letting people who cannot naturally conceive a child use this methodology is a good thing, that creates life – why, why do you think those people should have to argue their position?

ANDREW: There is good motive behind those individuals who are wanting to utilize IVF. And as a pro-life kind of intellectual myself, it's interesting to find myself in disagreement with some in the pro-life community on this question. We value children. We want couples who want children to have children. We then employ this by any means necessary approach to bring children about. And I think that's a very dangerous and slippery argument ethically, because it kind of relies on an ethical system where the ends justifies the means. And in my worldview, once you begin to introduce the idea of conception occurring outside the marital embodied love of a husband and wife, you've transgressed a very sacred boundary. The other principle here is after IVF procedures have occurred, what then do you do with these excess embryos? I think those excess embryos are human beings. And so to keep our neighbors, to keep human beings permanently suspended in a state of cryopreservation, is a way of keeping people against their will. It's denying them their right to live. You know, we have these frozen embryos, they can be selectively reduced, which means destroyed. They can be used for medical research. Or multiple embryos can be implanted. And then the most promising ones are allowed to move forward, and then the others are discarded and destroyed.

SEAN: Your neighbor is someone who wants this treatment. I want to use a real world example here for a moment. Vice President Mike Pence, famously a serious Christian man. He has been very open about his religious beliefs throughout his political career. He and his wife are vehemently anti-abortion, but he has spoken publicly about their fertility struggles and how they used IVF to have children.

*<CLIP> NEW YORK TIMES:*

*Vice President Mike Pence: I fully support fertility treatments and I think they deserve the protection of the law. They gave us great comfort in those long and challenging years that we struggled with infertility in our marriage.*

SEAN: If he had come to you for counsel in that process, what would you have told him about the choice he was considering?

ANDREW: I would want to have a very respectful conversation with Vice President Pence and to ask him, is he aware of all of the facts that go into in vitro fertilization? And I think I would have a further conversation knowing Vice President Pence's convictions, like I think I do, to ask him how he squares the existence of frozen embryos, the possibility of them being destroyed. How that reality aligns with his pro-life convictions. I do think that there is an inconsistency with pro-life Americans and pro-life Christians who are anti anti-abortion or pro-life, but then who are also pro IVF.

SEAN: So just concretely, what would you say to, to Vice President Pence?

ANDREW: If he came to me, I would counsel him against pursuing IVF.

SEAN: And what would you tell him and his wife, who he calls ‘mother’, to do instead?

ANDREW: If it were me and I were, I was there, a spiritual counsel to them or their pastor, I would counsel them towards, looking towards adoption as a very viable option. I don't think that human beings or parents are entitled to children. I think children are a gift, and they are a gift brought into the world best under the circumstances and conditions, where it's the embodied love of a husband and wife that are conceiving them. And it's not technology. It's not science. It's not laboratories, it's not physicians, it's not surrogates, it's not lawyers. And all of those situations I just mentioned, once you again transgress that sacred boundary of the embodied love of a husband and wife, you begin to enter into all of these other ethical scenarios, where other people get involved in bringing children into this world and then also bringing children into the world, into situations that I think are against the interest of children. I think children need a mom and a dad. And when we are designing an artificial reproductive technology regime where children can be placed in a home with either a mom or with a dad or, on their own, or two moms and two dads, I think we're not looking out for the well-being of the child in the best possible way.

SEAN: I got, I got to cut you off there, Andrew. I asked you about Mike Pence and mother, a mother and a father and you're telling me about same sex couples. Why, why would you think that Mike Pence and his wife should not be parents? And, and what would you say to them when they say when they said to you, we want to be parents? What would you say to them? Not, not some same sex couple who, whose love you don't believe in, but, but but these people who, who, who fit your mold of traditional Christian parents?

ANDREW: I would affirm their desire to want to be parents is a good, godly, and biblical desire. But that good desire doesn't allow us to trump other biblical realities and other moral realities.

SEAN: This must have been a big moment for you – to see this court in Alabama adopt a viewpoint that you've held for some time, it sounds like. But, but this reaction you're seeing, even, you know, the leading Republican candidate for president is coming out against this decision. Was that disappointing to you? Because this could have been a moment where Christians sort of were awakened to this, this fringe viewpoint, but instead it looks like it's heading the other way.

ANDREW: It might seem fringe by sheer sake of a minority position, but I am pretty convinced on the moral, philosophical side of this. And there are a lot of those individuals in the scholarly community who would adopt the same type of philosophical approach that I would. It is disappointing, of course, that individuals who would wear the label pro-life would come out and condemn this decision, and then come out kind of giving a blank check to IVF and the artificial reproductive kind of technology regime that we have the United States, I think that in all of these situations where individuals are celebrating IVF, the next question then is, yes, but what about the excess embryos?

SCORING IN – India Pensive, BMC

SEAN: Andrew Walker teaches Christian ethics at the Southern Baptist Theological Seminary in Louisville. When we’re back on *Today, Explained* we’re gonna talk about just how big a political loser this fight is for the right.

**[BREAK]**

**[BUMPER]**

SEAN: Sarah Longwell is the publisher of The Bulwark. It’s an outlet for conservative news and opinion written by people who don’t like Donald Trump. She does focus groups with people from across the political spectrum every week so we asked her how people feel about this Alabama Supreme Court ruling that embryos are children.

SARAH: Since the Alabama ruling came down, we haven't had sort of a big representative group to talk about it with yet, but I know from talking to voters about abortion and reproductive rights generally, that this is going to be deeply unpopular for Republicans.

SCORING IN – India Pensive - Distorted Clarinet

*<CLIP> MSNBC:*

*Hannah Miles: This isn’t an acceptable way to treat someone… or families… that are going through something so hard. This isn’t a political talking point.*

SARAH: There is a reason that they are scrambling right now to distance themselves as far as they can from this IVF ruling and to say that they are, in fact, pro-IVF.

*<CLIP> MSNBC:*

*Rep. Don Bacon (R-Neb.): We want husband and wives who want to be parents the opportunity to be parents…*

*<CLIP> POLITICO:*

*Georgia Governor Brian Kemp: You know you have a lot of people out here in this country who wouldn’t have children if it weren’t for that.*

*<CLIP> FORBES:*

*Kansas Senator Roger Mitchell: The Republican party is the pro family party, and there’s nothing more pro family than welcoming babies into the world*

SARAH: A lot of Republicans are pro-choice. They just are. I ask all the time in our Trump voting focus groups how many people consider themselves, pro-choice? And actually, one of the most common answers I get from Republicans is to say, well, you know, I'm pro-life, but I believe in a woman's right to choose. And the first time I heard that answer, I kind of chuckled a little bit at what I thought was a contradiction. But I've realized as I hear it over and over and over again, what they're really saying is, is that they themselves are pro-life. They are culturally pro-life, but that they did not want to see Roe overturned, that they just they want this stuff to be between women and their doctors, especially women, whenever you start bringing up these issues with women in focus groups left, right and center, they immediately jump to personal stories that they have experienced or that their friends and family have experienced. And so this is just one of those things where it's such a deeply personal issue that the last thing people want is sort of Tommy Tuberville in the middle of that decision.

SCORING OUT

SEAN: So you're telling us about voters’ views on abortion. But, but let's talk about where they stand on IVF generally. Do you have some sense?

SARAH: Yeah. Look, IVF is not a thing that comes up that often. Which is why I'm sort of contextualizing it broadly in reproductive rights, because that is a thing we talk about all the time. But here's what I know about these voters. People talk about, you know, not being able to get pregnant and how hard that was for them. And some people do is just sort of mentioning that they went through IVF or, some people mentioned that they've had abortions, but this is just one of those things that look, me and my wife, ended up doing IVF, but I also know lots and lots of straight couples who, used IVF. And so I think it's wrapped up in the larger issue around whether or not Republicans are part of the mainstream on sort of a broad spectrum of reproductive rights, including birth control. And one of the things that I think Democrats are going to need to figure out how to go on offense on is that right now, while Republicans are distancing themselves from this IVF decision, you know, Trump comes out and tries to triangulate against this and say:

*<CLIP> Donald Trump: We want to make it easier for mothers and fathers to have babies, not harder, you know that, that includes, and you saw that, it was a big deal over the last few days, that includes supporting the availability of fertility treatments like IVF in every state in america….*

SARAH: … and a lot of the Republican senators are as well, the fact is, a whole bunch of them are co-sponsors of a bill that would do exactly this, that would make it nearly impossible to have in vitro fertilization. I think part of the problem for Republicans is if you brought up the idea that Republicans wanted to ban contraception, for example, people in the focus groups would say, no, they don't. That's ridiculous. They would never do that. But what this IVF decision does is it puts them one step closer to people being like, I don't know, maybe they would. They do seem to be trying to, you know, sort of clamp down on everything that is not, sort of, ‘A life begins at conception.. One man, one woman… Sex is the only way you have babies.’

SEAN: You're based in Washington, D.C.. Sarah, what's the response on Capitol Hill? How are Republicans in the House and Senate either embracing or distancing themselves from this Alabama ruling?

SARAH: Well, they're running from it as fast as they can. Even the people who, like I said, have co-sponsored bills that would essentially do this same thing. And I think, what what's happening on Capitol Hill right now is a bunch of Democrats saying, ‘Wait a minute! You're trying to say that you don't agree with this, and yet you've co-sponsored a bill that would do precisely this.’ The other thing that's happening is Tammy Duckworth has essentially put a bill forward, she's a senator, trying to codify, much like they did for gay marriage, codify the right to in-vitro fertilization.

*<CLIP> SENATOR TAMMY DUCKWORTH: If you are genuinely actually honestly interested in protecting IVF, then you need to show it by not blocking this bill today.*

*<CLIP> MSNBC: A republican senator has blocked the passage of a bill to protect access to in vitro fertilization nationwide. Senator Sydney Hyde Smith of Mississippi objected to the bill’s approval yesterday.*

*SENATOR HYDE SMITH: The Bill before us today is a vast overreach that is full of poison pills that go way too far.*

SARAH: It looks like, even as much as they're running from it rhetorically, this is where Republicans just are sort of the dog that caught the car, always, on these reproductive rights issues because they've used them as a messaging tool to a chunk of their base for a very long time. And now that it's very unpopular with the more moderate wing of their party, they, they sort of can't have it both ways, and they're struggling to figure out how to do it.

SEAN: But one thing that's curious about this political moment we're in, Sarah, is that, you know, Republicans seem to lose on abortion in the 2022 midterms and various other state races since. And yet, you still see extreme positions on abortion being taken throughout the country, including, I think, most recently by the leader of the party himself. Do we think the optics around this IVF ruling, though limited to Alabama, will actually cool heels in other states that might be considering something like this?

SARAH: No, I mean, I think, look, you got, one thing to understand is there's the politics of it, which is terrible for Republicans. But then there's the fact that a lot of the people that Trump has brought into the party are very extreme, especially on issues like this. So even though Trump himself, I think, has the instincts to sort of triangulate against the more, people who are more extreme on the reproductive rights issues, the fact is, the party is now completely in control of kind of the very MAGA, very hardcore right, and they're pushing. They're ready to push and get what they've been looking for. I mean, there's a whole bunch of people in the Republican Party who are using Trump as an opportunity to advance an agenda that is sincerely held. And so, while I think Republicans, who … for whom these issues are not paramount, you know, they're, they're trying to figure out a political solution to this. There's a lot of other people in the party who are saying, good, this is our time to, to go after birth control. This is our time to resurrect, you know, our notions of sexual morality. This is our opportunity to go back and, refight the war on gay marriage. Like, it seems like we lost, but maybe not. You know, now we've got all the groomer stuff and feels like, you know, they've, they've gone too far with some of the trans stuff so we can push back. No, I think this is one of those things where Trump unleashed a lot of toxic forces on the party. And, there's a great faction on these issues that feels very emboldened to go pursue their agenda. And they don't care about the politics of it. They care about the policy agenda they want to achieve.

SCORING IN invention 1, BMC

SEAN: Sarah Longwell. She runs The Bulwark. She also has one of these audio programs. It’s called The Focus Group Podcast.

Our show today was produced by Victoria Chamberlin, edited by Amina Al-Sadi, fact checked by Laura Bullard and mixed by David Herman.

This is *Today, Explained*.

[10 SECONDS OF SILENCE]