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The use of spare embryos for medical research : a phenomenological approach

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**THE USE OF SPARE EMBRYOS
FOR MEDICAL RESEARCH:
A PHENOMENOLOGICAL APPROACH**

The use of spare embryos for medical research is a topic that raises the question: “when does one become a human being?”. The answer to it is meant to help answering another question of whether the human embryo has the same moral status as children or adults. While the answers to these questions presuppose in turn a prior definition of the human being, the issue of the essence of the human being is no less controversial. Nonetheless, however problematic the issue may be, it is how we understand the moral status of the human embryo that determines the stand we usually take with regard to the ethics of the use of embryos for research. This paper aims to deal with the three approaches to the issue which I consider to be currently the main ones: ontological, biological and relational. After showing the weaknesses of these attitudes, I will suggest a phenomenological approach which I believe to be apt to deal with the complexity of the question of using the spare embryos for medical research.

By ontological approach is meant the definition of the moral status of the embryo based on a description of human nature. For proponents of this account, human nature lies in the essence of the human being. It is present in each and every human being independently of biological

development, culture and the relationships that influence their lives. It is an attitude that could be termed essentialist. Thus the Magisterium (the teaching office) of the Catholic Church, which I take in this paper as a representative of this approach, maintains that whatever the stage of its development, an embryo has a right to the same respect as a child already born and any human person (Congregation for the Doctrine of the Faith 1987, 18)¹. Consequently, for the Magisterium it is morally illicit to use spare embryos for research as long as it involves their destruction (Congregation 1987, 19). According to this understanding, human beings are made in the image of God, for they have spiritual souls created by him, which they receive at conception. So, we are human beings from conception and, therefore, embryos must be respected in the same way as adult human persons. “Thus the fruit of human generation, from the first moment of its existence, that is to say from the moment the zygote has formed, demands the unconditional respect that is morally due to the human being in his bodily and spiritual totality. The human being is to be respected and treated as person from the moment of conception; and therefore from that same moment his rights as a person must be recognized, among which in the first place is the inviolable right of every innocent human being to life” (Congregation 1987, 14-15).

This position is based on concepts that are problematic. One of them is that of the beginning. For the Magisterium, it is at the fusion of a sperm with an egg that human life *begins* (Congregation 1987, 14). But the ovum is already alive before conception and it undergoes a process of development without which conception would be impossible. The sperm is also alive before fertilization. It is therefore better to regard life as a continuum than as a beginning (Harris 1992, 32).

But essentialists insist on the importance of the beginning by arguing that a new individual begins from the moment of conception. Once fertilization has taken place, a genetically new human living individual cell is formed that has the proximate potential to become a mature human person with the same genetic constitution. As has been shown by Harris, however, there is no need to “sacralize” the moment of fertilization. “A number of things may begin at conception. Fertilisation

¹ In what follows, the reference will simply be Congregation.

can result in the development not of an embryo but of a tumour, called a hydatidiform mole, which can threaten the mother's life" (Harris 1992, 32). Fertilisation is not necessarily the beginning of a human being.

True, the Magisterium does not deny that one becomes a human being gradually, but it maintains that this graduality is not incompatible with the idea that from fertilization, by virtue of immediate rational ensoulment, we ontologically have the presence of a fully fledged human being. "From the moment of conception, the life of every human being is to be respected in an absolute way because man is the only creature on earth that God has wished for himself and the spiritual soul of each man is immediately created by God" (Congregation 1987, 11). This argument of God's immediate animation seems to me very questionable. To begin with, at conception, it is not determined whether one or more human individuals are formed from a single egg. The zygote can give rise subsequently to two individual daughter cells that may develop separately and be born as identical twins. If "from the moment of conception" is meant the penetration of the sperm in the ovum, it is difficult to see how the idea of immediate creation of a spiritual soul can apply to twins, since, being spiritual, the soul cannot be divided. In addition: how about the embryos *in vitro* that are created for the sole purpose of research? Does God create also souls for them? Souls for the embryos that will be objects of scientific manipulation?

As far as I can tell, the essentialist account has the merit of seeking to establish an objective criterion for moral evaluation of our relation to embryos. However, this attitude leads to considerations that are counter-intuitive and unrealistic: for example, to say that the cell produced when the nuclei of the two gametes have fused has a right to the same respect as a child already born or an adult person. In this way, the human being is reduced to some features that we have in common with the embryo, such as the genetic heritage and the spiritual soul.

As to what I call a biological approach, it is the stage of the development of the embryo that determines its moral status. Mary Warnock, for instance, argues that the human embryo begins to matter morally after 14 days (Harris 1989, 89) and John Harris goes much further by maintaining that "the moral status of the embryo and indeed of any individual is determined by its possession of those features which make

normal adult human individuals morally more important than sheep or goats” (Harris 1992, 48). Therefore, for him a spare embryo does not have a moral status superior to that of animals. It is different from animals only by belonging to the human species and by its potentiality to develop into human adults. Consequently, for Harris, it is morally licit to use spare embryos for medical research. To do otherwise would be wicked, for it would be refusing to search for the means of saving millions of people in distress. To defend this position, Harris uses the argument of the early embryonic loss in human pregnancy. To have a child by a normal sexual act, he says, one has to accept sacrificing from one to three embryos in early miscarriage or failure to implant, and it is not considered immoral to have a child at this cost. It is therefore legitimate to save the lives of many people at similar cost (Harris 1992, 46).

I argue that the biological approach is not sufficient for the definition of the moral status of the human embryo. Biology can only provide descriptions of phenomena that are normative in the knowledge domain but not in the domain of conduct. Another objection that can be made to Harris is to say that even if an embryo is not a human person, it has at least the potentiality of becoming one if all conditions are fulfilled. In relation to this, Harris argues that the moral status of the human embryo should be determined not according to what it might become but according to what it is. According to him, the fact that an entity can undergo changes that make it considerably different does not constitute a reason to treat it as if it has already undergone these changes. We are all potentially dead, but this is no reason to treat us as if we are already dead (Harris 1992, 34). Another way of refuting the potentiality argument is to say that an ovum and a sperm taken together, but not yet united, have the same potentiality as the fertilized egg. Therefore, to give a moral status to an embryo by virtue of its potentiality would be to attempt to give a moral value to human gametes, which we do not usually do. On the whole, Harris has a vision that is realistic and full of common sense. Obviously, spare embryos do not deserve the same respect as children in the crèche. However, by defining the moral status of the embryo in terms of self-awareness (Harris 1985, 18-19), Harris seems to reduce the human embryo to the biological dimension. I believe the value of the human embryo goes beyond its physical constitution and development.

Proponents of the relational approach argue that the human being is constituted by exchange of words and relations with other people (Thévoz 1990, 52). Consequently, the moral status of the human embryo is founded on the relation between parents and the embryo. Its value relies on the project of the parents. Having lost this parental project that had brought them into existence, spare embryos are relationally and humanly dead and therefore they can legitimately be used for medical research. However, given the potentiality of the embryo to become a fully fledged human being, one cannot claim that an embryo is simply a collection of cells. It is a precious being that should be respected. The first respect due to it and which precedes its existence is to undertake fertilization only with the intention and goal of allowing it to develop and grow in the family. It is therefore morally illicit to create embryos for the sole purpose of research (Thévoz 1990, 252).

The relational attitude is not without weaknesses. How is a parental project different from other human projects? Thévoz accepts the use of spare embryos for research but he opposes the creation of embryos for the sole purpose of medical research, for he believes it is a violation of human dignity. If a parental project can legitimate the destruction of the spare embryo, why could not a medical research project? Besides, the relational approach seems to open the door for moral relativism. If we do not have to consider what the embryo is in itself and if only parental choice can legitimate its destruction, what can hinder the same parental project from legitimating infanticide? It is for this reason that the Magisterium of the Church maintains that the moral status of the human embryo must not depend only on the sincerity of intention or on the appraisal of motives, but on objective criteria, drawn from the very nature of the human person. Therefore, even if it does not exhaust in itself all the values of the person, the physical life by which the embryo commences its venture in the world constitutes for it, nonetheless, in a certain way, the “fundamental value of life, precisely because upon this physical life all the other values of the person are based and developed” (Congregation 1987, 10). Otherwise, if it is the parental project that determines the meaning and intelligibility of the embryo, the latter seems to be reduced to a cultural construct.

In my opinion, these three attitudes I have presented share the same weakness of defining the moral status of the embryo by only one element. From the phenomenological point of view, the foregoing approaches overlook the ambiguity of the phenomenon, that is, the capacity of any data or situation to appear in a different way. Whatever is given to a perceiving subject is given in limited aspects and in perspective (Merleau-Ponty 1962, 429). A phenomenon can always appear otherwise, it is never circumscribed. Thus for Merleau-Ponty, to perceive is to perceive on the horizon. He takes up the idea of Gestalt psychology according to which sensations are always linked to one another and not atomized. Every perception of something implies the positioning of that thing in a larger environment. What is primary in the perception is the environment, the totality of the phenomenal field in which emerges the explicit content of perception. This idea made Merleau-Ponty oppose the idealistic attitude, for which to perceive is to constitute something by conscience. For him, an object gets its perceptuality both from itself and the environment. From the point of view of Merleau-Ponty's phenomenology, one can speak of the *flesh* of the embryo. He introduced the concept of the flesh to formulate the experience of the world that precedes any thought on the world. The flesh is the common background of meaning and the world (Merleau-Ponty 1968, 264). It makes me perceive the meaning of the world, to which I also give meaning by perceiving it. The subject and the world make a system. One has meaning only in relation to the other (Merleau-Ponty 1962, 248). With regard to the moral status of the embryo, by Merleau-Ponty's concept of the flesh both essentialist and idealist attitudes are superseded. This concept makes us aware that reality and value make one thing and that it is precisely there that the enigma of the human embryo lies.

The phenomenological attitude I am proposing would refuse to define the moral status of the embryo by one element. It is an approach that makes us evaluate our moral relation to spare embryos by considering many possible aspects of human existence. Research on embryos does not simply fulfil a certain function, such as to improve the quality of human life. It is also symbolic and it has a meaning that calls for a hermeneutic perspective. It can involve the change of the perception a society has of itself. To borrow a linguistic distinction, the practice of

such a research has both a denotation and a connotation. The connotation is another cultural horizon that the practice can bring about. The phenomenological attitude could enable us to approach the issue of the moral status of spare embryos in non-reductionist manner.

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STRESZCZENIE

Wykorzystywanie nadliczbowych zarodków w badaniach medycznych pozostaje kontrowersyjną kwestią, ponieważ dotyczy wieloletniej już dyskusji nad statusem moralnym ludzkiego zarodka. Temat ten rodzi pytanie, czy zarodek wymaga takiego samego traktowania jak w pełni ukształtowany człowiek, czy też z racji różnic pomiędzy zarodkiem a

pełniej ukształtowanymi przedstawicielami gatunku (dzieci, dorośli) powinien być odmiennie moralnie traktowany. Po zaprezentowaniu trzech redukcjonistycznych podejść do tej problematyki: ontologicznego, biologicznego i relacyjnego, przedstawiono argumenty, wedle których to podejście fenomenologiczne pozwoli nam uporać się z całą złożonością kwestii dotyczącej wykorzystywania nadliczbowych zarodków w badaniach medycznych.

Słowa kluczowe: ontologia, relacja, fenomenologia, redukcjonizm