

# Ethics, Experiments and Embryos: A Christian's Observations on the Embryonic Stem Cell Debate

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## SUMMARY

The paper discusses some aspects of the recent history of the debate concerning embryonic experimentation and relates it to Christian theological themes including:

- The place of theological principles in public debate
- The notion of humanity being made in the image of God
- The nature of God's providence/action in the world
- The concept of 'ensoulment'
- The moral status of the embryo
- Natural law principles
- Creational and redemptive theologies.

These principles are integrated with various philosophical and ethical principles including:

- Deontology (the ethics of duty)
- Utilitarianism (the ethics of consequences)
- Aretaicism (the ethics of virtue)
- The nature of argumentation and 'slippery-slope' arguments

A summary of the paper can be obtained by a continuous reading of the highlighted sections alone.

## A: The changing context of the debate

**1. There is no ethical debate about the value of stem cell research *per se*.** The potential benefits are well documented, very real and profoundly significant, even if the immediacy of the benefits has been over-stated (see 10 below). There are no ethical problems related to research on *adult* stem cells *per se* and every reason for it to continue.

**2. The ethical dimension of 'the stem cell debate' really relates to the moral status of embryos** from whom stem cells may be obtained— at the cost of the loss of life of the embryo. The ethical concerns therefore relate to the appropriateness of experimentation on, and thus the destruction of, early embryos.

**3.** It should be noted that **exactly the same ethical issues concerning experimentation on, and the destruction of, embryos have been raised and debated on a number of previous occasions** since the development of IVF and embryonic transfer (ET) procedures in the 1980's. The most notable reports have been 'The Report on the Disposition of Embryos Produced by In Vitro Fertilization' (Waller report – see Committee to Consider Social, Ethical Legal Issues arising from In Vitro Fertilization 1984) and the report 'Human Embryo Experimentation in Australia' (Senate Select Committee 1985).

**4. The conclusions reached by the Victorian and Federal government committees are worth reproducing here** as the fundamental issues remain the same. The Senate Select Committee found that the embryo deserved some respect due to 'the human and social *origin* of the sperm and eggs which forms them' but even further respect 'in deference to the embryo's human and social *future*' and concluded that

**it is in its orientation to the future that the [Senate Select] committee finds the feature of the embryo which commands such a degree of respect as to prohibit destructive non-therapeutic experimentation.**

(Senate Select Committee 1985, conclusions and recommendations 5)<sup>1</sup>

**5. The Waller Committee concluded that some limited research was permissible but in so doing included two important qualifications in their finding.** The report specifies that

embryo research shall be limited to the excess embryos produced by patients in an IVF programme

and

the use of any embryo for research shall be immediate and in an approved and current project in which the embryo shall not be allowed to develop beyond the stage of implantation, which is completed 14 days after fertilization.

(Waller report – see Committee to Consider ... 1984, 6.14, 6.15)

**The two important distinctions are (a) the 14 day limit (discussed below in paragraph 20) and (b) the context in which experimentation takes place meaning that general experimentation was forbidden.** The context of any experiment is important and the Waller Committee required it to be 'immediate'

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<sup>1</sup> My emphasis.

whereby the overall purpose of the experiment is the creation of life. The rationale for permitting this form of experiment emerges from the dilemma faced in IVF procedures which are constantly refined and improved. When a new procedure emerges the question has to be asked as to whether it has inadvertently damaged the embryo. There are only two ways to find out. The first is to simply implant the embryo in the potential mother and see what happens. It was argued that it was ethically irresponsible to implant uncertain, possibly deformed embryos in a woman. The only alternative is to go through the usual, artificial reproductive techniques in order to produce a number of embryos which can be implanted but then test a certain number of them before implanting others. The intention is to produce a new life and the experiment becomes a part of an overall process aimed very specifically in that way. The legitimacy of this is discussed below in paragraph 6, but irrespective of one's conclusions concerning that, at this point it is important to note that **the present context of the debate has shifted and new elements have now been introduced which seek to justify much more general forms of experimentation which are not aimed directly or immediately at the creation of life.**

## **B: A theology of natural law**

**6.** Before moving on it is worth reflecting on the first of the theological principle at work here. **Christian theology operates with various forms of 'naturalism' or 'natural law'**. This is obviously not a naturalism which excludes the work of God but one which recognises in the created order the intention of God. There are two dimensions to this. The first is that within people there is a natural sense of morality – of justice, care and compassion. This conscience works to produce moral laws. Secondly, and of greater significance at this point, is the evidence of God's intentions in the way that all things are designed and made. **Every part of the natural world, including the reproductive processes, therefore reflects God's nature and intentions.** There are various versions of natural law theology varying in strength. Protestant theology operates with certain versions but it is within Catholicism that it becomes particularly prominent in bioethical issues. It should also be noted that related forms of naturalism do exist in non-theistic circles. Many people are uneasy with certain actions related to genetic research because it seems to be 'unnatural'. This sense of unease is frequently dismissed with reference to the many good things (such as surgery and vaccinations) that are already done which are (or at least were) 'unnatural'. However, such obvious observations do not always eliminate the underlying intuitive feeling about certain actions not being right.

**7.** Natural law lies behind the Catholic opposition to birth control which is seen as objectionable because it frustrates the natural process of conception. From the Catholic point of view this is not a trivial objection but a fundamental principle. Obviously Catholic views on the sanctity of life play a critical role in objections to embryonic experimentation but the significance of natural law is seen clearly in the fact that experimentation is forbidden from when sperm and ova come together. Conception is

defined as beginning at this point even though it is well before syngamy (approximately 22 hours after sperm begins to penetrate ovum, when there is the combination of two sets of DNA and a new, unique genetic identity comes into being). The point is that because once sperm and ova have come together a natural process has begun which ought not be interfered with. Milder versions of natural law also exist, **indeed it is probably the case that everyone operates with some form of natural law.** Protestant natural theology is not usually so strong because it is modified by a variant form of redemptive theology. It begins with a theology of creation, but one which incorporates a (typically) more devastating view of the effects of sin which means that one cannot assume that the world is just as God wanted to be. This means that the created order as we have it now is distorted and it is the responsibility of the Christian to work towards redemption rather than just maintaining the present order of creation. Despite this, natural law remains and, for instance, it plays a part in the argument of this paper that the loss of embryos in IVF procedures (as distinct from other procedures not directly related to conception) is acceptable while it is not in general experiments related to stem cell research or other procedures. **In terms of the specific issue the significant difference is that the loss of embryos in the IVF process can be justified if it mirrors the natural process of conception in which the vast majority of fertilised ova never make it through to be born.** It is certainly the case that artificial procedures are involved in IVF with a consequent loss of embryonic life but this is acceptable where the intention is exactly the same as in the natural process of conception. In both situations some embryos are lost in order that others may be born. **In terms of general ethical theory the point is that it is necessary to recognise the level and significance of one's own adherence to natural law.** Moreover, while natural law is an important indicator and guide for action it is difficult to identify precisely the appropriate boundaries. This difficulty does not justify ignoring it but it does point to the need for further guidance.

## **C: Appropriate terminology, declaring intentions, and declaring biases**

**8.** As well as the gradual shift of the context in which experimentation is considered, **it is also possible to see in the present debate a significant change in the terminology used when discussing embryo experimentation, a change which shifts the ethical emphasis of the debate.** In the mid-1980's 'therapeutic experimentation' referred to experiments upon embryos with diagnostic and/or curative value. That is, it might involve the removal of one or two cells from an early embryo for examination *without the loss of the embryo itself*. Any experiment aimed at gaining more general knowledge which necessarily involved the death of the embryo was referred to as 'non-therapeutic experimentation' (and the Senate added the proviso that it also properly required a further explicit qualification as 'destructive non-therapeutic experimentation' indicating that such experiments cause the destruction of the subject. (Senate Select Committee 1985, Conclusions and recommendations 2)) Thus 'therapy' was, by definition, for the

subject involved. In the context of the present debate however, 'therapeutic experimentation' (or, in slightly different context but with the same new meaning 'therapeutic cloning') is defined as an experiment which involves the death of the subject embryo. It is 'therapeutic' in the sense that the intention is to create an embryo which is close or identical in genetic structure to the donor of the DNA involved in order to gain access to stem cells (or later cells of organs) which can then be returned, with minimal rejection problems, as therapy for the donor. 'Therapeutic cloning' stands in distinction to 'reproductive cloning' which is cloning in order to allow the embryo to develop so that a new person, who is genetically identical to the donor, comes into being. **'Therapeutic experimentation' in the present context is not therapy as it was understood in previous discussions.** It is positive in that the intention is to provide therapy for another person, but therapy for one life is death for another.

**9.** In the years that IVF and ET procedures have been utilised they have produced many more embryos than have been used. The 'excess' (or 'spare' or 'rejected') embryos are sometimes allowed to die and sometimes donated to other users, or simply kept in a frozen state. **The fact that there are high levels of unease about experimentation upon embryos, or treating early embryos as less than valuable human life is one of the reasons why there are not less than 60,000 embryos presently being preserved.** At this point, the possibility of embryonic stem cell experimentation relies almost entirely upon the results of IVF procedures. The alternatives to the use of 'spare' embryos are to focus research upon adult stem cells (which, as indicated has no real ethical problems) or to create new embryos specifically for experimentation. Although some argue that this latter process is actually ethically preferable to using embryos from IVF programs on the basis that it removes the issue from the complexities of parenthood and family it is a possibility which is generally less morally popular. In one respect this is interesting because it is actually quite a strong argument providing one takes the stance often taken by those favouring destructive embryonic research: that the early embryo does not have significant human value until at least 14 days. Yet few people are willing to support the specific creation of embryos for destructive research. This reluctance may be the result of tactical considerations (that is, a desire to minimise potential offence to the general public) but it may also be the result of an underlying dis-ease that early embryos perhaps are actually entities with significant moral value.

**10. Generally, the current situation with stem cell research is that there is an intention to create a human embryo, in order to destroy it, in order to benefit others.** The change that stem cell research has brought about is that there is a strong push for experimentation upon, and destruction of embryos, for purposes other than reproduction. Embryonic experimentation and destruction does not take place within the context of the specific process of conception but rather in the context of a desire to experiment in a much more general sense in order to gain knowledge which will be of benefit to other person.

Of course, the ultimate intention of the destruction of embryonic life is to bring substantial therapeutic and social benefit to others, but there is an intermediate intention to destroy specific embryos.

**11. This debate obviously needs to resolve the question as to whether embryonic stem cells are actually needed.** In the first instance there is the scientific question as to whether adult stem cells can provide the same information as embryonic stem cells. For this we must rely on the opinions of scientists. I am not cynical at all about their optimism but there are dissident voices. **It is possible that the present public debate has over-stated both the immediacy of the benefits of stem cell research and the essential nature of, specifically, embryonic stem cell research.** This is something that people generally would rather not hear but the most recent edition of *The Bulletin* (16/4/02) has a brief article on this. Wayne Hall, director of the Office of Public Policy and Ethics at the University of Queensland's Institute for Molecular Bioscience, expresses his belief that the benefits of embryonic stem cell technology have been overstated, although he is sure that there will be some.

It's possible there may be some benefits in this new technology even if it doesn't live up to all the hype that we're hearing at the moment.

(Hall cited in Sweet 2002)

**12.** It seems to me, and I lack the resources to check this out thoroughly, that scientific opinions on the comparative value of embryonic and adult stem cell research are influenced by the area in which the scientist is researching. Just as the general public would prefer not to hear negative views on the value of stem cell research generally, so too researchers are no different to others in preferring optimism over pessimism concerning their own specific area of research. Better identification of researchers' positions would be advantageous. **In public debate, a lot is said which is not adequately identified.** Politicians share with church representatives the fact that when they speak on a matter they are usually perceived as offering an 'opinion' which is a result of an established position (or 'bias') due to their prior commitment to a church or political party. However, when scientists speak on scientific matters they are far more likely to be perceived as contributing 'facts' rather than opinions from an objective rather than partisan point of view. This is one small result of the erroneous fact-value dichotomy which exists in our culture. The reality is that objectivity in science is far from perfect. This may be something of a side-issue but **ideally all scientific opinions on the relative merits of embryonic and adult stem cells would carry with them information as to whether the scientist involved was involved in either adult or embryonic stem cell research and would indicate who was paying for it, and what institutions, commercial and otherwise, they were responsible to.** I have no particular problem with scientific bias and tremendous respect for scientist in this field generally but no-one, least of all the general public, should be under any illusions concerning scientific objectivity.

## **D: The nature of divine action in the world and the legitimacy of explicit Christian involvement**

**13.** With all these reservations one still cannot be unimpressed by the potential in stem cell research and one can ask from a theological point of view whether there are any legitimate reasons for Christians to seek to place any restrictions on it. In this kind of public debate Christians have to represent God as best they can, and this means bringing into the debate theological concerns. It is not appropriate for Christians to leave behind theological issues simply because it is a public debate. **There has been a tendency to try to reduce the theological dimension in public debate to that of ethics and there is always a temptation for Christian's themselves either to use theological arguments only to address other Christians or, in the public arena, merely to explore ethical dilemmas from a Christian perspective in the light of scientific facts rather than to provide a direct, public theological engagement with the issue.** This is a part of the general process of privatisation of faith. The destructive dualisms (fact-value; sacred-secular; private faith-public politics) of modern society have to be overcome and Christians ought not to be reticent about those principles which guide their convictions. In fact, **many of the theological concerns that Christians have actually echo the existential convictions of many non-Christian people.** Non-Christians often resonate with specifically theological issues. Developments in bio-technology today are challenging many people's sense of the order of things and some secularists do not have a language to cope with this but they can sometimes identify with a Christian point of view.<sup>2</sup>

**14.** The next theological question to be addressed thus concerns the nature of God's action in the world. This is a question of divine providence – the manner in which God works to bring about good in the world. There are those who would argue that any interference in processes as fundamental as the disposition of genes is not legitimate simply because it is supplanting divine initiative or 'playing God'. However, this kind of argument is not very strong as divine providence is recognised as operating through human stewardship. **Christians are, in a very real sense, required to 'play God'. As his representatives in the world (Gen. 1:26), we are given the responsibility of making the best decisions that we can, given the information that we have.**

## **E: Theology and three forms of ethical reflection**

**15.** Christians rejoice in the knowledge gained by researchers and in the potential benefits of stem cell research. In knowing how to utilise this knowledge Christian thinking also accept the intellectual benefits of philosophy in general and ethics in particular, but refuses to be bound by

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<sup>2</sup> Having made this argument for direct, rather than indirect, theological engagement in public debate, it must be conceded that in the present context the situation has been reasonably good. That is, there have been a number of public presentations of distinctly theological approaches.

the issues and the structure of the debate as defined by secular philosophy and ethics. Indeed the secular ethicist – as well as the Christian – should recognise the reductionist tendency in public debate because not only are there attempts to reduce the Christian content of public debate to some observations on the value of general ethical claims but **in a similarly reductionist manner ethics in public debate has frequently been reduced to a discussion of consequences.** In fairly classical ethical terms, ethical processes can be divided into three main categories (which can be usefully related to Christian ethical thinking). They are

- deontological (ethics of duty) approaches;
- utilitarian (or consequentialist) ethics; and
- aretaic (ethic of virtue) approaches.

But they are rarely all utilised. The reduction of ethics to consequences ought to be a matter of some concern to all, but it is of particular concern to Christians as deontological ethics are more common among religious groups, but consequentialist ethics have been give priority in the public debate but and so religious arguments have not gone down well in the public domain. And a return to an ethic of virtue would also be advantageous.

**16. In deontological ethics the focus falls on the nature of *the act*.**

It involves determining the appropriateness of a course of action by reference to a standard involving specific rules or principles. It involves the conviction that irrespective of the consequences one has a responsibility to act correctly. Various forms of deontological ethics are common in religious contexts. Indeed, rules and/or principles usually involve some religious source. **In utilitarian or consequentialist ethics the focus falls on the consequences of the act.** There are various forms of utilitarian ethics (act and rule; individual and corporate etc) but they all define the appropriateness of an action by weighing up the positive and negative consequences of all possible actions. That which produces the greatest overall benefit is the course of action which should be taken. **In aretaic ethics the focus falls on the character of the person involved** and whether they have inculcated appropriate virtues, such as compassion and love which would provide built in ethical guidance.

**17.** In public ethical debate deontological ethics suffer because there is no common acceptance of the authority possessed by the governing source; and aretaic ethics have even less of a formal role to play (although the actual role they play in people’s decision-making is unmeasurable) because virtues are conducive to being enforced by law. **By contrast utilitarian ethics appear to be reasonable, measurable and objective and so dominate public debate.**

**18.** Christian theology is not averse to utilitarian ethical thinking; in fact there is a strong tradition of Christian versions of utilitarian ethics,

weighing up actions in the light of the potential for extending Christian love and the kingdom of God. However, it is important to note that **utilitarian arguments have never been allowed to be un-controlled or independent. In the present context the most important qualification is, that in matters of life and death, human beings are exempt from being weighed in the balance.** This is an exemption based on the sanctity of human life. If humans were not exempt, then it would be very easy to justify destructive medical testing on criminals who have been sentenced to death; it would justify the removal of organs from the terminally ill, and possibly other fairly drastic events. It is inevitable that embryonic experimentation will be justified by recourse to utilitarian ethics rather than deontological or aretaic approaches. The most straightforward utilitarian argument operates on the basis that the embryo is not a human person, but simply another bodily product with little moral value which can be weighed in the balance and experimented on as desired.

## **F: The moral status of the embryo, the *imago dei* and the soul**

**19. Obviously this leads immediately to the question of the moral status of the embryo,** in order to determine whether the embryo is exempt from being weighed in the balance in the way that other human beings are. At this point we need to distinguish between: the moral *status* of the embryo, that is, what kind of entity it is ontologically speaking; the moral *value* which is then attached to that particular entity, because value depends upon status; and the *treatment* that is to be accorded to the embryo which itself depends upon the value that we consider it to have.

**20.** The question is sometimes asked concerning the early embryo, 'When does life begin?' However, this is not a very helpful question as the embryo is clearly alive from the very beginning, and it might even be said that the sperm and ova that constitute the embryo are also alive. It is sometimes asked whether the embryo is human? The answer of course to that is 'yes'. It is not a pig embryo or a dog or cat embryo that we are dealing with here. **The embryo is certainly human; it is a human identity.** But if we ask whether the embryo is a person, then it becomes more difficult. At one, fairly extreme end of the debate there are those like philosopher-ethicist Peter Singer who argue that sentience (or rationality) is the only 'reasonable' definition of what constitutes personhood. Thus, as a dolphin appears to have a greater level of rationality than a new-born baby (primarily measured by ability with language) it is necessary to avoid 'speciesism' and protect intelligent animals ahead of embryos or even neonates. As this is an argument which does not have much public (as distinct from intellectual) following it will not be dealt with here. Generally, people's intuitive, existential sense of order – distinguishing clearly the moral significance of human, animal and vegetative life – rules out Singer's purely rationalist approach.

**21. Christian theology consistently argues that humanity is made in the 'image' of God** (Gen. 1:26; 5:2; 9:6). This must mean that in

some sense humanity has been made to resemble God and, as the incorporeality of God is usually taken as a fundamental principle, it is usually argued that the body is not in the image of God. The inevitable result of this is some form of anthropological dualism with body and soul understood as two substances able to exist independently. While this ancient view is still attractive to some it is not easy to make the sharp distinction between 'body' and 'soul' which is required. Apart from the fact that the Bible seems to be very reluctant to speak about humanity being made up of two, distinguishable, separable, independently existing parts, experience itself tells us that the state of our bodies affects our spiritual or 'soulish' life. **We are an integrated unity, body and soul together**, and if this is so, can it be right to exclude the physical form from the concept of being in the image of God? However, despite this difference, there is a strong ethical point of agreement, even those who argue that the image of God is found exclusively in the 'soul' resist very strongly the destruction of any ensouled body.

**22.** When does 'ensoulment' occur? **There are those who advocate finding a time after conception which would have the dual function of (a) defining the start of person-hood (the point of ensoulment) (b) and also of allowing destructive experimentation on any embryo prior to that time** on the basis of a utilitarian weighing up of **consequences**. Interestingly, Peter Carnley argues that the decision about when ensoulment occurs is a scientific, and not a theological one.<sup>3</sup> He identifies the commencement of person-hood as occurring at 14 days on the basis that up until that time twinning can occur. He argues that it is therefore not logically possible to speak of a unique human individual or else we are embarrassed by saying that one soul has become two souls or (when twinning is reversed) two souls have become one. Carnley's position is generally considered to be a theologically liberal Christian position and, as such, unpopular with other, more conservative Christians involved in the debate. Interestingly, although Carnley is theologically liberal there are others who are, relatively, much more liberal and who, one would suspect (on the basis of arguments offered in other contexts, such as the abortion debate) would have much greater sympathy with an even later time for ensoulment, but they have been remarkably silent in this particular debate. A positive interpretation of this would be that they are in agreement with the more conservative position. A more negative interpretation would be that the paucity of their arguments in the abortion debate are exposed in a detailed analysis of the science and the theology of conception.

**23.** A response to Carnley needs to include references to science, logic and theology. **Firstly, there is no scientific consensus which would indicate that scientists were clear and agreed upon implantation being the start of personhood.** Certain physical events are tied to implantation but every event in the process of the growth of the embryo

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<sup>3</sup> The Archbishop of Perth (Peter Carnley) has long been the most public, Christian advocate of this position. See his 'Such is Life' in *The Bulletin* (Carnley 2002)

has its particular focus and there is no logical reason for suggesting – from a scientific point of view – that any stage in the process of development is more critical than another. A better summary of the situation would be that there is widespread agreement that (after conception) there is no particular point which can be singled out as being more important, scientifically, than any other point in the development of human life. The only point which can be identified as being unique is the point of conception itself which marks the beginning of the process of development. At the point of syngamy, approximately 22 hours after sperm begins to penetrate ovum, there is a new, unique genetic identity which comes about as the combination of two sets of DNA. I would argue that from that point on there is a continuous process of development.

**24. Secondly, it appears logically appropriate to suggest, from the perspective of any individual looking back over their life history, that each and every stage of embryonic life is as important as any other.** If the embryo which was ‘me’ at a previous stage of my life had died, that would be as significant for me today as the death of the ‘me’ of yesterday. Embryonic life is as essential a part of human life as childhood or infancy or adolescence.

**25. Thirdly, in regard to the matter from a theological point of view it is necessary to note the integrated nature of human body and soul.** It would be odd if ensoulment was taken as occurring at some particular point of time after conception (such as fourteen days) given the prominence attributed to an essentially holistic view of the person by biblical scholars (especially those of a more liberal persuasion). The dichotomy of body and soul has been rejected and humanity is seen as an integrated entity. Carnley’s view would be out of step with this. As to the issue of the twinning and recombination of embryos and therefore of souls, an argument that this makes it impossible to accept the *individual* humanity of pre-implantation embryos does not mean that there is a barrier to accepting the *essential* humanity of the pre-implantation embryo. For example, Siamese twins share a common genetic background and much of their physical body, and yet their humanity is not denied on that basis. Moreover, if I were to be cloned, which would mean that I would have an identical twin, with a geno-type identical to my own, and indeed derived from my own genetic material, that would in no way invalidate my humanity, or the humanity of my clone. In a similar way, the essential humanity of the embryo ought not to be denied simply on the basis that it is not identifiable as to whether it is individual or multiple humanity with which we are dealing.

**26.** Despite the obvious difficulties it is necessary at this point to express as positively and as clearly as possible the nature of the early embryo. As argued above rationality is not a good definition of what constitutes human persons. Rationality can become minimal or leave people at various points in their life, and yet they remain human. The ontological status of the embryo is that of a human entity, this is indisputable. Sometimes it is argued that an embryo is a human entity which is a potential person. The Waller Committee was persuaded by the significance

of this. However, arguments from potential have the deficiency that as soon as one has said that something is *potentially* something else, then you have clearly said that *it is not that* something else at this point of time, and this places the embryo in an invidious position. I believe it is better to speak about the embryo being a *person with potential*. Theologically speaking this is the nature of the soul. **In the complex being that we call human, we can get rid of neither the materiality of the body, nor of the relational aspects of personality which is expressed in the objectivity of the soul.** It is the concept of the soul which provides the essential continuity for our personality. It is the objective basis of our personhood. To speak about the soul is to speak about that which provides continuity of who we are. Personhood is not that which is achieved by relationship with other people. It is an essential attribute of all humanity, even though for an embryo it may not have developed into what we recognise as 'personality'. **It may be said that the embryo has personhood**

**not personhood in the sense of manifestation of individual temperament and its development into character (=personality), but personhood in the sense of that quality or attribute which constitutes the radical identity of every human entity.**

(Frances Harman cited in the Waller report – see Committee to Consider...1984, Section A.2.3.1)

On this view the status 'person' if not the full exercise of personality, is present from conception and forms an essential aspect of humanity. The theological concept of the soul needs to be related to the scientific development of the embryo, and I think it is best if we understand the soul to be related to the individual identity of the embryo. At the point where the sperm completes its penetration of the ova, and the genetic material mixes to create a uniquely new genetic entity, we have the point at which a new identity, if not a new person has come into being. It was this kind of thinking which persuaded many to argue, in earlier contexts, that it was appropriate to approve controlled research on the process of fertilisation prior to syngamy, but not after.

**27.** The question of value for the early embryo has to be understood for a Christian in terms of the value in God's sight. Life is a gift from God. In his sight, each of us has equal value. However, it must be recognised that it is by no means clear that the value of any life is infinite or absolute, or if there is a conflict, life against life, the loss of embryonic life ought not to be preferable to the loss of more developed life. In this way, if it becomes a choice between the life of an unborn child and the life of the mother, one may be justified in choosing the life of the mother. However, the abortion does not take place because the life of the child is worthless, but simply because death has already come into the situation, and one is faced with a dreadful choice of one or the other. This shows that treatment may be differentiated, however, the fundamental position is that the human entity is exempt from utilitarian weighing up in the balance. The importance of this exemption is seen very clearly even in the positions that I have argued against. **A difference of opinion with Peter Carnley over the time of ensoulment must be seen in the**

**light of fundamental agreement that ensouled embryos may not be weighed in the life-death balance.** As Carnley puts it,

If there is a utilitarian argument for the possible benefit to mankind of experimentation on embryos, this can be tolerated in a controlled way under licence up to the 14th day in a way that after the 14th it would not.

(Carnley 2002)

## **G: Spare embryos and slippery slopes**

**28.** This brings us to the question of the use of so-called 'surplus' embryos for experimental purposes. Those who do not accept the essential humanity of the early embryo will have no ethical difficulty establishing an argument for their use in experimentation. **The question is whether there can be, at this point, some sort of alignment between those who do not accept the essential humanity of the embryo and those who do so but who are prepared to advocate for the use of 'spare' embryos for experimentation on the basis that these embryos are going to be discarded or allowed to die anyway.** It is quite possible simply to rest one's opposition to this on the basis that even the person who is going to die deserves protection from experimentation. However, given that the embryo is not conscious of this, and given that many would argue that if they were in the position of the discarded embryo they would gladly be experimented upon (given that they would, in fact, not be aware of it) it is tempting to argue that we should try to gain the benefits of general experimental research at what seems to be little cost. It is at this point that the 'slippery slope' argument enters the debate. In a formal sense I think that this relates to what was earlier referred to as an ethic of virtue. In such an ethic the fundamental issue is the character of those making the decisions. Character development well prior to, and independently of specific issues, is more important to right decision making than logical argument. One question at this point is whether seeking to gain the benefits of research on 'spare' embryos is part of a process of 'searing' of the conscience (1 Tim. 4:2) in that we begin with an apparently most innocuous breach of the imperative to protect the weak and defenceless (justified by the desire to achieve something which is demonstrably good) but inevitably move towards a position where we justify further research on other embryos (greater numbers, later term embryos or specially created ones) because the demonstrable benefits are, in those situations, even greater.

**29.** A little has to be said concerning the general validity of so-called 'slippery slope' arguments. Slippery slope arguments are frequently unjustified and little more than (perhaps unintentional) scare-mongering, often presented by those who believe that any change to established positions, however well justified, will inevitably lead to further, and even less palatable changes. **The question of the acceptability of 'slippery-slope' arguments hinges on whether there is any logical connection between the events under discussion.** If a change in one situation establishes a principle which, when appropriately applied elsewhere would specifically justify a change in the second situation then

one may have grounds for concern. In the present situation there is very definitely a logical connection —

- between experimentation on 'surplus' embryos created before any specific date (a distinction suggested in the present situation) and 'surplus' embryos created after that date;
- and, more significantly, between experimentation on 'surplus' embryos and experimentation on embryos specifically created for that purpose.

In the first of these situations there is no *moral* difference between 'spare' embryos created now, and those created later. **Allowing presently spare embryos to be used for experimentation will ultimately allow for experimentation on any 'spare' embryos. Moreover, in the second case, there is no real distinction between 'spare' embryos and embryos that have been specifically created for experimentation.** Such a distinction certainly cannot be more than a theoretical one. Any half decent clinician working well within the parameters of what is considered to be good medical practice can certainly ensure that there will be an ongoing supply of so-called 'spare' embryos. This was well established by clinicians in the Waller report. Those who think that experimentation would be restricted to presently surplus embryos are over optimistic.

**30. If one accepts the principle that the human entity can be weighed in the balance then one has stepped onto the slippery slope.** At this point, we have moved on to new ethical ground and established a new ethical principle which would have valid application in a number of other areas. One finds a discussion of this in the earlier report of the Waller Committee in 1984 where it was (typically) argued that if experimentation is to be permitted it must be on the basis

that experiments involving the destruction of human embryos should never be undertaken lightly, but should be performed so that the scientific information being derived is commensurable with the procedures adopted.

(Waller report – see Committee to Consider...1984, Section C2.3)

**The critical point here is the principle that the information gained should be commensurable with the loss of the embryos. This commensurability is often stressed as though it was a reassurance that experimentation would not be undertaken lightly. However, having accepted that the lives of human embryos are expendable for research purposes, the more one stresses this point the more it becomes obvious that one is *obliged by one's own principles* to extend the experimental processes—because there is always the greater good which can come from research on greater number s of embryos, or from research on later term embryos or from research on specially created embryos.**

**31. The point is that if one can demonstrate significantly more gain, one can certainly justify a greater loss on the part of the embryos,**

**and that loss might be greater in terms of numbers, or it might greater in terms of the age of the embryo that is lost.** If it is determined that it is ethical, on a utilitarian basis, to use embryos in destructive research provided the benefit is commensurate with the loss, then there is no real reason why one would have to restrict such research to day old, or even pre-implantation embryos. Indeed, if the experimental value of a 5 day old embryo did not differ much from that of a 14 day old embryo one would logically prefer to use the earlier one, but the benefits that could reasonably be expected to be gained from experimentation would increase significantly, and experimentation on a 56 day old embryos could be significantly greater in all sorts of ways and thus *would be even more ethically justifiable than using 14 day embryos*. That is, of course if one accepts the view that humanity can be weighed in the balance. This view that the greater benefits justify research on later embryos is certainly the stated view of some significant advocates of embryonic experimentation: what one can learn from embryos at 2 days is not nearly so interesting or beneficial to humanity as a whole as what one can learn at 2 weeks or 2 months.<sup>4</sup>

## **H: Consequences and the development of virtue**

### **32. Finally, anyone who resists the use of embryonic stem cells for general research has to be honest enough to face the**

**consequences of such a decision.** The most difficult part of this is the possibility that some people (children, adults, the invalid, and the ill) may not gain the very significant benefit to life and health that they might otherwise have received. To the compassionate person this is something terrible, which must be carefully considered. This issue does not deal with abstract situations but with real people. Indeed the advocate of destructive embryonic research may well ask the one who resists research to think more broadly, about the bigger picture of human life and benefit. Ironically, in the end it is precisely that advice which persuades me to continue in this way – although with a genuine respect for those who honestly differ because they see the profound possibilities for good in this research. But a bigger picture must not only include the benefit to those who suffer potentially curable disorders but also deal adequately with two other important facts. **The first is that research in adult stem cells is proceeding and might well be enhanced if the energy given to embryonic research was focused in that direction.** In this regard one is grateful for medical researchers who recognise the necessary priorities. The Dean of Medicine at the University of Sydney says

The potential benefits of embryo stem cell research should be put aside until the matter of experimentation on embryo stem cells is resolved. The value (if any) of those cells in terms of their 'humanity', and that of the embryo, is a question that must be answered independently of the use to which they may be put.

(Stephen Leeder cited in Sweet 2002)

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<sup>4</sup> See for example, the view of Dr Alan Trounson (Trounson cited in Senate Select Committee,, Section 3.16.

**33. Secondly, the big picture must include the effects embryonic research has on each and every person in our society, for all are involved—whether directly or indirectly.** Our concern must not only be for embryos – the most vulnerable part of humanity – but also for our society’s conception of the nature and values of human life in every context. We must resist the notion that human life at any point can be traded off – providing that the benefits are significant enough. **In the long term the price we pay for hardening our hearts to the significance and value of human life—however apparently insignificant, irrelevant, vulnerable or marginalised—may be greater than we think.** If there is an area of this debate which needs further serious thought and reflection it is this. We need to give careful attention to what it is that we are changing in our society’s attitudes towards vulnerable human life.<sup>5</sup> **The Christian theology of the sanctity of the person has been responsible for profound and positive developments in the respect given to persons. It should be obvious that this respect is not universal. It would be a retrograde step to undermine this principle.**

## References

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<sup>5</sup> An exploration of this area would need to consider analogous situations including the compulsory acquisition of organs from the near dead; the benefits which might accrue in certain jurisdictions from destructive experimentation on criminals condemned to death; the reasons behind the refusal to utilise the results of Nazi experimentation on Jews.