



Epidosembryos

1 Introduction

Human embryos are produced in IVF programmes for the treatment of infertility. Typically, 2 or 3 embryos will be transferred to a woman's uterus in the hope that at least one will implant and successfully continue developing till birth and beyond. However, more embryos are produced than implanted, and this, coupled with embryo freezing and storage, has opened new possibilities for the use of human embryos other than for the treatment of infertility. After a given time period, if embryos are not implanted they are typically allowed to thaw and therefore die.

One of the most recent scientific interests to emerge has been the extraction of embryonic stem (ES) cells and their subsequent culture to provide cell lines that may be used in therapy. In the normal course of events, if allowed to remain as part of the embryo, ES cells continue specialising to become the foetus and so on. This means ES cells possess the capacity to become, or differentiate, into any of the 206 cell types in the human body. This capacity makes ES cells the master cells of human development, and it is the hope of some medical researchers that when removed from the embryo, they may be able to be coaxed at will into becoming specific cell types, tissues or even organs for the treatment of a range of medical conditions.

While many people are opposed to the use of human embryos in research of any kind that is not in the direct interests of the embryo, the prospect of large numbers of embryos held in cold storage 'going to waste', has swayed the thinking of some to reconsider their position.

A recent paper in the international journal *Science* attempts to address the ethical issues surrounding the use of ES cells, concluding that there is an ethical imperative to utilise so-called 'spare' IVF embryos.¹

2 Guenin's argument

Right from the outset it is clear that the argument is based on several key statements. First, Guenin defines as an *epidosembryo*, a human embryo that is produced in an IVF programme, is in storage when no more transfers are requested by the mother, and has "departed parental control" following instructions to physicians that the embryo can be used for research. This new term has been derived by Guenin from the Greek *epidosis* meaning 'for a beneficence to the common weal', that is, for the welfare of the community or the general good. Second, Guenin states that "upon close study of principles and arguments, it becomes plain that embryonic stem cell research gains moral approval even within views that might be presumed to oppose such research." Thus, he says, those who oppose embryo destruction really do not understand their own position. On the basis of this redefinition the ensuing argument is founded.

Once a patient decides against embryo transfer, it is argued, that embryo's "developmental potential fails of enablement." Hence, "no possible person corresponds to an epidosembryo." In a nutshell, Guenin argues that if epidosembryo research is banned, "not one more baby is likely to be born." Put another way,

¹ Louis M. Guenin, *Morals and Primordials*, *Science* 1 June 2001, **292**:1659-1660.



protecting frozen embryos from destructive experimentation will change nothing as far as the embryos are concerned, since they will all die anyway. Upon this basis, destructive research is possible where some good may come of it. In spite of this, Guenin claims that his argument differs from that of utilitarians many of whom would similarly favour destructive embryo experimentation.

Guenin next directs his argument to the opponents of embryo experimentation.

First is the philosopher Kant. Kant's dictum that humanity should never be used as a mere means to an end is based, in Guenin's view, upon the notion that human dignity arises from possessing "autonomous reason". Or put another way, humans are rational creatures, and since embryos are not rational, they are not to be considered members of the human race. Thus, we are told that reference to Kant upholding human dignity is irrelevant where embryos are concerned.

Second, Guenin identifies Catholicism as another major opponent of research on embryos. Guenin asserts that the sanctity of life principle held by Catholicism is in fact upheld by epidosembryo research, because such research is directed to the promotion of life, that is the life of the patients who *may* benefit, *not* the life of the embryo. That is, he considers the sanctity of life principle to be in accord with the destruction of human embryos because people's health will be assisted. Next, Guenin takes on the church's position on the personhood of embryos, saying that it is "an implausible contradiction of the Catholic Church's magisterium for most of its history."

In conclusion, Guenin refers to the foundational Christian commandment to love one's neighbour as oneself to bolster the case for the use of human embryos in destructive experimentation and possible therapy.

3 Ethical evaluation

Introduction of the new term *epidosembryo* is reminiscent of the term *pre-embryo* which has been abandoned as misleading, not only because it was an attempt to create a separate entity where none existed, but also because the redefinition sought to change the moral status of embryos prior to 14 days primarily because that would allow exploitation of human embryos at these early stages.

The argument that "no possible person corresponds to an epidosembryo" is circular because it depends upon simply redefining an embryo in particular terms designed to reduce its moral status. Of course what it really means is simply that if I decide to donate an embryo for destructive experimentation there is no chance that a born child will result. But this is stating the obvious, and really says nothing. If the embryo is defined as one that will die because it is unwanted, of course it cannot continue developing to some arbitrary point where Guenin considers personhood to begin. This therefore ignores the ontology of an embryo, and implies that an embryo's moral status *depends* upon what one does with it. Guenin's argument could be restated in the following way. If an embryo is unwanted it is now a different entity that can be treated differently from a wanted embryo. But this is sophistry.

Guenin may be right to conclude that Kant's notion of human dignity does not afford protection to human embryos, but that may simply mean that Kant's notion, by being limited to rational beings, is insufficient. But inherent human dignity happens to be universally recognised, and there is a common insight that embryos, as members of



the human family share in that dignity². Alternatively, Kant's notion is upheld by considering the embryo as rational, that is, having the radical capacity for reason that will be expressed once the physical structures have developed and are in place. It is somewhat like what Aristotle means when he speaks of the 'rational soul'.

Guenin's interpretation of Kant presents problems for newborns who do not express 'autonomous reason'. Furthermore, there are many adults who, by result of disease or accident, do not behave rationally or express 'autonomous reason'. Should these vulnerable human beings likewise be excluded from possessing human dignity?

The sanctity of life principle held by Catholicism is misunderstood by Guenin. The principle protects life, and is to be understood in parallel with the principle that evil cannot be done to achieve good. The sanctity of life principle is inconsistent with the destruction of life, even if other benefits can be derived. Catholicism also espouses natural law theory, in which the goods of life and health cannot be traded off against one another.

Catholicism's position on the personhood of the embryo is in fact a natural development of a position refined over time in the light of new scientific discoveries in embryology as they have emerged. The *in principle* position that all human life must be protected has been consistently held, and in the past applied in conformity with the biological evidence that was available. The biological evidence of the past was rudimentary, and in the light of modern findings it is easy to see its limitations. Since the Catholic Church always applies its moral principles taking into full account the available scientific data, it has been able to refine and clarify its application of the sanctity of life principle to the beginning of human life. That is, the Church has been consistent in upholding the fundamental principle.

In conclusion, reference to the Dominical command to love one's neighbour as oneself is interpreted by Guenin to exclude embryos. Once "our neighbour" has been redefined to exclude embryos then it is easy to see how Guenin reaches his conclusions. Likewise, the Golden Rule, to do unto others as you would have them do to you, in Guenin's hands, simply counts out embryos. But Guenin has added nothing new to the moral argument. His is an argument in which his definition or redefinition of embryos conditions the conclusions reached.

² For example, the preamble to the Universal Declaration of Human Rights, 1948, agreed to by nearly every country, refers to 'the inherent dignity of all members of the human family'.