

ABSTRACT

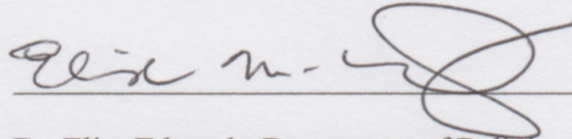
Early Borders: Implications of Fetal Status

Carly B. Hubbard

Director: Elise Edwards, Ph.D.

This thesis will examine the implications of different assumptions from opposing ethical viewpoints on topics concerning embryos and fetuses. This essay seeks to clarify the assumptions ethicists and medical professionals make about the status of the fetus in debates about abortion, embryonic stem cell research, and prenatal surgery. Three different ethical viewpoints on fetal status articulated by ethicist Gene Outka will guide the analysis of implications of their ethical view on each of those topics. Adopting a methodology informed by meta-ethical discourse instead of normative ethics that uses each of the three opposing stances about fetal status adopts a neutral stance on these controversial issues. After an initial chapter defining fetal status according to the three viewpoints, subsequent chapters will reveal how each of these stances are found in debates about abortion, embryonic stem-cell research, and prenatal surgery.

APPROVED BY DIRECTOR OF HONORS THESIS:

A handwritten signature in dark ink, appearing to read "Elise Edwards", is written over a horizontal line.

Dr. Elise Edwards, Department of Religion

APPROVED BY THE HONORS PROGRAM:

Dr. Elizabeth Corey, Director

DATE: 4/18/16

EARLY BORDERS: IMPLICATIONS OF FETAL STATUS

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By
Carly Hubbard

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CHAPTER ONE

Early Borders: The Implications of Fetal Status

Examining the moral status of a fetus is essential when dealing with controversial issues concerning fetal status. When addressing fetal status, questions that need to be considered are: when does the fetus become a person and what determines individuality? Some view the fetus to be a person, others do not. Depending on which view of the fetus is taken, different conclusions will be drawn about what is morally permissible. However, it is necessary to examine the biological aspects of fetal development. As technological achievement has advanced over time, the views of fetal development have changed. This essay seeks to clarify the assumptions ethicists and medical professionals make about the status of the fetus in debates about abortion, embryonic stem cell research, and prenatal surgery.

Moment of Conception

Many theologians write and speak of the “moment of conception” without thoroughly identifying exactly what that means. From a biological perspective, the moment of conception can have multiple meanings. Fertilization takes a day to complete and is not just defined in a single moment of time. There are two main ways in which a theologian could refer to the moment when conception occurs: metaphorically or as an instant of time. When thinking of it from a metaphorical standpoint, theologians view conception as a holistic process. This view is extremely vague, but is likely intentionally

vague. Many within the Church do not wish to take a specific stance on exactly what the “moment of conception” means because of the many implications that adds. They choose to leave it as a vague interpretation in order to leave room for additional information to be added in the future. On the other hand, some try to pinpoint the moment of conception as an instant of time. This could either be the end process of biological conception when the zygote has become an embryo or some prior stage of development where the human life form has acquired a distinct set of properties. The moment of conception may defined in this way due to some considering the sperm and egg fusing to form a zygote the moment of conception. This then leads to the question of what set of properties is necessary. As with the moment of conception, this also can produce multiple positions.

There are three main divisions of time in which individuality may occur. The first and earliest time is the formation of primitive streak, which is also known as the formation of the neural tube or gastrulation. This occurs at approximately three weeks and is beyond the point of the possibility of twinning. The second time is the first elicited response, which is otherwise known as the three-neuron circuit. At this point in time, there is some neural activity, but the neurological aspect of the fetus still has not been fully developed. This forms at eight weeks. The final and latest time is the formation of an integrated nervous system during the twentieth week. Once the integrated nervous system has been formed, stimuli can now be received as well as initiate activities. Depending on the moment in which someone believes conception occurs can drastically affect his or her views on the moral status of a fetus.

Individuality

Looking beyond the moment of conception, a closer examination of the embryo is necessary. If someone were to look at a pre-implantation embryo, he/she would find that it does manifest a unique genetic code, but is not considered to be an individual. The reason many theologians and scientists do not view the pre-implantation embryo as an individual is because it can still be divided into twins or artificially divided into individual cells that can become an entirely different being. The time frame for when it is no longer capable of becoming a twin is about three weeks into the pregnancy. On the other hand, the zygote does not even have to become a human, but still remains human cells. According to ethicist Thomas Shannon, "It can become a hydatidiform mole, a product of an abnormal fertilization which is formed of placental tissues".¹ This is why Shannon writes, "An individual is not an individual, and therefore not a person, until the process of restriction is complete and determination of particular cells has occurred".² Since the zygote has the potential to become something other than a human at this point, it influences when it is considered an individual.

Despite the pre-implantation embryo not being considered an individual, most ethicists would still argue that it deserves respect since it has the same human genome and a strong potential for personhood. Shannon argues that a fetus is living even though it is not a person until the cells become distinguished. However, some may take this view and use it to imply that the fetus is also valuable as a means to an end and not as an end in itself. Others still say that the moment the sperm and egg unite to form a zygote, it is a

¹ Thomas A. Shannon, "Fetal Status: Sources and Implications," *Moral Issues and Christian Responses*, (Minneapolis: Fortress, 2013), 343.

² Ibid., 346.

human person. It can now be seen that many people disagree as to when the fetus obtains individual status.

Part of the reason the views on fetal development have changed so much over time is due to technology. With increasingly advanced technology, a child can be born earlier and earlier and still survive. Viability once was at 28-weeks, but the fetus is now considered viable at 22- to 24-weeks. Since the viability of a fetus can change simply due to technology, people must consider what this implies about the moral status of the fetus. These different views concerning the fetus can affect a moral stance.

View on the Right

Gene Outka proposed three different stances in his essay, “The Ethics of Human Stem Cell Research”. While this essay was written with stem cell research in mind, its stances can be applied to any moral consideration that involves the fetus. In this chapter, I will begin by introducing the three stances, and then will show their implications to contemporary ethical issues regarding fetal status. The view on the right states the fetus is both a life and a person. For this position “...each human individual has basic and equal human worth”.³ After going back to the biology of this stance, the possibility of twinning does not really affect the way the fetus is viewed since the fetus is viewed as a person regardless. This is mainly because even if a twin is formed, it can be argued that the fetus still will form at least one human individual. It is also stated within this view that “...the early embryo is relevantly formless until the ‘primitive streak’ appears at about 14 days

³ Gene Outka, “The Ethics of Human Stem Cell Research,” *On Moral Medicine*, (Grand Rapids: William B. Eerdmans, 2012), 682.

of gestation”.⁴ This suggests that once the heart beats, it is a person. Therefore, it can be understood that this stance holds the belief that the moment of conception occurs with the formation of the primitive streak.

View in the Middle

The view in the middle argues that the fetus is a life, but not yet a person. This stance greatly relies on the view of individuality and when this occurs. Outka writes, “It requires one to distinguish, as I mentioned earlier, between conception and individuation”.⁵ If the view is mainly concerned with individuation, it puts a lot of emphasis on the twinning capabilities of an embryo. Unlike the right view, the middle view thinks that if the embryo is capable of twinning, it is not defined as one individual yet, and therefore cannot be a person. Because of these implications, “The moral status of the embryo is therefore (in this view), not that of a person, and its use for certain kinds of research can be justified”.⁶ This stance will have many major implications when applied to ethical controversies.

View on the Left

The view on the left contends the fetus only has the potential to become a person. One of the reasons behind this view is that it “...requires more than the presence of cells

⁴ Ibid.

⁵ Ibid., 683.

⁶ Ibid.

that have the potential to develop into a person”.⁷ This stance is generally defended by the fact that a hydatidiform mole is able to form, which those holding this view then carried on to further implications later in fetal development. The repercussion of this view is to “...characteristically deny that the value accorded to previable fetuses should *ever* override pregnant women’s choices to terminate their pregnancies for whatever reason”.⁸ This is where evolving technology plays a crucial role. Since technology has decreased the amount of time it takes for a fetus to be considered viable, it makes it more challenging for this stance to have a specific time frame of viability. Even though there is not a specific period of time for the fetus’ viability, they argue that no matter what, the woman’s life and choices are always more important than the possibility of a child. This stance also argues “...this symbolic value should be trumped when necessary to pursue a good scientific or medical end that cannot be pursued by other means”.⁹ The view on the left puts more importance of the need to do things for the greater good than the possibility of a child. I will show how each of these stances relate to the topics of abortion, embryonic stem cell research, and prenatal surgery.

Abortion

The classification of a fetus will alter ethical positions on the morality and legality of abortion. Since the view on the right believes that the fetus is both a life *and* a person, it is easy to conclude that those who side with this stance would be fully against abortion.

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

This can be shown by the fact that this stance believes each human individual has the right to life and therefore that right should be defended. The view in the middle is not so easily classified. Since the middle stance believes that certain kinds of research can be justified, it can be implied that certain instances of abortion may also be justified. These could be reasons such as: rape, incest, fatal disease, or possibility of death for the mother. Since the fetus is not considered to be a person yet, it allows for certain cases of abortion to be morally acceptable. Like the view on the right, the view on the left can be easily classified; the left view is often pro-choice. This stance argues that the mother's life and choice is far more important than the possibility of a child. Since the pregnant woman's choice always overrides the fetus, abortion would be acceptable under most, if not all, circumstances. It is easy to see that the view of the status of the fetus greatly impacts the legality of abortion.

Embryonic Stem Cell Research

The second topic, embryonic stem cell research, also has very important implications based on the three stances proposed by Outka. Embryonic stem cell research is being pursued because embryonic tissue has pluripotent stem cells – meaning cells that can become any other cell in the human body. If this research is successful, these cells can be utilized to regenerate tissue, such as nerve tissue for those paralyzed, and provide full health to patients who previously had no hope of recovery. Not everyone, however, agrees on the morality of using these embryos. The classification of an embryo may change the view on the morality of using embryos for research.

According to the view on the right, embryonic stem cell research is wrong and unnecessary. Since the fetus is considered to be a person, and the fetus cannot give consent to donating the stem cells, embryonic stem cell research is immoral. This stance proposes using adult stem cells as an alternative to the embryonic stem cells. While adult stem cells cannot be as widely used in research, there are studies being done to dedifferentiate adult stem cells to attempt to use them in the same way as embryonic stem cells. The view in the middle once again is somewhat of a compromise between the two opposing stances. According to the middle view, it is acceptable to use embryonic stem cells if they would be discarded anyway. This would apply to scenarios in which there are frozen embryos that would never be used and therefore never have the potential to become a person. The middle stance also advocates that there is no adequate substitute for embryonic stem cells since adult stem cells are only able to be used for certain cells. As for the view on the left, embryos can be considered a means to address the needs of others. Embryonic stem cell research is going toward the treatment of heart disease, Alzheimer's disease, and other such diseases that are caused by the death of cells that do not divide. This view emphasizes the greater amount of people that would be benefited by the research conducted using embryonic stem cells. One of the main arguments for this stance is that either people need to accept the production of embryos for the sole purpose of research as well as in-vitro fertilization (IVF), or people need to oppose both IVF and using embryos solely for research. The main reason this argument is so valid is because those that agree with the view on the right and the view in the middle are not opposed to in-vitro fertilization. By looking at these three different stances and applying

them to embryonic stem cell research, it can be seen that the differing perspectives greatly impact the conclusions drawn.

Prenatal Surgery

The third and final topic of prenatal surgery greatly relies on these stances to show the true implications of fetal classification when it comes to controversial issues. Before the opposing views are introduced, it must be understood that prenatal surgery is extremely risky for both the mother and the fetus. When prenatal surgery is viewed from the right stance, it is completely acceptable. Since the fetus is considered a person, the fetus may also be a patient in a surgery before it is born. However, with both the view in the middle and the view on the left, prenatal surgery is not worth the risk to the mother. Unless people consider a fetus to be a person, fetal surgery would be considered a far greater risk for the mother than it is worth. If someone is okay with performing prenatal surgery, that person must accept the fact that the fetus is now a patient and will have the rights associated with that. Unlike the other two topics – abortion and embryonic stem cell research – prenatal surgery has clear-cut restrictions based on the moral status of the fetus. Without being considered a person, one cannot accept a surgery that makes a fetus with only the potential for personhood a patient.

Understanding the biological and technological background of fetal development is essential when considering controversial ethical issues regarding the fetus. Since there are so many different approaches someone can take in their view of the fetus as either an individual or one with the potential to be a person, it is bound to result in different conclusions as to what the moral and correct answer is. Each of these three stances

proposed by Gene Outka has scientific reasoning behind it to support that view, so how can someone know what the right conclusion is? Unfortunately, people cannot rely solely on logical reasoning in morality. Differing conclusions come based on varying interpretations of science, values, and beliefs. If people wish to be able to fully defend their position on any medical ethical topic, it is necessary to understand why alternative perspectives hold their position. Through utilizing Gene Outka's stances, this thesis will categorize theologian's writings to show how even with similar backgrounds and beliefs, people may draw different conclusions about what is the moral answer. While the conclusions may be diverse, subsequent chapters will reveal how each of these stances are found in debates concerning abortion, embryonic stem-cell research, and prenatal surgery amongst theological ethicists.

CHAPTER TWO

Early Borders: The Implications of Fetal Status

Introduction

Abortion may be viewed from three different ethical perspectives. These perspectives were previously outlined in chapter one and include: views on the right, views in the middle, and views on the left. While these stances could be applied to any one person's perspective, this chapter will classify and examine four different theologians' views on abortion according to the three different stances proposed by Gene Outka.

Views on the Right

Many theologians support the stance on the right in regard to abortion. This perspective believes that the fetus is both a life and a person. This chapter will focus on Stanley Hauerwas and Richard Hays who present representative arguments.

Stanley Hauerwas' views clearly align with the stance on the right in his article, "Abortion, Theologically Understood." Hauerwas begins by referring to a sermon by Reverend Terry Hamilton-Poore, where Hamilton-Poore is addressing Christians specifically, and not general society. This sermon deals specifically with "God's call to care for the least among us whom Jesus calls his sisters and brothers," which includes

fetuses in the least among us.¹⁰ Since children lack “power, wealth, and influence,” they are also included under the least of these category.¹¹ Children being labeled as the least of these is further confirmed “when Jesus says, ‘as you did it to one of the least of these my brethren, you did it to me,’ he is also talking about children, because children are literally ‘the least of these.’”¹² This goes along perfectly with Outka’s stance on the right being that fetuses are viewed as persons. It is also shown that the gospel favors women and children in the Bible and portrays them with having individuality, possessing importance, and deserving of respect. Hamilton-Poore argues that women are most likely included under the least of these as well. Hamilton-Poore continues and states, “...the customary framing of the abortion issue by both pro-choice and pro-life groups is unbiblical because it assumes that the woman is ultimately responsible for both herself and for any child she might carry”.¹³ Once again the fetus is referred to as a child, which also demonstrates the “right” stance.

In the latter portion of the sermon that is quoted by Hauerwas, Hamilton-Poore speaks about who holds the responsibility to an unborn child. This information helps those that hold the right stance address the moral complexities of abortion. Based on her

¹⁰ Stanley Hauerwas, “Abortion, Theologically Understood,” *On Moral Medicine*, (Grand Rapids: William B. Eerdmans, 1993), 945. This sermon is given by a Presbyterian minister on abortion. Reverend Terry Hamilton-Poore is the former chaplain of Queens College in Charlotte, North Carolina, and now of Kansas City, Missouri. Hauerwas uses this sermon because he believed he could not improve upon her commentary.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

experience, women usually have an abortion for one of two reasons: either fear of not being able to handle the physical and financial demands or fear that having the child will destroy relationships important to them.¹⁴ In each of these two possible scenarios, the responsibility of the unborn child lies solely on the woman. Hamilton-Poore argues that "...a Christian response must reframe the issue to focus on responsibility rather than rights".¹⁵ It is more of a responsibility for the entire church to care for the children rather than only the mother. The reverend continues by saying, "As the Church, our response to the abortion issue must be to shoulder the responsibility to care for women and children...If we close our doors in the faces of women and children, then we close our doors in the face of Christ".¹⁶ At this, Hamilton-Poore concludes the sermon. This last statement that Hauerwas incorporates references back to caring for the least of these, only this time both women and children are being specifically referenced. By shifting the responsibility from solely women to the church as a whole, Hamilton-Poore argues that this will help reduce abortions.

The reason that Stanley Hauerwas opens his essay with this sermon is clearly understood when his main argument begins. Hauerwas believes that the reason the church must shoulder so much of this responsibility is because "All Christian adults have parental responsibility because of baptism".¹⁷ This is further explained when Hauerwas writes, "Baptism makes all adult Christians parents and gives them the obligation to help

¹⁴ Ibid., 946.

¹⁵ Ibid., 945.

¹⁶ Ibid., 947.

¹⁷ Ibid., 949.

introduce these children to the gospel. Listen to the baptismal vows; in them the whole Church promises to be parent.”¹⁸ According to Hauerwas, family is reinvented to include all members of the church, which would now spread the responsibility of a child among far more than just one person. This belief is particularly important for those that hold the view on the right because this shifting of obligations now shows the importance of both mother and unborn child’s life. Hauerwas elucidates, “That is our primary Christian language regarding abortion: Life is the gift of a gracious God. As part of the giftedness of life, we believe that we ought to live in a profound awe of the other’s existence, knowing that in the other we find God”.¹⁹ It is because of this belief that theologians such as Stanley Hauerwas agree with the view on the right stance since life is viewed as a gift of God that should not be tampered with.

In *The Moral Vision of the New Testament*, Richard Hays dedicates a chapter to abortion and how the Bible mainly points toward the importance of life in regard to this issue. Throughout this chapter, Hays takes a similar approach to abortion as Hauerwas does, and focuses mainly on how the church should view abortion. Hays writes that abortion is never directly mentioned in the Bible, so the Bible is not a useful source in either a decisive defense or condemnation of abortion. This is shown through a detailed analysis of different Bible verses that are commonly utilized for both sides of the abortion issue. However, Hays does argue, “we have no passages dealing with abortion, though a few texts poetically declare God’s providential care for all life, even before birth or

¹⁸ Ibid.

¹⁹ Ibid., 950.

conception.”²⁰ Even though there are no explicit mentions of abortion, the implicit value of life is still shown according to Hays.

Instead of focusing on the Bible in only a completely literal manner, Hays argues that the New Testament must be viewed as a symbolic world where people do not belong to themselves, so a person does not have the authority to dispose of life.²¹ The symbolic world that Hays is referring to is an idealistic and an aspirational vision of the world. While it is unlikely that this world would reach this goal, the aspiration to have moral views that are aligned with this symbolic world is desired. This is shown when Hays writes, “The normal response to pregnancy, within the Bible’s symbolic world, is one of rejoicing for God’s gift – even when that gift comes unexpectedly”.²² Here the unborn child is being referred to as a life that humanity does not have the right to dispose of and a gift from God, which falls in line with the view on the right.

Hays’ also utilizes three paradigms within the Bible that narrate behaviors that indirectly inform the church’s response to abortion. The first paradigm that is mentioned in Hays’ book is the Good Samaritan.²³ The parable of the Good Samaritan brings the question of who is my neighbor? Hauerwas addressed this in a similar manner as Hays, where a neighbor is defined as one who shows rather than receives mercy and intervenes

²⁰ Richard Hays, *The Moral Vision of the New Testament*, (New York: Harper One, 1996), 448.

²¹ Ibid., 450.

²² Ibid.

²³ Ibid., 451.

on behalf of the helpless.²⁴ Hays argues that this is how the church should view unborn children as the helpless neighbor that is in need of mercy. Once again Hays is exemplifying the characteristics of those who hold the right stance.

The second paradigm Hays uses is the Jerusalem community.²⁵ The Jerusalem community was known for sharing and caring for the needy. This type of community, he argues, exemplifies Luke's vision of the church as a supportive community. In the same way that Hauerwas believed the church should help bear the responsibility for children, Hays also believes the church needs to assist women. Both Hauerwas and Hays share the view on the right, which is continuously shown by their common suggestions and agreement in their writing.

The third and last paradigm is the imitation of Christ, which continues the idea that both the community and the woman assume the burden of the child. Hays argues that this paradigm "suggests that we should act in service to welcome children, both born and unborn, even when to do so is obviously difficult and may cause serious hardship".²⁶ It is abundantly clear within this passage that Hays views the fetus as a child when he refers to it as an unborn child. By referring to the unborn as a child, that then gives personhood to the fetus, which is only viewed in this way by the stance on the right.

²⁴ Ibid.

²⁵ Ibid. Hays is specifically using the Jerusalem community from the time frame that Luke is writing from. He specifically references the focus of the early community's practice of sharing and caring for the needy.

²⁶ Ibid., 452-53.

Views in the Middle

The stance in the middle is another view that is held by many theologians in regard to abortion. This perspective believes that the fetus is a life with only the potential of obtaining personhood. Although there are many theologians that hold this view, this chapter will focus on the writings of Beverly Harrison with Shirley Cloyes and Christopher Tollefsen.

In Beverly Harrison's, "Theology and Morality of Procreative Choice," she – along with Shirley Cloyes – argues that the pro-life stance is not the only moral option since those who advocate pro-choice also value human life. Harrison shows this when she writes, "Pro-choice advocates and antiabortion advocates share the ethical principle of respect for human life, which is probably why the debates is so acrimonious".²⁷ This is just one of Harrison's many points that show her view is in the middle. Through viewing the fetus only as a life, her argument is in the middle. It is made clear that Harrison does not view the fetus as a human person, which aligns with the stance on the right, when she asserts, "Those who proclaim that a zygote at the moment of conception is a person worthy of citizenship continue to deny full social and political rights to women".²⁸ By placing her argument in opposition to those who believe the fetus is a person, her perspective is only in agreement with the middle view.

Later in Harrison's essay, she continues to defend the morality of the middle stance, which for Harrison is analogous to the pro-choice perspective. Harrison continues

²⁷ Beverly Harrison with Shirley Cloyes, "Theology and Morality of Procreative Choice," *Moral Issues and Christian Responses*, (Minneapolis: Fortress Press, 2013), 357.

²⁸ Ibid., 359.

this defense by stating, “Second, even though prenatal life, as it moves toward biologic individuation of human form, has value, the equation of abortion with murder is dubious”.²⁹ This statement places Harrison in the view in the middle further because she is claiming that the fetus has the potential for personhood, but is not yet a person. While this assertion is not explicitly written, it can be assumed based on her argument that the fetal life “moves toward biologic individuation of human form”. With this statement in mind, Harrison clearly holds the middle perspective.

Even though Harrison argues for the right to have an abortion, she does acknowledge the conflict of the two human lives. Harrison asserts, “The principle of respect for human life is one we should all honor, but we must also recognize that this principle often comes into conflict with other valid moral principles in the process of making real lived-world decisions”.³⁰ Through this statement Harrison is implying that the decision to abort a human life is not always an easy one, but one that comes with difficulties found in life. This suggests that while Harrison believes women should have the choice to abort, it may not always be the right decision. This perspective is further exemplified when she writes, “...we should treat what falls under a reasonable definition of human life as having sanctity or intrinsic moral value”.³¹ Through the middle stance, the fetus still holds value as a human life; however, there is still the choice between the fetus’ life and the mother’s life because Harrison’s argument is for the value of all human

²⁹ Ibid.

³⁰ Ibid., 360.

³¹ Ibid.

life. Throughout this essay, Harrison's argument aligned with the view in the middle since she only viewed the fetus as a life with the potential to later become a person.

In Christopher Tollefsen's "Abortion and The Human Animal," he discusses aspects of the fetus that cause him to believe that while the fetus is a life, it only has the potential of becoming a person. Throughout the essay, it is made clear that Tollefsen's moral beliefs in regard to abortion follow those of the view in the middle.

For Tollefsen, in order to be considered a person, certain psychological characteristics are necessary. This is shown when Tollefsen writes, "'Person' [is] understood in a quasi-Lockean way to involve such properties as psychological continuity or connectedness, and from this it [is] inferred that no person existed prior to the presence of such psychological properties."³² This statement suggests that prior to the fetus' capability of having neural functions, the fetus is not a person. Although the assertion above seems to suggest that fetuses prior to that point are not a life at all – which would align more with the view on the left – Tollefsen later makes a clarification that this is not the case. Tollefsen does this by stating, "But fetuses themselves seem to belong to a substance class – they are particulars of the substance sort 'human animal.'"³³ During this part of the argument, Tollefsen relates a fetus without the characteristics of a person to be more of a human animal than a person. By Tollefsen referring to a fetus in this manner, he is acknowledging the fetus is a life, but has yet to acquire personhood. This line of thought is conveyed when Tollefsen asserts, "Human animals move into a

³² Christopher Tollefsen, "Abortion And The Human Animal", *Christian Bioethics*, (ATLA Religion Database with ATLASerials, 2004), 107.

³³ Ibid.

stage of personhood, and possibly out of it, while remaining the same substance, just as a baby's substance does not change when she learns to walk."³⁴ Through making this explanation, the fetus is shown to be the same substance regardless of whether or not it is yet a person; it is only because of psychological reasoning within the fetus that would determine its personhood, according to Tollefsen.

In order to further understand what Tollefsen means, it is necessary to explain how personhood is achieved. Tollefsen writes, "...personhood, like 'ambulator,' should be viewed as an achievement, rather than a status; and human animals, like other animals, may be killed when they are not persons."³⁵ Since personhood is achieved when "such properties as psychological continuity or connectedness," personhood is no longer considered to be an inherent status.³⁶ Rather, personhood is an end goal to be reached in order to obtain full human status. Therefore, he argues that abortion may be permissible as a theologian based on his definition of the life and personhood of a fetus.

Despite viewing abortion as permissible, Tollefsen still asserts – in agreement with MacIntyre – "...we have received benefits from our parents and society and therefore have a duty to help others who are need in similar ways that we have been."³⁷ Although in both Hauerwas' and Hays' writings it is likely that this would have referred mainly to the fetus, except when talking about shared responsibility, Tollefsen is probably referring to pregnant women in this scenario. It is very clear that Tollefsen takes

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ Ibid., 110.

his middle stance to be a very rational and logical one, which is why he believes other possible views to be irrational.

Despite being very adamant about the fetus not having personhood status, Tollefsen does still clearly view the fetus as a life. This is shown when he writes, “There is nothing potential about the life of the fetus, the embryo, or the zygote: it is actually alive.”³⁸ It is in this statement that Tollefsen separates himself into the middle stance and not the stance on the left. By being very clear in stating that the fetus is a life with only the potential for personhood, Tollefsen’s view on abortion is in the middle.

Views on the Left

There are very few theologians who hold the view on the left. This perspective holds that the fetus only has the potential for life, but has yet to become a life. While there are many arguments from theologians that would still be considered “pro-choice,” there are few, if any, that hold the left view proposed by Gene Outka. Theologians that are not against abortions tend to believe that the fetus is a life, just not yet a person. Personhood, as with Tollefsen, Hartshorne, and Korsgaard, is achieved through reason.

The reason that many theologians do not hold the stance on the left in regard to abortion is because of the religious aspect behind the value of human life, born or unborn. Unlike many with the theological perspective, many scientists view the fetus with only the potential for human life. At the very least, more scientists are inclined to place the rights to choose whether or not abortion is legal on women in society. This can be shown through one of modern society’s most well known scientists, Bill Nye. Bill Nye sets up

³⁸ Ibid., 107.

his argument for women's right to choose by attacking the common argument that life begins at the moment of conception, which many define as the sperm fertilizing the egg. Nye argues, "Many, many, many, many more hundreds of eggs are fertilized than become humans".³⁹ Bill Nye claims this because it is known that not every fertilized egg becomes a child. This argument continues when Nye asserts, "But if you're going to hold that as a standard – that is to say, that when an egg is fertilized, it therefore has the same rights as a human, whom are you going to sue? Whom are you going to imprison? Every woman who's had a fertilized egg pass through her?"⁴⁰ Through taking this approach, Nye is claiming that this cannot be when life begins because otherwise, many lives are ending through natural processes that the body undergoes. However, unlike Bill Nye, many theologians value these fertilized eggs for at least their potential to become a human person. Human life is viewed as a gift from God for most theologians, so when a fetus overcomes the odds and is growing into a child, that is a feat that at least deserves the discussion of its value.

Throughout my research, I was unable to discover a single theologian that completely supported the left view on abortion. There can be many reasons that these scholars are not writing on this topic, but because of their support in the authority and inspiration of the biblical texts, the idea of the sanctity of life is still an important topic for them, even if the fetus is not considered a person yet.

³⁹ Bill Nye, "Bill Nye: Can We Stop Telling Women What to Do With Their Bodies?," Big Think, September 22, 2015, <https://www.youtube.com/watch?v=4IPrw0NYkMg>. Bill Nye is a very well known scientist that is mainly thought of as the science teacher on TV.

⁴⁰ Ibid.

Conclusion

Despite all theologians utilizing similar sources for moral guidance, there can be many perspectives about the morality of abortion because of the various interpretations of these sources. Due to these differences in opinion, it becomes helpful to use stances such as those proposed by Gene Outka. These stances can be utilized to help understand the reasons theologians hold different views on the same topics, and specifically in regard to abortion.

Theologians like Hauerwas and Hays hold the view on the right. This view is characterized with the fetus being considered both a life and a person. The other most widespread view held by theologians, such as Harrison and Tollefsen, is the stance in the middle. This stance is characterized by the fetus being viewed as a life with potential for personhood. Despite the view on the left not being common among theologians, it is common throughout society. These stances proposed by Outka help to understand the reasoning behind why people believe what they believe. To truly understand the arguments concerning abortion, these stances should be understood.

CHAPTER THREE

Early Borders: The Implications of Fetal Status

Introduction

Embryonic stem cell research may be viewed from three different ethical perspectives. The reason embryonic stem cell research is controversial is due to the moral status of embryo. These perspectives were previously outlined in chapter one and include: the view on the right, the view in the middle, and the view on the left. The view on the right holds the belief that the embryo is both a person and a life. Since this view values personhood, the debate then concerns which person holds more value - the embryo or the patient benefiting from the research. The view in the middle holds the belief that the embryo is a life with the *potential* for personhood. Since this stance only views the embryo as a potential person, this could lead to believing that the benefits of an established person outweigh the potential personhood of the embryo. Lastly, the view on the left holds the belief that the embryo only has the potential for life. This causes those with this stance to value the life of patients benefiting from embryonic stem cell research more than the potential life of the embryo. While these stances could be applied to any one person's perspective, this chapter will examine five different theologians' views on embryonic stem cell research according to the three different stances proposed by Gene Outka.

Views on the Right

There are many theologians who hold the view on the right in regard to embryonic stem cell research, but this chapter will focus on Amy Laura Hall and Richard Whittington who present representative arguments. This view holds that a fetus is both a life and a person. Distinguishing between life and personhood can alter the moral permissibility of embryonic stem cell research.

In the beginning of “Price to Pay”, Hall seeks to clarify the context of embryonic stem cell research (ESCR), “When advocates of ESCR rhetorically evoke prior debates on abortion by presenting ESCR as a choice between a living person and an early human embryo, we are distracted from the broader context of ESCR.”⁴¹ Hall further elucidates, “Once early embryos become something less than incipient human life, once they are treated in vitro as a means toward the end of pregnancy, once they are cryopreserved in thousands of vats across the country, ESCR with ‘excess’ embryos may be predictably the next step.”⁴² It is here that Hall argues the importance of the embryo being viewed as a human on its own accord. Without personhood being associated with embryos, their value is only associated as a means to an end, either through research or pregnancy therapy using in vitro fertilization (IVF). People who are not opposed to embryonic stem cell research would agree with Hall’s argument. One counter argument is that embryos could be used as a tool to help people with certain personhood. In response to this type of counter argument, Hall writes, “Put more theologically, both pro-life and pro-choice

⁴¹ Amy Laura Hall, “Price to Pay,” *On Moral Medicine*, (Grand Rapids: William B. Eerdmans, 1993), 705.

⁴² Ibid.

Protestants have agreed that Christians should assume and hope that even incipient life is indeed life bound for blessing.”⁴³ As in the previous chapter with Hays, the view on the right suggests that life in all forms is a blessing and gift from God. This argument is only persuasive in a theological context, but still has merit when viewed within that context.

The value of human life is further explained in “Price to Pay.” Hall argues against using embryos as a means to an end by stating, “To bring into being a human embryo solely in order to divide up its constitutive parts for research threatens fully to erode the sense that incipient human life is never simply, or primarily, a tool.”⁴⁴ Although embryonic stem cell research is known to have benefits, Hall believes that those benefits are outweighed by the moral duty to protect and to value human life. This type of argument is very typical for someone who holds the view on the right. Hall goes on to assert:

The original [United Methodist Bioethics Task Force document considering ESCR] called one body of mainline Protestants to affirm at the most basic level that all forms of human life are worth incalculably more than their industrial, market, scientific or even therapeutic use value. This reasoning may initially seem cold and overly distanced, but the underlying issues touch on the most fundamental questions of what it means to be human, of what it means to love.⁴⁵

It is made clear once again that Hall is speaking to a religious audience, specifically Protestants. When this audience is taken into account, human life is viewed to be worth more than anything else due to the inherent value of human life that is believed to be a gift from God. By viewing the embryo as a person, embryonic stem cell research becomes only a manipulation of human life to benefit others at the cost of the loss of the

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ Ibid., 706.

embryo's life. Although Hall argues that it is inhuman to use embryos in this way, it is important to realize that those in favor of embryonic stem cell research favor life as well. However, unlike Hall and others with the stance on the right, those who view embryonic stem cell research as permissible value the lives of other people more – the life of those whom the research could help. Those who hold this belief would also be considered with a view on the right since they still believe the embryo is a person. It is only when the embryo is not viewed as a person that the belief falls into one of the other two stances. Therefore, the distinction that should be made between those with the view on the right, and those who hold views in the middle or on the left, is between the status of the embryo.

While Amy Laura Hall proposed an argument from a Protestant perspective, Richard Whittington argues from a Roman Catholic point of view. In the article, “Embryonic Stem Cell Research: A Pragmatic Roman Catholic’s Defense,” he asserts that the embryo is a person. Whittington writes, “Doctrinal Roman Catholic ethicists and moral theologians have opposed this research because it involves the destruction of an embryo, which they argue is a full person, endowed with the same basic rights as all other human persons.”⁴⁶ Based on this belief, embryos have the same rights as the people who potentially benefit from embryonic stem cell research. He states, “In this paper, I will argue that embryonic stem cell research can be conducted in a manner that is consistent with the position that personhood begins at the moment of conception.”⁴⁷ Although life beginning at the moment of conception seems like it is a solid argument, the moment of

⁴⁶ Richard Whittington, “Embryonic Stem Cell Research: A Pragmatic Roman Catholic’s Defense,” *Christian Bioethics* 18, no. 3, (December 2012), 236.

⁴⁷ Ibid.

conception is not always agreed upon even within a theological context as argued in the first chapter. Even though there could be some discontinuity between theologians in the moment of conception area, it is clear that Whittington is arguing from the view on the right.

Despite the disagreement on the moment of conception, this argument can still be continued based on the value of persons. This is further shown when Whittington asserts, “there is concern about the use of embryos for research because such research entails the destruction of actual persons.”⁴⁸ When embryonic stem cell research is viewed in this way, the destruction of embryos is equated with murder. If an embryo is a person, then utilizing that embryo for research is unethical according to this argument.

Although Whittington is trying to persuade a religious audience, he places his argument into a political context as well. Whittington elucidates, “It is within this political context that I shall grant the possibility that an embryo is a person and argue that embryonic stem cell research may go forward within a set of ethical principles.”⁴⁹ The embryo is viewed as a person within the religious belief that ensoulment occurs at the moment of conception, but this argument was altered when placed in a political context. The set of ethical principles that is referred to above is that embryonic stem cell research could lead to cloning for spare parts and that adult stem cell research could be an ethical alternative.⁵⁰ Whittington is not ignoring the benefits of embryonic stem cell research. The conditions for which embryonic stem cell research is acceptable to Whittington is

⁴⁸ Ibid., 237.

⁴⁹ Ibid.

⁵⁰ Ibid., 238-39.

when all possible sources for parents for the unused embryos have been exhausted and the original parents of the excess embryos have given voluntary consent for the non-viable embryos to be used for embryonic stem cell research.⁵¹ Since these embryos would be unused and discarded otherwise, it is in this specific scenario that Whittington believes embryonic stem cell research is permissible. This also follows the belief that embryos are persons who should be valued and only when that person is no longer a possibility could it be utilized for research.

The distinction between what is ethical and what is not is further explained in the latter part of the paper. The moral guidelines are clarified when Whittington writes, “It would not be ethical to destroy an embryo to obtain stem cells, just as it would not be ethical to remove the organs from an individual in a persistent vegetative state because they are no longer of benefit to the individual.”⁵² In making this comparison between embryos and a patient in a vegetative state, the emphasis on the embryo being a person is made clear. Since people do not think of using vegetative state patients for the benefit of other ill people, the same should not be done with embryos. Whittington then states “With this in mind, it is reasonable to define embryo death as the development of a condition that is incompatible with implantation after transfer and precludes further development and gestation.”⁵³ Since the embryo would no longer be viable, Whittington argues there is no moral reason that embryos could not be utilized in that situation. The purpose of Whittington’s argument is “...not to support stem cell research in all cases but

⁵¹ Ibid., 243.

⁵² Ibid.

⁵³ Ibid.

to define the conditions under which it can proceed while protecting the rights and interests of all persons, including embryonic persons.”⁵⁴ Whittington and others on the right assert that all persons involved in embryonic stem cell research, including embryos, must be viewed with the best interests of all those who would be effected.

Views in the Middle

Similar to those who hold the view on the right, the view in the middle values life. The difference, however, is the middle view believes the embryo only has the potential to become a person. This distinction between the view on the right and the view in the middle leads to drastically different conclusions in regard to embryonic stem cell research. While many theologians hold the view in the middle, Ted Peters and Gaymon Bennett (coauthors) and Margaret Farley will be examined as a representative sample of them.

Theologians that argue from the stance in the middle often begin their argument by providing the framework of their belief system. Ted Peters and Gaymon Bennett did this in their article, “A Plea for Beneficence: Reframing the Embryo Debate,” when they wrote, “The stem cell itself is not the turf to be won; rather, it is the moral status of the embryo from which the stem cell is derived.”⁵⁵ This statement clarifies that the disagreement between each stance on the issue of embryonic stem cell research is based on the beliefs about the moral status of an embryo. The differences in moral status lead

⁵⁴ Ibid., 249.

⁵⁵ Ted Peters, Gaymon Bennett, “A Plea for Beneficence: Reframing the Embryo Debate,” *On Moral Medicine*, (Grand Rapids: William B. Eerdmans, 1993), 667.

Peters and Bennett to assert, “Theological contributions to public debate are frustrated by dissonant interpretations of what constitutes ethical responsibility and morally protectable human life.”⁵⁶ By establishing this distinction at the forefront of their article, they help establish the validity of their argument. Since there can be many interpretations of the sources theologians use in writing, the conclusions that they draw can be different.

Once the framework is laid for the paper, the heart of Peters’ and Bennett’s argument is revealed. When Peters and Bennett state, “...the conceptus is not at this early stage in itself a human person. It is, however, a human person in potential. Its genetic code is new, neither its mother’s nor father’s alone. It can become this person and no other.”⁵⁷ Describing the embryo with only the potential for personhood clearly places Peters and Bennett in the middle stance. They address counterarguments by agreeing with those, “[Who] have argued that morally protectable human dignity begins at fourteen days... Thus, it is not until fourteen days that we have the clear appearance of the individual human life.”⁵⁸ Fourteen days is sometimes associated with personhood is because it is after this point that twinning is no longer possible.⁵⁹ Some say that when an embryo has the possibility of becoming two individuals, it cannot be classified as a single person. Since Peters and Bennett believe that personhood does not begin until after fourteen days, the embryo is not yet considered to be a human person yet.

⁵⁶ Ibid.

⁵⁷ Ibid., 668.

⁵⁸ Ibid.

⁵⁹ Twinning, which was previously discussed in chapter one, is when the embryo still has the ability to become twins rather than a single fetus.

Since most people would not use an embryo - person or not - unless it was to some benefit, Peters and Bennett continue their article by addressing the research aspect of embryonic stem cell research. They begin by claiming, “The gravity of questions concerning the moral status of the embryo is weighed against the need to harness potential medical benefits.”⁶⁰ The reason embryonic stem cell research is a difficult decision for the view in the middle is because it is weighing the costs and benefits for two different lives. Ultimately though, embryonic stem cell research is seen as permissible more often in the stance in the middle because the embryo is not viewed as a person.

As Whittington argued with certain scenarios taken into consideration, Peters and Bennett also determine the acceptability of embryonic stem cell research based on different criteria.⁶¹ Peters and Bennett write, “As many supporters of embryonic stem cell research have rightly pointed out, the argument from potentiality assesses the status of the embryo in accordance with the presumption that the embryo can and will be placed in vivo.”⁶² Peters and Bennett argue that if the embryo never has the potential to be placed in an environment that would allow it to become viable, there is no reason that embryo should not be utilized for embryonic stem cell research. This argument is further elucidated when they write, “The potential for an embryo in the lab to become a baby is

⁶⁰ Ibid., 669.

⁶¹ This criteria is when all possible sources for parents for the unused embryos have been exhausted and the original parents of the excess embryos have given voluntary consent for the non-viable embryos to be used for research.

⁶² Ibid., 674.

nil.”⁶³ Since it is impossible for a baby to come into existence in vitro, the authors justify embryonic stem cell research in scenarios such as this.

Peters and Bennett make a blatant statement with their beliefs at the end of their article. The authors argue, “Science alone does not tell us when morally protectable personhood begins. We bring out ethical criteria for personhood to the science, to be molded, confirmed or disconfirmed.”⁶⁴ Since there is not a way to have a for sure determination of when personhood begins, theologians strive to justify their view in the middle. This argument is shown when Peters and Bennett assert, “...in order to be safe rather than sorry, we join with those who wish to encourage stem cell and related research on the grounds that there exists here a potential for future healing that will relieve human suffering on a large scale.”⁶⁵ Since embryos are not viewed as persons, the mass benefit to actual persons that can come from embryonic stem cell research far outweighs the possibility of a person for those with the middle stance.

As Whittington provided a Roman Catholic perspective for the view on the right, Margaret Farley holds a Roman Catholic view for the middle stance. Similar to Peters and Bennett, Farley begins her argument by framing her belief through stating, “With one mind Catholics affirm also the importance of both the individual and the community, seeing these not finally as competitors but as essentially in need of each other for the

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

fulfillment of both.”⁶⁶ Through the emphasis of both the individual rights and communal rights, Farley prepares an argument that attempts to accommodate diverse views in the Roman Catholic audience. Farley also elaborates on moral status when she writes, “These disagreements include conflicting assessments of the moral status of the human embryo and use of aborted fetuses as sources of stem cells.”⁶⁷ These disagreements exist because there is no straightforward theological answer on the ethical aspect of embryonic stem cell research. Farley explains why there is no unambiguous theological answer:

For one thing, affirmations of the goodness of creation, human agency, and principles of justice and care do not always yield directly deducible recommendations on specific questions such as stem cell research...Nonetheless, what natural law theory does is tell us where to look; that is, to the concrete reality of the world around us, the basic needs and possibilities of human persons in relation to one another, and to the world as a whole.⁶⁸

It is this range of possible responses one could discern from “the world around us” that leads to theologians, even two Roman Catholic theologians, to have differing stances on the embryonic stem cell research issue. This is shown when Farley states, “A case can be made both against and for such research, each dependent on different interpretations of the moral status of the embryo and the aborted fetus.”⁶⁹ Since theologians often adopt a wide range of beliefs, Outka’s stances provide a way to compare and contrast their arguments while understanding the core of their beliefs.

⁶⁶ Margaret Farley, “Roman Catholic Views on Research Involving Human Embryonic Stem Cells,” *Kennedy Institute of Ethics Journal* 9, no. 2, (1999), 113.

⁶⁷ Ibid., 114.

⁶⁸ Ibid.

⁶⁹ Ibid., 115.

Farley references personhood when she writes, “Growing numbers of Catholic moral theologians, for example, do not consider the human embryo in its earliest stages (before development of the primitive streak or implantation) to constitute an individualized human entity with the settled inherent potential to become a human being.”⁷⁰ When she claims this view as her own, it becomes clear that Farley holds the stance in the middle. This is confirmed as Farley elaborates “Embryonic studies now show that fertilization (conception) is itself a process (not a moment), and provide warrant for the opinion that in its earliest stages (including the blastocyst stage) the embryo is not sufficiently individualized to bear the moral weight of personhood.”⁷¹ Embryonic stem cell research is then permissible because, “In this view the moral status of the embryo is therefore not that of a person, and its use for certain kinds of research can be justified.”⁷² Even though those in the middle do not view the embryo as a person, the embryo is still a life. Farley states the implications: “Since it is, however, a form of human life, some respect is due it; for example, it should not be bought and sold.”⁷³ Although embryonic stem cell research is permissible, the embryo cannot be used for just any purpose.

While embryos being bought and sold is considered an unethical use of embryos, Farley does not put embryonic stem cell research into the same category. Farley writes,

⁷⁰ Ibid.

⁷¹ Ibid., 116. The blastocyst stage is when the inner cell mass is isolated to derive stem cells for the purposes of research.

⁷² Ibid., 115-16.

⁷³ Ibid., 116.

“...I believe that it can be made without sacrificing the tradition’s commitments to respect human life, promote human well-being, and honor the sacred in created realities.”⁷⁴ Through Farley’s argument, she exemplifies how one can hold the view in the middle with grounded moral reasons for believing in this way.

Views on the Left

As was the case with abortion, most theologians do not hold the view on the left. Even with the disagreements of when personhood begins, almost all theologians agree that the human embryo is a life. Since the view on the left only believes that the embryo has the potential for life, it is not seen as much among theologians. John Robertson is a notable exception; he does hold to the left view in regard to embryonic stem cell research. When referring to embryos in his essay, “Ethics and Policy in Embryonic Stem Cell Research,” Robertson asserts, “They are not capable of forming a new individual, as a fertilized egg or single cell taken from a four cell embryo might if cultured in vitro and placed in a uterus.”⁷⁵ Robertson believes that since embryos cannot always become a living being, they only have the potential for life. This argument states that since there is no way for the stem cells used for research to become a life, it certainly is not immoral. The claim displayed here clearly matches with the view on the left.

Before getting to the base of his argument, Robertson discusses why he does not believe embryos are a form of life. Robertson’s draws upon a definition of what an

⁷⁴ Ibid.

⁷⁵ John Robertson, “Ethics and Policy in Embryonic Stem Cell Research,” *Kennedy Institute of Ethics Journal* 9, no. 2. (The Johns Hopkins University Press, 1999), 111.

organism is, which was offered by General Counsel Harriet Raab – asserts pluripotent cells are not even embryos, so there is no reason that they could not be utilized for research – who argues:

Pluripotent stem cells are not organisms and do not have the capacity to develop into an organism that could perform all the life functions of a human being--in this sense they are not even precursors to human organisms. They are, rather, human cells that have the potential to evolve into different types of cells such as blood cells or insulin producing cells.⁷⁶

Robertson, as well as Raab, is arguing that the cells utilized for research purposes are not embryos. Since pluripotent cells are not embryos, which do have the potential for life, the cells do not hold a moral status. This is further clarified when Robertson writes, “Only after implantation does the embryonic disc and then the primitive streak, from which the brain, the nervous system, and other organs of the body grow, form.”⁷⁷ As with Whittington’s, Peters’, and Bennett’s arguments, Robertson is contending for the cases where a viable life forming is not going to occur. Despite all of these authors holding different views, this similarity is found in all three stances. The moral status of the embryo is addressed when Robertson states, “Not surprisingly, persons holding this view about pre-viable fetuses view preimplantation embryos, which are much less developed than fetuses, as too rudimentary in structure or development to have moral status or interests in their own right.”⁷⁸ Since embryos at this stage are not viewed as having moral

⁷⁶ Ibid., 112. General Counsel Harriet Raab of the Department of Health and Human Services made the distinction between pluripotent cells and human life in a legal manner to the Director of the National Institutes of Health on current federal law with regard to embryonic stem cell research.

⁷⁷ Ibid., 117.

⁷⁸ Ibid.

status, it is no surprise that those that hold the view on the left argue in favor of embryonic stem cell research. This is further confirmed when the author claims, “As a result, such individuals maintain that no moral duties are owed to embryos by virtue of their present status and that they are not harmed by research or destruction when no transfer to the uterus is planned.”⁷⁹ Similar to previous theologians’ arguments, the embryos with no chance of becoming an infant should be utilized for research that helps other people. While those on the left always hold this view, those in the middle and occasionally those on the right also hold this belief.

Although some people may believe that those on the left do not show any respect for this possibility of life, this is not the case. This respect is shown in Robertson’s writings when he states:

Indeed, many such persons would say that embryos, though lacking rights or interests in themselves, deserve ‘special respect’ because of the embryo’s potential, if placed in a uterus, to become a fetus and eventually to be born. Even embryos that will not be placed in the uterus have some meaning in this regard for they operate as a symbol of human life or constitute an arena for expressing one’s commitment to human life.⁸⁰

Through this quote, Robertson reveals that the life of an embryo still has value because it provides a symbol for human life. This is further demonstrated when he asserts, “One can deny that something has intrinsic value as a moral subject, yet still value it or accord it meaning because of the associations or symbolism that it carries.”⁸¹ Even though the

⁷⁹ Ibid., 118.

⁸⁰ Ibid.

⁸¹ Ibid.

embryo does not hold the same value for those on the left as it does for theologians in the middle or right, the symbol of life is still regarded with respect.

With these views of the potential for life taken into consideration, Robertson then begins his argument of what this means for embryonic stem cell research. Robertson begins by claiming, “Accordingly, they would accept the use of spare embryos in research only when there is a good medical or scientific reason for doing so. In effect, the benefits of such research are deemed to outweigh whatever symbolic costs or losses arise from treating an entity that in other circumstances might be transferred to the uterus as if it lacked that potential.”⁸² This assertion is similar to the theologians in the middle because they are both claiming that the benefits of embryonic stem cell research is more important than the potential of an embryo. Robertson elucidates this claim when he writes, “Under this normative approach, embryo research has been deemed acceptable when necessary to pursue a legitimate scientific or medical end that cannot be pursued by other means, when there has been local or national review of the proposed research, and when the embryos have been donated for research with the informed consent of the providing couple.”⁸³ Embryos should not be used for just anything. There should be specific limitations on what other purposes embryos can have. This reveals that although theologians on the left do not view the embryo as a person or a life, the symbolic value of potential life still calls for a certain respect.

Those who hold the view on the left value the life of the beneficiaries more than the embryo’s symbol of life. Robertson shows this when he states, “Its great potential to

⁸² Ibid.

⁸³ Ibid.

treat or prevent disease in many persons shows that destructive research with embryos that are unwanted for reproduction will be used for the beneficial purpose of preserving life.”⁸⁴ Life is still of value to those on the left as it is with the other stances. It is important to realize that even if a theologian is in favor of embryonic stem cell research, they hold that belief because they value the betterment of life for people. Since embryonic stem cell research can provide better and healthier lives for the people of society, theologians on the left desire that outcome more than protecting the possible future of an embryo.

Conclusion

Embryonic stem cell research is one of the more complex medical ethical issues of the modern day. Within the theology of the Christian church there is no consensus for how to approach this issue other than the assessment of life. However, as demonstrated above, there are many discrepancies on when life begins and even more on when personhood begins. It is because of the unknown moral status of the embryo that theologians within the same denomination can come to different conclusions on embryonic stem cell research.

Theologians who hold the view on the right believe that personhood occurs at the moment of conception. Bearing this in mind, these authors come to the conclusion that embryonic stem cell research is unethical in most scenarios. However, like many other theologians from different stances, authors like Whittington argue that when the embryos have no possibility of developing into a child, embryonic stem cell research could be

⁸⁴ Ibid., 119.

permissible. Even though this exception is made, there are more strict guidelines within the right stance than there are on the other two stances.

Those theologians who adopt the middle stance assert that while the embryo is a life, it only has the potential for becoming a person. It is because of this potential that embryonic stem cell research is consistently viewed as permissible. Although these theologians are in favor of embryonic stem cell research, they do not think that embryos can be utilized for any destructive purpose outside of research.

This moral position is similar to theologians who hold the view on the left. Even though these authors only view embryos as having a symbolic representation of life, that value necessitates respect. These theologians also believe embryos should not be used for all purposes, but embryonic stem cell research is viewed as being acceptable since it is for the benefit of society at large. While the views of the embryo itself are largely debated among theologians in the different stances, it can be agreed upon that life is to be respected and valued. It must also be noted that it is very unique for the theologians from the three stances to ultimately agree. Unlike abortion and many other controversial medical topics, every theologian – regardless of stance – has come to the conclusion that there are certain scenarios in which embryonic stem cell research is permissible.

CHAPTER FOUR

Early Borders: The Implications of Fetal Status

Introduction

Throughout the previous two chapters, mainstream bioethical issues have been examined. However, this final chapter examines a topic that many are unfamiliar with. Therefore, it will be necessary to provide background information regarding prenatal surgery. In addition to this, the previous chapters have focused on the theological perspectives; however, there has not been enough writing by theologians on the topic of prenatal surgery to provide a thorough analysis. Therefore, this chapter will examine the thoughts of different scientists' views on prenatal surgery according to the three different stances proposed by Gene Outka. Once the scientific view on prenatal surgery has been discussed, the ethical conclusions drawn will help shape what theologians will likely think when placed in the three stances.

Background on Prenatal Surgery

The topic of prenatal surgery is unknown to many people; therefore, this chapter includes a brief background of the founding of prenatal surgery and what is entailed in the procedure. Prenatal surgery was founded by Dr. Michael Harrison in the 1980s, who was known as the father of fetal surgery, at the University of San Francisco, California

Children's Hospital.⁸⁵ Fetal surgery can be performed with different amounts of invasiveness. In open surgery there is an incision made in the mother's abdomen to remove the uterus.⁸⁶ The surgeon then makes an incision in the uterus to expose as much of the fetus as possible while remaining attached to the placenta.⁸⁷ These incisions are then sutured together when the surgery is complete.⁸⁸ There is a less invasive option that includes "endoscopic techniques and percutaneous procedures".⁸⁹ Since there are associated risks with this type of surgery, it is normally suggested, "fetal surgery should be restricted to interventions that are life-saving for the fetus".⁹⁰ Prenatal surgery is a very new issue that could drastically change with increasing amounts of technology. Although fetal surgery is mainly utilized for life-saving situations, it may expand its capabilities once technology lessens the risks imposed on pregnant mothers.

Views on the Right

Unlike the previous chapters on abortion and embryonic stem cell research, the majority of writings do not fit this category. This lack of writing from views on the right may be due to prenatal surgery being a relatively new topic in medical ethics. Therefore,

⁸⁵ Anna Smajdor, "Ethical challenges in fetal surgery," *Journal of Medical Ethics*, (British Medical Journal, 2011), 88.

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

⁹⁰ Ibid.

not nearly as much has been written on the topic, so it is possible that this may change over time.

One scientist that holds the view on the right is Louis-Jacques van Bogaert. In his essay, “Rights of and Duties to Non-Consenting Patients – Informed Refusal in the Developing World,” he writes about the potential conflicts of the fetus and the mother and what that means for treatment. It is clear that van Bogaert’s stance lies in the middle when he writes, “Pregnancy, however, is about two biologically linked and inseparably intertwined and connected human bodies whose rights and interests may be divergent – that is the feto-maternal conflict”.⁹¹ The feto-maternal conflict is extremely important when discussing prenatal surgery because for those who hold the view on the right, this conflict is between two people. While for those who have not heard about prenatal surgery it may be unclear that this conflict exists, it is important to remember that prenatal surgery can be a risky option for the pregnant mother even if she desires to keep her child.

Another important consideration to take into account is that prenatal surgery usually assumes that the pregnancy has been accepted. Van Bogaert elucidates:

The two recommendations somehow could be seen as reflecting the conflicting views of pro-life and the pro-choice stances in the abortion debate. The point, however, is that it should *not* be viewed as such since in the present case the pregnancy is assumed to have been accepted (otherwise one may assume that it would have been aborted).⁹²

⁹¹ Louis-Jacques van Bogaert, “Rights of and Duties to Non-Consenting Patients – Informed Refusal in the Developing World,” *Developing World Bioethics*, (2006), 15.

⁹² Ibid.

Even if prenatal surgery is not viewed as an option due to considering an abortion, this ethical dilemma then returns to the morality discussed in the chapter regarding abortion. It is because of the assumption of the pregnancy being accepted that many physicians will view the fetus as a patient for prenatal surgery. This is further shown when van Bogaert asserts, “Therefore, the acceptance of the pregnancy gives the fetus the right to life and the right to health”.⁹³ The view on the right especially holds the rights to life and the right to health because the fetus is viewed as a person. Therefore, it can also be understood that a person would automatically receive these rights.

Van Bogaert goes on to discuss what the fetus being viewed as a patient means when the mother decides to not go through with prenatal surgery and has an informed refusal. In this scenario, van Bogaert states, “in the case of informed refusal by a pregnant woman, harm to another, [the fetus], is involved.”⁹⁴ This statement makes it abundantly clear that van Bogaert holds the view on the right. If the fetus was not viewed as a person, van Bogaert would not be as concerned with ‘harm to another.’ Since it is assumed that the mother has accepted this unborn child, van Bogaert asserts, “It is safe to say that, once a pregnancy has been accepted, a pregnant woman takes on the responsibility of ensuring the fetus’ well-being even if that entails undergoing diagnostic and therapeutic procedures that are needed to this end.”⁹⁵ Since the fetus is a person that initially cannot care for itself, the mother assumes that responsibility when she accepts the pregnancy. This claim is shown again when van Bogaert writes, “A pregnant woman has a duty of

⁹³ Ibid.

⁹⁴ Ibid., 16.

⁹⁵ Ibid., 18.

beneficence to the unborn; her informed refusal can be ethically overridden when the need arises.”⁹⁶ Since the fetus is viewed as a person, the view on the right asserts that the rights of the unborn fetus need to be defended since they cannot defend themselves. This is not to say that the rights of the mother are undermined, but the rights of the fetus are shown to have equal importance.

It is possible that the reason more people do not hold the view on the right as with previous controversial issues is because prenatal surgery deals directly with the pregnant woman’s health as well. Therefore, even if the fetus is viewed as a person, it is difficult for some people to provide the unborn child the same rights as the mother.

Views in the Middle

When researching prenatal surgery, it was clear that the majority of people writing on this topic hold the middle stance. Since the middle view is the belief that the fetus is a life with the potential for personhood, this perspective allows pregnant women to hold more rights than the fetus. While this may not be the sole reason people tend to hold the view in the middle, this stance does allow for a balance between the rights of the fetus and the rights of the mother.

One of the authors that address the tensions between mother’s rights and fetus’ rights is Anna Smajdor. Smajdor writes, “...fetal surgery challenges autonomy-focused approaches to medical ethics”.⁹⁷ When the fetus is viewed as a life, the fetus also has

⁹⁶ Ibid.

⁹⁷ Anna Smajdor, “Ethical challenges in fetal surgery,” *Journal of Medical Ethics*, (British Medical Journal, 2011), 88.

autonomy, which once belonged solely to the mother. Smajdor then refers to Len Doyal and Christopher Ward who “suggest that women’s autonomy may be threatened if fetuses are regarded as patients in their own right”.⁹⁸ If fetuses have the same rights as the pregnant mother, it is a possibility the needs of the fetus outweigh the rights of the mother. This is mainly because “In fetal surgery, mother and fetus become patients, and their interests might also seem to conflict”.⁹⁹ This argument parallels Harrison’s and Cloyes’ – in the abortion chapter – since valuing both the life of the mother and the life of the fetus inevitably may lead to conflict. Therefore, it is necessary to show why there is a potential conflict of interest.

As shown in the background on prenatal surgery section above, there are risks to the mother when undergoing prenatal surgery. For women that have fetal surgery, they must have two caesarean sections; first at the fetal intervention and second at the time of birth – also must have caesarean sections for any future children.¹⁰⁰ The mothers must also give birth approximately eight weeks after surgery, which means it is very likely the child will be born premature.¹⁰¹ It is because of these risks involved to the mother that prenatal surgery is normally only suggested when the procedure will be life saving to the fetus. Smajdor uses Doyle and Ward to affirm her position that “The legal and moral

⁹⁸ Ibid. Doyle and Ward wrote an essay on potential guidelines for the regulation of fetal surgery.

⁹⁹ Ibid., 90.

¹⁰⁰ Ibid., 89. It is possible that some women may have a caesarean section with one child and not have one with future children, but it is far more common for women to continuously have caesarean sections.

¹⁰¹ Ibid.

status of the fetus, in their analysis, is kept within very restricted parameters – it may be ‘special’, but its interests are explicitly and necessarily subordinate to those of the mother”.¹⁰² It is here that it is shown that Smajdor holds the middle view. It can be implied here that by ‘special’ Smajdor agrees that the fetus has value and is a life, but it is in no way equal to the pregnant mother. If the fetus were viewed as a person, as in the stance on the right, the mother’s interests may not always be preferred. However, since the fetus according to Smajdor is a life with the potential for personhood, the mother’s rights are taken into account first.

Since prenatal surgery is usually only considered when the pregnancy has been accepted, many women are willing to undergo the risks involved for the benefit of the fetus. Smajdor asserts, “Even if the risks of fetal surgery were still greater, the benefits more marginal and women had access to every possible relevant fact and statistic, they might still be willing to undergo fetal surgery”.¹⁰³ It may be argued that even if the physician does not view the fetus as a life, the fetus will still be treated as such simply because the mother believes the fetus is a life. Smajdor, along with Doyle and Wade, believe that fetal surgery should only take place when the mother has provided consent for the procedure. It is because of this need of the mother’s consent that many people within the scientific community hold the view in the middle.

Another group of authors that hold the middle stance are Frank Chervenak and Laurence McCullough. Their paper was written with the purpose “to provide a comprehensive ethical framework for research designed to improve both the health of the

¹⁰² Ibid., 90.

¹⁰³ Ibid.

pregnant women and the health of fetuses and future children”.¹⁰⁴ Although this paper is concerned with fetuses, it specifically adds “future children” to the list, which means the fetus only has the potential for personhood. This is further shown when Chervenak and McCullough argue, “We emphasize that Gregory’s concept of human beings as patients does not require that one must be a person in order to be a patient, in either of the two main ethical senses of ‘person’”.¹⁰⁵ Once again this statement emphasizes their middle view that the fetus only has the potential for personhood. If it was not clear enough that Chervenak and McCullough hold the middle stance, they then write, “Fetuses become patients when they are presented to a health care professional and there exist clinical interventions that are reliably expected to benefit clinically the fetus and the future child that it can become”.¹⁰⁶ This statement makes the clear distinction between the fetus and the ability for the fetus to become a future child. Therefore, through multiple statements Chervenak and McCullough place themselves in the view in the middle in regard to prenatal surgery.

Later in the paper, Chervenak and McCullough explain what is required, in their view, for a fetus to obtain this moral status for fetal surgery. They elucidate, “The previable fetus thus becomes a patient solely as a function of the pregnant woman’s

¹⁰⁴ Frank A. Chervenak and Laurence B. McCullough, “An Ethically Justified Framework for Clinical Investigation to Benefit Pregnant and Fetal Patients,” *The American Journal of Bioethics*, (Taylor & Francis Online, 2011), 39.

¹⁰⁵ Ibid., 42. Chervenak and McCullough assert that Gregory may have been influenced by a Millian philosophy. This philosophy shows the individual as free from substantial control or coercion by others.

¹⁰⁶ Ibid., 43.

decision to confer this moral status”.¹⁰⁷ It is because the pregnant mother has accepted this fetus as her own that the life of the fetus then has the status for it to become a patient. Chervenak and McCullough claim, “if the fetus were to be understood as a separate patient, clinical ethical judgment about beneficence-based obligations could be accomplished without any reference to the pregnant woman and clinical ethical judgment would have to take into account only the net clinical benefit of intervention on the fetus”.¹⁰⁸ As with many others that hold the middle stance, this distinction between the rights of the mother and the rights of the fetus play a large role in decision-making process. However, unlike Smajdor, Chervenak and McCullough do not always think it is necessary to have the mother’s consent because of her obligations to the fetus. Chervenak and McCullough write, “An ethics of fetal research based on concepts and discourses of personhood, fetal rights, or the unborn child would treat the fetal patient as a separate patient and therefore not necessarily take account of beneficence-based obligations to pregnant women”.¹⁰⁹ While the mother’s consent would still obviously be preferred, Chervenak and McCullough do not believe it is necessary since they view the fetus as a separate patient. It must be understood that Chervenak and McCullough are not arguing to force a surgery on a mother; rather they are attempting to avoid the altruistic sacrifice of a mother if the surgery would cause her great harm. This is mainly due to their belief that “All patients are equally patients, without regard to the degree of their cognitive

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid., 46.

developmental capacity or function”.¹¹⁰ Thus, it can be seen that even when viewing the fetus as a life with the potential for personhood it is still possible to give more weight to the rights of the fetus than the rights of the mother.

Even though the two groups of authors for the view in the middle come to different conclusions with regard to where the pregnant mother’s rights fall, it still shows that when the fetus is a life there is a dichotomy between the rights of both mother and fetus. It has been shown that even within the same stance on prenatal surgery, the end results can differ. This complicated aspect of prenatal surgery is very unique to this controversial topic, especially when compared to abortion and embryonic stem cell research.

Views on the Left

When it comes to prenatal surgery, very few people hold the view on the left. The fetus being regarded with only the potential for life causes this lack of proponents. Since prenatal surgery poses such a large risk to women, it is unlikely for someone holding this view to support such a surgery. However, people could still view the *potential* for life as a valuable thing. It would not be accurate to state that all those who hold the perspective on the left would be against prenatal surgery. Thus, it is necessary to emphasize the value that a fetus holds even with only the potential life and personhood. It is possible that someone who values the potential the fetus has to still want to allow the fetus to grow to that potential. Therefore, it is uncertain as to what positions someone on the left may hold because there are multiple possibilities.

¹¹⁰ Ibid., 44.

Theological Perspectives

Since prenatal surgery is a relatively new topic in the medical field, there are not any peer-reviewed sources that are currently available to analyze according to Gene Outka's three stances. However, it is possible to suggest what theologians who view the fetus according to one of the three stances would believe in regard to prenatal surgery.

Based on previous understanding of what the view on the right entails for medical ethical issues, it is likely that theologians on the right would be great proponents of prenatal surgery. Since the fetus is viewed as a person in this stance, these theologians would believe that whatever is necessary to benefit the health of the unborn child is what should be done. However, it is also likely that they would not disregard the rights of the mother and would take her preferences into consideration.

Unlike abortion and embryonic stem cell research, most theologians would probably stand with the middle stance on prenatal surgery. In this view, the fetus is still a life, but only has the potential for personhood. It is within this belief system that once the mother shows the child is wanted, no efforts should be spared to support the fetus' and the mother's health. This stance usually gives more equality in both the rights of the fetus and of the mother. However, this is not always the case as shown with Chervenak and McCullough.

As with previous ethical issues, the view on the left is most likely not going to be very popular among theologians. However, if a theologian were to hold this view, they would believe that the fetus only has value if the mother is choosing to continue with the pregnancy. Then, if this were the case, the fetus would be valued as a patient as with the other two stances.

Conclusion

Through the investigation of abortion, embryonic stem cell research, and prenatal surgery, utilizing Gene Outka's three stances helps us understand the various theological perspectives. Without these three views, it is possible that people could easily dismiss the argument of those they disagree with. For instance, abortion is especially considered a sensitive topic, so many people refuse to even hear opposing perspectives since they usually believe them to either be murderers of children or against women's rights. However, when people understand the bases of where these beliefs come from, they can at least understand the perspectives of those with different opinions.

Through understanding why people believe a certain way, we are better able to defend our values and address the best arguments from opposing sides. During many ethical debates, each perspective usually attacks the weakest points of another's argument; however, unless people address the best points within an argument, no one will truly be persuaded to believe differently. This thesis has put forth some of the strongest arguments for three stances on the topics of abortion, embryonic stem cell research, and prenatal surgery, which allows people to understand fully the foundation of these various stances. Despite what some may think, each belief is based on a respectable reason, but changes due to various interpretations of when personhood and life begins.

These stances are also useful to organize writing – theological or scientific – into categories, which allow for better comparison. While this paper did not address every medical controversial subject, it provided an example of how Gene Outka's stances can be applied to prenatal medicine in order to better recognize the various arguments provided.

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