

BIOETHICS AND HUMAN EMBRYOS FROM THE STANDPOINT OF A PROTESTANT THEOLOGIAN

IGOR KIŠŠ

The question of using embryos has become one of the most controversial issues in modern bioethics. Numerous Christians and Christian denominations consider these methods to be unjustifiable. However some theologians, mostly Protestant, defend this practice. There exist serious theological and ethical reasons for embryo research. The author of this article finds such reasons in the ideas of Thomas Aquinas and also Jesus Christ. The church's strict adherence to the rigorous application of otherwise correct moral rules, without considering the law of love and the need for necessary exceptions, can harm the proclamation of the gospel. The church's negative attitude in the area of bioethics would lead to widespread disillusionment with the church.

The question of using human embryos has become one of the most controversial issues in modern bioethics. This issue is being energetically discussed in parliaments around the world, in state ethics commissions, in constitutional courts, among theologians from different denominations, as well as in the mass media. The issues at stake include the question concerning the killing of human embryos for the therapeutic use of stem cells, abortion, in vitro fertilization (in which surplus fertilized eggs that have been stored in a refrigerator are thrown away), and also certain types of contraception in which fertilized eggs are also killed. Probably none of the previous bioethical discussions has been as widespread and emotional as this one. Numerous Christians and Christian denominations consider these methods (such as abortion, in vitro fertilization, some kinds of contraception, the use of stem cells for the research of their possible therapeutic use) to be unjustifiable. They perceive them as the murder of already existing human life. Their presupposition is the same as that of Pope Pius IX, who stated in 1869 that an embryo is a human being from the first moment of conception, as soon as the human egg and a sperm have come together. Therefore it is not permitted to sacrifice the life of a helpless embryo for the sake of solving other problems of humankind. Such an action is seen as intolerable cynicism and a symptom of the culture of death. We cannot sacrifice one human life for another human life without the permission of the one being sacrificed. The holiness of human life is such a high moral value that it needs to be respected unconditionally.

At the first glance it could seem that such reasoning is so sound that it cannot be disregarded.

However some theologians, mostly Protestant, are not convinced by these arguments against any use of human embryos whatsoever. Let us consider the use of 14-day-old stem cells in research aimed at finding treatments and cures for lethal diseases. Lutheran theologian Hans Schwarz (2002, 105) and Reformed theologian Ulrich Kortner (2002, 11) have expressed their support for such research. The Anglican Bishop of Oxford, Richard Harries (2002, 64) declared in the House of Lords that he approved of the therapeutic use of 14-day stem cells. We could cite other examples of Protestant theologians who have approved this practice (such as the American Lutheran theologian Ted Peters from Berkeley). At the conference of orthodox theologians in Chambesey, Switzerland, 11–15 September 2002, the Patriarchate of Constantinople strictly opposed manipulation of embryos for therapeutic goals but archpriest Antonij Iljin, delegate of the Russian Orthodox Church, expressed his agreement with the use of 14-day stem cells for therapeutic purposes. It is also my personal opinion that this research needs to be done for the well-being and future of humankind. The medical revolution it introduces need not be slowed down by theology and the churches.

It is no wonder some theologians are defending this practice. The question of the therapeutic use of embryos brings humankind face to face with the chance for a decisive breakthrough in the fight against disease. If the presuppositions of scientists are correct, then many serious and currently lethal diseases that until now have been scourges of humanity could be overcome and cured. There is hope that thanks to the therapeutic use of embryos there could be a revolution in medicine. The list of diseases that could be overcome is impressive: Alzheimer's, Parkinson's disease, numerous cardiac and vascular diseases, multiple sclerosis, diabetes and certain kinds of blindness. Some scientists also hope that such research will lead to a cure for leukemia. Recent research indicates that "adult" cells are capable of only limited effectiveness compared to 14-day stem cells (this is the reason why the scientists call 14-day stem cells *totipotent* while "adult" cells they call *multipotent*). If this is the case, then we will see a situation in which humankind is going to help its sick adult members even at the cost of the death of embryos. This will in no way be considered a culture of death but rather the opposite—a help to support life and to eliminate serious diseases. Besides, by using the cell lines method (as demanded by President Bush as well as the German parliament) embryos are killed only at the beginning to obtain the cell line but then no more embryos are killed. Only cells obtained from the cell line are used without any more killing of new embryos.

It is no different concerning the question of abortions. It is clear that as Christians (but this is also true of humane atheists) we cannot approve of abortion on demand—abortions for egotistic reasons, such as wanting to have a cottage, a car, a house or a luxurious vacation rather than a child. Abortion based on such crass motivations really is cruel murder, an expression of cynicism and the culture of death. However it is not possible to forbid abortions in all cases, as for example *in extremis* and therefore prevent a reasonable abortion law from being passed in a country, as was the case in Poland, Malta and Ireland. This would lead to abortion tourism to the countries where abortions are permitted and also to the creation of abortion mafias that would perform abortions at high cost. (And do we not already have enough organized crime?) This would consequently lead to many tragedies (including

perhaps suicide), mostly among unwed mothers who are not able to cope with their unwanted pregnancy. It would also lead to the birth of children with severe genetic disabilities who will need to be taken care of all their life, causing suffering for their families, becoming inmates of institutions, and, above all, having a low quality of life. It would also lead to an increased divorce rate since the husband quite often leaves his wife when they have a genetically disabled child. All this indicates that the general prohibition against abortion allows exceptions and these have to be provided for in the legal system, even though such legal abortions involve the murder of an embryo. The majority of Europe's law systems have already solved the abortion issue in this way. Of course, if parents of a genetically disabled child decide to keep it and take care of it for the rest of their lives, refusing pre-natal tests and abortion, nobody will prevent them. However, the rule concerning genetically disabled fetuses has to be that abortion is permitted no later than the twenty-second week of pregnancy, as it is in Germany. Moreover, a law must be passed that permits abortion in cases of serious genetic diseases. Such abortions would not be for non-medical reasons, for example, in order to choose the sex of the child, since that would be eugenic selection. Under no circumstances should partial-birth abortions be permitted, when the fetus has already partially come out of the mother and the brain of the partially-born fetus is suctioned out. This was practiced in some American states, but President Bush very properly prohibited it in November 2003.

We also cannot simply dismiss the question of in vitro fertilization, which also involves the death of embryos. Many women suffer greatly because they cannot give birth to a child of their own. Husbands often leave their wives because they want to have their own children. Women are willing to undergo certain health risks and hardships just in order to feel their own child moving under their heart. Such a way of giving birth to their own child through in vitro fertilization may involve the death of surplus embryos that have been stored in refrigeration. But this issue will not simply go away if we forbid in vitro fertilization. We need to acknowledge the extraordinariness of this situation. In addition, it is necessary to minimize the number of embryos that are not implanted in the mother. It is also possible to encourage people not to use the type of contraception that results in the destruction of already-fertilized eggs by chemical means.

It would be very difficult to abolish all methods of contraception and allow only natural contraception (the so-called Knaus-Ogino or Billings or rhythm method). Some chemical contraception methods result in the death of an embryo. It is however very difficult to abolish their use by means of law. It is also impossible to demand that all couples use only the rhythm method. This would result in serious complications for marital life. We need not make the situation worse by strict application of absolute criteria from theological ethics. We rather need to find ways of allowing the use of different contraception methods that are not harmful to health.

It is not only for practical reasons that many Protestant theologians approve of embryo research. There exist serious theological and ethical reasons as well. Let us take a closer look at these and see how they can help us to solve these questions.

1. From the standpoint of science, the assertion that human life starts at the moment of conception is still controversial.

Scientists have not definitively answered the question of when an embryo becomes a human being. There are different opinions concerning the exact status of an embryo. There are many scientists who are convinced that a potential human life starts at the moment of conception but full status as a human being is not attained until later. At first, an embryo is merely an embryo and we cannot yet consider it a full human being. At such an early stage we cannot determine whether this one embryo will develop into a male or female, or whether perhaps it will develop into two individuals. Even the old theologians vary in their answers to this question. The thesis that an embryo is fully human from the moment of conception became official teaching of the Roman Catholic Church only in 1869 (*Theologische Realencyclopädie* vol. 30, 635). Pope Pius IX cancelled the distinction between the “developed” and “undeveloped” fetus, which the church had used until then, and declared all abortions to be murder. Centuries before, however, St. Thomas Aquinas had a different opinion. According to Thomas the “ensoulment,” by which the embryo becomes a full human being, happens sometime around the fourth month of pregnancy (Thomas Aquinas I 118, 2). It is only after this that the embryo is a full human being. Aquinas draws here on St. Augustine, who had a similar opinion. Quite a number of biologists agree with Aquinas on this point, even though it is impossible to say for certain when the human embryo becomes a full human being. Even scientists vary in their opinions concerning this question. According to some, it is when the heart of the embryo starts beating. According to others, it is when the electrical functioning of the brain begins, since death now is defined as the cessation of electrical functioning in the brain. It is not possible however, to determine when, precisely, this moment occurs.

It seems that the Old Testament agrees with this position. The Old Testament uses the rule, “An eye for an eye, and a tooth for a tooth”. Whoever killed a person had to be put to death. It is significant that the Old Testament does not apply this rule to the unborn fetus. As can be seen in Exodus 21, 22-25, he who caused the death of an unborn child due to hitting a woman resulting in her aborting an unborn child is not to be punished by death but only by paying a financial compensation. Causing an abortion in this case was not considered by the Old Testament to be a murder that would then have to be punished by putting to death the person responsible. So even doctors who perform abortions are not charged with the crime of murder. In fact human laws tolerate the necessary abortions. It is another matter that the abortion laws are too liberal, permitting abortion in all cases when a mother and her doctor agree to it. The far-reaching statement that the embryo becomes a full human being at the moment of its conception, which results in the loss of the distinction between the embryo stage and the stage at which the embryo becomes fully human, is on shaky theological ground. We as theologians ought to be strictly opposed to abortion on demand, which rests on human egotism. But it is going too far to say that all abortions ought to be forbidden, even under extreme circumstances, and that infertile mothers should not make use of in vitro fertilization and that married couples should only use the rhythm method of birth control and not artificial methods of contraception, even those that do not involve the killing of the already-fertilized egg.

In this case, the church is in danger of contradicting the prevailing ethos and the moral feeling of humankind. Consider, for example, the following statement of the majority of the German ethical commission of December 2001, part 5.1:

There is a fundamental difference between the strict protection given to an already-born child and that accorded to a child that is still developing [prenatally]. This difference has deep roots and a long tradition in the Christian West and governs the character of our work in the social sphere. It results in a deeply felt difference between the murder of an already-born human being and the killing of an embryo, as well as between protecting a fertilized human egg and protecting a seven-month old fetus that is capable of life outside the womb.

The text continues as follows:

This standpoint is reflected in German law, as well as within the law systems of other democratic countries. It is also confirmed by the decisions of the German constitutional court. This court, when issuing its first ruling on abortion in 1975, declared that the legislature is not bound to protect the life of the unborn to the same extent as it must protect the life of persons who are already born. Applying the same strict protection to both—to the already born child and to the embryo only just beginning to develop—would certainly lead to contradictions.¹

The position that under no circumstances can human embryos and stem cells be sacrificed for other purposes, including therapeutic purposes, cannot be the basis of our moral decision-making. It is normal in war that adult human lives are sacrificed for the higher purpose of protecting the country, even without the consent of the sacrificed soldiers. It seems permissible then that the same principle could be applied within bioethics in the case of human embryos, when the health of millions of people is at stake.

2. When there is a conflict of duties, we must choose the lesser evil and give priority to the need to love thy neighbour instead of to the need to formally obey the commandment.

There is no doubt that destroying the life of an embryo is something evil and that the life of an unborn child needs to be protected from the very beginning because the embryo has the potential to become a human being in the future. But in life we have to face many dilemmas in which we find ourselves face-to-face with situations in which one ethical rule contradicts another ethical rule and we have to decide for the lesser evil. When the Gestapo during World War II was searching for the Jews one was hiding, it was one's moral duty to decide for the lesser evil and lie to the Gestapo. Otherwise a greater evil would occur, namely, the Jews would have been

¹ This statement was issued under the title "Genetische Diagnostik vor und während der Schwangerschaft" on March 24th 2003. The above-cited words can be found on <http://www.ethikrat.org>, p.64.

murdered. A Slovak Lutheran pastor Kuna lied in this way and thus saved fifty Jewish children who were hiding in a Lutheran orphanage. He changed their official papers, changing their German and Hebrew names into Slovak names, thus tricking the Gestapo into thinking that these were not Jewish children. For this brave deed he was honoured by Israel at Yad Vashem as a “righteous among nations”. The Lutheran theologian Dietrich Bonhoeffer also experienced this contradiction between moral duties when he was participating in preparations for the assassination of Hitler. At that time Bonhoeffer wrote that those who want to keep their hands clean and confine themselves to the strict performance of their duty will, in the end, have to serve the devil (Bonhoeffer 1977, 13). We must not only look at the ethical commandment as such, but also at the consequences of our “ethically pure” actions. This can be seen in the ethics of Max Weber and his emphasis on responsibility and consequentialist ethics. We cannot discard ethical opinions such as these as if they were mere utilitarianism or instances of “situation ethics”. Neither can we condemn it as a crude and unacceptable ethical liberalism. Christ himself followed this kind of ethic. Christ’s ethics were not an extreme deontology, in which every commandment had to be strictly followed regardless of the consequences or the context. The scribes and the Pharisees took such a position with regard to the question of healing on the Sabbath day. They were extreme deontologists who would admit no exceptions to the rules. For this reason Christ had to say to them “You strain out a gnat but swallow a camel” (Mt 23,24). In these words we see an example of how Jesus used the principle of the lesser and greater evil. Christ broke the strict Jewish rule about keeping the Sabbath holy by healing on the Sabbath. Jesus praises king David because, *in extremis*, he allowed his men to eat the bread in the temple that it was forbidden to eat (Mt 12, 3-7). Because of this interpretation of the law the scribes and the Pharisees perceived Jesus as a liberal who broke the law. But Jesus here clearly explained that he did not abolish the law by not keeping certain commandments of the law; instead, he fulfilled the meaning of the law by his new understanding of ethics (Mt 5, 17). The point of God’s law is love towards thy neighbour. “I desire mercy, not sacrifice”—that is Christ’s explanation of God’s law. “If you had known what these words mean, ‘I desire mercy, not sacrifice’, you would not have condemned the innocent” (Mt 12, 7). If love for our neighbour demands letting go of the law as strictly understood, then we need to oppose an extreme deontology that very stubbornly applies the letter of the law, even when doing so violates love for the neighbour. Instead, we need to apply a humane deontology and choose the lesser evil. The killing of human embryos in medical research where the goal is to find remedies for serious human illnesses is, of course, as evil as killing. At first glance, such practice seems to be ethical liberalism and the culture of death. But if we do these things in a situation in which there is no other way out, *in extremis*, then such acts help to save other lives. In the case of in vitro fertilization an embryo dies, but an infertile mother can bear a healthy child. It is not a culture of death but a victory for life when a child that would not have otherwise been born is born. The main Christian commandment is not preservation of life at all costs. That is the main ethical rule in Buddhism and Hinduism, but not in Christianity. In Christianity the law of love is above all other ethical commandments (Rom 13,9f). This allows us to deviate from what is commanded, as was done by Christ even though there was a

danger of being called a liberal by the scribes and the Pharisees. The Pharisees could not discern between the lesser and the greater evil and therefore “strained out gnats but swallowed a camel”.

If adult cells would serve just as well, naturally we must choose to use them so that embryos do not die. But it is not possible to completely forbid research with 14-day-old embryos. Science has the right to determine which way is more helpful to humanity. Such research should use frozen embryos left over from in vitro fertilization which will die after they are not used. Why should they not be used for the good of humanity? Or else it is possible to use stem cell lines, as required by President Bush and as also the German parliament required. In this case, the existing lines of stem cells are developed but no new embryos must die.

3. The church’s strict adherence to the rigorous application of otherwise correct moral rules, without considering the law of love and the need for necessary exceptions, can harm the proclamation of the gospel.

The church always has to learn anew to prefer love for thy neighbour and mercy instead of the uncompromising application of absolute moral laws. It is not the way of Jesus to understand the moral law in an extremely dogmatic way. It is the way that the Pharisees and the scribes followed but Jesus was opposed to it. Jesus’ way corresponds to the reality of life, which often places us face to face with difficult moral dilemmas.

The church is not to hold on to ethical norms that are questionable when the love for the neighbour suggests their re-evaluation. It is of course right that the church should warn against casual abortion. All the initiatives within the church that support saving unborn babies are good. But we need to recognize that life sometimes demands exceptions. These need to be dealt with by states’ laws. The church cannot tell people that only the natural form and no other form of contraception is allowed and that we need to condemn in vitro fertilization, even though it might be the only way for some married couples to have a child. The church also cannot tell people that abortion is wrong without exception and therefore all babies—even those with serious genetic flaws—have to be born. It is not good to upset people by extreme ethical demands since these people might become hardhearted towards the church. The church should not oppose healthy human reason, represented by such a large number of parliaments around the world. For example, the European parliament in Strasbourg is considering supporting financially stem cell research of therapeutic goals (but without cloning). We cannot be against the moral feeling of the majority of Europe’s inhabitants. That would be in conflict with the natural law inscribed even in the heart of Gentiles (Rom 2,14f). We have to consider whether the unity of European parliaments is not an expression of the natural law that even non-Christians can know. If the church insists on such hard commandments in the name of morality but against reason, it will not gain people for the gospel—or only a very few (those people who eagerly support such a strict position). The authority of the church among people is not going to be strengthened, but harmed. The masses will gradually be turned away from the gospel if it is presented only as a set of principles that ignores ‘love thy neighbour’ and consideration of the neighbour’s needs.

How are we to solve the problem of having two distinct groups in the church, one that is strictly deontological and one that accepts the principle that there are exceptions to the rules? I see the solution to be analogical to the question of pacifism in the church. Some are against every use of arms by Christians and refuse to serve in the military; some see the use of arms as needed to protect society against aggression. Similarly we must make room in bioethics for both positions regarding the use of embryos. Those who think that we ought not to use embryos under any circumstances should hold to their conclusions and avoid using embryos. But there must be respect in the church also for those who prefer “love thy neighbour” to the life of an embryo in the case of in vitro fertilization, necessary abortions, or research that may result in victory over the most severe diseases of humankind. The laws of this world are not to be ruled by the principles of absolute moral principles that know no exceptions but by that which corresponds to humane reason. It is only necessary to formulate laws in such a way that the life of the embryo is protected to the maximum extent possible.

The views of churches concerning this issue can be changed. Pope Pius IX did not issue his opinion on the status of the embryo *ex cathedra*, as an infallible teaching of the church. This means that Catholic theologians may have a different opinion, which is in accordance with the writings of Thomas Aquinas. There is an ongoing discussion throughout the ecumenical world. Since there has not been a definite solution to this question given by the church so far and since there exists a variety of viewpoints among various theologians, we in the church can tolerate both standpoints concerning the use of embryos, in analogy to the question of pacifism. Let us solve these issues in such a way that people will not be offended and turn away from the gospel and from the church. If we do not, the church will lose many people, or at least many people will be discouraged. The churches’ attitude in the area of bioethics would lead to widespread disillusionment with the church.

References

- Bonhoeffer, D.** *Widerstand und Ergebung*, Munich: Chr. Kaiser, 1977.
Harries, R. *Zeitschrift für Evangelische Ethik*, No.1, 64, 2002.
Kortner, U. Verantwortung für das Leben. Eine Einführung in die Denkschrift der Evangelischen Kirche A.u.H.B. in Österreich zu Fragen der Biomedizin, Standpunkt. *Zeitschrift des Evangelischen Bundes in Österreich*, H.168, 11, 2002.
Schwarz, H. *Glaube und Denken*. Frankfurt am Main: Peter Lang, 2002.
Theologische Realencyclopädie. *Beseelung*. Vol. 30, 635, 1999.
Thomas Aquinas. *Summa Theologiae* I 118, 2, L. Guerin (Ed.), 1867.

Faculty of Evangelical Theology,
 Comenius University
 Bartókova 8,
 811 02 Bratislava
 Slovak Republic
 Tel.: +421-2-67288250
 E-mail: kiss@fevth.uniba.sk