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## ARTICLE

# The moral status of the embryo: an attempt at an analysis with the aid of David Hume's ethics


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**Abstract** This article applies the moral sentimentalism founded by David Hume to the moral status of the embryo. It will attempt to explain the paradoxical fact that in Germany abortion is common and socially accepted while preimplantation genetic diagnosis is banned with the aid of an approach based on moral sentimentalism. David Hume established the thesis that the human being is guided by the emotions and not by reason when making moral decisions. Scientific innovations often create a feeling of anxiety. Consequently, the initial moral judgment about it is negative. Due to this habit, the innovation is often accepted after a phase of indifference. This phenomenon has been observed in the case of heart transplantation, as well as for IVF. Consequently, the apparent contradiction in the varying degrees of the embryo's worthiness of protection in the womb and in the Petri dish is due to the simple fact that these are different stages of habituation. Therefore, the ethics of Hume cannot stipulate the embryo's moral status for once and for all; however, they can paradoxically raise the ongoing current debate to a more rational level through the insight that the underlying moral concepts are not based on reason alone. 

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## Introduction

The advances of the past decades in the area of reproductive medicine periodically fuel a discussion in the media on the moral boundaries of what is feasible with technology. The subject of the current discussion is preimplantation genetic diagnosis, which can identify the embryo as a carrier of a genetic disease through the study of a totipotent embryonic stem cell's genotype on the one hand, but can

also be used in lifestyle medicine for determining the chromosomal sex. This procedure is banned in Germany. The requirement for preimplantation genetic diagnosis is always the generation of embryos through IVF, which is a complicated and expensive method that is legally regulated by the German Embryo Protection Act.

According to the German Embryo Protection Act, the fertilized, viable ovum is already an embryo in the sense of the law. The improper use of reproductive technologies

is punishable with a prison sentence of up to 3 years or a fine. Improper use includes exploiting the embryo for purposes that do not lead to a pregnancy.

The potential of the studied totipotent stem cell to develop into a human being is seen as morally precarious. In so far as a preimplantation genetic diagnosis is carried out by removing and examining a totipotent cell, this is an undisputed violation of the Act. In the sense of this law, the removed totipotent cell is an embryo that is destroyed in the process of examining it. According to this interpretation, the life of a human being is destroyed through preimplantation genetic diagnosis.

In other European and non-European countries, preimplantation genetic diagnosis has already been used for more than a decade (Verlinsky et al., 2004). As a result, a number of children have already been born with the purpose of serving as human leukocyte antigen-compatible bone marrow donors for their otherwise terminally ill siblings (Grewal et al., 2004; Pangalos et al., 2008). Due to preimplantation genetic diagnosis, this endeavour is no longer a major technological problem. However, a quiet sense of anxiety creeps over us with this idea and we feel reminded of the clones, who must serve as human spare parts for their originals, from the dystopia in Ishiguro's *Never Let Me Go* (Ishiguro and München, 2005). When assuming a less emotional perspective, the case appears to be less spectacular because the basic moral issue that is raised relates to the status of the embryo, its special ethical position and its worthiness of protection. The anxiety, or even moral scruples with regards to a designer baby, who is actually created to save another human being with an illness, even appears questionable in view of the fact that approximately 120,000 abortions are performed legally every year in Germany. This article is not intended as a plea against abortion but focuses on the issue of the embryo's moral status, which has been satisfactorily clarified neither in our minds nor in the legal system. Otherwise, how could contradictions such as the ban on preimplantation genetic diagnosis and the legality of abortion occur simultaneously?

The principle of contradiction denotes that something cannot simultaneously be and not be. Applied to this topic, this means that an embryo cannot be life that is worthy of protection and simultaneously biomass to be aborted, as it is handled in the German jurisprudence. Even if we once again pose the frequently discussed question of whether an embryo should be seen as human life, it still cannot be resolved with satisfactory clarity. It is interesting to consider which of the effective moral mechanisms within us led to the logical contradiction that is described here.

## Deontological and utilitarian ethics

The two major antipodal systems of Western moral philosophy, i.e. deontology and utilitarianism, will not be helpful in searching for the cause of the observed contradiction. According to Kant, the most prominent founder of a deontological–ethical system, an action can be accepted as moral if the underlying maxims can claim to have general validity. Following this interpretation, an embryo would then be worthy of protection if it is human life. If it is not, then this does not apply. Since the definition of life on the whole

cannot be satisfactorily clarified, Kant's moral philosophy is not useful in this case. In addition, an ethical system that either has statements requiring clarification or no statement at all cannot explain a contradiction such as the one observed.

Utilitarianism, an intellectual child of the industrial revolution in England, poses the question regarding the consequences of an action and calls it moral if the positive predominates. The consequences of an abortion or a preimplantation genetic diagnosis (especially when the embryo is identified as the carrier of a disease) are difficult to foresee and can lead to approving or rejecting judgments of both measures, depending upon the perspective that is assumed. As a result, a utilitarian viewpoint tends to lead to confusion.

## David Hume's moral sentimentalism

One possibility of explaining logical contradictions in moral value judgments (because laws, at least in a democracy, are initially based on moral value judgments that subsequently become effective legal standards) would be to consider moral actions as determined by feelings and dismissing the thought that they are founded on reason.

The Scottish philosopher David Hume (1711–1776), who was strictly averse to any type of metaphysical speculation, understood philosophy as the 'science of man' and endeavoured to explore the workings of his fellow human beings by observation in a manner similar to what Isaac Newton accomplished through the observation of natural phenomena (Hume, 1989). Hume understood the human mind to be permeated by reason, but also by passions. He attributed only an instrumental role to reason as it relates to the organization of conscious contents, correct linking of incoming sensory data or existing ideas and formulating statements about what has been observed. According to Hume, reason can never motivate people to take action. An emotional component is required for this purpose, which he ascribes to the passions. Since all moral judgments are aimed at implementing or refraining from an action in question, which involves motivation, they must primarily be made by feeling and the passions. Reason is only capable of observing and organizing, so it is qualified to formulate statements ('is' statements). All challenges and prohibitions ('ought' statements) are dictated by the passions and have no logical correlation whatsoever with the 'is' statements. However, moral rules are often formulated on the basis of these statements as if this logical correlation existed.

Hume succinctly reduced this observation to the formula of 'no ought from an is', which is called Hume's Guillotine. Based on this observation, Hume continues to formulate: 'Reason is, and ought only to be the slave of the passions, and can never pretend to any other office than to serve and obey them.' (Hume, 1989) When read superficially, this sounds like a call to unbridled hedonism; however, since Hume tended to be a moderate character, this is solely intended to express the primacy of the passions over reason. These are what cause human beings to take action. In addition, Hume had a rather extensive definition of his concept of passions and therefore created a category that he called the 'calm passions'. He included character traits

such as benevolence and generosity, as well as attributes that approximate the concept of 'healthy common sense' and to which he ascribes an especially important role in cases of value judgments. In addition, completely in the tradition of John Locke, he had a positive image of human beings and believed that the individual would not only follow his or her egotistical inspirations but could instead also see things from the perspective of fellow human beings as a judicious spectator and act for the benefit of the general good.

Hume further elaborates his concept of ethics by putting forward a distinction between natural and artificial values. Thus, he classes as natural virtues any mental qualities that are either immediately agreeable or useful to their possessor or others. Among others, he lists benevolence, meekness, generosity, application and temperance. He is even inclined to consider qualities such as intelligence wit and eloquence as natural virtues. Thus, he sees this class of virtues as expressions of instincts deeply rooted in human nature, using a psychological approach to explain these dispositions. He traces the various natural virtues and the reason why we approve of them to a basic human tendency he calls sympathy, which he classifies as an inclination to share (what one believes to be) the feeling of others (Mackie, 1980).

As an example for the second moral category, artificial virtues, Hume lists qualities such as respect for all the rulers and private property, which are commonly regarded as virtuous, but cannot be explained as easily as natural virtues. Why is it thought right to keep contracts or promises or support the rulers or the governments. These virtues cannot be regarded as instinctive dispositions or as objects of general approval and admiration, such as the above-mentioned natural virtues. Hume sees both the tendency to act in these ways and the tendency to approve of such actions as artificial inventions made by society, which have been added to man's original instinctive moral sense. These artificial values exist, because they fulfil certain social functions and help human society to flourish. Thus, Hume's explanation of artificial virtues is essentially sociological (Mackie, 1980). Moral judgement concerning the human embryo is far too abstract to be subject to natural virtues and is therefore guided by artificial virtues.

An essay recently published in *Science* appears to support Hume's observations (Hsu et al., 2008). Functional magnetic resonance imaging studies used for test subjects who had to make simulated moral decisions established that areas of the brain associated with emotional life are the first to become active, which swayed the authors to speak out explicitly for the correctness of Hume's construct of a moral sentimentalism: 'Contrary to Kant and Rawls, a moral sense is not the product of applying a rational deontological principle, but rather results from emotional processing, providing suggestive evidence for moral sentimentalism.'

When it is accepted that moral judgments are initially dictated by feelings and only reinforced *post hoc* with the help of rational arguments, apparently contradictory phenomena such as the legal acceptance of abortion and a simultaneous ban on preimplantation genetic diagnosis can be explained. This means that a scientific innovation, especially when it relates to beginnings of life that continue to be shrouded in a mystic veil, initially cause a feeling of fear

of the unknown to arise within us and move us to critically assess the new method. After a certain period, the new method has become established and we become accustomed to the thought that such a possibility exists. After a stage of indifference, this eventually leads to an acceptance of the innovation that is no longer so new.

Taking into account that moral judgement concerning the embryo is guided rather by artificial virtues, it is obvious that habituation does not only take place in individuals but also on the level of society as a whole. As the social context after scientific innovations changes, the natural virtues governing this area can change towards approval of the specific scientific innovation successfully penetrates different fields of society. Impressive examples of this phenomenon are heart transplantations, which were shocking at the start but have become routine procedures in medicine, and IVF, which was also met with massive criticism but is now viewed favourably by a large majority of people. We could use the term 'moral latency' for this frequently occurring phenomenon of a habituation that eventually arises due to a confrontation after the initial rejection.

## The myth of science

We must still answer the question as to why science in particular can trigger a diffuse feeling of anxiety within us, even though we ultimately have it to thank for an immensely increased life expectancy and a very comfortable everyday life in comparison to the Stone Age. Our individual and social moral tastes are certainly strongly influenced in this regard by the archetype of the 'mad scientist', who sees science only as a means of satisfying his own ambition and is consequently numb and blind for potential dangers of his investigations.

Another aspect that causes us to feel that interventions in the germline, which means manipulating developing life, are especially disconcerting is certainly the concept based on Christian tradition, as it emphasizes the special value of human beings through the principle of how humanity was created in the image of God ('God created man in his own image'; Genesis 1.27) on the one hand. On the other hand, it establishes the exclusive role of God as the Creator and attempts to be equal to him are sanctioned as illustrated in the example of the Tower of Babel story.

A modern myth nightmarishly describing the nature of a society that already creates prenatal embryos according to social needs, *Brave New World* by Aldous Huxley, definitely bears some of the responsibility for a certain anxiety that is felt in view of researching the embryo genotype (Huxley, 2004). Accordingly, an image of *Brave New World* is frequently conjured up by the media within this context.

## The special German approach

The fact that a special German approach has been taken in the area of embryo protection and that it differs from the development in other countries that are close to us in their ideological tradition, such as England, is definitely based on Germany's recent history. Terms like selection, eugenics, segregation of those with hereditary diseases and the idea of worthless life were used during the Third Reich to play

down its atrocities. As a result, terms such as embryo selection are surrounded by a negative halo to an extent that they are morally rejected by the majority without any reflection. These particular historic situations make it difficult in Germany to have an unbiased, impartial discussion.

### Summary of considerations

This article has attempted to depict how scientific innovations that are associated with the beginning of life are initially rejected due to our social and individual moral character and our cultural and historic influence. However, this morally rejecting judgment is emotional and not based on rational. Since emotions usually weaken after habituation to the circumstances, mere habituation often leads to tolerance or even acceptance after the initial rejection. This moral psychological/sociological phenomenon actually explains the extensive acceptance of abortion, which has already been legally possible for decades, with the simultaneous rejection of a relatively new procedure such as preimplantation genetic diagnosis. This obviously fundamental human behaviour must not be equated with a moral fatalism according to which everything new is accepted after the passing of a certain latency period. For example, the reality of the nuclear threat did not lead to a moral laxness in dealing with it, despite its constant presence. Consequently, Hume's trust in the moral instinct of human beings appears to be quite justified.

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