

THE EMBRYO BEFORE IMPLANTATION: BETWEEN NATURE AND THE PERSON

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The ethical argument about the embryo during the pre-implantation stage in general, and, at a concrete level, the discussion about the possibility of using it as a subject for experimental research or as a possible donor of tissues and/or cells, is strictly dependent upon the ontological problem, that is to say the identification of the true nature of identity of the embryo. Indeed, between the *ethical question* (how one should behave towards a subject) and the *ontological question* (who or what that subject is) there is a solid relationship given that respect due to an entity must be commensurate with its value or preciousness. By value we here mean not the possible price established by the rules of the market but the objective good quality that springs from the perfection of the being. In this sense we believe that living beings rightly deserve a greater respect than inanimate things and above all that rational beings deserve far greater regard than that due to irrational beings. Indeed, we have coined a special word to indicate the specific value or preciousness of man – *dignity*. For this reason, choosing the crux of the ontological question should be a decisive step in providing a decisive answer to the ethical question regarding the human embryo. Indeed, if one takes into account that *persona significat id quod est perfectissimum in tota natura*,¹ and if one managed to demonstrate that the embryo before pre-implantation is really a person – a demonstration that I believe plausible – then there would be imposed in an apodictic way the duty to unconditionally respect its life and its integrity. All of this justifies the enormous interest amongst scholars in the question of the identity of the embryo. However, the moral question does not only depend upon ontology. For example, the Instruction *Donum vitae*, an document of the Magisterium of the Catholic Church which is important, among other things, because it explicitly applies the personalist norm to the human embryo from conception onwards, that is to say the duty to treat it with the regard due to a person, does not even attempt to base this ethical conclusion on the personal identity of the embryo,² but rather upon three other arguments:³

1) a *biological* argument: the data provided by embryology and genetics authorise the thesis that we are in the presence of an individual human being during the first stages of his or her development;⁴

2) a *biographical* argument: it is evident that to destroy an embryo means to impede the birth of a human being;

3) an *ethical* argument: a general principle of morality establishes that it is never licit to act with a doubting conscience: given that a doubt continues as to whether the embryo is really a person or not, it is necessary to respect it as such otherwise one accepts the risk of committing a murder.⁵

¹S. Th. 1 29 3.

² A thesis, for that matter, that is held to be very probable. See *Donum vitae* I 1.

³ Naturally, the Instruction presents above all arguments *ex auctoritatibus theologicis*, in particular from Holy Scripture and Tradition.

⁴ The document refers to the 'recent findings of human biological science which recognize that in the zygote resulting from fertilization the biological identity of a new human individual is already constituted' (*Donum vitae* I 1).

⁵ This is a principle proposed by the *Declaration on Procured Abortion* of 18.11. 1974, n. 13, 'even if a doubt existed concerning whether the fruit of conception is already a human person, it is objectively a grave sin to dare to risk murder'.

HUMAN NATURE AND THE PERSON

After making this necessary premise, I would like to make clear that the reflections that I will propose here are not to be located in the context of the question of the *ontological identity of the embryo* but rather in that connected with the question of the *respect due to the embryo*. At the origin of these reflections is an experience that was gone through on a number of occasions last year in Italy during the debates that preceded the referendum on the law governing the procedures of medically assisted procreation. Indeed, in these circumstances it occurred that when a discussion centred around the basic features of the question nearly always two postulates were taken *a priori* for granted, but which in reality may not be taken for granted:

1) *The first postulate*: those who declare that they are in favour of the application of the personalist norm have the obligation to demonstrate unequivocally that the embryo is a person.

2) *The second postulate*: to demonstrate that the embryo is a person is also necessary in order to establish whether it possesses or does not possess a real human nature, because it is believed that the embryo either is a person or is not human.⁶

It is specifically in this perspective that I would like to draw attention to the theses that I would now like to advance, theses that are to be located at the opposing pole of the two postulates that have just been cited, namely:

1) *The first thesis*: the personalist norm is pertinent to the human embryo independently, as well, of the metaphysical problem of its personal identity.

2) *The second thesis*: one cannot exclude, at least at a theoretical level, the existence of entities that belong to the human species, that is to say that are in possession of a real, albeit imperfect, human nature, which have not yet achieved the status of a person.

These two theses have different epistemological values. Whereas the first obeys the logic of the practical intellect, of ethics, the second falls to the full under the logical rules of the speculative intellect and thus creates a rigorously metaphysical subject that we could summarise in the following way: *person* is the way of being that is specific to *human nature*; human nature can be a person both *in actu* and *in potentia*; until it passes from the potential to the act, thereby achieving the completion of personal being, this nature is human but *imperfect*; however, one should speak about *true* human nature because what has not been possessed in a 'potential' way cannot become 'actual'. In this sense, for example, could be interpreted the famous statement by Tertullian: 'a man who will be a man is already a man' (*Apologeticum*, IX, 8).

THE MORAL QUESTION

It would be extremely interesting to dwell upon the metaphysical dimensions of what has just been outlined. However, given that at this round table I have been asked to pay attention above all else to the ethical aspects, I will here propose to examine on what theoretical bases scholars of great authority, indeed scholars representative of the best Catholic moral tradition such as St. Thomas Aquinas or St. Alphonsus of Liguori, on the one hand concede that that the embryo during the first stages of its development cannot be considered a person, and, on the other, in practice, have a similar approach to the personalist principle, that is to say that from the moment of fertilisation the embryo deserves the unconditional respect due to a human person. On this point I believe that it is indispensable to examine not only the arguments adopted in favour of this thesis but also the

⁶ Perhaps this second postulate has been influenced by an erroneous interpretation of a clearly rhetorical question to be found in *Donum vitae* (I, 1): 'how could a human individual not be a human person?'

concepts that make up their theoretical foundation and that allow them to implement a practice that is equivalent to the personalist norm.⁷

ST. ALPHONSE OF LIGUORI, A CRIME AGAINST LIFE

The position adopted by St. Alphonsus was the common view of Catholic moral tradition until the beginning of the twentieth century. Post-Trent morality, more than illustrating the positive duty to welcome and respect unborn life, preferred to emphasise the gravity of an infraction of this duty. Now, it cannot be doubted that for Liguori every attack on the life of a newly conceived human is always a grave matter; however, only in the foetus which is already infused with a spiritual soul – and thus a person – can one speak about murder; otherwise, this is a crime against generation, that is to say a sin to be located at the level of contraception.⁸ For St. Alphonsus, therefore, the ontological question played a secondary role, to the point that he does not even invoke the principle of doubt, which for that matter is often used in other parts of his *Theologia moralis*. For him the incontrovertible evidence that, for example, abortion involves the interruption of the growth of a human life, which, following logic, is a very grave fact, although when perpetrated in the first weeks of pregnancy does not constitute true murder, was sufficient. As a result, in the approach of St. Alphonsus the pre-implantation human embryo in no case could be used for research purposes or as a possible donor of biological material. One could only take into consideration the possibility of using the remains of an embryo once death has been ascertained, and this in specific conditions, such as, for example, that scandal is avoided and any causal relationship between the death and the possible use of the cadaver is excluded. But here we enter a set of issues that are completely marginal to the subject of this paper.

ST. THOMAS AQUINAS

The position of Thomas Aquinas is well known. He was, moreover, cited on a number of times in the debates in Italy about the law on medically assisted procreation. In continuity with Aristotle,⁹ and sharing with him the metaphysical concepts of matter and form and the erroneous biology of the time, Aquinas argued that the embryo came to possess a rational soul only a few weeks after fertilisation. Now, without a spiritual soul there is no person, without a spirit there cannot be an individual substantial subject of a rational nature. In this light one can deduce: either that Aquinas was a 'liberal' *ante litteram* who believed that the embryo during the first stages of its development is without dignity or that he thought that it was not indispensable to recognise the presence of a spiritual soul in the embryo for there to be an obligation to respect it unconditionally.

To express the point in another way: 1) to the ontological question – during the first fifteen days is the human embryo a person? – Aquinas would certainly have answered: it is not, not even during the subsequent fifteen days or at least – according to the authority of Aristotle – it does not appear to be so;¹⁰ 2) to the ethical question – can we therefore manipulate it, exploit it or eliminate it for

⁷ This question is not applicable to the position of the Magisterium because its doctrine is valid for what it actually teaches (for example, the embryo should be respected unconditionally) and not because of the 'reasons' that are provided to support such teaching: these can change or even be absent.

⁸ See *Theologia moralis*, I 3, t 4, c 1, d 4, n 394.

⁹ Aristotle, *De Generatione animalium*, II, (B) 1, 731 b - 6, 745 b.

¹⁰ The presence of the spiritual soul, according to the erroneous biology of the time, required a body '*omnia membra distincta*' even if still very small: '*in quantitate...sicut magna formica*' (*In III Sent.* 3 5 2 ad 3). It is advisable to recall that these interpretations have been superseded by contemporary biological knowledge.

proportionate reasons? – Aquinas would have equally certainly replied: absolutely not, there are no proportionate reasons that can justify such a thing, the deliberate killing of an innocent human being is not ethically allowed, even before that human being has received a spiritual soul. In order to assess the real weight of these statements it is necessary to emphasise that St. Thomas never posed these two questions to himself in an explicit way and that he was not even directly interested in the question of the status of the human embryo. The majority of the texts that may have some significance here are in a particular theological context – the Christological context (Jesus as *perfectus homo* from the moment of conception) or the eschatological context (whether unborn children will have or not have the benefit of resurrection). With respect to conclusions at an ethical level, the evident corporeal continuity between an embryo and an adult man – we have all been embryos – is sufficient to deduce that the embryo really shares in the nature that makes human every man who has reached the full maturity of his being. The human embryo, in fact, before receiving the spiritual human is always human, that is to say a living being that belongs to the human species, and possesses a life that is truly human although it is imperfect and destined to a give way to a life that is human in the full sense – personal life.¹¹ It is clear that this concept of imperfect human nature as opposed to perfect human nature creates a number of difficulties for the modern mentality, above all because the modern mentality has distanced the metaphysical notion of nature and tends to read every relationship between the perfect and the imperfect in an exclusively dialectic and evolutionistic key. For St. Thomas Aquinas, however, things stood differently, firstly because the very concept of life allowed gradations,¹² and secondly because the relationship between perfect and imperfect was seen in the perspective of the key concept of participation,¹³ according to which *'omne imperfectum est quaedam participatio perfecti'*.¹⁴ Participation does not belong to metaphoric or symbolic language but indicates a way of being real, a condition or identity that is really possessed, although not in a full but in an incomplete or partial way. For this reason, to understand the embryo as someone who participates from the moment of conception in the personal being of man authorises us to argue that such a subject must be respected as a person, that is to say in an unconditional way.

¹¹*'Embryo antequam habeat animam rationalem non est ens perfectum, sed in via ad perfectionem'* (*De Potentia* 3 9 ad 10).

¹²*'In generatione animalis et hominis in quibus est forma perfectissima, sunt plurimae formae et generationes intermediae, et per consequens corruptiones, quia generatio unius est corruptio alterius. Anima igitur vegetabilis, quae primo inest, cum embryo vivit vita plantae, corrumpitur, et succedit anima perfectior, quae est nutritiva et sensitiva simul, et tunc embryo vivit vita animalis; hac autem corrupta, succedit anima rationalis ab extrinseco immissa'* (*Contro Gentiles* 2 89 11).

¹³ The concept of participation should be considered here in the qualitative sense of *'partialiter esse'* and not in the quantitative sense of *'partem capere'*. Cf. C. Fabro, *La nozione metafisica di partecipazione* (Turin, 1969).

¹⁴*S. Th.* I 93 2 ad 1.