

The Human Embryo in Christian Tradition: ¹ An Historical Note

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In a recent House of Lords debate, (Hansard Vol.62 1, No.16, col.35.37)¹ the Lord Bishop of Oxford offered an account of Western Christian tradition in regard to the protection of the human embryo which could seriously mislead someone unfamiliar with Church history.

The Lord Bishop portrayed the legislation of Pius IX in 1869, which excommunicated those who procured abortion 'without any distinction as to whether the foetus was formed', as a 'dramatic and drastic' change from the tradition. Previously, it was implied, the Western Church had held that human life only attained inalienable rights some time after conception. Despite the disclaimer that abortion was 'always regarded as gravely sinful', the account strongly suggested that the 'special'-ness of the early embryo might be 'outweighed' by the benefits of using embryos for medical research. Far from being novel, the stance of Pius IX accords with the earliest strand of Christian tradition which made no distinction between early and late abortion, but which forbade both as equivalent to infanticide. The Didache, an important Christian document from the first Christian century, states simply:

'You shall not kill the foetus by abortion, or destroy the infant already born.'

Similar statements can be found in the anonymous Epistle of Barnabas and in the writings of Athenagoras, Clement of Alexandria, Hippolytus and Cyprian. Tertullian gave the first substantial account in the Latin West

of the development of the human embryo. He argued that the human soul was present from conception and it was this soul that directed the embryo's growth.

It was from the fourth century that some Christian theologians started to put forward the view that the soul was not infused into the human embryo until its body was perfectly 'formed' (Jerome, Ambrose, Cyril of Alexandria). These writers were influenced by ancient biology, but more so by the popular 'Septuagint' translation of a certain passage from the Scriptures (Exodus 21.22). However, there were others who continued to hold that the soul was created immediately by God and infused into the body at conception (Gregory of Nyssa, Maximus the Confessor, John Damascene). These writers were well aware that the body of the embryo needed to develop before it could express many of its human powers, but they regarded the soul as the basis and beginning of that development, not something added later 'from outside'. Gregory of Nyssa expresses this very well:

'The form of the future human being is there by way of potential, but it is hidden until the necessary sequence of events allows it to become visible. So also the soul is already there, even though it is not yet visible, and it will be manifested by means of its own proper and natural operation as it advances in growth.' (*On the making of man* 29.4)

Augustine expressed different views in different writings and finally confessed

that he could not penetrate this mystery and did not know when the soul was infused.

However, all these theologians - Jerome, Ambrose, Gregory, Augustine and the rest - were agreed that abortion, at any stage, was a grave sin against emergent human life.

Early Church law (as shown, for example, by Hippolytus, Basil and the councils of Elvira and Ancyra) was severe and gave the same penalties for abortion as for homicide. Over the following centuries these penalties were gradually lessened and, in the context of confession, distinctions were made between abortion and murder, and between early and late abortion. While some medieval canonists argued that early abortion was not homicide, strictly speaking, the same canonists also argued that early abortion was very close to homicide: a sin against God and against nature.

It was finally in the thirteenth century, with the reception of Aristotle in the new universities, that the doctrine of the late ensoulment of the embryo attained the height of its dominance within the Western tradition. The most famous defender of this position was Thomas Aquinas, and his authority was in part responsible for the great persistence of this belief among Catholics even into the twentieth century. Yet even at the height of the 'high Middle Ages', no significant Christian theologian proposed that the life of the early embryo could ever be 'outweighed'. It was later, in the culture of the fifteenth century Renaissance, that the opinion was first voiced that, in rare circumstances, an 'unformed foetus' could be killed: it was held by some that one could directly attack the early embryo in order to save the

mother's life. This is the only exception ever to command widespread support in the tradition and even this was hotly contested. The less controversial justification for emergency medical treatment which brought about the death of the foetus applied to cases when the death was foreseen but was not the aim of the intervention ('indirect abortion'); a justification which could be applicable at any stage of pregnancy.

In 1588 Pope Sixtus V enacted legislation against abortion, and against contraception and sterilization, restoring severe penalties of a sort common in the early Middle Ages. This attempt at reform proved difficult to implement and his successor, Gregory XIV, was forced to compromise by imposing excommunication only for the direct abortion of a 'formed' foetus, while insisting that early abortion remained a grave sin. In context, Pius IX's extension of ecclesiastical penalties to abortions at all stages of pregnancy represents a modest change in the direction of the dominant legal and moral stance of the earlier tradition. It also reflects a recognition that thirteenth century science could no longer be relied upon as a guide to human embryology. The discovery of the mammalian ovum in 1827, and the subsequent identification of conception with the uniting of spermatozoon and ovum, undermined belief in a radical transition at forty days (or ninety days for women).

The current teaching of the Roman Catholic Church on abortion represents a far less severe discipline than that of the early Church, and a strong sense of the damage done by abortion to the mother, as well as to the child. However, the inviolability of unborn life at *every* stage has been a constant

feature of the Western Christian tradition. This was so even for those medieval theologians who held that God infuses the rational soul at some point after conception. For the whole tradition each human embryo is a uniquely precious gift of God. If an embryo is deliberately created only for the sake of destroying it to harvest its cells, it is difficult to see how this embryo would be 'special' in any sense remotely recognisable to the Western tradition.

¹ *The following speech was given by the Anglican Bishop of Oxford, Richard Harries, during the recent House of Lords debate on stem cell research on human embryos.*

The Lord Bishop of Oxford: My Lords, I wish to consider two issues before us today: first, the moral status of the pre-implantation embryo; and, secondly, the question as to whether research on stem cells derived from the pre-implantation embryo is the only way of understanding the process of cell development or whether it would be possible to carry out that research on adult cells.

The Catechism of the Catholic Church says that human life must be respected and protected absolutely from the moment of conception and that, from the first moment of existence, a human being must be recognised as having the rights of a person. I deeply respect that position and it is one which is certainly held by a number of your Lordships. However, I should like to suggest that it was only in the 19th century that that position became firm. Earlier Christian thought on this subject indicates an awareness of a developing reality, with developing rights as we would put it. According to Aristotle, or at least the view attributed to him, there is first a vegetable soul, then an animal soul and finally an intellectual soul, and it is only at the last point that there is, properly speaking, a human being. In the Aristotelian view, this animation, from the Latin word *anima*, meaning soul, occurs - some noble Lords will be sorry to hear this - 40 days after conception in the case of a male and up to 90 days after conception for a female.

Taking up this approach, the Church's tradition acknowledged a similar process. Abortion, for example, was always regarded as gravely sin

there was a distinction in the gravity of the offence depending on whether it occurred before or after the foetus was "formed". The distinction arose on the basis of the Septuagint translation of Exodus 21:22. That refers to a fight between two men, as a result of which a pregnant woman loses her child. If the child is in the early stages of embryonic development, then the penalty is a financial one. If it is in the later stages of pregnancy, then the penalty is death. The Greek word there literally means "not yet so formed as to be a copy or portrayal of the human form". The Septuagint version was most commonly used by the early fathers as well as by the New Testament writers, and this translation was followed in the old Latin versions.

A similar awareness of a developing reality, with different rights according to whether it is in the early or later stages of development, is maintained through the Christian tradition. St Gregory of Nyssa, for example, followed this distinction, maintaining about the unformed embryo that,

"so long as it is in this unformed state it is something other than a human being".

Similarly, St Augustine wrote:

"If what is brought forth is unformed but at this stage some sort of living, shapeless thing, then the law of homicide would not apply, for it could not be said that there was a living soul in that body, for it lacks all sense, if it be such as is not yet formed and therefore not yet endowed with its senses".

The Celtic penitential suggested extremely severe penalties for abortion, but once again it makes a distinction between,

"the liquid matter of the infant matter in the womb" -

the usual term then for the forming embryo - and,

"if the soul has entered it".

A similar distinction remained entrenched in canon law and the moral discipline of the Catholic west. It is also there in St Thomas Aquinas, who follows Aristotle closely, as well as the distinction in the Septuagint version of Exodus 21:22.

All this began to change in the 19th century when advances in medicine made abortion more possible and safer for women. As a result, the incidence of abortion rose, which was seen as a moral threat calling for dramatic and drastic remedies. Pius IX, therefore, in his Bull of 1869, declared excommunicate all who procured abortion, without any distinction as to whether the foetus was formed, animate or inanimate.

I suggest that there is an alternative western tradition. But this does not mean to say that the pre-implantation embryo has no moral status. On the contrary, it has a moral status. It has a special status, even if it is not an absolute one. This was the view put forward by the committee of the noble Baroness, Lady Warnock, in 1984, and it was enshrined in law in the Human Fertilisation and Embryology Act 1990. That Act states, as we know, that research may only be undertaken--and, at the moment, research only for issues connected with reproduction and fertility--if there is no other way of achieving what is required. The HFEA will license research only on this basis. Although the early embryo does not have an absolute status according to this understanding of the western tradition, it has nevertheless a special status. Research on it to produce stem cells could only be justified morally if this was the only way of obtaining the desired knowledge and if the knowledge was of such benefit that it outweighed that special status. I think all noble Lords agree on the importance of research on stem cells generally. That has been made quite clear today. The question is whether it is really necessary to do it on cells derived from embryos or whether the same results could not be achieved by work on adult cells.

The evidence so far presented--the research that has been printed and the weight of scientific evidence--suggests that research on stem cells derived from embryos is essential. Certainly, this was the answer that Professor Donaldson gave at the helpful briefing last week. Nevertheless, as we have heard today, there is a contrary argument. There is the work of Dr Ilham Abuljadayel, who claims to have created stem cells from adult cells in what she calls a process of retrodifferentiation. There were articles in *Scientist* at the end of last year which apparently point to the same possibility, and we have heard further evidence from the noble Lord, Lord Alton, today.

It was for this reason that I was willing to sign with the noble Lord, Lord Alton, a letter supporting the setting up of a Select Committee. Select Committees have a good reputation. They provide a context in which these complex scientific arguments, put forward on both sides by expert witnesses, can be dispassionately assessed. It is very good that we have these two amendments before us today. As to the amendment put forward by the noble Lord, Lord Walton, I should like to know the meaning of, "undertake to review the Regulations".

If a Select Committee came to the conclusion, contrary to the present weight of scientific evidence, that research on adult cells was as good as, if not better than, research on stem cells derived from embryos, would the Government refuse to authorise the latter?

I know that the HFEA, which would be charged with licensing research on embryos, is only to do so if it is shown that it is necessary. But it is under a great deal of pressure from research establishments and clear guidance from the Government would be necessary.

If we take a developmental view of the human person, as I believe the western tradition did until the 19th century, the early embryo has a special, though not an absolute, status. That special status needs to be protected by law. This means that research should only be done on it if it is truly necessary and that research cannot be done any other way. That is why I shall certainly be supporting one of the two amendments now before us. Which one will depend on the kind of assurances the Government may give about the strength of their resolve to reconsider that regulation if a Select Committee concluded that research on stem cells derived from embryos is not strictly necessary for the desired processes to be better understood.

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