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Do We Need a New Morality?
Christian Faith and Bioethics

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I. When does a Human Being Become a Human Being?

The time in which people could think that morals are only a private matter seems to be over. Basic questions of morality have come again on the public agenda. That is, at least, my impression in Germany. During the last two years we have experienced an intense public debate about our understanding of the human being and its life, about its beginning and its end, about the duties of care for the early stages of life, and so on. I know that there are comparable debates in the United States. Among the reasons for this new debate, I mention only two: the interest in research with embryonic stem cells and the urgent proposal to legalize pre-implantation diagnosis. In front of this audience it is not necessary to describe the technicalities of and the alternatives to these two methods of research or diagnosis. In addition, I restrict myself from analysing the legal and political differences between the USA, Europe and especially Germany in dealing with those issues. Most of all I hesitate, as you will understand, to describe a "German way" of addressing those questions.

I will rather concentrate on the moral implications of this new debate. If research with embryonic stem cells means that you use – or even produce – embryos only for the purpose of research then you look at this embryo not as a becoming person, but as an object, not as someone, but as something. If you use a plurality of embryos to select one or the other for implantation and to exclude others from a possible implantation, then you look at these embryos as a means for an end and not as ends in themselves. You consider them from the point of view of their instrumental value, not from the point of view of their participation in the dignity of human beings. The anthropological concept behind such decisions says that a living human being is a thing before it becomes a person. Whoever argues this way has to identify the borderline between thing-hood and person-hood. What is the point, from which onward we respect developing human life under the perspective of its dignity; what is the point from which onward we acknowledge a duty to protect this life and to care for it?

It is evident that these questions were also discussed with regard to pregnancy conflicts and the question in which cases abortions have to be - or at least can be - tolerated. Obviously, we have to be consistent in the ways in which we value the moral status of the embryo in the case of pregnancy conflicts and in the case of artificially produced embryos. Evidently, we have to clarify in which sense our answers in the former case and the latter are compatible. However, it is necessary to distinguish between those cases. We should distinguish between natural procreation and artificial reproduction. The three main reasons for this distinction are the following:

a) The possible conflict situation between the mother and the child in her womb cannot be transferred to the dealing with an embryo in a test tube.

b) The kind of care and protection that we can apply to an embryo already in the test tube differs remarkably from that possible for the first days of an embryo in its mother's womb before nesting occurs.

c) The decision about implantation after a pre-implantation diagnosis is an active kind of selection in difference to the – in itself very problematic – decision about abortion after a prenatal diagnosis or by other reasons.

Therefore, there is a good rationale to concentrate on the ethical questions related to artificial reproduction from the perspective of what that means for our understanding of human beings. Once again: The question is whether there are good reasons to distinguish a period in which the developing human being can be seen as an object, a thing of instrumental value, from another period, in which we have to respect it from the perspective of human dignity.

II. Human Dignity and Research

When does human dignity begin? When does a human being become a human being? We can look at the same question from another perspective – namely the possible justification of the use of embryos for research purposes. Researchers justify using embryo cells in pursuit of "ethically highly qualified medical research". The freedom to do research is seen as a legally protected right which has such high value that it can justify even the restriction of human dignity or at least the gradation of the protection of life.

Freedom of research - human dignity - protection of life: three complex and ambiguous concepts are brought forward. In Germany, all three of them are protected by the constitution. In our constitution, the freedom of research has an unusually strong position. The freedom of speech, for instance, is restricted by the general legal requirements for the protection of youth and by the right of personal honour. Art and science, research and teaching are plain and simply free. This freedom, however, does not release one from allegiance to the constitution. But it cannot be restricted simply by laws. Freedom finds its limits at human dignity and at other basic rights guaranteed by our constitution. This evidently has to do with the fact that our constitutional law regards the freedom of research itself as an expression of human dignity. The nature of human beings is already manifest in their thirst for knowledge and their endeavour towards a better understanding. Those who want to deliberately restrict the freedom of research are attacking human dignity itself.

But at the same time human dignity is also the yardstick for freedom of research. Using this freedom to do research that undermines, hollows out or levels down human dignity revokes the freedom itself. The more exposed and the more wide reaching the research, the more careful reflection is required. The German constitution says with exceptional emotion: "Human dignity is inviolable. It is the obligation of state power to honour and to protect it." A restriction of this inviolable dignity is not intended.

It is different, though, with the protection of life. Again, I will take the German constitution as my example. It respects the right to life and freedom from bodily harm. But it adds: "These rights can only be restricted by law." A possible intervention in the right to life and freedom from bodily harm could be accomplished on the basis of an existing law. Such an intervention

should only be considered if absolutely necessary to protect life. Self-defence and police intervention for saving lives are such cases. In contrast, one has to question if "outstanding research aims" should be considered as justifications for such interventions, because in research it is not a question of one individual life versus another individual life. The general, though perhaps undefined, expectation that outstanding research can also protect life or improve the quality of life can hardly justify an intervention into the integrity of life. Intended aims in research do not contain ethical criteria which can justify the chosen means. One cannot say that the higher, the more outstanding the research aim, the more the protection of life can become relative. If one wants to justify such relativity, one has to bring forward reasons for a gradation of the protection of life.

The idea of graded protection of life, often presented by scientists, is met by two counter-questions: What points in the development process can be defined with such clearness that the protection of life also takes on a new distinct quality? And at what points in the development process should the protection of life be restricted?

It all depends on at which point we grant a human being the protection of life which is written into the constitution and has its roots in human dignity. When is a human being a human being? When answering this question we have to differentiate between human life, a human being and a human person. One may imagine human life already exists separately in an egg cell and a sperm cell, since they carry the possibility of uniting into a human being. When, however, is its beginning? The clearest definition is, when the egg and the sperm cell melt together or unite. But without any doubt, this fertilized egg is still a long way from developing into a human person. Yet, we all know that protective rights cannot be granted only when this person has fully developed.

On the contrary, we cannot bind the respect for human dignity and the obligation to protect human life to certain personality characteristics. For the Christian faith, being persons is based on the fact that God has called us and rendered us capable of responding. Human beings are persons because they are God's partners. Thus, we have a duty to look at each human being from this perspective. This duty calls us to create conditions under which human life can develop and human personality can thrive. Based on this view, it follows that Christian faith understands human dignity not in a substantial but in a relational way: acceptance by God, mutual respect and self-respect are the reference points for this dignity.

When does a human being become a human being? One asks this question in order to determine whether the human embryo in its earliest stages of development should share in the protection of human dignity and life. Finding an answer means one has to dig deeper and to ask the question: "What is man?" The writer of the Psalm has asked: "What is man that thou art mindful of him, and the son of man that thou dost care for him. Yet thou hast made him little less than God, and dost crown him with glory and honour." What is man whom God has chosen to be his partner, and in his image? How do we preserve the dignity of man while also allowing progress of the sciences? How do we resolve the conflict between human dignity and freedom of research? In this conflict one should not forget that an aspect of human dignity is expressed in the freedom of research.

III. The Debate in Germany

In Germany the public debate of this issue has only just begun. Some say this issue "has become a discussion about the Christian image of man, at least the way it was conceived by Kant, on the one hand, and the scientific-social-darwinistic image of man on the other hand"

(W. Frühwald). Some speak of a "kulturkampf" (a cultural war) that will not end soon. Others vehemently oppose this kind of description of the borderlines and even more the characterisation of the debate as a "kulturkampf".

One of the renowned contributions in the German discussion - that of the biologist Hubert Markl - centres around the insight that human beings are more than a biological fact. From this point of view, it is an omnipotent fantasy to believe that knowledge of the biological or genetic substratum will reveal what a human being will be as a person. "Humanity, human dignity, being human - according to Markl - is more than the (biological) fact (of *homo sapiens)*. It is also a cultural-social attribution which, in the concept's definition, can and must incorporate the biological facts, but it amounts to more than the facts."

Certainly, to understand a human being as a person, bestowed with dignity, gifted with freedom, and called to responsibility refers to a biological fact, but it amounts to much more. However, we cannot simply assume that cultural achievements and patterns of interpretation can arbitrarily change the concepts of humanity and human dignity. In fact, our perception of human dignity as well as its range and the language we use to describe it changes. But this has to do with the fact that our language can grasp only approximately what it defines. Language is never capable of seizing complete hold of the described. Therefore, it is wrong to infer from the cultural changes in the way we speak about human dignity, that the dignity itself is nothing but a product which changes with cultural interpretations. It is even more wrong to attempt to qualify our concept of human dignity when it seems desirable in the interest of scientific progress.

The differentiation between the human being as a member of the species *homo sapiens* and the human being as a person cannot ethically justify a researcher's claim to a right of disposal of human beings – not even in the early stages of human development. We perhaps consider a human being sometimes as something between a fully realized person and a bundle of genetic material. This does not mean that the genetic starting conditions from which a person develops are meaningless. It is very problematic to fix a time by "cultural agreement" to call the living developing thing a human being and to put it under the protection of human dignity, given that in the previous stages of development it represented merely organic substance. That human beings are more than the sum of their biological characteristics does not mean that the biological substratum is a mere thing.

Whoever holds human dignity in high regard will also respect the beginnings of human life. He will abstain from marking a certain point in the development of human life where it becomes worthy of protection. He will also abstain from inferring a difference in the worthiness of this life from our abilities to protect the developing human life. This means our duty to protect human life extends as far as our ability to protect it. Therefore, we have a protective duty over an embryo created by in-vitro-fertilization even during its earliest stages of development. At those same early stages, an embryo in the womb is beyond the reach of our protective possibilities. In other words: The fact that naturally fertilized embryos can abort without knowing before the nesting in the uterus does not mean that we can give artificially fertilized embryos to research.

IV. The Seven Stages of Human Development and the Ethical Status of the Embryo

Whichever approach we choose, they all lead back to the question of the ethical status of the embryo. But determining which ethical status should be attributed to the prenatal human life is exceedingly controversial. While some people view the development of a human being as a

continuous process, others understand it as a happening marked by breaks. Different assessments of biological facts and different interests have decided which of these breaks should be considered as the beginning of human life in the sense of establishing the protection of dignity and life. Seven stages in the early development of human life are used as the starting points for competing answers to the question: When does a human being become a human being? The seven stages are: fusion of the egg cell and the sperm cell; nesting of the fertilized egg in the uterus between the fifth and the eight day; the ruling out of the formation of multiples around the thirteenth day; the shaping of the brain in the third month of pregnancy; the autonomous ability to live; the birth; and finally the time in the first years when the child develops the capability of self-determination.

The first answer is that a human being begins with the fusion of the egg cell and the sperm cell. Here begins a new biological reality with its own steering system and principle of life. The genetic programme of this human being is completely formed. This is the beginning of a complete and therefore individual human life. Those who argue this way do not see any breaks in the following stages of the development of this (human) being that could be associated with a change of its ontological status. Rather they see a continuing organic development.

A second way of looking at the situation has the human being beginning with the nesting in the uterus between the 5^{th} and the 8^{th} day. Already the inexact timing indicates that nesting is a process in itself and does not represent a definite break. Before the nesting the mother has already nourished the fertilized egg. The hormone reordering in the mother is in full swing. Union with the mother's womb is indispensable for the development of the embryo. However, this does not mean that the genetic information within the embryo receives a supplement through the nesting.

Underscoring the importance of nesting is the argument that contraceptives that hinder nesting – in particular the coil - are legally and socially accepted. One could get into an insoluble contradiction of valuations if, recognizing the contraception argument, nesting were accepted as the beginning of life in the uterus, but not as the beginning of life for an embryo produced *in vitro*. This could make one ask the question to which side the possible contradiction should be resolved. Furthermore, the current status of the scientific discussion points to the fact that the coil as a rule does not hinder nesting but rather the fertilization of the egg cell by the sperm cell.

A third definition of the beginning of life is the time that formation of twins or multiples is ruled out. This takes place around the thirteenth day of embryonic development. This argument is consistent with the law passed in Great Britain, which allows research with embryos within the first fourteen days of their development. The reasoning is that one can only speak of human life in the sense of individual life when this life can no longer be divided into several lives. "Individuality" means "indivisibility". An objection to this is that such reflection mistakes singularity for individuality. Moreover, it is not justifiable to attribute less ontological status to human life that could divide into several individuals, than to the individuals, which would develop.

The fourth concept sets the beginning of human life at the third month of pregnancy when the neuronal structures of the brain begin to be formed. One equates the beginning of human life with "brain-life" just as one lets the end of human life occur with "brain-death". A cognitivistic image of human life stands behind such reflections; the definition of man as the *animal rationale* is combined with particular biological concept. Objections to this view are

that the problems of the so called “brain-death definition” are underestimated. On the other hand the objection is made that the embryo is living before the brain has been developed, while with a dead-brain person all functions of life have ceased - except if they are being maintained artificially by intensive medical measures.

The fifth concept orients itself with the autonomous ability to live outside the womb. This view identifies human life with the point in time at which the foetus could live outside the womb in the case of a premature birth. This date is very relative and it has dramatically changed with medical advances; it depends on the availability and quality of the medical care. One would never be able to set such time with precision.

The sixth concept follows the intuition that human life begins at birth. With birth we say, a human being enters life. He or she establishes relations, first with mother and other family members, later with the larger community. Such a view makes human’s right to live totally dependent on the recognition of others. A right to live that is independent of such recognition is denied. And thus the inviolability of human dignity itself is challenged; it is at best ascribed to the granted recognition that human beings can only acquire after they are born. Arguing this way one has to consider that it is against ethical intuition - and also against the law – to deny an unborn child an autonomous right to live.

The position that sets the beginning of human life in the first years of life, when self-consciousness develops and thus the capability for self-determination and to autonomous decision-making, meets an analogous objection. Peter Singer considers everything else an expression of a speciesism for which the fact of belonging to the biological genus *homo sapiens* confers the right of life. According to this view, the right to live is given only when and if a human being actually has the ability to develop individual preferences to shape his or her own life and to formulate options. The right to live based on this concept does not exist in the earliest stages of human development; it also does not exist in cases of severe handicap, e.g. with anencephaly. And it can get lost when illness or age cause a person to loose the capability of self-determination. This also implies that under such conditions the concept of inviolable human dignity becomes irrelevant.

If one lets these seven concepts pass one’s mental eye one cannot help thinking that each concept runs a great risk of arbitrariness which makes a certain stage in the development of human life into a milestone for beginning to attribute dignity and protection of life. But in our ethical considerations, the least arbitrary concepts should have the priority. By this measure, without doubt, the best choice is the concept of the open beginning of human life and its organic development. According to this view, the fertilization of the egg cell by the sperm cell is the most reliable indication of the beginning of human life. The emerging creation contains the complete potentiality for developing into a human person. At the same time, this development corresponds to the criteria of identity and continuity. This creation should be granted the protection, which we are capable of giving at any time. Therefore, especially embryos produced *in vitro* deserve our special protection. From its beginning the embryo should be treated as a developing human being and not as an object or as a source for organic substance. The embryo is an early manifestation of the miracle of human life.

That an embryo in the early stages does not yet have all the features of a human person should not hinder us from supporting this view. There are other cases where we respect the personal dignity of human beings even if they cannot express their personhood. What is relevant for handicapped, ill or aged persons is also valid for embryos in early stages in their development.

In my view, the described risk of arbitrariness makes it impossible, in the present debate, to consider three positions as ethically equal in weight. The three positions are: "unconditional protection of the embryo", the "graded protection of the embryo" combined with narrow drawing of borderlines, and finally the "unrestricted possibilities of research with early embryos". The risk of arbitrariness of such a view is apparent already in that the second position is bound to nesting as milestone for graded embryonic protection. This is timed "around the 10th day" of fertilisation and is treated as equivalent to the exclusion of multiples. Embryologically these are definitely two distinct stages.

In Germany, even Protestant theologians have suggested that research should be allowed with embryos that have been "cryogenically preserved" for several years, embryos which "because of their limited ability to develop" should no longer be implanted. Similar access should also be granted for existing stem cell lines.

This is a wide reaching proposal. It is such because de facto it presupposes a diagnosis prior to implantation that decides which embryo, for medical reasons, has a limited capability for development. The intention of this proposal is clear in the following quotation: "The production of embryos for research purposes is not to be pursued at present." Such wording clearly states that one has only practical rather than principle (ethical) objections to the production of embryos for research purposes. The concluding appeal also makes this clear: a "Protestant position" faces "the task to not adhere to an easily generalised mistrust against the new, but to participate in the building up of a culture which has to reckon with misuse but is not paralysed by this fear." This is true: one should not be paralysed, neither by fear or respect, but one should combat the misuse. And this is done with the intention that from a multitude of possible new ways the way should be chosen which can be best justified on moral grounds. The search for this new way should not be detained by Protestant pluralism. On the contrary: One should make use of the pluralism of Protestant positions to search for this new way.

V. Habermas and the *Imago Dei*

The recent writings of the renowned German philosopher Jürgen Habermas have drawn particular attention to the fact that in order to understand such questions about the image of man, we need the experiences and the language of religion. The philosopher who characterised himself as "religiously unmusical", drawing from the words of Max Weber, uses the language of religion and the description of man being created in God's image. "One does not have to believe that God, who is love, has created Adam and Eve as free beings and in his like, in order to understand what is meant by being created in the image of God. Love does not exist without identifying another being; freedom does not exist without mutual acceptance. Therefore the partner, the human being has to free himself in order to respond to God's care. Despite the creation in the image of God, of course this being is still presented as God's creature. With regard to his origin he cannot be equal to God. ...God only remains 'a God of free people' as long as we do not level out the absolute difference between creator and creature. Only under this condition does the divine design not mean a determination that grabs into the wheel of the self-determination of man."

Habermas acknowledges the weight of such ideas, and demands that, with such issues, secularised majorities are "not" allowed to "force through decisions before they have heard the objections of the opponents who feel hurt in their belief. They have to consider these objections as a kind of delaying veto in order to examine what they can learn from it." The

dialogue which Habermas deems necessary is that a culture of mutual acceptance and loving care will not be ousted by the all-pervading power of the market model and by a concept of self-determination in which the individual only refers to him- or herself and finds meaning in life only by calculating his or her own advantage.

Instead, our cultural paradigm combines two fundamental ideas, traced back to Athens and Jerusalem, to Greek theory and Jewish-Christian faith, to the main streams of self-consciousness and charity. The concept of a human being as a rational being destined for self-esteem, goes back to the tradition of Greek philosophy. If he or she makes use of this self-esteem, he or she acts freely. If we do not see this self-esteem, we ask ourselves if we are dealing with a human being, or, at least, if this human being is acting according to his human nature.

Equally important as self-esteem is the respect for the other. The love of one's neighbour goes along with the love of oneself. Respect of the integrity of the other, care for the other, even if he is an enemy, the compassion for the one who needs help: This is the basic attitude that Jewish and Christian ethics have implanted into our cultural paradigm.

This ethic does not imply a "slave morality". Instead, it denies gradients of human dignity based on the difference between free people and slaves, between rich and poor, between the genetically optimised and the genetically non-optimised. This morality of freedom respects the freedom of each human being, even of a human being who at present cannot make use of this freedom. This ethic looks at each human being to see what possible sense in life it has, because this sense has already become reality in God's care for the human being. Already in the embryonic beginnings of a human being, this ethic acknowledges the dignity determined by God for human beings. It does not derive a right to end or interrupt embryonic life from the fact that not every embryo is developing into an original, autonomous human life.

If we take both basic streams of our cultural paradigm equally seriously then self-respect and respect for the other form the basic principles of our image of man and our legal system. The principle of inviolable human dignity obliges us to not exploit human life, to never make use of a human being only as a means for alien purposes, not even in the earliest stages of development of prenatal life, and finally to not "consume or use" him in the earliest stages of development

Jürgen Habermas has reflected on the meaning of religious talk in a post-secular society because one also finds Christians who claim, with explicit reference to their faith, the right of protection of life for the naturally fertilized egg cell as well as for that created by *in vitro* fertilization. In so doing they refer to an open beginning of life well founded in the Christian concept of creation in the image of God. Therefore, they demand respect to be shown for this emerging human life from the time when the genetic determination of a given human life has taken place. This life develops organically through different stages before it enters the world by birth. This can and should not hinder respect for the earliest stages of life and esteem for a human being as a person. Habermas has adopted these reflections and has demanded explicitly that we "treat" the embryo "in anticipation of its destination like a second person who if it were born could react to this treatment."

VI. The Optimised Human Being, Genetic Research, and Christian Anthroplogy

In conclusion, one has to reflect on what the consequences would be if protection were taken away from certain development phases of human life. In such situations, the developing being

is not understood to be a person, but an object, not “someone”, but “something”. It can be considered a commodity to be traded, or a raw material to be used. It is true that an unborn human life appeals more to our willingness for care the closer it is to birth. However, in the earlier stages of development we cannot just regard it as a thing that will eventually become a human being. Therefore, it is my conviction that the respect for the dignity of the unborn human life is tied to the acknowledgement of inviolable human dignity.

In the present debate, the consequence of this reflection is that I cannot agree to the import of human embryonic stem cells. If an embryo is not only a biological substance, but also enjoys the protection of human dignity and a right to life, then operations that might damage or destroy human embryos cannot be justified. If, in the future, we hold fast to the conviction that the killing of embryos for research purposes should be excluded, we run into a contradiction of values if we agree to the import of embryonic stem cells from abroad. This contradiction holds even if the import is restricted, fixed to a qualifying date for the genesis of the respective embryos, and limited by further conditions.

If one does not support this view and insists that certain questions of pure research can be done only with embryonic stem cells, one should at least ensure that there is no incentive to produce embryos for research purposes. The restriction on this research and its combination with a qualifying date for the embryos would then seem to me to be essential. The high expectations for healing associated today with stem cell research should be directed to research with adult and other stem cells whose use is far less morally problematic.

It is a very special field in which the protection of human dignity is currently being passionately debated. But what we understand to be human dignity becomes clear only in concrete situations. We can all hope that this debate will contribute to a greater clarity. It was my intention to present a path towards such clarity. My conclusion is: one can only speak of the inviolability of human dignity if it is clear that it has validity from the beginning of life.

But research with stem cells fuels great hopes for healing and medical care and raises the promise of considerable economic gain. The Christian image of the human person supports experiments that promise to fulfil such hopes and expectations, because healing is associated with the commandment to love your neighbour. At the same time, the Christian image of man provides the necessary distance from the idea that genetic operations and medical healing successes can perfect a human being.

In some discussions, however, the hope for optimising overshadows the hope for healing. Researchers believe they can outwit the contingency of human biography by optimising human genes. By so doing they fall into the mistaken belief that a human being is only the sum of the genes. The optimised human being becomes a thing, the result of conscious planning: an object of planned production. Planning and disposal flattens every individuality, and thus an essential element of a human being as a person would be lost if the concept of optimising humans gained acceptance. This concept of optimising shows most clearly which elementary questions of our image of humans we have to raise at the intersection between genetic engineering and reproductive medicine.