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Do stem cells have the same moral status as adult human beings? Some say that they do not because some adult humans are persons, while no embryonic humans are. However, if embryos have the same moral status as adult humans, then they ought to have the same moral rights that adult human beings have. If embryos do not, then they should not have the same moral rights, although they may still have some. Persons who have a moral status also have rights, which impose obligations on others and are possible to violate (even if they should not be) because they are like moral laws or duties. Against considering the moral status of embryos as the same as adults, Richard Werner gives an analogical argument that supports embryonic stem cell research (ESCR). We will consider Werner’s position as representative of the common position and critique this. The analogical argument compares an embryo and a human being that is brain-dead. The argument says that the two have the same moral status because both lack that which makes them a person, namely, rationality.

In contrast, one may make the argument that ESCR is wrong because it ends the life of a human person. Because it is wrong to kill a person, it is also wrong to end the life of an embryo. Further, the rights of an adult human person, such as a right to life, ought to equally apply to embryos, and this means that ESCR is wrong because it takes away an embryo’s right to life.

This paper will analyze Werner’s arguments for embryonic stem cell research. Section one explains the metaphysical assumptions implicit in Werner’s view; section two explains his arguments; section three gives objections to Werner’s argument; section four raises some responses Werner would make to my arguments; section five answers Werner’s response; and section six concludes by summarizing what the problems are in Werner’s argument and why ESCR should not be done.
This section unpacks the metaphysical foundation for the missing link in Werner’s argument. There are different ways one may interpret personhood. Werner’s argument presupposes that certain properties are supposed to tell us whether someone is a person. Consider the following questions: 1) what are properties; 2) how does one explain personhood in terms of properties; and 3) what is the basis for rights?

First, properties are the qualities that one says of a thing. If you say a person is rotund or that grass is green, then you are saying these are qualities of those things. One can think of scores of examples of properties like the greenness, roundness, or grumpiness in things. Greenness can be in the grass. Grumpiness can be in a person. Realize that although a person may be grumpy, a person cannot be grumpiness, nor can grumpy be a person (unless this is his name, like it was of the dwarf).

Werner’s view of personhood implies that a person is only a property-thing. This view says a person arises from the correct combination of certain properties. A property-thing can be illustrated using the example of Lincoln logs. Many of us had Lincoln logs to play with growing up. When describing what kind of fort I built with these Lincoln logs, I’d say it was big, brown, and square, along with some other elements necessary for an adequate abode for my army guys. Perhaps I’d also add some other descriptive terms to help you recreate it. Taking these into consideration, if you were to combine the properties I described, those thinking that anything is simply a property-thing would say you’d have the exact fort I built if you simply recreated those properties. There would be an exact identity between what I built and what you’d built. The reason for this is that there is nothing underneath those properties holding them together (which is what was classically called substance). All things simply are the combination of the different properties, but there is nothing underlying the properties holding these together.

Now consider a person. Rationality, self-awareness, consciousness, language use, and sentience are the properties people exhibit. Rationality and sentience are the essential properties of a person, and the others arise from these essential ones.

According to this account, when certain properties come together a person arises. This is why Werner says one may be a human being and not be a person. Additionally, these properties are what give rise to a person’s value. A human being is not valuable until they exhibit certain properties. The essence of a person is simply the aggregation of these properties, and they accidentally relate to the human body. When the properties cease functioning through the body, the body loses its value. Thus, the missing link (or unstated assumption) in Werner’s argument is that persons are mere property-things.
Another requirement in Werner’s view of personhood is that for one to be a human person one must have a brain. Because both a brain-dead human and an embryo have no brain, they are not persons. An embryo and a brain-dead human may be human beings, but they are not human persons. For Werner, the basis for our rights is whether or not we are persons. This is why Werner writes that although both a brain-dead human and an embryo are human beings, the embryo “is not yet a fully fledged person, just as the brain-dead human is no longer a fully fledged person.” In order for one to be a fully fledged human person, with all the rights associated with human persons, one must have a brain. A brain is a necessary, but not sufficient condition for personhood.

Further, Werner thinks rationality is the basis for human rights and human personhood. Werner explains, “Personhood is a philosophical concept with moral implications because persons, unlike all members of the species of Homo sapiens, can be harmed.” [Emphasis mine.] Rationality is that which makes a brain-dead human being and an embryo different from a fully fledged human person. Because rationality is the sine qua non for personhood, other species like aliens from other planets can be persons if they are rational. Further, humans who do not act rationally are not persons. Thus, one can be biologically human and still not be a person. The Homo sapiens who are not persons include babies, infants, and humans with severe mental problems (like acute retardation and insanity).

Moreover, for Werner, a person is a being that functions rationally. Remember that in this account only the function of certain human beings makes them valuable. Only persons function rationally. The value of persons entitles them to moral protection. If they do not function rationally, they have no moral protection nor can one harm them because they are not persons.

II

Richard Werner offers what is called an analogical argument supporting ESCR. Let’s explore the following three questions. 1) What analogy does Werner use to support his view? 2) What rights does an embryo have? 3) What ontological status does the embryo have?

The analogy Werner uses to support ESCR compares the brain-dead person with the embryo. He writes,

Michael S. Gazzaniga, director of the Center for Cognitive Neuroscience at Dartmouth College, argued that in using embryos for research, scientists should regard them the way doctors look upon organs for transplant. When a patient is brain-dead, he said, his organs are harvested. Like the brain-dead patient, Dr. Gazzaniga says, the embryo also lacks a brain.
In this comparison, Werner discovers compelling support for ESCR.

Werner argues that the two are the same in a very important sense, and thus ESCR should be allowed. His argument is as follows:

Premise 1: Only human beings with brains have life.
Premise 2: Neither brain-dead humans or embryos have brains.
Conclusion: Therefore, neither brain-dead humans nor embryos have life.

Thus, premise 1 is that a brain is the sine qua non for mental life or rationality. Because mental life is the most important kind of life one can have, it is the fundamental prerequisite of a human life. Premise 2 may be contested by saying that brain-dead humans do have brains, but they don’t work. Werner would point out that a brain that doesn’t work is no different from having no brain at all. Thus, if Werner’s premises are true, his conclusion seems to follow. What rights for brain-dead humans or embryos follow from the fact that they have no life?

Werner thinks it is clear that a dead human being does not have the same rights as a person who is alive. A dead human being, because they are dead, no longer has a right to life. Because the brain-dead human is indistinguishable from an embryo, the embryo also lacks a right to life. Further, because we can use the organs of a brain-dead human and can experiment on a brain-dead human for research, so too should ESCR be permitted. This is because the moral status of a human being changes upon death.

Additionally, an embryo has the same ontological status as a brain-dead human. Because a brain-dead human is no longer a full-fledged person, neither is the not-yet-sentient embryo. However, because the dead human being has some rights, the embryo is entitled to the same rights, but not more. Like a dead human, the embryo can be used for research but cannot be defiled for fun.

III

Werner’s view for embryonic stem cell research (ESCR) has a series of problems. One can attack Werner’s argument in several ways. First, his metaphysical presupposition about personhood is wrong. Second, his view about what gives a human value is wrong. Third, the consequences of Werner’s view are absurd. These arguments establish a foundation for the claim that it is wrong to do ESCR because it takes the life of an embryo.

The first problem is Werner’s account of personhood is wrong. His view of personhood assumes that a person is not identical to her body. On Werner’s account, if a property is exhibited that shows the person is present, then the body becomes valuable because a person is using it. Yet, on
the contrary, if a person is identical to her body, then the body is valuable regardless of whether
the body exhibits rationality or not. That is to say, the body is essential to a person and not
merely an accidental part. It seems true that a human person is identical to her body. For
example, when someone goes into a coma, she is not functioningrationally. However, if
anything is done to her while in a coma, and she awakens, she rightly says that the things done
while in the coma were done to her and not just her body. From this one may make the case that
when the human body begins to exist the human person also exists.

The second problem with Werner’s view is that his presupposition about what makes a human
valuable is wrong. Werner says that a person is valuable (i.e., deserving protection) if they are
functioning rationally.¹⁸ Yet, this property is an arbitrary standard that can be used to exploit
other human beings. Humans that need our protection and help the most he claims are not
persons. These include infants, babies, and those with mental problems. Obviously infants,
babies, and those with mental problems are not functioning rationally. But from the fact that they
are not functioning rationally, it does not follow that they are not intrinsically valuable and do
not have a right to life. Further, just because someone is not functioning rationally at the
moment, it does not mean they are not a rational being.

Additionally, functioning rationally cannot be the standard that gives a human a right to life. If
functioning rationally is the standard, then a human that is sleeping or in a coma would not have
a right to life. Consider the following reductio by way of illustration. Suppose someone sees
Werner unconscious, sleeping in his electric car between classes, and finds a way to pump
sleeping gas into his electric car to keep him unconscious. Werner (who is not a person because
not functioning rationally) would have to accept that it is morally permissible to harvest his
organs, perform experiments on him, and take his life given his view of personhood. Although
these actions are obviously morally repugnant, they are permitted on Werner’s view and he has
no grounds to object given his own criteria. It is from this belief that the morally repugnant
consequences follow for Werner’s position. In order to avoid these consequences, Werner should
recognize that humans are valuable because of their substance. However, this would also mean
he would have to give up his support of ESCR.¹⁹

Additionally, Werner ignores the principle that existence precedes operation. Aristotle explains
the accidents of a human, which include how a human acts, are different from the substance of a
human, which is what the human is. Werner’s view of a person as a property-thing says the
action of a human, namely her rationality, is what makes her morally significant. However, a
human must be a rational being before acting rationally. The action only follows because the
human already has such a nature. A thing must exist before it can act. Thus, a rational nature
must exist before a person can exhibit rationality. However, Werner makes a being’s function the
standard for what makes it valuable. The function of a being only follows upon the being already
possessing such a property. Because Werner ignores this principle, he is mistaken due to failing
to make the distinction that it is not the rational function that is valuable, but the rational being
that is valuable. Humans are not valuable because of how they act, but because of what they are.

Moreover, Werner’s dualistic account of persons is wrong. A human person is an individual
organism that performs its functions. Even if someone denies he is an organism, he says that he
is the one denying it, not just his properties. Philosopher Patrick Lee points out, “Thus, what
each of us refers to as ‘I’ is identically the physical organism which is the subject both of bodily
actions such as perceiving and walking, and of non-physical actions, such as understanding and
choosing.”

All of us have some awareness that we are living bodies. For this reason we refer to
the day we were born, the day we broke the record, the day we tore down the basketball hoop,
and the day we read the paper (we do not say our soul or consciousness did these things). We are
not different from our body. Our body is essential to what we are. Thus, when humans perform
bodily actions (sweating, running, kicking) it shows they are their physical body.

Thus, due to dualism’s inadequate account of personhood, the argument from substantial identity
can be given. The argument runs as follows:

1. You and I are intrinsically valuable (in the sense that makes us subjects of rights).
2. We are intrinsically valuable because of what we are (what we are essentially).
3. What we are, is each a human, physical organism.
4. Human, physical organisms come to be at conception. (A biological proposition: a new
   and distinct human organism is generated by the fusion of a spermatozoon and an
   oocyte.)
5. Therefore, what is intrinsically valuable (as a subject of rights) comes to be at
   conception.

Thus, contrary to the view that we are aggregates of properties accidentally joined to the body,
this argument, which is consonant with science, says that we were conceived at one time and
were persons at the time of conception. This argument is supported by the fact that each human
is the same organism that it was on the day it was conceived.

Another objection to Werner’s view is that he treats human beings merely as a means to an end,
and not as an end in themselves. The argument runs like this:

1. All research that treats humans merely as a means and not as ends in themselves should
   not be done.
2. ESCR treats human beings as merely means.
3. Therefore, ESCR should not be done.
The first premise is supported by the fact that we view research that treats humans as merely means as morally repugnant. This initial intuition supports the first premise that it is wrong to treat humans merely as means. Yet, one may question our intuition about the first premise.

Consider other instances where researchers treat humans simply as means. These experiments often lead to horrific acts. An example of this is seen in the Tuskegee Syphilis Experiment, as well as some experiments done on the Jews in WWII. The scientists did not consider the intrinsic value of the human beings who were in the experiments. In the same way, ESCR does not consider the value of the human being in the earliest stage of its development. But, Werner may correctly point out that one should not judge a system based on its abuse. However, the problem is not only that this system may be abused, but also that this system makes it morally acceptable to treat another human being only as a means and not as an end.

Does ESCR treat a human being merely as a means to an end? It seems clear that it does. ESCR destroys an embryo, which is a human being in the earliest stage of development, by removing its stem cells for research. The research on embryonic stem cells may lead to curing particular diseases, but it kills an embryo as a means to find a cure. Just as it is wrong to remove the organs of one healthy human being only as a means to save the lives of many, so too is it wrong to kill the embryo to use its stem cells for research that may save the lives of many.

It is clear that ESCR is research on an embryo. Werner admits that an embryo is a human being. However, Werner may object and say that an embryo is not a live human being. The second premise only applies to live humans. However, what criteria of life should we use? Werner’s criterion is that a thing must have a brain to be alive. Plants are alive and they do not have brains. But, Werner responds, brains are the necessary condition for a mental life and for personhood. The mental life is the most important for deciding when a being receives a right to life. But the fact may be that the mental life is already in the embryo from the moment of conception, but has yet to be exercised. Werner admits an embryo is alive, but it does not have a mental life. An embryo is only similar to a brain-dead human because it does not have a mental life. However, there is no good reason to accept Werner’s view that a mental life should be the standard that gives someone value and a right to life. If mental life is the standard to guarantee the right to life, then a person who is unconscious would not have this right. Thus, Werner’s criticisms do not affect the second premise, and the conclusion follows.

Further, an argument can be given that Werner confuses a sign of personhood with the cause of personhood. A properly functioning rationality is only a sign of personhood and not the cause of personhood. For example, my wedding ring is a sign that I am married. However, my wedding ring is not the cause of my marriage. If I take off my wedding ring and put it on another person who is single, the single person does not become married simply because they are wearing my wedding ring. Nor is it the case that I am no longer married just because I do not wear my
wedding ring. In the same way, the cause of the personhood of a human being is their rational nature, whereas a sign of someone’s personhood is the way they act.\textsuperscript{24}

This has a direct bearing on Werner’s initial argument. He argues that because it is acceptable to harvest a brain-dead human’s organs, so too ought it be acceptable to perform ESCR. However, positing a rational nature as the basis for the intrinsic value of a human being leads to consequences for our definition of death. A human that is still biologically alive still has their rational nature. Even if the organ through which a brain-dead person expresses this nature is not working, the nature is still present. Thus, applying Werner’s initial argument we find this: because it is wrong to use a brain-dead person’s organs for research, so too it is wrong to use an embryo’s stem cells for research. Just as removing the organs from a brain dead person kills them, so too removing the stem cells from an embryo kills it. Both acts are wrong even if there may be some utilitarian benefits that arise from the action.

\textbf{IV}

To be fair, consider Werner’s potential response to the foundation of my criticisms. Werner may argue against the substance view of persons, against the empirical verifiability of my description, and against the potential these beings have to give them actual rights. If these arguments work, then they seem to undermine the basis for some of the objections against Werner’s analogical argument.

Werner’s argument may be given from the fact that in the early stages of an embryo’s existence it can be twinned and recombined. Thus, how can one claim that an embryo is a person if it can divide itself and occasionally recombine? The substance view of persons says that a person must be a unique individual. But this claim may be disputed on empirical grounds given that early embryos can divide and may recombine. If an individual divides, it is no longer the same individual. If two individuals recombine, they are no longer two individuals, but one. Werner quotes M. A. Warren:

\begin{quote}
It is not clear that the zygote is the same organism or proto-organism as the embryo that may later develop from it. During the first few days of its existence, the conceptus subdivides into a set of virtually identical cells, each of which is “totipotent” — capable of giving rise to an embryo. Spontaneous division of the conceptus during this period can lead to the birth of genetically identical twins or triplets. Moreover, it is thought that two originally distinct zygotes sometimes merge, giving rise to a single and otherwise normal embryo. These facts lead some bioethicists to conclude that there is no individuated human organism prior to about fourteen days after fertilization, when the “primitive streak” that will become the spinal cord of the embryo begins to form.\textsuperscript{25}
\end{quote}
One can see the conclusion Warren draws from her analysis is that “there is no individuated human organism prior to about fourteen days after fertilization.”

Thus, the argument runs as follows. A person may be an individual substance with a rational nature. However, an embryo in the first fourteen days of its existence is not an individual substance, because it can be divided and recombined. If the embryo were an individual substance with a rational nature it could not be divided or recombined. Patrick Lee explains that the argument says an embryo is not an individual after fertilization, but simply a mass of cells. Wolter and Shannon explain:

Because of the possibility of twinning, recombination, and the potency of any cell up to gastrulation to become a complete entity, this particular zygote cannot necessarily be said to be the beginning of a specific, genetically unique individual human being. While the zygote is the beginning of genetically distinct life, it is neither an ontological individual nor necessarily the immediate precursor of one.

Wolter and Shannon’s explanation avoids the problem that arises from saying that one human person can form two persons, which can then recombine back into one person. Thus, postulating a later time for personhood avoids the problems associated with the division and recombination of embryos. However, another consequence of using a later time for personhood is it causes the embryo’s moral status to change in its earliest period since it is no longer a person. If this argument is successful, the embryo may no longer have the same rights as an adult human person.

Additionally, Werner may point out that positing a human nature as the basis for rights is not empirically verifiable. This argument resonates with many scientists because they feel if something cannot be measured in a laboratory or test tube empirically, then it cannot be true. Thus, the metaphysical speculation that posits a human nature is unfounded empirically.

Werner may also say that basing the embryo’s right to life on its potential to become rational is fallacious. He points out, “Why should it be accorded fully fledged rights, including a right to life? At age 8, I was a potential motorist, a potential property owner, and potentially morally autonomous. But, at age 8, my potential for these did not accord me the right to them…. Those potential rights did not grant me the actual rights in question.” Thus, the potential person should not have the rights of an actual person.
There are problems with Werner’s probable counter-arguments. Consider the following reasons offered that twinning, recombination, empirical verifiability, and the potentiality argument does not affect the reasons given in support of the personhood of the early embryo.

First, the fact that the embryo may divide in its earliest stages does not mean it is not an individual substance before it divides. Consider, for example, what happens to a tapeworm when you cut it in half. The tapeworm is an individual substance before you cut it in half, and it is two individual substances after you cut it. Thus, just because you cut the tapeworm in half, it does not make it less of a substance before or after it is cut in half. In the same way, in the earliest stages of an embryo’s existence, it is an individual substance with a rational nature, and can become two individual substances, each with a rational nature. This is exactly what happens in the case of identical twins. The twins have the exact same DNA, but each has its own rational nature.

Further, Patrick Lee points out that this objection is based on a confusion of the word individual. He writes,

> When a person is defined as a certain type of individual, the word means logically undivided, as opposed to a universal or class, where the property or nature is divided among many. The division of the embryo shows only that he or she is physically divisible. Before splitting, the zygote or the two-, four-, or eight-celled embryo is an individual, not a universal. From the fact that A can split into B and C, it simply does not follow, nor does the fact at all suggest, that A was not an individual before the division.

Thus, Lee makes it clear that an individual exists before the division, and from one individual, two individuals may arise.

Secondly, what happens to the early embryo that has divided but recombines? The fact that an embryo in the earliest stage of its existence may recombine does not pose a problem for the substance view of persons. The early embryo that has recombined is an individual substance. Prior to its recombination it was many individual substances. For example, prior to conception, the sperm cell and the ova were individual substances. After conception, the sperm cell and ova are no longer individual substances, but have become one substance, namely, an embryo. Thus, the combination of each substance undergoes a substantial change and becomes a third thing, a new substance.

Werner may object to attributing the personhood of a human to her rational nature because it is not empirically verifiable. He may hold that if science cannot empirically verify the human
nature that I am ascribing to all mankind, then such a nature does not exist. However, this assumption is unwarranted because the principle of verifiability, which says all things must be empirically verifiable to be true, is not empirically verifiable and therefore cannot be true. The principle of empirical verifiability is self-stultifying and cannot be used as an objection to positing a human nature.

Last, Werner commits two mistakes in the argument that speaks of the potential future actions of a human. The first is he begs the question regarding the personhood of the embryo. It is only by assuming an embryo is not already a person that allows one to raise this objection. The second mistake is that Werner assumes all rights are equal. The right to life is a fundamental right, whereas the right to drive a car, to drink, and to vote are not. One can recognize this easily by considering the following questions: Does the age of a person affect their right to vote or drink? Does the age of a person affect their right to live? One can see the clear difference between these rights. One is a foundational right that ought to be accorded to all human beings regardless of age. Patrick Lee points out, “The basic right to life is the same as having moral status at all, that is, being the sort of entity that can have rights or entitlements to begin with.” Comparing the right to vote or drive with the right to life is a category mistake. These rights are fundamentally different.

VI

In summary, we have seen the weaknesses in Werner’s argument and the strengths of the arguments to the contrary. Also offered are arguments supporting the substance view of persons. To the weaknesses, the fact that ESCR treats humans simply as means and not as ends in themselves is morally repugnant. Werner admits his view of personhood excludes protection of the life of embryos, the mentally retarded, infants, and people acting irrationally. However, as one can see, his criteria goes too far because it also extends to people sleeping and in reversible comas. On the other hand, due to the strengths of the substance view, it is reasonable to believe the embryo ought to have the same moral right to life as adult human beings. ECSR violates this right because this research destroys the embryo. Additionally, the embryo is a person in the earliest stages of development and does not differ in any essential way from other persons. Werner’s argument cannot get started because one finds that every argument required for its validity is flawed. Thus, one should reject Werner’s view of ESCR because his arguments are fallacious, because of its morally repugnant nature, and because of the superiority of the substance view of persons.

3 Ibid., 4.
One may attack an argument in four ways. First, one can find an ambiguity in a term that is used equivocally. Second, one may find a logical fallacy the person commits in the argument. Third, one can find a false premise. Fourth, one can show the absurd conclusion that follows from the argument. I am attacking Werner in the third and fourth way.

The same can be applied to using sentience as the standard for personhood. An unconscious person has no sentience.

One of the ways to attack an argument is to show the absurd consequences that follow from it. I think this example illustrates the absurdity of Werner’s argument and view of personhood.

Patrick Lee offered the following at St. Anselm’s College on Nov. 14, 2002: “First, sensation is a bodily action. The act of seeing, for example, is an act that an animal performs with his eyeballs and his optic nerve, just as the act of walking is an act that he performs with his legs. But, secondly, it is clear in the case of human individuals that it has to be the same thing, the same subject of actions, that performs the act of sensing and that performs the act of understanding. (And remember, it is the subject of acts of understanding that everyone, including those who deny that they are bodily entities, refers to as “I”).”

Lee, Bioethics, 250.

This example came from a conversation between Dr. Keith Bauer and Max Herrera.

The implication is the higher brain definition of death is wrong, and a brain dead human’s organs should not be harvested because the brain dead person still has a rational nature even if they are unable to show it.


This example is used in Francis Beckwith’s article which defends the substance view of personhood. “The Explanatory Power of the Substance View of Persons,” Christian Bioethics, 10.1 (2004): 33-54

Lee, 91.

Francis Beckwith explained this point to me via email.