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# Experiments On Humans

by

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A federal panel of experts has recommended to Congress some projects concerning experimentation on human embryos. Funding for fetal research has been denied for 13 years and the research has gone on with private funds. This ban was lifted by Congress in 1993. This experimentation has created a moral dilemma for everyone involved: scientists, government and citizens.

The subjects of such research are obtained in two ways: From frozen embryos stored by those who originally wanted them conserved for future implantation but who no longer want or need them; and from donated sperm and ova brought together in a petri dish. The result is the same.

The federal panel claims that the good obtained from such research outweighs any interest the embryo has to life — a life which it probably would never have had anyway since these embryos would have been “discarded” when the parents no longer wanted them. More troubling is the artificial creation of an embryo in a petri dish, since the whole reason for doing this is experimentation and destruction. At least in the former case, the parents started out with a morally correct intent, i.e., fertilization at a later date (“In vitro fertilization”).

What is this claimed good? Such research will benefit the already born by giving us clues on genetic diseases. Since the research is done at the earliest stages of the embryo's life (14 days) it will be easy to follow rapid genetic development and see how genes go astray at the earliest stage. This cannot be done when the embryo develops fully. This is seen as a great step forward for intervention to prevent terrible genetic diseases which are already known and to be discovered in the future. What gene causes genetic diseases? How and why is that gene formed? What intervention can be taken at the earliest stage of development to correct the gene or replace it with another healthy gene? All this, it is claimed will spare untold pain and suffering for future millions.

Secondly, such research will help progress in understanding infertility and other problems of pregnancy. At such an early stage, scientists can study how the embryo develops and prepares itself for implantation and the causes of spontaneous miscarriage and other pregnancy difficulties which cannot be studied at a later stage of development.

Thirdly, such research will help the fight against cancer, which is uncontrolled

cell growth. The embryo produces something that prevents cells from turning cancerous. If that can be discovered via research on embryos this will be a great step forward in the fight against cancer in fully grown humans.

The very reason why such experimentation (it is experimentation because it is not intended as a therapeutic intervention for the embryo; in fact, the embryo will be "discarded" after 14 days, i.e. put to death) is needed, is because the embryo is *human*. Animal research can go so far in this area. In the words of Roger Pederson who studies embryos at the University of California at San Francisco, "we can't learn all we need from animals. I think we will realize a tremendous benefit. . ." Everyone therefore agrees that these embryos are human. The very reason an embryo can be experimented upon, is that it has the very same genetic package and structure as every other human being.

The safeguard on such research, says this panel, is that such experimentation will be ended by the 14th day because that is the outer period when the embryo starts to develop its *nervous system* and therefore when it can begin to feel pain. It would be inhuman to experiment on an embryo which can feel pain, for purposes other than therapeutic for the embryo itself.

The first thing which we should note in this discussion is that the panel was careful to call this whole process "embryo research." This is *trompe d'oeil* in language to divert us from what is really being done here: it is an experiment on human entities which has no therapeutic value for the embryo but is done for others. That was the basic distinction which Nuremburg made in discussing experiments on human subjects by the Nazis. When "research" is not for the person involved (therapeutic) it is not research but experimentation on humans — strictly forbidden by the Nuremburg protocols.

But clearly, the main question which the panel did not and perhaps could not answer is whether the embryo, after fertilization but before implantation and which has an independent, distinct genetic "package," is a human being and not just human. Is such development such that it is a human being albeit not fully developed?

The federal panel gave the same answer as did the U.S. Supreme Court in its *Roe v. Wade* decision in 1973: We do not know the answer to this question. Ethicists and religions are not in agreement on this question and therefore it is not something which the panel can resolve.

But this is exactly the point: there is doubt, perhaps serious doubt not about the embryo's humanity (there would be no experimentation without it) but about its personhood. It is perhaps something we shall never know with certainty. Therefore, it is legitimate to move forward with such experimentation, says the panel.

The devastating and simple answer is this: If there is doubt about the personhood of the embryo, then we cannot morally move against the embryo no matter how great the good coming from its experimentation. Doubts are always resolved strictly in favor of the person, never against him or her. This is a basic tenet of both morality and the common law which the Supreme Court summarily dismissed in *Roe*. But its moral and legal underpinnings were as erroneous in *Roe* as those of the federal panel are today about experimentation on embryos. The

panel has resolved its doubt *against* the personhood of the embryo. This is illegal and immoral.

Finally, there is the slippery slope argument. Once we have breached the absolute prohibition of experimentation on humans, there is no reason why we should stop at 14 days. The panel gives the "pain" rationale but pain can be controlled. And if so, then what? In other words, the moral argument starts from the beginning of human life and there is no logical way to cut it off at any particular point in its development. Once the inviolability of any human life is breached, all human life is open to further abuse. We are no longer in the realm of the absolute but the relative, where the end justifies the means. The federal panel has reduced the inviolability of the person to relativity. This is the moral absolute: A human subject may never be experimented upon without his or her personal, full, informed and free consent. Anything less is evil and immoral. Since by definition an embryo cannot give consent, all non therapeutic experimentation on him/her is inherently evil and forbidden.

The Nazis started from small beginnings with experimentation with abortion and took off from there,

The Federal panel has started us along that same, long, downward path because it has breached the absolute that we must not experiment on human beings without their full, informed, personal and free consent.

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