

Stem cell research, personhood and sentience



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Abstract

In this paper the permissibility of stem cell research on early human embryos is defended. It is argued that, in order to have moral status, an individual must have an interest in its own wellbeing. Sentience is a prerequisite for having an interest in avoiding pain, and personhood is a prerequisite for having an interest in the continuation of one's own existence. Early human embryos are not sentient and therefore they are not recipients of direct moral consideration. Early human embryos do not satisfy the requirements for personhood, but there are arguments to the effect that they should be treated as persons nonetheless. These are the arguments from potentiality, symbolic value and the principle of human dignity. These arguments are challenged in this paper and it is claimed that they offer us no good reason to believe that early human embryos should be treated as persons.

Keywords: embryos, personhood, sentience, stem cells

Introduction

In this paper an argument is put forward for the permissibility of stem cell research on human embryos on the basis of the view that only beings with interests about their own well-being are appropriate candidates for direct moral consideration. All sentient beings have an interest in avoiding pain and should not be caused pain unnecessarily. Sentient beings that are also rational and self-conscious can have an interest in their own continued existence and their existence should not be terminated unnecessarily (Harris, 1985).

This paper will identify the criteria that a being needs to satisfy in order to count as sentient or as a person. Given the criteria, it will be suggested that recent developments in the assessment of pain and consciousness in non-humans increase to the likelihood of answering the two distribution questions: who is sentient and who is a person? Then the framework will be applied to the context of stem cell research and it will be suggested that it is permissible to conduct stem cell research on early human embryos, because in the first 14 days human embryos are neither sentient nor in possession of those

capacities necessary for sentient beings to qualify as persons.

In this paper, *indirect* moral obligations to human embryos will not be considered, but three arguments will be responded to against the permissibility of stem cell research on embryos. These are derived from three reasons why human embryos might be entitled to respectful treatment: (i) embryos are potential persons; (ii) treating embryos disrespectfully violates the principle of human dignity; (iii) embryos have a symbolic value that commands respect. It is argued that none of these objections threatens the paper's conclusion.

Why are personhood and sentience morally relevant?

It seems reasonable to assume that only individuals with a mental life of a certain complexity are entitled to direct moral consideration. Competing moral approaches (contractualism, rights theories and utilitarianism) build into their system a way of tracking this relationship between mental capacities and moral status, but often this relationship is not made explicit. In the account that will be defended here, only individuals that

have an interest in their own well-being are entitled to direct moral consideration.

The use of the word 'interest' in this context can be confusing. There is a sense in which it is in the interest of my plants that I water them regularly but this is not the relevant sense of 'interest'. My plants do not have a mental life of the right complexity to form the desire to be watered, and so they are not themselves concerned about their own well-being. As the person in charge of watering the plants, I might think that what I do is in their interests because I value my plants, but they are not aware of their own value, they do not value themselves (Harris, 1985). Consider another example. One might think that it is in the interest of a city to have some ugly buildings demolished. Now, what this means is that the city would look better if those buildings were not there, but the city itself has no desire for the demolition, unless by 'city' we refer to the collective of its inhabitants, who can have a number of desires about the place where they live and a number of beliefs about how to improve it. So when we talk about morally relevant interests, we talk about the interests of those individuals that can have beliefs and desires about their own well-being.

The next question asks which interests are to be taken into account and the answer is, those interests that reflect the individual's concerns. A fox might not be interested in going on living until next Tuesday, because it is not likely to have the concept of death and cannot conceive of itself in the future. A young woman who has just given birth to her son might have the desire to go on living until the son becomes self-sufficient. But both the fox and the young woman might be interested in not being burnt in a fire that they can see or feel and immediately fear. So the woman values her own life in a way in which the fox does not, but both the woman and the fox value not being in pain and danger.

Since our direct moral obligations track the first-order beliefs and desires that constitute the individual's interest in its own well-being, we have a direct moral obligation not to cause any unnecessary pain to the woman and the fox, but we don't have a direct moral obligation to preserve the life of the fox. When it comes to persons who have a desire to go on living, then their valuing their own life creates a moral obligation to preserve it. A person, being able to conceive of itself as a subject of experience, can have a concept of its own existence as unique and lasting in time, and have beliefs and desires about its own continued existence. This means that there is more to the direct moral obligations we have towards persons than refraining from causing them pain and other unpleasant or distressing experiences.

Naturally there can be indirect moral obligations to preserve the existence of insentient and sentient beings, but they will not be discussed here.

What is personhood?

In ordinary language we identify persons with human beings, but the notion of a person is not co-extensive with the notion of a human being. More specifically, whereas an individual counts as a human being if it belongs to the species *Homo sapiens*, it counts as a person not by virtue of species membership, but of the capacities it possesses.

That means that there are cases of human beings who are not persons and possibly cases of persons who are not human. It is arguable that human infants and human adults in persistent vegetative state do not have the capacities required for personhood, whereas forms of intelligent extraterrestrial or artificial life and some non-human primates might satisfy the criteria for personhood.

The definition of person is to some extent controversial but there is widespread agreement that the capacities required for personhood include *rational thought* and *self-consciousness*. These are highly theoretical notions and some have argued that they are not going to be amenable to precise definition, but we believe there are grounds for optimism. We might not fully understand the mechanisms that underpin rationality and self-consciousness but we have an increasingly clear notion of what types of behaviour are expressive of these capacities. We shall come back to this issue in the next section.

There are (at least) three common uses of the term 'rationality' that could be relevant to the notion of personhood. An individual might be regarded as (instrumentally) rational if it can engage in means-end reasoning, that is, if it can identify the means by which its ends can be fulfilled, and pursue those means. Suppose Angela wants a newspaper and there is a newsagent across the road. Given her goal, it would be rational for her, all things considered, to cross the road and visit the newsagent. In this sense non-human animals can also be rational as where a cat silently stalks its prey or sets an ambush.

Further, an individual might be regarded as rational if it can think well, that is, if the reasoning in which it engages does not violate any fundamental principle of logic. Suppose Bert believes that black and white people are equal. Yet, Bert is heard talking in pejorative terms about a black woman who has just moved into his neighbourhood. One might argue that Bert's beliefs do not form a consistent set, and violate the principle of non-contradiction. Bert is at risk of inconsistency (not to mention prejudice!).

Finally, we have the most demanding notion of rationality which requires not just the conformity of an individual's behaviour to given standards (of instrumental rationality, good reasoning etc), but the *responsiveness* of the individual to such standards. What we mean is that, coming back to the case of Bert, he will count as rational if (i) he has a consistent set of beliefs and preferences and (ii) he makes sure they are consistent *because* he appreciates that otherwise he would be violating a fundamental rule or value of rationality. The rational being, in this third more demanding sense, is the being which has the capacity to follow norms of rationality because it appreciates their normative force. In the context of the elucidation of personhood, the capacity for responsiveness to norms is required. This capacity underpins moral agency, which is another criterion for personhood in some contractualist frameworks (Rawls, 1971; Scruton, 2000).

When it comes to self-consciousness, it is important to provide an account of the differences between (i) the capacity to have conscious experiences and react appropriately to external stimuli and (ii) the capacity to have a sense of self, that is, an awareness of one's own existence in the past, in the present

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