

## Embryos and eagles : symbolic value in research and reproduction

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DOI:

[10.1017/S0963180106060038](https://doi.org/10.1017/S0963180106060038)

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Publisher's PDF, also known as Version of record

*Citation for published version (Harvard):*

Bortolotti, L & Harris, J 2006, 'Embryos and eagles : symbolic value in research and reproduction', *Cambridge Quarterly of Healthcare Ethics*, vol. 15, no. 1, pp. 22-34. <https://doi.org/10.1017/S0963180106060038>

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## *Embryos and Eagles: Symbolic Value in Research and Reproduction*

LISA BORTOLOTTI and JOHN HARRIS

### Introduction

On both sides of the debate on the use of embryos in stem cell research, and in reproductive technologies more generally, rhetoric and symbolic images have been evoked to influence public opinion.<sup>1</sup> Human embryos themselves are described as either “very small human beings” or “small clusters of cells.” The intentions behind the use of these phrases are clear. One description suggests that embryos are already members of our community and share with us a right to life or at least respectful treatment, whereas the other focuses on the differences between embryos and adult human beings with normal capacities, that is, their lack of sentience and of personal identity. The research on stem cells has been nicknamed “Frankenstein science” or presented as “research that could stop Parkinson disease.” Again, one description reminds us of scary science-fiction scenarios where the scientist is guilty of “playing God,” whereas the other description highlights the worth and potential benefits of the research outcomes.

In the philosophical literature, there is an important distinction between moral *status* and moral *value*. According to an interest-based approach to ethics, only sentient beings have moral status, because only sentient beings have interests (in the morally relevant sense). But some nonsentient beings such as early human embryos can have moral value that derives from their symbolic significance. Steinbock argues that there are reasons to treat embryos respectfully in virtue of their symbolic value, so long as the respect for them does not interfere with the interests of sentient beings.<sup>2</sup> On the basis of this view, Steinbock regards stem cell research on embryos morally justified, but finds “frivolous” uses of embryos unacceptable. What activities count as frivolous is, of course, open to discussion. One might argue that only the use of embryos in serious scientific research with therapeutic purposes is legitimate, whereas others might also include educational purposes among the morally acceptable, as they also are in the interest of sentient beings.

With reference to the debate on stem cell research, the argument from symbolic value to moral value encompasses a wide spectrum of views. According to the moderate position defended by Robertson<sup>3</sup> and Steinbock, respect for entities with symbolic value should not override the interests of sentient

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The authors acknowledge the stimulus and support of the “European project on delimiting the research concept and the research activities (EU-RECA)” sponsored by the European Commission, DG-Research, as part of the Science and Society research programme–6th Framework in the preparation of this paper.

beings. According to those who associate symbolic value with a “utility-trumping” notion of respect, either restrictions might be imposed on the methods by which research is conducted on embryos or the use of embryos in general might be considered as unjustified regardless of the potential benefits.

For instance, Robertson describes the position according to which using embryos left over from in vitro fertilization (IVF) for research is acceptable but creating embryos for the same purpose is not. Because in both situations the embryos would be used for the same purpose, why would one practice be acceptable and not the other? The difference is cashed out in symbolic terms. To some, the fact that some embryos are created solely for research purposes is objectionable. Robertson explains: “Additional symbolic harm results because creating embryos with the intent to discard them demonstrates a profound disrespect for the earliest stages of human life. . . . The deliberateness of the act—creating new human life only to destroy it—is thus viewed as symbolically more offensive than research on excess embryos created as a by-product of the IVF process of treating infertility.”<sup>4</sup> Robertson does not endorse the view he describes and goes on arguing that if no harm is done in one case, no harm is done in the other. He finds no morally significant difference between the two practices.

In this paper arguments from symbolic value to moral value are our chief concern. To illustrate our points we will make reference to the symbolic value of embryos as this value has appeared in the stem cell research debate and the literature on other reproductive issues. We will not, however, offer a comprehensive treatment of arguments for the moral value of embryos nor a comprehensive treatment of the concept of a symbol or of symbolic value. Our purpose is to argue that the move from symbolic value to moral value is inadequate. The same inadequacy can be observed in the application of symbolic value arguments to other contexts, as we will show below by discussing some other examples taken from expressive actions in art and politics.

We will argue that the appeal to symbolic value is both redundant and misleading. It is redundant because there are better and more straightforward ways of accounting for the nonintrinsic value often attributed to embryos. For example, within an interest-based view, a view taken by our chief protagonists in this paper, the interests of persons can be fully accounted for in respecting embryos without reference to symbolic value. It is misleading for two separate reasons. First, symbolic value seems to track both moral and aesthetic judgments and no clear distinction is made between the two in the arguments against those practices that are regarded as offensive. Second, we need to distinguish the value of symbols and symbolic value, which are often confused. Symbols may have no intrinsic value or they may be replete with such value. A fish is the symbol of Christ the “fisher of men,”<sup>5</sup> but this fact has not prevented Christians eating fish; likewise “the lamb of God” association for sheep does not keep these lovable but stupid creatures from being served *a la carte*. However, the president of the United States is also a symbol for, or represents, the entire nation and its way of life. Presidents are guarded not simply because they are targets but because a successful attack would *both* kill a man having intrinsic value and also destroy a potent symbol. But the symbol alone would not justify the levels of protection accorded to American presidents nor the legendary (although perhaps apparent rather than real) willingness of at least some bodyguards to “take the bullet,” interpose their own person between the president and his would-be attacker.

## Embryos as Symbols

In this section, we address some questions that are left unanswered in the literature about the step from symbolic value to moral value, but, as noted, we will not provide an analysis of the notion of symbolic value in itself, as in the literature on moral philosophy even those authors who do appeal to symbolic value are prepared to take an “ordinary language” approach to the meaning of symbols. A symbol, of course, could be anything, an object, a person, an action or a situation, which stands for something else (usually more abstract). Classic examples are the American flag as a symbol of American public life and values, the dove as a symbol of peace, or the sword as a symbol of power.

In what sense is the embryo “a potent symbol of human life,” as Steinbock says? We have numerous examples of symbols of life, and in particular of human life, in all cultural and religious traditions. Here are just some examples: the Ankh hieroglyph for the Egyptians, the number 18 in Hebrew, the lotus for the Hindus, the labyrinth in the interpretation of dreams, and the handprint for Native Americans. There is nothing these symbols have in common apart from what they symbolize. Each of the symbols illustrates one aspect of human life, for example, its fragility, its capacity to reproduce itself, or its being like a journey fraught with difficulties and beset with obstacles. The relation between the symbol and the thing it symbolizes is to some extent arbitrary, although one can often find a rationale behind the adoption of a specific symbol. So there is a sense in which it does not matter how the human embryo acquired symbolic value. If it is felt by many that the embryo has this value, tolerance imposes on us the obligation to take that value into consideration, in order not to offend the sentiments of those persons who feel strongly about the symbol. However, we believe it is helpful to press the question as to what the embryo is a symbol of.

### *Symbols of What?*

Steinbock claims that embryos are symbols of human life, but that does not sound right.<sup>6</sup> Recall that Steinbock believes that embryos do not have moral status, as they lack sentience, which is required for moral status. As a symbol of something valuable, the embryo is supposed to “inherit” or share in some of the value of what it stands for. So it does not necessarily have value in itself, but it has value derivatively. Now, the embryo *is* a form of human life and if it symbolizes itself, that means that either it has moral status or it doesn’t. The question of whether it has moral value does not apply, as there is no meaningful distinction between the symbol and the entity symbolized.

But surely what Steinbock and others have in mind is that the embryo as a primitive form of human life stands for what is valuable in the human life that adults normally live. What is it that differentiates the life of embryos from the life of normal human adults? This is precisely what the interest-based view would class as morally relevant, sentience in the first instance and then those capacities that persons share, such as rationality, self-consciousness, and a complex emotional and relational life. Although Steinbock prefers not to use the notion of personhood, she does recognize that some sentient beings have more interests than others. It seems odd, therefore, to claim that the embryo stands for human life. It perhaps may be taken to stand for the valuable life of

a being with interests (sentient beings and persons) on the basis of the fact that it has the potential of developing into the life of a person. Because the human embryo has the potential to become not just a sentient being, but a person, we will refer to what it symbolizes as “the life of persons.”

Robertson characterizes the symbolic value of embryos in terms of their potential to become persons. He also observes that, because embryos have no interests and no rights, they demand respect insofar as people see them as symbols of the life of persons and invest them with special status. Talking about the case of abortion, Robertson discusses the applications of the notion of symbolic value to a concrete case. He argues that one must analyze the costs and benefits of symbolic loss in the termination of the life of an embryo, a benefit being the woman’s avoidance of an unwanted pregnancy. Robertson defends the view that the benefits of abortion outweigh the symbolic costs, “particularly at early stages of pregnancy.”<sup>7</sup> This conclusion is optimistic for whoever believes that abortion is morally justifiable but it is also puzzling. Assuming that embryos have value as symbols of the life of persons, those objecting to abortion on symbolic grounds might not find it straightforward that the benefit of abortion for the woman wanting to terminate her pregnancy should outweigh the costs. As Robertson himself notices, symbolic value is subjective and the extent to which embryos should be treated respectfully might vary according to the other beliefs of the people who recognize that embryos have symbolic significance.

If the life of the embryo demands as much respect as that which it symbolizes, that is, the life of a person, then the woman would have a strong enough case for abortion only if the benefits of abortion would be equivalent to saving the life of a person. Moreover, it is hard to see how the situation would change if abortion is performed at later stages of the pregnancy. In the symbolic value view, the embryo has moral value not in virtue of its interests, but only insofar as it represents the life of persons by having the potential to develop into a person. So the fetus acquiring sentience or the end of the pregnancy approaching should not increase or decrease the symbolic value of the fetus, unless symbolic value is proportional to the proximity of the symbol to the thing it represents, which seems ad hoc and implausible. Obviously, other morally relevant considerations would apply to the case of a sentient fetus, as by acquiring sentience it acquires interests and moral status. But these considerations would not have any significant effect on the argument from symbolic value to moral value.

### *The Argument from Symbolic to Moral Value*

Let us now reconstruct the argument for the moral value of embryos and see what problems it raises. Persons have moral status and should be treated with respect. Whatever is taken to symbolize the life of persons acquires moral value. If embryos are taken to be symbols of the life of persons, they are to be accorded respectful treatment. There are at least three important issues raised by our reconstruction of the argument:

- a) Do the entities invested of symbolic value have also value in themselves?
- b) Does the argument offer us new grounds for respecting embryos? Within an interest-based approach to moral obligations, could we not account for

the moral value that embryos presumably have by appealing to the view that nonsentient beings command only indirect moral consideration?

- c) How can we justify the relation between symbolic and moral value? Are there any other ways to cash out the value of symbols—which nobody wants to deny—apart from ascribing them moral value?

We will address the first issue in the next section and the second issue in the section following that. We will discuss the third issue after considering some relevant examples of symbolic value.

### **Symbolic Value and the Value of Symbols**

As the foregoing discussion has shown, there is a deep ambiguity, and probably a confusion, both about what symbolic value is and even more, about how it is to be assessed and evaluated. We have mentioned the dove as a symbol of peace, but let us compare it with the bald eagle, which figures on the seal of the president of the United States and is widely taken to be emblematic of the United States. Both might be thought of as potent symbols for important ideas, institutions, or offices. However, this tells us little as to how individual bald eagles or doves should be treated. Doves are plentiful and the fall of a dove is an inconsequential event. If important scientific research could be carried out on doves, research that might lead to the treatment, palliation, or cure of human diseases, the fact that the dove was a potent symbol for peace whereas, let us say, the pigeon was not would not, it seems to us, afford very powerful reasons to prefer pigeons as experimental subjects to doves nor, if pigeons could not be used as substitutes, does it seem to offer any reason or any additional reason why we should not experiment on the dove. Powerful birds of prey such as the bald eagle are rarer and inspire more love and interest from people generally than pigeons or doves, but surely not for their symbolic value. If bald eagles were not rare or, for example, if they required culling to preserve them as a species, again it does not seem obvious that their associated symbolic value would add much to the reasons on one side of the argument for culling or another.

We have noted that embryos are more appropriately described, not as a symbol for human life, but indeed as an instance of human life itself, as tokens of that type, but although they are both human and alive they lack the sort of life that enables them to have rights or interests and therefore are generally regarded both legally and morally as outside the protections accorded to persons or indeed to human beings from birth onward.<sup>8</sup>

We have not found, and indeed have not been able to construct, any arguments that would relevantly distinguish the symbolic value of human embryos from the symbolic value associated with doves. Both are plentiful, both seem to lack intrinsic value, and both are treated by some as potent symbols of important ideas, human life on the one hand, peace on the other; but in neither case does the symbolic value seem to add much, if anything, to other sources of value that they might have in their own right. In the dove's case, such value might derive from its sentience; in the case of the early human embryo such value seems to have two possible sources. One is the sentimental attachment conferred on embryos by human persons properly so called and the second is the alleged potential of human embryos to grow into what are clearly



beings of the highest moral importance, namely, human persons. The argument that an individual has importance because of its potential for becoming an individual of a different sort provides no good logical or moral reason for treating it now, in advance of it having acquired that potential, as if it had done so. There are many arguments extant in the literature as to why the potentiality argument is devoid of merit.<sup>9</sup> It is notorious that acorns are not oak trees or eggs omelettes. Again it is perhaps sufficient to remind ourselves of the fact that (probably) everyone reading this paper is potentiality dead meat and, slightly more remotely, potential dust and/or ashes.<sup>10</sup> This is not a powerful reason for any of us to treat any others of us now as if we were already dead meat, dust, or ashes.<sup>11</sup>

### **Symbols and Emotions**

The issue of symbolic value is tied to the importance of our emotional reactions in making ethical decisions.<sup>12</sup> Symbols arouse emotions and, as we will see in the example of flag burning, people might be seriously offended when a symbol is treated disrespectfully. In the literature on decisionmaking in bioethics, the appeal to the consideration of emotional reactions is very frequent and rationality gets a very bad press.<sup>13</sup> Although we recognize that emotions are an important factor in our motivations to act and even in the justification of our ethical decisions, we believe that the appeal to emotional reactions should not be the major or only consideration. Emotional reactions, whether relative to an individual or to a specific religious or cultural context, might not be amenable to rational argumentation, and the importance of the values they track cannot be easily compared or estimated. We would not want important ethical decisions to be left at the mercy of questions about the subjective value of a symbol, which are likely to be intractable questions.

Harris<sup>14</sup> and Feinberg<sup>15</sup> argue that emotions should never be an ethical criterion for decisionmaking and that the attachment we might instinctively feel for fetuses or corpses should not interfere with the interests of persons who need abortions or an organ transplant. Both Harris and Feinberg produce powerful arguments as to why so-called sentimental morality should be dismissed. Here it is perhaps sufficient to note that there is no limit to the possible objects of the sentimental attachment of human individuals. Human sympathies are notoriously fickle and attach to all sorts of objects, both appropriate and inappropriate. They are the positive side of an emotion whose negative face is often referred to in terms of the so-called yuck factor. Certain things seem to inspire feelings of disgust and abhorrence, but the moral question is not the empirical one, do they inspire such feelings whether of sentimental attachment or disgust, but do they appropriately or relevantly inspire such feelings? Without an argument that demonstrates the appropriateness or relevance of either positive or negative feelings or sentiments toward objects or individuals, the mere existence of such sentiments has, and should have, no moral force.

A view inspired by tolerance toward the beliefs and preferences of other individuals and other cultures would suggest that we regard other persons' preferences as important factors in decisionmaking without ascribing moral status or special moral value to the entities invested with symbolic value. So

the interesting question should not be: Do embryos really have symbolic value? But: Is it in the interests of persons that embryos be treated respectfully?

This rephrasing is preferable for two independent reasons. First, it shows that the appeal to symbolic value as the source of moral value is somehow unnecessary, if one has an interest-based view of moral obligations. More important still, the way of asking the question already provides a framework for assessing the impact of preferences on something as hotly debated as stem cell research on embryos. It is wrong, *ceteris paribus*, to ignore the interests of persons in the respectful treatment of embryos, but it is hardly wrong to prioritize, say, the interest of the relatives of patients suffering from Parkinson in improving the quality of life of their loved ones. In other words, the appeal to symbolic value invites us to ask how much value a symbol has, which seems hard to answer given the subjective and context-dependent nature of symbolic relations. The appeal to the different interests of sentient beings and persons is ontologically more economical and provides cleaner answers to the practical problems we have. It does take into account the emotions and values of the persons involved in the decisionmaking, but the decision is not made on the basis of emotional reactions only. It is based on a trade-off between interests of different nature, which is by no means straightforward, but promises to be tractable.<sup>16</sup>

### Is It Bad Taste or Is It Unethical?

In the context of arguing that entities with symbolic value should be respected and that respectful treatment is a legitimate constraint, ethicists are concerned with both the purposes and the consequences of our actions involving entities with symbolic value. We will examine four cases in which symbolic value has been invoked: flag burning, displaying cadavers, creating fetus earrings, and televising sperm races.

#### *Flag Burning*

In 1984 Johnson participated in a political demonstration against the Reagan administration at the Republican National Convention in Dallas and burned an American flag.<sup>17</sup> The demonstration was not violent in any way, but many witnesses were said to be seriously offended by the act of flag burning. Johnson was convicted of desecration of a venerated object in violation of a Texas statute. The Texas Court of Criminal Appeals, however, held that Johnson could not be punished in this case, because his flag burning was an *expressive* act, and as such protected by the First Amendment. The decision was based on the fact that, in the specific context of an organized demonstration, acts such as flag burning have the same function as speeches. Because the First Amendment guarantees freedom of speech and expression, it should protect also demonstrators who express their views via symbolic conduct.

The decision was not unanimously supported. Some found that the sanctioning of flag desecration might lead to disrespecting those values that are represented by the flag, not just American nationhood, but also “freedom, equal opportunity, religious tolerance, and good will.” On the basis of this analysis, Johnson’s act was defined as “disagreeable conduct that diminishes the value of an important national asset.”<sup>18</sup>



The analogy between the American flag and the embryo has already been observed by Steinbock. Here we would like to push the analogy between the Johnson case and the debate on stem cell research on embryos. The flag is a symbol of the American nation and of American values. By burning the flag, Johnson expressed his own view on the Reagan administration. Did he also show disrespect toward American values? It is an open question, but for the sake of argument let us assume that he did. If he were punished for what he did, not showing respect for something that has symbolic and moral value, one of the values the flag is a symbol of, that is, freedom of expression, would be put in jeopardy. So we have an almost paradoxical situation. To defend the value of the symbol, which has no value in itself, but only derivative value, we attack one of the things that has original value, the ideals behind the First Amendment.

We could describe the debate on stem cell research on embryos in a similar way. The embryo is a symbol of the life of persons. Scientists harvest stem cells from embryos to conduct research and in this way they destroy embryos. Again, let us suppose for the sake of argument that the act is disrespectful toward not only embryos as such, but also toward the values embryos represent, the importance of the life of persons. But if stem cell research were banned or significantly constrained, the values the embryos are said to stand for, the value of the life of persons, would be forsaken, as people with incurable diseases and those people who care for them would be denied the potential benefits of the research.

Even from the perspective of those who endorse the argument from symbolic value to moral value, the claim that embryos should not be used in stem cell research because of their symbolic value is hard to justify. If embryos have value only derivatively, they must have less value than the entities they stand for, and therefore the respect for them must be subordinated to the respect for the values they represent. Allowing persons to recover from serious diseases and continue to lead a life worth living seems paradigmatic of the values that the embryo stands for, as freedom of expression is paradigmatic of the American values symbolized by the flag.

#### *Dead Bodies, Fetuses, and Art*

Gunther von Hagens is a German anatomist who creates artworks with human bodies. For his exhibits, Von Hagens has preserved, dissected, and displayed the dead bodies of men, women, and children. His works include a pregnant woman whose belly is open to show a fetus of eight months. He uses a technique called plastination to replace body fluids with epoxy and other polymers, a technique he invented in 1977. As a result of this process, corpses are odorless and do not decay. His work had a great resonance in and outside Germany and in 2002 he exhibited in London. His exhibition, *Body Worlds*, contained 175 body parts and 25 corpses.<sup>19</sup>

Von Hagens claims to have obtained consent forms from the persons whose bodies he used, but it is not clear that the persons who signed the forms were really aware of the purposes for which their bodies would be used, art rather than science. Moreover, von Hagens faced in 2003 an investigation in Kyrgyzstan and Germany.<sup>20</sup> He was accused of having abducted bodies from prisons, hospitals, and asylums and having used them without permission. He

replied that he need not steal any body as he had enough body donors. And there are certainly enough body donors now. Since the great success of his London exhibition, thousands of people have offered him their bodies.

When he explains his work, Von Hagens says that his intention is both aesthetic and educational. He wants to show the unique beauty of the human body and he aims to “democratize anatomy,” so that a greater number of people can finally understand how the human body works and what human organs look like. However, even though unsettling audiences was not in his original plans, it was a side effect that he predicted and that he is pleased about. In an interview he says that, “a society cannot survive without taboos but a society cannot develop without breaching taboos” and he admits he breached one with his artworks.<sup>21</sup>

His work has raised a storm of protest from the Catholic Church in Germany and from the general public. For our purposes, it is interesting to notice that some of the protests have heavily relied on the symbolic significance of corpses. The claim is that Von Hagens exploits human remains in order to shock audiences, and in so doing, he denigrates not only the bodies he mutilates but also “life itself.”<sup>22</sup> This comment, of course, assumes that dead bodies are symbols of human life, and it suggests that what Von Hagens does to cadavers is disrespectful and unethical. When his London exhibition was described as a “shameless Victorian freak show,”<sup>23</sup> the implication was rather that he was guilty of bad taste.

A similar range of positions can be found in the debate over the case of fetus earrings. In the United States, several artists from 1985 to 1990 created earrings and other forms of adornment that involved fetuses encased in plastic or Plexiglas. These artworks were often praised by the critics but outraged pro-life groups.<sup>24</sup> The National Endowment for the Arts (NEA) defended this work from protesters and funded Shawn Eichman’s “Alchemy Cabinet,” which displayed her own dismembered second-trimester fetus next to a twisted wire coat hanger. The National Council on the Arts member Jacob Neusner proposed that the NEA adopt language prohibiting the funding of works that “utilize any part of an actual human embryo or fetus.” His proposal was defeated.

The Canadian sculptor Rick Gibson displayed some of his works in a London gallery, among which was one entitled “Human Earrings.” The earrings were made out of a freeze-dried human fetus of three or four months’ gestation. The police seized the exhibit and both the artist and the operator of the gallery were convicted of outraging public decency in 1990 and fined.<sup>25</sup>

### *Televising Sperm Races*

A TV program that BBC decided to screen in April 2004 was also considered “bad taste.” It was a sperm race in the Lab Rats series.<sup>26</sup> The race was between the sperm of the two presenters, Dr. Mike Leahy (a scientist) and Zeron Gibson (a comedian), who followed different training routines to find out which lifestyle choices affect reproductive abilities. The BBC 3 controller said that the screening of the sperm race was a creative risk, but justified it as an attempt to lure in audiences that are not normally interested in educational programs.

But the sperm race in Lab Rats is nothing in comparison to the announcement of a new reality show to be introduced in the United Kingdom, provi-

sionally called *Make Me a Mum*.<sup>27</sup> Brighter Pictures, owned by the U.S. Endemol TV empire, is developing a show in which a childless woman has to choose a father for her child among 1,000 male volunteers. There will be two finalists, one chosen by the mother-to-be on the basis of attractiveness, intelligence, wealth, and fitness and the other selected by experts on the basis of genetic compatibility. The fertilization is going to occur live and will be filmed with new German technology. It will consist of a race between the sperm of the two finalists.

The announcement has sparked anger and controversy. BioNews reports the concern of the spokesman for a pro-life group who argues that, should the children learn how they were conceived, they would suffer great psychological damage.<sup>28</sup> In the *Evening Standard*, Quintavalle, director of Comment on Reproductive Ethics (CORE), argues that the privacy of the children conceived in the reality show would be invaded.<sup>29</sup> She says that "broadcasters have a responsibility not to go so far beyond the realms of good taste and decency that they are prepared to abuse the rights of children." The creative director of Brighter Pictures insists that the program has an educational purpose: "It is much more about the rule of science than the rules of attraction."

It is difficult to assess such claims as these. We might intuitively feel that children might be upset to learn the circumstances of their conception if these were the circumstances, but it is unclear that children have a more general right to be protected from sources of upset, when these are also true stories about them and their lives, or that we or society have an obligation to shield them from such information.<sup>30</sup> Consider other cases of conception. Should children be denied knowledge that they were conceived in the marital bed on their parents' wedding night? If not, should they be told that conception took place in the back of a Buick 6 somewhere out on Highway 61?

### **Aesthetic and Moral Value**

Flag burning, dissecting dead bodies or embryos for public display, televising sperm races, or staging fertility reality shows are by many thought to be expressions of bad taste. But are they unethical? It is very difficult to distinguish between accusations of bad taste and moral objections to practices that allegedly involve disrespect for symbols without begging the question. These practices might have only aesthetic value for some and aesthetic plus moral value for others. But if the notion of symbolic value cannot help to make this distinction, then we should be very wary of any argument that goes from symbolic value to moral value.

If we keep working under the assumption that acting unethically involves acting against the morally relevant interests of sentient beings or persons, then the answer to the question of whether these practices are unethical depends on whether the interests of sentient beings or persons are adversely affected by them and to what extent. And perhaps also whether adverse effects of one kind (e.g., psychological distress) are outweighed by moral benefits of another kind (e.g., knowing the truth about oneself). As persons are very complex beings with a multiplicity of interests, some of those interests will be morally relevant, some will not. Persons might express their disapproval of certain activities or states of affairs even if they cause no harm to anybody who has interests. The reasons why those states of affairs are not judged favorably might be impor-

tantly related to the individual or cultural values of the person who makes the judgment, without being themselves moral reasons.

As we have already argued, there are advantages in addressing the issue of the moral value of nonsentient objects in relation to the interests of sentient beings or persons, rather than appealing to symbolic value, because it invites us to adopt just one scale on the basis of which we can rate morally relevant interests. If sentient beings or persons have an interest in flags, embryos, cadavers, and sperm being treated with respect, then their interests should be taken into account in assessing practices that involve these entities, together with the benefits that those practices might have. Are there any interests that are served by these “potentially offensive” practices? As we saw, it can be argued that flag burning is an expressive activity and the same could be said for the artworks of Von Hagens and the creators of fetus earrings. These activities can be appreciated as examples of how society allows for freedom of expression and as practices that, by appearing on the media and being talked about, promote an exchange of ideas. Moreover, in some cases, artistic expression involving human body parts and sperm races on TV might have educational purposes, although it is fair to speculate that their educational purpose is not the fundamental reason for their introduction.

What morally relevant interests are adversely affected by these potentially offensive practices? One might argue, from a rule-utilitarian point of view, that the world in which embryos and cadavers are treated as mere things is a world in which other morally relevant interests of sentient beings are more likely to be adversely affected.<sup>31</sup> These considerations might have some intuitive force, but they need empirical justification, as they are otherwise just prejudices or vague appeals to a “slippery slope” argument.

There is no evidence that people engaging in potentially offensive practices such as the ones described above are acting against the values that the symbols represent. Someone actively participating in a political demonstration is likely to value democracy as the environment in which political demonstrations are welcomed or at least tolerated. Artists using cadavers and embryos for their artworks are not necessarily against the flourishing of the life of persons. They might realize that they are offending some sensibilities by engaging in those practices and might want to destroy a taboo for ideological reasons or just to benefit financially from the media attention. As objectionable as these motives might be, they just indicate that not everybody recognizes the same entities as symbols or not everybody values symbols to the same extent.

## **Conclusion**

In this paper, we put forward three main reasons to refrain from using arguments relying on symbolic value in the debate on stem cell research and in other contexts where the status of the embryo is discussed.

First, we noticed how the appeal to the symbolic value of embryos can be made redundant within an interest-based approach to ethics. Persons and sentient beings have a variety of interests that are of direct moral significance, for instance, interests in their own well-being and in their own autonomy. But they might be interested in other things as well, and it might be in their interests that embryos and dead human bodies are treated respectfully. This cannot be equivalent to ascribing moral status to embryos and dead bodies, as

they have no interests of their own, but it is a powerful motivation to give them indirect moral consideration. The advantage of talking about interests only, instead of advocating symbolic value, is that the moral discourse has just one currency, and conflicts of interests emerging in difficult moral decisions appear more tractable.

Second, we highlighted the difference between symbols that are valued both for what they represent and for what they are and symbols that have only derivative value. Early human embryos are not a scarce resource, are not examples of an endangered species, and, lacking sentience, have no intrinsic moral value. They are, at best, only potential presidents of the United States. If they are valued for what they are, it must either be as symbols or for their potential. We have noticed fatal flaws in both these reasons for attributing to them intrinsic value. Doves are not protected by virtue of their embodiment of the idea of peace and Tree Preservation Orders are not available to protect acorns.

Third, any argument from symbolic value to moral value needs to be scrutinized accurately, as symbolic value might track aesthetic preferences rather than morally relevant preferences. What makes something a morally relevant preference is, of course, open to debate and is a theme too vast to be addressed here. However, we observed that, in the potentially offensive practices we described, nobody has been directly harmed, and neither the intentions of those who engaged in the “offensive” behavior nor the consequences of their actions suggest that something morally wrong has occurred.

The reasons above should inspire caution in the assessment of arguments from symbolic value to moral value. For such arguments to be taken seriously, the following three things need to be established: whether the issue of moral value cannot be more usefully described in terms of a conflict of interests; whether there are pressing reasons to value symbolic entities in themselves and not just as the symbol of something valuable; whether the disapproval of acts involving symbolic entities track genuine moral preferences.

## Notes

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2. Steinbock B. *Life Before Birth*. New York: Oxford University Press; 1996.
3. Robertson J. Symbolic issues in embryo research. *Hastings Center Report* 1995;25(1):37–9.
4. Robertson J. *Children of Choice*. Princeton, NJ: Princeton University Press; 1994:201.
5. The Christian symbol of the fish, which perhaps is most naturally taken to refer to Christ’s own description of himself as “the fisher of men,” is now in more scholarly circles attributed to Roman Christians who took as their symbol the fish, possibly because the Greek word ICTUS is an anagram for something like: “Jesus Christ The Son of God Saves.” However, when people today think of this symbol, it is more likely that they associate it with Christ’s words rather than with its more esoteric Roman origins.
6. See note 2, Steinbock 1996.
7. See note 4, Robertson 1994:52.
8. The European Court of Human Rights [case of Vo v. France, Application no. 53924/00] Strasbourg, 2004 July 8.
9. See Harris J. *The Value of Life*. London: Routledge and Kegan Paul; 1985, and the Finnis and Harris exchange in Keown J, ed. *Euthanasia Examined*. Cambridge: Cambridge University Press; 1997:7–70.
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15. Feinberg J. *Offence to Others*. New York: Oxford University Press; 1985:75-86.
16. In this paper, we do not discuss the related notions of instrumentalization and human dignity, which, in the context of embryos, argues that it is wrong to instrumentalize human life. This sometimes involves ideas related to symbolic value, but the discussion of these is beyond the purview of this paper. One of the present authors has discussed instrumentalization at length in a related context. See Harris J, *On Cloning*. London: Routledge; 2004. Ronald Dworkin gives a very different account in his *Life's Dominion*. London: Harper Collins; 1993.
17. Bessel P. *Texas v. Johnson*, 491 U.S. 397, 1989. 2002. Available from <http://bessel.org/casejohn.htm>.
18. See note 17, Justice Stevens, in Bessel P. *Texas v. Johnson* 2002.
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21. Body part show: Prof Gunther von Hagens. *BBC News Forum* 2002, Mar 27.
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25. *R v. Gibson* and *R v. Sylveire* 1990 Crim LR 738; [1990] QB 619.
26. BBC to screen first TV sperm race. *BBC News* 2004 Apr 9; <http://www.news.com.au>.
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28. Sperm Idol reality show? *BioNews* 2004 Jul 26; <http://www.bionews.org.uk>.
29. Wanted: 1000 volunteers for TV sperm race to make baby. *Evening Standard News* 2004 Jul 22.
30. For a discussion of the right not to know more generally, see Harris J, Keywood K. Ignorance information and autonomy. *Theoretical Medicine and Bioethics* 2001;5:415-36.
31. See note 15, Feinberg 1985:84.