

Of Embryos and Empire

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Should we use nascent human life as a resource for medical progress? And if we do, what have we done? Before September 11, this dilemma was perhaps the defining issue of the Bush presidency. It has attracted some of our best minds and best writing over the last few years. It has already divided our nation, perhaps in ways that are deeper and more lasting than the related, but distinct, moral and political standoff over abortion. And it is a dilemma that will not go away, but only become more difficult, more divisive, and more significant in the years ahead.

The recent news that over 400,000 embryos are now frozen in assisted reproduction clinics put the vexing embryo question before us in a sharp way. How should men and women who produce excess embryos using in vitro fertilization, embryos which they do not intend to implant, regard these so-called “spares”? And what should they—and society as a whole—do about them?

My answer tries to capture the strangeness of our predicament: Such parents should take proper joy in the children that only assisted reproduction made possible; repent for having created such embryos in the first place; and allow the spare embryos to die “naturally” rather than use and destroy them for research, unless using them could save the likes of Winston Churchill during a war, in which case we should destroy the little embryos to save the indispensable giant.

There is, in this answer, much to disentangle, and much that a decent person should object to: Why should the couple repent at all? Should they repent simply for creating so many excess embryos that some will now die or remain frozen indefinitely? Or is the transgression something deeper, something inherent to producing embryos outside the body at all, which gives us a novel power over the beginnings of human life? Why shouldn’t we make the embryos into “martyrs,” and make their inevitable death a medical benefit to others? Alternatively: Why shouldn’t we recruit women to adopt and implant the orphaned embryos rather than letting them die? And if it would be wrong to use embryos for medical purposes, why would it be right, or justifiable, or even morally obligatory to use them to save Sir Winston? What about the death of my child or my spouse—is that not a tragedy too awful to imagine? Does Winston Churchill (or his equal) have a greater “moral status” than I do?

In seeking answers to these questions, it makes great sense to begin with the beginning—with the human embryo in the first few days of existence. The early-

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stage embryo is a mystery—and a profound one. It is unambiguously a stage in the unfolding existence of an individual, or an individual at the earliest stage of his or her biological life. We all began as embryos, destined then to become who we are now, with no clear biological markers or quantum leaps to break this continuity of development.

And yet, the early embryo is clearly different—certainly our encounter with it is different—from human beings at all other stages of life, including fetal. The early embryo can easily be mistaken by the human eye for something other than it is—a mere cell, an animal embryo, or a “parthenote” that functions like an embryo for a short time but then dies. We can only see the early embryo under the microscope, and we can only know its presence in the early days of its existence because we created it outside the womb—the womb where it naturally arrives without our knowing it at all. These first days are the only stage of human life where the normal human form is not yet manifest in any way. And even when we know what the early embryo “really” is and why it is really “one of us”—even when we have mastered the biology of embryological development in detail, and thus know the continuity of human life through all its stages—believing what we know is not always easy, especially when those we love might benefit from heeding our untutored eyes, or from giving in to the promises of our most talented scientists.

I can already anticipate the voices of Catholic theologians and pro-life intellectuals, warning me about the dangers of abandoning moral reason to the prejudices of sight or the sentiments of the age, and reminding me how reason corrected our false belief that slaves were not human, or that the black man before my eyes was not a man. The eyes blur reason, they would say. But the eyes can be fixed once we reason correctly. The point is an important one, and well taken.

But one must also remember the following: Reason alone did not teach us that slaves were men; the question of slavery was settled, finally, by a bloody war that vindicated Lincoln’s rational arguments. And we must remember that the humanity of the slave was far more obvious—the eyes and sentiments were much more truthful guides, more easily corrected by reason—than the humanity of the early embryo, especially the early embryo outside the body. And sometimes our eyes and our sentiments are better guides than our theories. Indeed, one could even say that Peter Singer’s theories are perfectly rational, and horrible. There may be such a thing as right reason, but there is also such a thing as wrong reason rationally defended. And there may be choices where reason alone is an insufficient guide for knowing what to do, or moving us to do what we know to be right.

And so: Thinking about the “embryo question” is a very strange business—and very complicated: One becomes frustrated with dishonest (or morally obtuse) scientists who describe the embryo as nothing even as they desperately

try to get their hands on it. One becomes restless with pro-life rationalists, who reason as if they can “prove” the equal humanity of the early embryo—a restlessness that should be tempered by a deeper appreciation for their rigorous arguments, and a recognition that their arguments are true, if only part of the story. One occasionally thinks it is absurd to obsess about embryos in the middle of war or in the capital city of an “empire”; or peculiar to split hairs about the fine differences between zygotes and clonotes and parthenotes, believing that the moral fate of the nation hinges on using only this one and not that one. And one worries that our passionate concern about embryo destruction might distract us from other, perhaps deeper, corruptions of human dignity at the hands of biotechnology—such as the dulling of human aspiration through new psychotropic drugs, or the corruption of human procreation through new ways of making babies.

But upon sober reflection, it is clear that much about the American character is at stake in the embryo debate, as well as much about the limits of reason, the tragic nature of politics, and the moral prospects of modernity. Those who care most about embryos care also about much else that is humanly good and deeply imperiled. And many of the deepest conversations in Washington over the last few years have begun, shall we say, at the embryonic stage—only to develop far beyond it.

So this is where we are: seeking wisdom about the smallest human things, which set before us the biggest human questions. I want to focus on—or at least raise—four sets of issues.

First: How does the “embryo question” fit in with bioethics as a whole, and with the moral concerns many people have about the new biology and new genetics? When conservatives, in particular, see trouble ahead with “where biotechnology might be taking us,” what is it that we are trying to defend, and do all the things we are trying to defend neatly hold together?

Second: How does an “empire”—or more truthfully, a mighty, technological, democratic civilization—talk about “embryos”? How does our role in the world relate to our debate about the ethics of biotechnology at home—both centering on the promise and perils of progress, and our attitudes about the necessity and limits of human power? How does a belief in American greatness (or the virtues of the American way of life) fit together with fears about heading towards a Brave New World? And how does our promotion of democratic progress around the world relate to our concerns about the morality of progress at home?

Third: How do we make sense of our encounter with the early-stage human embryo—when sight and sentiment are perhaps an unreliable guide to what (or whom) lies before us? Is it “rational” to “love” an embryo? Is the early embryo different from the fetus, or the infant, or the adult, and if so how? Alternatively, if reason can demonstrate why “personhood” begins at conception—is it enough to

guide us in the moment of decision, when we may be called upon to “choose death” in order to “choose life,” or to accept suffering and mortality rather than profit from the creation and destruction of the embryos that might save us, or our child?

Finally: What would a prudent politics of the embryo look like—given the kind of nation that we are, the moment that we live in, and the truth about the embryos themselves and our human encounter with them? How do we disentangle the three separate issues of abortion, embryo research, and new ways of making babies? And is there any chance of reaching some tolerable and principled compromise in this debate—one that prevents the worst horrors, halts a deepening moral divide in the nation, and stops us from becoming the kind of people that believe nothing is horrible if it might make us healthy?

These are the kinds of questions we must ask, it seems to me, if we are to understand something about embryo research and the American character, if we are to engage in a richer bioethics that is both philosophically deep and politically serious, and if we are to make sense of the prospects for American civilization, at home and in the world.

Love and Excellence

The debate about embryo research typically centers on some version of the following question: “What is the moral status of the human embryo?” Is it a person, a mere cell, or something in between? Can we use embryos for research or must we give them equal protection before the law? Can we use them only as a “last resort” and “with tears”? Or can we use them boldly and without remorse? What we seem to be asking when we ask about moral status, in other words, is whether embryos should or should not be inviolable before the law; and whether embryos are or are not members of the human species, and therefore deserving of the same respect, and rights, and neighborly love that democratic societies grant to everyone who is, in official bioethics parlance, a “person.”

Now, there are good reasons—good democratic reasons—to ask these kinds of questions. Democracies, after all, set a fairly low bar for granting moral status—much lower than most societies in history—and it is generally a good thing that they do so. It is central to our belief in natural rights, our commitment to tolerance, and our founding idea that all men are created equal in the ways that matter most.

And yet, the word “status,” by its nature, is a word that demands degree. It is an undemocratic word, a hierarchical word. And the word “moral” is a word that means more—or should mean more—than simply whether someone is inviolable before the law or a member of the human species. To those who wish to use embryos with impunity, the language of “moral status” is a fitting rhetorical weapon—allowing them to attach status only to those characteristics that embryos lack. And to those who believe that what matters most about embryos—

or human beings—is whether they are members of the human species, the term moral status does not give offense, because they believe sound moral reasoning can win embryos and everyone a 100 percent score on the status scale.

But the current discussion about moral status misses much that is most essential, and most interesting, and most puzzling. While it is true that many essential things about human life are held in common by all individuals, there is much about being human that is not held in common at all. And there is much about being “moral”—or having “moral status”—that goes beyond simply whether an individual has rights or is a member of the species. As Harvey Mansfield once aptly put it, the belief that all men are created equal—or that all men *are* equal—is the “self-evident half-truth” of the American Founding. Some men, in other words, are better than others—more excellent, more beautiful, more noble, more angelic. And it is a good thing that some men are better than others. They are our teachers, our models, and our guides. They are the ones we admire, and honor, and sing about, and write about. Whether the greatness of the great is more a gift than an achievement is a difficult question—one central to considering the uses of biotechnology for so-called “enhancement.” And while some forms of excellence are obvious if rare—Lincoln and Churchill come to mind—others are more mysterious, less easy to see, perhaps even more powerful and more lasting for being so counterintuitive.

At the same time, the half-truth of equality is self-evident in the opposite direction: some men are clearly *not* born equal in ways that matter a great deal in a society that prizes the pursuit of happiness. These individuals are born sick, or disabled, or limited in ways that an egalitarian democracy sees as unfair and intolerable. And so the sick child becomes the great problem—the great injustice—that liberal society must remedy. And liberals seek such remedies in the strangest, often the most illiberal ways: by screening and aborting “imperfects” before they are born; by pretending that the disabled are simply “differently-abled” and thus “equally-abled”; and by defining “personhood” by the higher functions, so that we might use embryos with impunity to heal those who are losing the higher functions.

And here, perhaps, the two major concerns of a conservative bioethics—the greatness of the great and the dignity of the weak—come into focus. Conservatives admire the great humanity of those who run and swim and compose and fight, and we fear a Brave New World where the aspiration to excellence is smothered by pharmacological contentment, or where excellence becomes more artificial than real, more machine than human, or so technical that only the technicians can understand it. But conservatives also defend the dignity of those who will never run or swim or compose or fight, and the dignity of those embryos that cannot yet do these things. And we argue against those who claim that the very lack of these powers makes such lives not worth living or

protecting, and against those who are tempted to seek equality by aborting (or euthanizing) the imperfects.

We are, in other words, for the highest human types and the most vulnerable human types. We are for unconditional love and conditional excellence. We are for treating seemingly unequal things (like early-stage embryos) more equally, and for treating truly unequal things (like Olympic athletes) less equally. We are against screening and aborting individuals with low IQs, and against treating individuals with low IQs as valedictorians—or drugging them so they have the self-esteem of valedictorians.

In the end, the Brave New World frightens and disgusts us because it is a world without love and a world without excellence. It is a world where nobody aspires to anything lofty, noble, or daring, and where nobody must love another when such love is fragile, mysterious, and hard. We accept mortality, and we believe in greatness—including the greatness of those who accept their own mortality with great dignity, or who hold the hand of the dying while they die, and perhaps in the final nakedness of the other see their own mortal fate.

And this brings us to my second question—the question of embryos and empire, or the relationship between humility and greatness, and between the bioethics debate and the debate about America’s role in the world. It also raises a larger question about our technological condition: What does it mean to live in an age that expects both perfection and destruction to be just around the corner?

Embryos and Empire

It is probably a good thing, on a day-to-day level, that most policymakers and statesmen do not work too hard or think too much about what these two debates have to do with one another. The general deciding when to strike Basra should not be overly encumbered by deep thoughts about just war theory, let alone deeper thoughts about what just war theory has to do with the life-and-death questions of bioethics. But at some point, the question is worth asking, and must be asked: What does the character of America’s role in the world have to do with the character of its society at home? What do fears about the Brave New World, or Slouching Towards Gomorrah, or the End of Democracy, or the Culture of Death have to do with our promotion of American values around the world, and our confidence that America’s values are good? The simple answer to these questions, of course, is that while America is imperfect—and does not always live up to its highest principles—the idea of America is noble, or decent, or the last best hope on earth. There is some truth to this simple explanation, but it does not explain everything, and it does not probe far enough.

For the fact is, conservatives have always been wisely ambivalent about “progress,” and fully aware of both the permanent problems of the human condition, and the leveling of religious awe and human excellence that liberal

democracy incurs. The same neo-conservatives that want to build a modern democracy in Iraq have perhaps the deepest sense of what is wrong with modern democracy at home, and with modernity as a whole. The insight of neo-conservatism is to combine tragic realism and American optimism; to combine an awareness of Armageddon and an unabashed confidence in the American future; to combine a deep sense of just how fallen, and indecent, and decadent we are, with a politics that attempts to redeem, and spread, and ennoble the American way of life. Neo-conservatives recognize that the central political problem of the age is spreading the fruits of technology, progress, and liberty abroad, while reining in the excesses of technology, progress, and libertinism at home. We seek progress without expecting our advances to be permanent. And we seek to avoid both the misguided expectation of endless improvements or human perfection through modern technology and the paralyzing despair that high-tech radicalism will destroy us.

But even this does not go far enough. For to think about embryos and empires is to think about the smallest and the largest human things. It is to think about the morality of American power—over nature, human nature, and human life as a whole. It is to think about the need to nourish the confidence that never surrenders to evil, and the need to surrender to the finitude that in the end is always victorious. “Surrender” and “Never Surrender” are not bad conservative slogans, each taken in their proper place, and each seen in a properly tragic light.

Without making too much of it, let me suggest two things: First, that to love the embryo (the smallest of human things) is perhaps, in a strange way, to redeem the imperfect, worldly, lethal work of even the best presidents and “empires,” or to achieve the kind of love that those who live in the world of force cannot usually live by. Second, let me suggest that supporting just wars for democracy using surgical force, and abstaining from the surgical destruction of embryos to heal those whom we see as “unjustly” ill, is not finally (or simply) a contradiction. Both dispositions embody a “courageous realism” about human evil and human limits, and about the need to face evil and accept limits without becoming evil ourselves, and without believing that we can perfect human life with either sword or science. We don’t carpet-bomb cities for the same reason we shouldn’t harvest fetuses for research—even if doing so might improve our own health and safety.

In a word, the debate about embryos is the right debate for a mighty nation to have. It is the right test of our character, and the right reminder of the proper limits of our dominion in the world, our dominion over nature, and our dominion over human life as a whole. There is much more here to say, but this much will suffice for now: Courage, the first of the virtues, is the virtue most needed on the battlefield and in the sickbed. The alternative is a *decadent weakness*, like the United Nations, and a *decadent strength*, such as a society that “uses the seeds of the next generation to profit its own.”

The Problems of Sight

Which leads us back to the mystery of the early-stage embryo—what it is, what to think about, and what to do about it. Calls for “courageous realism” are all well and good, but we should not fall prey to the reverse temptation of glorifying tragedy, or death, or martyrdom. If there is no sin or error or indecency in using early-stage embryos to save the sick and help the suffering, then we should want to use them. We would be monsters not to do so.

But what are these beings, we must first ask, that we would be using? And who should decide whether to use them, and on what authority? Should the sick decide—since it is they who know firsthand the horrors of disease, who suffer daily on-the-way to death and with the dimming hope for cure? Should the healthy decide, since it is only their distance from suffering—and perhaps their unclouded reason—that might allow us to set limits on medically promising, but morally compromising, research? Should the scientists decide—since they know best of all which areas of research have the greatest chance of success? Or has the scientific vision clouded our understanding of what the embryo really is, and what is truly at stake in our using it?

The first problem we encounter when trying to understand the early-stage human embryo is the strangeness of reasoning about this being at all. This is not to say that we should not reason about the human embryo, or make moral arguments about it, or seek to understand the underlying biology of embryological development more fully and precisely. We surely should, and we surely can, and we surely must. It is simply to note that we are reasoning about something that is by nature mysterious, something conceived naturally in darkness, something whose presence in cases of natural conception cannot be known until after the fact. Before IVF allowed us to create human embryos outside a woman’s womb, we never encountered the earliest-stage human embryo when it actually existed; we never knew it was there when it was actually there; we only traced its shrouded presence looking back, once we came to know that a pregnancy had begun, and once the developing life was more fully formed.

Some of our earliest thought about human embryos—before modern biology—attempted to give an account of these mysterious beginnings—not to lift off the veil, but to understand something of what was hidden underneath. Call it the “first problem of sight,” or the problem of needing to understand something significant that we could not see with our own eyes or examine with our own hands. We knew something was there and something was happening—that a child was developing in the nine months between the cessation of a woman’s cycle and the birth of a new child. But we had no way of studying—and we were disinclined to study—the “process” by which this development took place. And yet, we needed some way of knowing how to treat this being that we could not know first-

hand. We needed some way of knowing how to regard “lost seed,” or how to regard accidental and deliberate abortion. We needed to know, in these circumstances, whether to mourn or not, and whether to punish or not. Despite deep disagreements in ancient and medieval thought, there seems to have been a widespread intuition: namely, that there is a stage of development after conception but before the “human form” has taken shape, just as there is a stage of development after the human form has taken shape but before birth.

With the coming of modern biology, we came to understand the stages and nature of human development in the womb, and eventually were able to take pictures of this development in process. For the first time, we could see what we had not seen before—the early life-in-process, moving from one stage to the next, from unrecognizable human beginnings to recognizably human form. But even today, we cannot see the embryo at the very earliest stages inside the natural womb; and we cannot know that a pregnancy has begun until at least a week or so after conception. For all the light we have shed on embryological development, the early embryo conceived in the womb still arrives as a mystery—not known and not seen at the moment of its creation or the first few days that follow.

With IVF, we created human embryos outside the body—by uniting sperm and egg in the laboratory—bringing the very earliest stages of embryological development to new light. The significance of doing so is something we have barely begun to fathom; it is a boundary we crossed with little forethought and little reflection; and it may turn out to be a profound turning point in the history of human life and human culture. All the absurdity, all our dilemmas, stem from this new reality.

For the first time, the human embryo was present to us from the beginning; a life-in-process in the laboratory, but with a limited lifespan, unless its makers “return” the orphaned embryo to its natural setting, or until we develop artificial wombs. As a result, we now encounter the “second problem of sight”: we can see the early embryo clearly before us, at least with a microscope, and yet its meaning seems inadequately explained by what we see; its significance seems hidden from sight. Is it a mere cell or an individual life-in-process? Is it a human life or an animal life?—the untrained eye cannot know simply by seeing, and the scientifically trained eye comes to see such differences in a way that erodes their significance, and to see such organisms simply as potential resources for our use.

This problem is unique to the early-stage embryo, and it begins to reveal why the human encounter with the early-stage embryo is a unique human relationship, unlike all the others. Before us indisputably stands a human life-in-process. And yet, who can deny the difference in our moral reaction in seeing a fully formed fetus or newborn baby dismantled for its parts, as opposed to seeing an early-stage embryo disaggregated for its stem cells? This is not to say that the acts are different. They may be or they may not be. But it is to say that we

encounter them differently; and that tolerating the deliberate destruction of fetuses for research may have a profoundly different effect on the character of a society, or the soul of those doing the destruction, than tolerating the destruction of early-stage embryos. In the one case, we must forcibly weaken or overcome a natural revulsion that is already there. In the other case, we must awaken a revulsion that is not naturally present.

And so we turn to reason for help: What guidance, we ask, can reason give to sight and sentiment? How are we to reason rightly about the human embryo, especially the early-stage embryo outside the human body, so severed as it is from its natural human context? Yuval Levin, in an essay in the first issue of *The New Atlantis*, describes the dilemma as follows:

We look at this creature, which has been manufactured, molded, formed, examined, and up to a certain point developed under the lights of the laboratory. It is growing, but can only grow so far without further biotechnical intervention. It is living, but only because the scientists have created it artificially. It is human, to the extent that our humanity is in our genes and our potential. It is useful as a resource for medical research, but would develop into a mature human adult if implanted into the body of a woman and permitted to grow. What in the world are we supposed to do with this thing? How is ethics supposed to serve us in this circumstance?

We all know the stakes, as Levin suggests. Having created embryos outside the body, we have discovered uses for them that have nothing to do with what they are by nature—the earliest stages of developing human life. Instead, we wish to redirect the special powers of these unique organisms to very different ends—to ends having to do not with “natality” but “mortality,” not with the continuation of a new life but the hope of saving a much older one.

And this leads us to the problem of reasoning about the early-stage embryo—of rationally discussing a being that is by nature mysterious. It leads us to see the fundamentally different ways we might reason about embryos: giving an account of “what” they are or giving an account of “how” they work; giving a biological account of their continuity with other stages of human life or a biological account of all the things embryos cannot do or don’t possess in comparison with most other human beings. Both those who seek to defend the inviolability of human embryos and those who seek to use embryos for research typically proceed by inspecting and dissecting the embryo’s properties: in the one case, to prove the embryo’s humanity by demonstrating the continuity of biological development from conception to birth and beyond; in the other case, to prove the worth of conducting further embryo experiments, by demonstrating the unique power of embryonic cells to help post-embryonic human beings.

In the end, I believe the pro-life rationalists have the better argument, at least from the standpoint of being decent egalitarian democrats. I believe it is

impossible to establish rational grounds for giving the early-stage embryo less “moral status” than the later-stage fetus or newborn—without also dehumanizing, in principle, other classes of human beings, or making our humanity so conditional that the weak become more vulnerable to exploitation. If it is certain powers that the embryos lack, then there will always be other non-embryonic human beings that also lack them. And so the only rational view of the embryo that is fully consistent with democratic decency and democratic equality is the welcoming one—to treat the embryo as “one of us.”

And yet, I am not fully convinced that it is “rational,” or simply rational, to “love” an embryo as a neighbor. For it seems to require a profound, perhaps absurd, faith in reason itself to accept what our rational conclusions about the embryo might one day demand of us—especially if something like “therapeutic cloning” really worked, and if the choice before us were really the child who is dying or the embryo that might save him.

Perhaps the parent who allows his child to die—rather than create and destroy an embryo to save him—is an angel. Perhaps he embodies the highest, and hardest, love of all—the love that stings, the love of the cross. But he is also a monster, or will seem like a monster to most members of democratic society. He is, in a word, a “monstrous angel.” This parent is perhaps the human type that most perfectly reconciles “unconditional love” and “conditional excellence.” Perhaps he is the existential hero of conservative bioethics. But he is also the character least suited to our democratic society and democratic values, a society that produces neither angels nor monsters, and that was deliberately designed to produce neither angels nor monsters.

And so this is our paradox: a true commitment to democratic equality demands welcoming the early embryo as one of us. But the potential implication of this view, if embryo research or “therapeutic cloning” were to work as promised, is something no democratic society could accept, and for some good reason.

A Politics of the Embryo

So what is a democratic society to do? It would be irresponsible to reflect on the larger lessons of the embryo debate for American civilization without saying something concrete about the actual policy dilemmas before us. In a word: How does the way we treat the embryo reflect on how we behave in the world, and what does the debate over the embryo teach us about American civilization? Is there the possibility of a tolerable—and just—compromise in this debate? And, finally, what will a politics of the embryo look like in a democratic society? Surely there is more to say about the politics of the embryo than I can say here. But let me make two general points and a concrete, dare I say, Lincolnian proposal.

First, it is imperative that we sort out the three overlapping issues of *abortion*, *embryo research*, and *new ways of making babies*—which are morally related

but also morally distinct, and which are governed by very different legal regimes and different political realities. Abortion is the destruction of a developing human life, *inside the womb*, in the supposed interests of the carrying mother (or non-mother), and sometimes because the developing child has a genetic defect or is the “wrong” gender. Embryo research is the exploitation and destruction of embryos *in the laboratory*, for the sake of medical advances and potential therapies. And our new techniques for making babies involve the creation, screening, and manipulation of embryos *in the laboratory*, with a view, in the future, to implanting these genetically tested, modified, or cloned embryos into the child-seeking mother. In the first case we have a child we do not want; in the second case we seek cures for the ones we love and use nascent human life to get them; in the last case, we want a child that we could not otherwise have, or we want a child of a particular sort—cloned, screened, or enhanced.

Taken together, these three issues reveal the profound moral and legal contradictions that have taken shape over the last 30 years surrounding the beginnings of human life: We worry about manipulating embryos in a way that might lead to a new “eugenics,” while protecting the legal right to destroy embryos and fetuses for any reason at all. It is legally possible to ban all research on embryos outside the body in some states—and even to treat such embryos, as Louisiana does, as “juridical persons”—while getting taxpayer funding to destroy them in other states. Scientists say that embryos outside the body are not human because they cannot develop to term, while pro-choicers say that once we implant them in the very wombs where they might develop we cannot legally protect them. For years, we have been engaging in revolutionary new techniques of producing children in the laboratory—with no regulation and often no prior experiments on animals, and recent studies suggest that there might be real dangers and real harms to the resulting children. We have engaged in this great baby-making experiment with the apparent approval of most American liberals, who seem to care more about not treating embryos as subjects (and thus imperiling, as they see it, the right to abortion) than protecting the well-being of IVF children-to-be. And while the FDA limply says it can regulate cloning-to-produce-children, and that the attempt to do this in the United States must pass its regulatory muster, they can only do so by treating the cloned embryo as a “product” (like a drug) that might imperil the health and well-being of the mother.

Sorting out this mess—and pushing hard for the right policies—is a big challenge, and an important challenge, for political conservatives in the years ahead. This bioethics agenda should include preserving the Bush decision limiting embryonic stem cell funding, banning all human cloning, banning the patenting of embryos, banning all embryo research in as many states as possible, and building new regulatory bodies to protect the children produced by IVF. It should also address new threats to the dignity of procreation—such as man-ani-

mal hybrids, human embryos with uncertain genders, and the use of eggs from aborted fetuses for reproductive purposes.

My second general point is this: Despite all that is wrong with where we are in the bioethics arena, what is most remarkable in the current debate about embryo research, as divisive as it sometimes is, is not the extremism of the two sides but their moderation. Pro-lifers do not seek a just war to liberate the frozen embryos, even while believing that embryos are human beings who are being misused, mistreated, exploited, and killed. They quote Lincoln often, but they do not even fathom the prospect of a true civil war, and many among them are the most patriotic fellows around. At the same time, advocates for embryo research—unlike their pro-choice counterparts—at least claim, for now, that they would never harm nascent human life beyond 14 days of development. Every panel that has taken up this issue—the NIH Embryo Research Panel in 1994, the National Bioethics Advisory Commission in 1999, and the pro-embryo research members of the President’s Council on Bioethics—have stated explicitly that we should not do research on embryos beyond 14 days of development. And even those who support the cloning bill in Congress that most conservatives reject—the bill that would allow and endorse research on cloned human embryos—would only allow such research for 14 days. Orrin Hatch, in a fit of moralism, once even wanted to set the limit at 12 days, so that we could be even more moral than Britain. By contrast, imagine if NARAL President Kate Michelman stood before Congress, and said that we should ban all abortions after 14 days. Pro-lifers would be dancing in the streets, and rightfully so.

And so, a prudent politics of the embryo would give teeth to the moderate impulses of the pro-research side—and seek to ban the activity that we all agree, for now, is morally horrible: the development of nascent human life to the late-embryonic and fetal stages solely as a resource for research or a supply of spare parts. We can do this without endorsing, or funding, or licensing the moral evil—early-stage embryo research—that we are not likely to stop, at least not at the federal level and not now. And we can do so while preserving the moral logic of the Bush decision limiting federal funding of embryonic stem cells to only existing stem cell lines, and thus giving no national endorsement or public incentive for further embryo destruction.

We could call such a bill the “Late-Stage Embryo Research Ban,” and ban the act of implanting a human embryo into a human, animal, or artificial uterus in order to preserve nascent human life that we intend all along to exploit and destroy. This would be, I would suggest, similar to Lincoln’s effort to stop the spread of slavery to the territories, while tolerating but not condoning the existence of slavery where it was already entrenched.

There are many problems with the Lincolnian analogy, to be sure. Some will say that destroying 5-day-old embryos and destroying 5-month-old fetuses are

morally equivalent acts; both involve the killing of persons. Others will point out the fact that if Lincoln's proposal had succeeded—if the moderate containment of slavery were his political legacy—he would be regarded by history as a great failure. And they will say that setting an arbitrary limit—at 14 days of development or at implantation—will concede, if tacitly, the very principle of the inviolability of all human life, and it would settle the question of early-stage embryo research permanently—and wrongly.

Perhaps they are right. But in the end, something like a “Late-Stage Embryo Research Ban” may be the most prudent politics of the embryo that we can now muster—one that is politically and morally consistent with the Bush policy on stem cell funding, the Brownback bill banning all human cloning, and the prospect of banning embryo research in a number of states. It is a policy that recognizes the different effect that the deliberate creation and destruction of fetuses for research would have on the character of the nation—precisely because it is an evil that is so obviously grotesque, without the need for a rational argument. But it would do so while still treating early-stage embryo research as the moral evil that it is, and hoping against hope that we may one day stop it everywhere—before it bears so much medical fruit that saying no is all but impossible for those of us who are not angels.

Once we begin harvesting fetuses for research, it becomes much harder to believe that we are simply a mediocre democracy, transgressing a sacred mystery, rather than a nation whose need for health has made us morally mad. We already tolerate most late-stage abortion—that is true. But abortion is not a good we seek in the way deliberate research on fetuses one day could be. Very few people see abortion doctors as heroes, but many people already see the work of embryo researchers as heroic. In the end, it may be that the line cannot hold, and that our willingness to use the earliest embryos—and thus weaken our commitment to democratic equality—already makes us the kind of people that will cross every line in the name of progress, or science, or medicine, or health. But I do not yet believe it. We are corrupt, but we are not evil. We are decadent, but we are not morally dead.

If I could stop all embryo research before it really gets going I would do so, and if I could put the embryo back inside the body, I would do so. But I cannot, and at least for now, nobody can. We can, however, try to stop the worst horrors—and worst temptations—before they arrive, and without conceding in principle those moral truths that we can never fully embody. This is not heaven, but it is a society we can all, hopefully, still decently live in—where a few angels can still flourish, where the worst monsters are prevented from coming into being, and where the American idea of civilization is still the last, best hope in the modern world—at least for those who put their highest hopes in politics.