



HUMAN LIFE: A BEGINNING OR A CONTINUUM A BIOLOGICAL VIEWPOINT

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In an age so particularly concerned with reproduction in its various aspects, it is important to define some ideas carefully and clearly so that men may act reasonably and rationally. This is particularly true in matters that concern both medicine and law. The law governs many aspects of the practice of medicine. Yet the law, to be wise in the formulation of rules for this purpose, must keep attuned to the biological and psychological realities. Otherwise, the law becomes an impertinence rather than an aid, an enemy rather than the ally it should be.

The inter-relationships between the two disciplines is made all the more difficult by the fact that the mode and manner, the approach and system of one discipline is totally alien to the other — so alien to each other are the disciplines of law and medicine that there are times when they would seem to be incompatible. But, for precisely this reason, it is important to bridge this gap and to reach out for understanding. It is incumbent on the man of medicine to try to appreciate the manner of the law. It is imperative that the man of law comprehend the basics of medicine and human biology. It is in this spirit of bridging the gap that this presentation is made this afternoon, in an effort to define human life and its characteristics as human, in the hope that the law will seek a firmer biological basis for its tenets governing that life.

Life is, more than anything else, a biological phenomenon. While it may also be a social, a cultural, a legal or other matter, its root is biology, and it is biological even when it is none of these other things.



It is only right, therefore, that any consideration of life should begin with and base itself on considerations of biology.

It is pointed out in some of the medico-biological literature that, properly speaking, human life has no beginning, because life is merely passed on from one cell to another. At least, it is said, life has no beginning more recent than some 3 billion years ago. Life can come only from life, and therefore, there is no beginning to speak of — life cannot arise from non-life.

While this is true, it begs the true issue of some of the problems that must be faced today. Yet, even so, the fact that life can come only from life, and therefore, has no beginning so to speak, serves to emphasize one aspect of life that is important to keep in mind, namely, that there is no moment, no matter how brief, when the human being is not alive — no moment, that is, until it dies.

From the moment a human being exists, it is alive, since there can be no moment in the transmission of life from one living organism to the next during which no life exists. That would constitute a biological impossibility.

While, again, it is improper to speak of life beginning at any moment sooner than 3 billion years ago, or whenever that moment was that life began, it is correct to speak of individual lives beginning at some moment in the recent past. There is a beginning to each new separate, unique, individual life, beyond its being itself a continuum of other life. It is this beginning that is of importance in matters of medicine and law that must be faced today.

There is little dispute in biology that this beginning takes place when the genetic or hereditary elements of the sperm and the egg fuse into one. For at that moment, what results is a new cell, distinct from either the father or mother because it possesses characteristics distinct from each of the two. At such a moment, that one cell, resulting from the complete union of a sperm and an egg, not only is different from each parent because it contains genetics or hereditary material from one parent that the other does not possess, but it is, in itself, complete in that it is autonomous in its growth, development, and maturation.

In its characteristics, whether biochemical, genetic, physiological, developmental, or other, it is nothing but totally human, identifiable and distinguishable biologically as such, and as no other species of organism. And this is consistent with the notion of the continuity of life because human life can come only from human life. A new, individual, unique, and separate human life, therefore, arises and



begins at the moment of conception, from the union of the sperm and the egg. It is «a complete, though not completed, living, organized, unique, individual human organism, always more or less dependent on other human beings, but always with a certain autonomy and charge over its own destiny,» (The Position of Modern Science on the Beginning of Human Life, Scientists for Life, Inc., Virginia, 1975).

It should be noted that human life at that point is described as «complete, though not completed.» That is to say, it is not at the fullness of its development. It is yet many things only potentially and relatively little has been actualized. Yet, there is never a single moment in the life of a human being, no matter how long he lives, when he is in the fullest possible development, because the various facets of man reach optimal development at different times of life. Man is physically at an optimum at about 25 years of age, but at that point is hardly at the greatest stage of emotional and intellectual growth. And by the time he attains the latter, he has physically deteriorated, no matter how trim he tries to keep himself.

It is important also to consider the fact that some physicians, particularly obstetricians, differ from this view and elect to mark the beginning of human life at implantation. This view, far from universally held, is based on bias arising from the experiences peculiar to obstetrics, rather than from the fundamental facts of biology. The obstetrician is not aware that a conception has taken place until after implantation has occurred — in day-to-day life there is no way of knowing. An abortion comes to his attention only after the menstrual flow fails to appear when expected because the blastocyst has implanted. If it fails to implant, for whatever reason, the obstetrician has no way of finding out that conception has taken place. He finds it difficult, therefore, to understand why an intrauterine device functions abortively since the interference with implantation through which this technological device functions never comes to his attention as a particular event.

Although professionals in medicine and jurisprudence have taken their greatest pride in unemotional, clear, objective thinking, they are, because they are men, not free from emotional bias, sometimes a bias that is, like that of some obstetricians just mentioned, a result of particular backgrounds and experience. And, in the rapidly changing contexts of modern life, we find it difficult to live by the accepted ethics of respect for human life that has characterized civilization, and particularly Western civilization, for many many centuries — an ethic which has caused physicians, and it might be added, the law as



well, «to try to preserve, protect, repair, prolong, and enhance every human life».

But for reasons of convenience, utilitarianism, humanitarianism, or whatever, modern man finds it desirable, perhaps in a sense even necessary, to deviate from this position, and has therefore, because still deeply imbued with that respect for human life, gone about finding ways of thinking of human life at certain stages as sub-human or non-human. The situation is well expressed in an editorial published in CALIFORNIA MEDICINE, interestingly a journal known for its pro-abortion stand, which states: «Since the old ethic has not yet been fully displaced, it has been necessary to separate the idea of abortion from the idea of killing which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception, and is continuous whether intra— or extra-uterine, until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because, while a new ethic is being accepted, the old one has not yet been rejected.» (California Medicine 113: 67, 1970).

It is on this basis that much present day thinking, both medical and legal, has arisen. It is on this same basis that more thinking in the future will be made, as medical and legal men try to rationalize the new trends in terms of the biologic facts that have, if anything, become more clear with the advances of science.

It is significant that, in the logo of the World Association of Medical Law, the base of the balance rests on the tail of the serpent, both the serpent of medicine and the balance of justice arise from the same point. It symbolizes the fact that the law as it relates to medicine, and medicine as it relates to the law, must be based on a fundamental understanding and trust of one in the other. Unless this trust and understanding exists, the balance will be tilted and the serpent warped, and both these disciplines will, as a consequence, suffer.

It is in the spirit of helping to establish this understanding and trust that these remarks are delivered this afternoon.