

# Researcher proposes a new definition of a human embryo from a legal perspective

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Human Embryo. Credit: Ed Uthman, MD/Wikipedia

Iñigo de Miguel-Berriain, researcher in the UPV/EHU's Research Group on Social and Legal Sciences applied to New Technosciences, has [published a paper](#) in *EMBO Reports* in which he provides a legal perspective to help identify a universally accepted definition of embryo, which could facilitate and standardize its regulation in different countries.

He is proposing that any [cell structure](#) with the capacity to develop and give rise to a born human being should be regarded as an embryo.

Biotechnology can make a decisive contribution towards improving knowledge and control of the early stages of human life. However, this scenario is fueling challenging controversies from an ethical and legal point of view.

Unsurprisingly, few biotechnology issues are more controversial than those relating to [human embryos](#). However, there is one aspect that has remained underexplored in recent debates. Although the moral status of the embryo has been a crucial issue in public debates, what has emerged as being of paramount importance is the precise delimitation of what a human embryo is and its distinction from other similar entities. This is not just a semantic problem, but also a normative one that has significant practical implications for research.

In this respect, several scientific and [technological advances](#) in [reproductive biology](#) have forced a re-examination of the definition of

human embryo in the last two decades. The possibility of generating human embryos through procedures other than fertilization, such as [nuclear transfer](#), and the development of technologies that today make it possible to generate cell models capable of imitating embryonic structures have called into question the scientific term embryo, which has both ethical and legal repercussions.

"Technological developments sometimes create the need to rethink conceptual categories that were once taken for granted. Right now, it is no longer possible to maintain that an embryo is always and only the result of fertilization," said Iñigo de Miguel-Berriain, Ikerbasque Research Professor in the Department of Public Law at the UPV/EHU.

Together with Jon Rueda from the University of California-San Diego, and Adrian Villalba from the University of Granada, Iñigo de Miguel-Berriain has published a paper in which they reflect on different legal definitions of a human embryo and provide a solid definition from a legal perspective.

"The paper proposes an alternative view in which any cell structure that has the capacity to develop and give rise to a born human being should be regarded as an embryo, and that this capacity should be the cornerstone on which the definition is built, as is already the case in some countries in fact, and as the Court of Justice of the European Union has ruled."

According to De Miguel, "A universal and generally accepted legal definition of embryo would help to alleviate legal uncertainty and harmonize regulations."

"Our reflection aims to contribute towards consolidating a concept of embryo that is more capable of addressing the challenges posed by advances in biotechnology," he added, pointing out that the concept is

one that "could have legal repercussions when it comes to consolidating a legal setup that is more coherent than the one that exists right now, and which is capable of connecting the idea of embryo with that of a born human being (which is what defines a person in Law)."

De Miguel believes that this definition "will also serve to emphasize that there is a discussion prior to the one that has traditionally been formulated around the embryo, its moral status, which has to do with the very definition of embryo. Before discussing what protection it deserves, we have to decide what an embryo is and what it is not, because a structure that is not capable of finishing a transfer process due to a defect in its DNA is not the same as another that is able to do so, for example."

**More information:** Iñigo De Miguel Beriain et al, Re-defining the human embryo, *EMBO Reports* (2024). [DOI: 10.1038/s44319-023-00034-0](https://doi.org/10.1038/s44319-023-00034-0)

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