Moral Analysis:

May One Benefit from the Evil Deeds of Others?

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In the moral tradition of the Catholic Church, it has been long recognized that one may not kill directly an innocent person, no matter how noble the intention may be. No exceptions. The consistent and powerful opposition of the Church to abortion is based on that basic principle.

Today, our society is faced with a moral challenge in the medical and scientific fields. May one destroy a human embryo for the purpose of obtaining stem cells which hold the promise of enormous medical utility? There is no doubt that the ultimate objective of such “harvesting” is good and noble—the cure or alleviation of a number of serious diseases and disorders such as Alzheimer’s disease, diabetes, various heart disorders, etc.

But may one with such a good intention destroy a human life at the very beginning of its existence? May one kill one human being for the sake of another’s life or health? Of course, if the human being to be sacrificed was a born child, in our present society the objection would be unanimous. But that public objection is much less if the child is not yet born and indeed is almost totally absent if the embryo/child is only a few days into the first month where it is scientifically called an “embryo.” The idea that this human embryo is something other than a child has been imperceptibly and gradually accepted by a large segment of our society. Of course, giving a different name does not alter the reality. The human embryo is a human child in the earliest stage of its development on its relentless rush to human adulthood. Apart from an inherent disorder, trauma, or human intervention, that embryo, destined to be an adult, and having begun that journey, will surely attain that goal. Knowingly and deliberately to interfere directly with that journey, with that development, is a serious moral evil, and nothing can justify it.
To Cooperate Is to Justify

It is, then, seriously morally wrong to destroy a human embryo in order to obtain stem cells which can be used for the treatment of a variety of diseases and disorders. But what about the compromise which President Bush proposed on August 9, 2001? He permitted Federal funding for use of stem cell lines which were produced from human embryos destroyed before 9 P.M., E.D.T., August 9th, 2001. Is this morally permissible?

In the eyes of the Catholic Church at least two morally evil deeds were done to initiate those stem cell lines: (1) the generation of human embryos by in vitro fertilization (IVF); and (2) the isolation of stem cells which resulted in the death of the embryo. With regard to the first, the condemnation of the Church was made clear in the document, Domum vitae published by the Congregation for the Doctrine of the Faith.1 As for the second, it is included in the Church’s consistent opposition to abortion, because it involves a deliberate destruction of human life, even if at the earliest stages, as described in the Congregation for the Doctrine of the Faith’s Declaration on Procured Abortion.2

For the best case scenario, let us grant that those who want to use the stem cells for medical research and therapy are not the persons who initiated the stem cells line by embryo destruction. And further, let us state that these researchers have a most noble intention, namely, the cure of debilitating diseases and disorders, often lethal, which currently have no effective alternative treatments Under these optimal conditions, may one use such stem cells lines? My response is “No,” for the following reasons.

Briefly stated, two lines of argument can be forwarded: To use, even for noble purposes, stem cell lines which have been obtained by the willful destruction of human embryos is morally wrong because: (1) the action would objectively be complicity with an evil act; and (2) it would be seeking to benefit from another person’s morally evil act.

Why is it complicity with a morally evil act?3 It is clear that these particular stem cell lines exist because of a previous morally evil act, namely, the knowing and deliberate destruction and death of a human embryo. Certainly, for the investigators who initiated, respectively, these various lines it would be morally evil to use these stem cells for research and the development of therapy. But what about others not so involved in the initial destruction of the embryos?

It is presumed here that others using these lines would know, or at least, should know their provenance. Would it not be an implicit approval of the original act that generated those cell lines for other researchers to use stem cells, while knowing their

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2June 28, 1974; see especially footnote #19.
source? Even if one were to disapprove of the original embryo destruction and to
disregard the source of the stem cell lines, to consider unimportant the origin of the
stem cells betrays an attitude of moral indifference. A mundane comparison may
help. Apart from civil law, would it not be immoral to purchase jewels—at a bargain
price—from a fence with the knowledge they had not only been stolen but that their
rightful owner was murdered in the process of obtaining the jewels? The original
perpetrator has not only benefited from the purchase but is encouraged to a repeat
performance. Is this not complicity? Can the same conclusion be applied analogously
to stem cell line users? Yes, it seems to me.

Let me suggest this initial sequence: the second level researcher receives these
cells from the group that initiated the stem cell line by isolating them from a human
embryo, which resulted in the death of that embryo. He is told of their source. May
he simply ignore their source, namely, an evil action, and simply conclude that “after
all I did not kill those embryos?” Is he not giving financial and psychological support
to the evil doer? It would be a mistake, I believe, to consider the problem only with
regard to the stem cells themselves. Granted that the original cells taken from the
embryo have undergone a series of cleavages so that these stem cells now being used
for research (or therapy) are the descendants of the original (but nonetheless carry
the original cell’s genes), one needs also to look at the relationship to the human
agent who was the evildoer. As I understand it, a researcher would request the stem
cells from one of the original investigators, such as Dr. James Thomson of the
University of Wisconsin, or of any of the originators of the other approved (by
President Bush’s criteria) stem cell lines. It seems to me that the request can be
interpreted as a justification and validation of the initial evil action.

Would the destroyer of the embryo benefit financially—directly or indirectly—
from the use of stem cell lines? Most likely. Would not such persons be encouraged
to destroy additional embryos for the sake of obtaining stem cells, especially since
there is already a call for more stem cell lines in order to have a wider genetic
representation? And if it turns out that the use of such stem cells actually proves to
be clinically successful in the treatment of one or more serious medical conditions,
the demand for additional stem cells will increase enormously.

Thus the use of stem cell lines obtained from the destruction of human em­
bryos rewards the original evil doer and encourages him to repeat performance. Is
this not scandal in its strict sense?

To Cooperate Is to Benefit

The second moral objection asserts the objection that the use of stem cell lines
obtained from the deliberate destruction of human embryos involves one in the
situation of benefitting from the evil act of another. Of course, one could assert that
the good to be attained is so great that it justifies the death of the human embryo,
especially in those situations where they would be destroyed in any event. It is
argued that there are over 150,000 unwanted frozen human embryos in this country’s
fertility clinics. So a utilitarian ethic would say, “why waste them?”

Yet a fundamental Christian moral principle, based in part on St. Paul (see Rom
3:8), is that one may not do evil in order to achieve good. This is often stated “a good
end does not justify an evil means.” Hence, we cannot validly assert that the good end, namely, the cure of a variety of serious diseases and disorders, can justify the evil means of the deliberate destruction of early human life.

Still the question remains, may one who is downstream from the original “killing act” utilize these stem cells for noble medical purposes? It has been pointed out that the process of developing a cell line involves a number of steps, so that one can say that there is only a remote causal connection between the cells actually used and their ancestor obtained directly from the embryo. Yet those particular cell lines would not exist if at the beginning a human embryo had not been deliberately killed.

It is true that the stem cells after the first generation cannot be identified as having been part of the deceased embryo since after each cleavage, each daughter separated from the other is a new organism (assuming that they remain totipotent if taken from an eight-cell or earlier embryo) and loses its identity after it undergoes cleavage and separation. As the process has been described, the new organism is permitted to undergo several more cleavages and separation of daughter cells. If the stem cells at this stage were to be totipotent, then they would be capable of developing into an embryo. But, then, these are also human organisms capable if placed in the proper environment, e.g., a woman’s uterus, to develop in due time into a human adult. That would mean, then, that at each step in the production of the stem cell line involves the generation and destruction of a human life. Ergo ...

However, here, according to description provided in a government publication these stem cells are not totipotent but pluripotent (taken at the one hundred-plus-cell embryo, i.e., from the inner cell mass of the blastocyst) and hence not capable, as such, to form an embryo. Still the moral problem remains about the benefitting from another person’s evil action. That issue came up at the Nuremberg trials after WWII when the medical atrocities carried out by the Nazi physicians on prisoners of war in the name of research were made known. May one now use that data for research and the development of medical procedures and therapies? Apart from the fact that such data were not obtained using suitable research protocols, and therefore are of highly questionable validity, the ethical response was divided. Some held that such data should not be used. For example, Henry K. Beecher, M.D., notes:

It is my view that such material should not be published. There is a practical aspect to the matter: failure to obtain publication would discourage unethical experimentation .... Admittedly, there is room for debate. Others believe that such data, because of their intrinsic value, obtained at a cost of great risk or

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4To make a comparison by continuation of the stolen jewels scenario. No matter how many times the stolen jewels change hands, they remain stolen goods and may not justly be sold or bought (res clamat domino). One could object to the parallel and say that the jewels are the same ones stolen but the stem cells are not, they are descendants. I would respond with a distinction: the stem cells are numerically different but specifically the same in that they share the same genome.

5“Stem Cells: Scientific Progress and Future Research Directions,” NIH, Scientific Report (July 2001) Appendix C, at C-1: “... the pluripotent cells of the inner cell mass were separated ....”
damage to the subjects, should not be wasted but should be published with stern editorial comment. This would have to be done with exceptional skill, to avoid the odor of hypocrisy. As Dr. Beecher notes, there are some who would not hesitate to use such data. Eleanor Singer, for example, notes that the question, “Is it ethical to publish unethical research?” cannot be answered because “... it assumes agreement on what constitutes unethical research, and such agreement simply does not now exist.” Singer, editor of *Public Opinion Quarterly*, prefers open publication: “I do not believe it is the function of an editor to act as an ethical gatekeeper ....”

**A Morally Acceptable Way**

Notwithstanding the divided ethical response to the use of data employing unethical means obtained by the Nazi medical researchers, my conclusion nonetheless is that knowingly and freely to use stem cell lines which were initiated by the deliberate destruction of human embryos is morally unacceptable. Such use not only involves complicity with a previous morally evil act, but also entails benefitting from that act, and may very well encourage a new round of embryo destruction to meet the demand for additional stem cell line cultures.

A final word: are the researchers left without recourse? No, adult stem cells, that is, stem cells obtained from postnatal tissue which does not involve the death or mutilation of a born human person have been shown to be effective treatment in a number of clinical studies: immunodeficiencies, anemias, cartilage and bone diseases, blood and liver diseases, and heart damage. For some reason this information about the clinical utility of adult stem cells has not received much public attention. Yet that information is out there and available for inspection and evaluation.

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8For specific literature references, see David A. Prentice at web site [http://stemcellresearch.org/](http://stemcellresearch.org/).