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The Morality of Human Embryonic Stem Cell Research and President Bush's Decision: How Should Catholics Think About Such Things?*

by

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In an article published in the *New York Times* 18 days after President George W. Bush's August 9, 2001 decision to allow federal funding of human embryonic stem cell research on existing stem lines, "where the life and death decision has already been made,"¹ the Harvard zoologist, Stephen J. Gould wrote: "I do not grant the status of a human life to a clump of cells in a dish, produced by fertilization in vitro and explicitly destined for discard by the free decision of the man and woman who contributed the components."²

The opinion expressed by Professor Gould was a common one heard both before and after President Bush's controversial decision. Before examining the President's decision in the last part of my paper, I will first address the ethics of human embryonic stem cell research in general by using Gould's opinion as my foil. To accomplish this aim, I will break his opinion down into three main parts.

I. Stem Cells: From Human Life to “Clump of Cells”?

First off, Gould, as we have already seen, does “not grant the status of human life to a clump of cells in a dish.” This forces us to ask the related questions: What are stem cells? And how do we get them?

A stem cell has been described as a cell with two characteristics: “1) the property of an *unlimited self-maintenance* – that is, the ability to reproduce itself over a long period of time without becoming differentiated; and 2) the capability to *produce non-permanent progenitor* cells, with limited capacity for proliferation, from which derive a variety of lineages of highly differentiated cells (neural cells, muscle cells, blood cells, etc.).”³ Put more simply, then, stem cells – which are human or animal, embryonic or adult – have the ability to divide indefinitely in culture and the capacity to give rise to specialized cells.

Thus, stem cells – which were first derived from human embryos in 1998 – have been called in many science news stories the body’s “master cells,” having the ability to grow into any one of the body’s more than 200 cell types (hence, they are also said to be “pluripotent,” as opposed to “totipotent,” i.e., of unlimited capacity). They are highly coveted because scientists hope to use them to create replacement tissues or organs – for instance, new insulin-producing cells that could treat diabetes, or new brain cells to treat Parkinson’s disease.⁴

Human stem cell research, however, has caused great controversy because each of the three principal methods currently being proposed by researchers for retrieving embryonic stem cells – which some, but, as we will see, by no means all scientists think are more promising than adult stem cells – involve the intentional destruction of early unborn human life. The moral theologian William E. May has accurately described these methods. “The first is to induce the abortion of early embryos and retrieve their stem cells. The second is to produce embryos in vitro solely for the purpose of research, including stem cell research. The third – [that was] favored by [former President Clinton’s] presidentially-appointed National Bioethics Advisory Commission – is to use the so-called ‘spare’ embryos produced in vitro for infertility treatment and cryo-preserved...[S]uch frozen embryos would be thawed and allowed to develop to the blastocyst stage, when the stem cells would be extracted from the inner cell mass.”⁵

Also proposed, as a way of avoiding the issue of immunological incompatibility, is cloning.⁶ Many scientists make a distinction between so-called “reproductive cloning” (i.e., cloning for birth) and “therapeutic cloning,” that is, “[t]he replacement of the nucleus of an oocyte with the nucleus of an adult cell of a given subject, followed by embryonic development to the stage of [the five day old] blastocyst [i.e., a preimplantation embryo of 30 to 150 cells] and the use of the inner cell

mass...in order to obtain [embryonic stem] cells and, from these, the desired differentiated cells.”⁷

While the terrorist attacks of September 11th and their aftermath and the ensuing war in Afghanistan understandably wiped away discussion of cloning and stem cell research in the media, the issue has been given fresh attention and a renewed sense of urgency as I write in mid March of 2002 because of the following two developments: (1) the November 25, 2001 announcement by the Worcester, Mass.-based company Advanced Cell Technology (ACT) that they had cloned human embryos for so-called “therapeutic” purposes, although none were even close to reaching the blastocyst stage where stem cells would be available,⁸ and (2) the February 5, 2002 announcement that this same biotech company, working with scientists from other institutions, had successfully derived stem cells from a monkey embryo (a so-called “parthenote”) which was created by means of parthenogenesis.⁹

However, apart from the immorality of the cloning process itself – whether for therapeutic or reproductive purposes – “therapeutic cloning” for embryonic stem cell retrieval is morally wrong because, like the first three methods outlined above, this procedure involves removing the inner cell mass of the blastocyst, thus destroying the human embryo in the process.¹⁰ At present, there is no other way around the fact that a human embryo must be killed if one wants to derive his or her stem cells.

Thus, when Gould speaks derisively of a “clump of cells,” albeit human cells, in one sense he is right – if he is equating this “clump” with stem cells. For these stem cells – the byproduct of a technological procedure – are now no longer parts of a human being nor able to become one, but a byproduct whose existence nevertheless depends on the prior destruction of a living human being. As the Catholic philosophers Patrick Lee and Robert P. George have argued: “No one claims that stem cells are human beings (or ‘babies’). Rather, human embryos, from whom stem cells are sometimes obtained, are living, albeit very young, human beings.” The problem therefore, is not “the use of stem cells as such (which can be obtained elsewhere, without killing), but...dismember[ing] live human beings as a means to obtain them.”¹¹ However, Gould is seriously wrong if by the phrase “clump of cells” he means to refer to the human embryo. Yet because Gould notes that these cells are “produced by fertilization in vitro,” he must mean by “clump of cells” the human embryo.

Although I do not have the space here to defend either the proposition that the human being begins at conception/fertilization¹² or the proposition that this being is a person, many sound scholarly studies have shown both of these propositions to be true beyond a reasonable doubt, while also defending them against contrary views.¹³

Thus, although I believe that Gould is seriously wrong to deny the status of a human life to the very early embryo simply because science tells us that human life begins at conception/fertilization, Gould's view is wrong on four other counts which are of a more philosophical nature. I will examine two of them in this part of the paper, saving the third for part II, and the fourth for part III. All four of these reasons, implied by Gould in his article, are quite common in our western, secularized culture, where appeal is often made to emotion rather than to reason in moral argumentation.

First, Gould speaks in terms of "grant[ing]" the status of human life. This view, which sees personhood as something that a person or group of persons confers on another, i.e., a social construct, overlooks the notion that personhood "inheres in the human being naturally."¹⁴ That is, it is something we discover rather than bestow on someone based on that someone's humanity.

Part of the refusal to recognize the personhood of the unborn and his or her rights at this very early stage of development can be explained by the related argument that it is "too nascent a form of life."¹⁵ It is an argument that was expressed popularly by *Newsweek* columnist Anna Quindlan when she wrote that the human embryo is not deserving of respect because it is "no larger than the period at the end of this sentence."¹⁶ Gould also implies this same type of argument with his language of "clump of cells."

In response, we need to point out that all of us were once this microscopic size; and at no point in our development were we something else, i.e., discontinuous with what we already were at the one-celled stage or at any other stage of development – *a living human being*.¹⁷ As William E. May has rightly argued: "It is unreasonable to expect that a human being in the first stages of his or her development will look like a familiar human being, or like a newborn, or a mature adult or a wheelchair-bound elderly man or woman. The way these persons 'appear' during the early stages of their development says nothing of the status of their nature or being. Each of us develops and unfolds his or her personality every day of our lives, and we were developing and unfolding them before we were born just as we do so afterward because we were alive then. This ought not to cause anyone surprise. 'Horton,' one of Dr. Seuss' lovable characters, hits the nail on the head in *Horton Hears a Who* when he says, 'a person's a person, no matter how small.'"¹⁸

Hence, we conclude, "the ablation of the inner cell mass...of the blastocyst, which critically and irremediably damages the human embryo, curtailing its development, is a gravely immoral act and consequently is gravely illicit."¹⁹

II. In Vitro Fertilization, Stem Cells, and Bad Moral Logic

Gould also speaks of producing this “clump of cells” in a petri dish by means of in vitro fertilization. Although, as I will argue, it is wrong to create human life through in vitro – whether for research or for reproduction – the place where human life is engendered should not be the criterion for whether we, in Gould’s words, “grant” it “the status of a human life.” Yet some pro-life politicians, e.g., Orin Hatch (R-Utah), had made a great deal of this particular criterion in debates over stem cell research before Bush’s decision. Hatch was quoted as saying that “[l]ife begins in the mother’s womb, not in a refrigerator.” Or again as he told *The New York Times*, “I just cannot equate a child living in the womb, with moving toes and fingers and a beating heart, with an embryo in a freezer.”²⁰ Thus, it reasons to follow, such an embryo could be used to harvest his or her stem cells. But surely, as *National Review* columnist Ramesh Ponnuru has argued, “neither temperature nor location is morally decisive. Nobody would question whether a twelve-year old boy who had been conceived in a lab was a human being entitled to full rights as such.”²¹

Moreover, to base human dignity and personhood on location is mistaken also because one might well imagine a day when science develops an artificial womb.²² Will pro-life stem cell supporters still maintain that the lives gestated in these wombs are of lesser or no value? Only bad moral logic would suggest so.

However, at least one good effect of the recent debate over stem cells and President Bush’s August 9th decision, has been the long-overdue discussion of the practice of in vitro fertilization. Most Americans, before this debate took place, were unaware of the thousands of frozen embryos that are currently stored in infertility clinics around the country.²³ Thus, if anything, the discussion of frozen embryos as a possible source for stem cells has focused much needed attention on these tiny lives that are left in a kind of limbo or state of “suspended animation.”²⁴ The debate should also cause us to go further and focus on the morality of in vitro itself.

Like cloning, although in a less radical way, in vitro fertilization separates the “unitive meaning” from the “procreative meaning” of the act of sexual intercourse. The Catholic Church, contrary to the cultural consensus in favor of artificial reproduction (and contraception), teaches that intentionally to separate these meanings is immoral.²⁵ To support this judgment, the Congregation for the Doctrine of the Faith, in its document on reproductive technologies, *Donum Vitae*, argued that in vitro fertilization and related methods are morally bad because, in brief, in addition to severing the natural bond that should exist between love, procreation, and the marital act, they do not respect the self-giving “language of the body” – that is, the fact that the marital act, like the human being himself, is

inseparably a unity corporal and spiritual – or the dignity of the child conceived, reducing the latter to a product that is manufactured by human technique and subject to quality control or death-dealing experiments.²⁶ “Such a relationship of domination [of technology over the origin and destiny of the human person],” *Donum Vitae* teaches, “is in itself contrary to the dignity and equality that must be common to parents and children.”²⁷

Thus, even if one in practice could eliminate the many other ethical problems associated with the process of in vitro fertilization – such as relying on masturbation to retrieve the man’s sperm, producing “excess” embryos for implantation, and then “selective reduction” (=abortion) to reduce the “excess” – the act of in vitro would still be judged intrinsically evil by the Catholic Church.²⁸

III. Does “Destined for Discard” Imply No Personhood?

There is, as we noted, a third reason for why Gould denies the humanity of the embryo. And it, too, is quite commonly held today. It is because the embryo is, as Gould says, “explicitly destined for discard by the free decision of the man and woman who contributed the components.” Thus, many argue, rather than let this valuable research “material” go to waste, why not use it to draw some good out of a bad situation.²⁹

But, in response, should the fact that these embryos are destined for death mean that they lack personhood? How could such a subjective choice so radically determine, in this case, the value of a human life? As moral philosopher Sr. René Mirkes has argued, “[t]he no-future-no-personhood view fails to recognize that personhood is not some extraneous characteristic of the human individual. Human beings are human beings naturally, that is, in light of their intrinsic human nature...Consequently, a human embryo is not a person because you or I plan to give it the opportunity of transfer and gestation; a human embryo is a person based on his or her own inborn essential makeup.”³⁰ Hence, Gould’s reasoning is specious.

IV. Catholics and President Bush’s Stem Cell Decision: Can We Support It?

After President Bush announced his long-awaited decision on national television last summer, many voices were heard – either in approval (usually highly qualified) or in disapproval (also usually highly qualified) of the President – in the worlds of politics, medicine, and religion. This disagreement over the decision was found as well in the pro-life movement, which also seemed to be divided by it.³¹

Reaction to the decision was also mixed in the Catholic Church.³² While many bishops and theologians were happy with certain elements of Bush's new policy, many also were more severely disappointed by the President's decision. However, even those Catholics who reacted positively to certain aspects of Bush's announcement, have qualified their positive assessment of it by noting various questions, problems, and inconsistencies in the President's moral reasoning.³³

How should Catholics morally evaluate the stem cell compromise articulated by the President in his August 9th speech – denying federal funds that “would sanction or encourage further destruction of human embryos,”³⁴ while allowing funding for research on the apparent 60 stem cell lines already in existence? To answer this question, I will first summarize the views of two scholars who support the President's position, namely Daniel Sulmasy and my seminary colleague Janet E. Smith.³⁵ Secondly, I will summarize the views of two scholars who oppose the position taken by the President, namely William B. Smith³⁶ and my seminary colleague Robert Fastiggi.³⁷ After examining these substantive contributions to the debate, I will then briefly give my own view of the matter. Note well: The scholars whose positions on the morality of embryonic stem cell research that I examine all affirm the personhood of the embryo. Thus, I do not consider the views of those such as revisionist Catholic theologian Thomas A. Shannon, who denies that the blastocyst is a “full person” entitled to full respect, and thus who would support some forms of embryonic stem cell research.³⁸

Janet Smith

Janet Smith “believe[s] that it is morally permissible for some scientists to do research on the cells generated from...embryos unjustly killed.”³⁹ In support of this conclusion, she rightly argues that although we are never to “do evil to achieve good,” we can “bring good out of evil actions already done.” As an example, she notes that some good institutions have “undoubtedly been built, on occasion, from money donated” by persons who acquired the money by evil means. However, Smith is not quite fully satisfied with this analogy. “Undoubtedly,” she writes, “it is morally problematic that those who started the cell lines were willing to destroy embryos for the sake of research.”

Thus, an opponent of this research from ill-gotten means might argue that, “if someone murdered another to have access to a kidney, we would not permit the murderer to use the kidney.” Smith agrees with this, and thus she says that it would be morally wrong “for those involved in the creation of the cell lines to do research on them.” They would be profiting from their evil actions.

"On the other hand," Smith asks, "wouldn't it be moral for someone else to use a kidney transplant from the murder victim?" If a scientist did not participate in deriving the embryonic cell lines, Smith believes that he or she "may morally do research on the stem cells."⁴⁰ While Smith is afraid that "scientists might clamor for the creation of more [embryonic] cell lines and become even more willing to create and destroy human life," she also entertains the possibility that such research might, in fact, lessen the demand for more cell lines. This is because researchers will (possibly) discover that adult stem cells are far more effective.

Smith also notes, however, "[t]hat the embryos did not give consent to the use of their cells..." Although this presents a "moral challenge," Smith thinks "perhaps that it is reasonable to assume consent on the part of the embryos." Indeed, she remarks, "if I were the victim of some crime, I would approve use of my cells and organs for medical and research purposes and I suspect others would also, especially if it would prevent other innocent human beings from being killed for such purposes."

Moreover, because Bush "has made it clear that he opposes killing embryonic human beings in order to get their stem cells," Smith does "not think that he can be accused of being complicit in the killing of the embryos who were killed to create the available cell lines."⁴¹ Hence, she believes that the President's decision "seems...to be truly wise and one that best serves the lives of embryonic human beings, both dead and alive."

Daniel Sulmasy

Daniel Sulmasy takes a position similar to that of Professor Smith, justifying the decision of President Bush on grounds of "the classical principle of material cooperation."⁴² First, as Sulmasy rightly notes, I believe, research on embryonic stem cells is not intrinsically evil.⁴³ Second, Mr. Bush's decision does not amount to formal cooperation (i.e., willing the evil intent of the principal moral agent), according to Sulmasy, because the President "prohibit[s] further funding for the destruction of human embryos," and he explicitly condemns "such destruction."⁴⁴ Third, Sulmasy argues, the decision does not constitute "*necessary* cooperation," that is, the embryos would have been destroyed – indeed, had been destroyed – even without the President's action. Fourth, "it is not *immediate material* cooperation because the president's decision does not involve him or any scientist using these cell lines (except those who created them in the first place) in any physical way in the act of destroying human embryos."⁴⁵ "Therefore," Sulamasy concludes, the President's action "is *remote material* cooperation."⁴⁶

Nonetheless, Sulmasy points out that the question of scandal must be raised. That is, the question of whether the act will "induce others to evil, either by appearing to condone or by encouraging others to participate in

evil acts." But, Sulmasy argues, "the president coupled his decision with a ban on further funding for the destruction of human embryos, substantially mitigating any worry that the decision will induce others to this evil." And while some have argued, as Sulmasy notes, "that this decision will lead to pressure to destroy more embryos for research," he believes that "the line can be held at using these existing cells." Moreover, the President himself has promised to veto any legislation funding the additional killing of embryos.

Finally, Sulmasy states, "one must consider proportionate effects of this decision." By this he means, the great "human benefit" that may be derived from "embryonic cell lines that could not be achieved with adult stem cells." Regardless of this, however, Sulmasy, much like Smith, is "convinced that, had Bush decided to ban all funding for embryonic stem-cell research, Congress would have authorized it with a vetoproof majority and would probably even have funded human cloning."

In the end, "pro-life advocates should be supportive of the president's position as the best we could have hoped for under the circumstances." And, Sulmasy adds, while the decision itself "violates no pro-life principles," vigilance is called for "to hold the line here and not allow the government to succumb to more pressure from the biotech industry and pro-abortion lobbyists who want to eliminate the principle that human life, in its embryonic and fetal stages, has human rights and is worthy of our profound respect."

William B. Smith

William B. Smith, in response to the question of whether or not President Bush got "it all wrong?" argues that he thinks that he "got it almost entirely right except for one problematic dimension."⁴⁷ But this "one problematic dimension" is, nevertheless, highly (morally) significant. First, Msgr. Smith congratulates the President for the many good things in the speech (e.g., "Even the most noble ends do not justify any means") and then says that President Bush was also right in his decision "not to fund (via tax money) further or future embryo destruction..." However, Msgr. Smith continues, Bush "did allow federal funds to be used for research on those existing (60 plus) stem cells from previously destroyed embryos where the life-death decision was already made and done in private research."⁴⁸

It is "this last dimension that is morally tainted," according to Msgr. Smith, "since it is a federal first – i.e., a government-funded choice to use results of what was wrongfully destroyed."⁴⁹ His argument here is that what the government chooses to pay for can be reasonably understood to be what the government sanctions. Hence, while it is a moral exigency for Msgr. Smith that public monies not be used to "directly fund human destruction...the conscious use and funding of what was immorally

destroyed does raise serious scandal and potential problems in cooperation."⁵⁰

Msr. Smith concludes by applauding Bush's decision banning the use of tax money to fund additional embryonic destruction. However, Msr. Smith asks such questions as: "[H]ow long will that ban last?...Just how slanted is this slippery slope?" He responds to his own questions by saying that he just does not know.⁵¹

Robert Fastiggi

Robert Fastiggi opposes the President's decision for three reasons.⁵² Although he grants that "there are some elements" of the President's decision that "can be appreciated by Catholics," "the convergence of moral questions," he says, "related to scandal, cooperation with evil and the indirect encouragement of further evil explains why the President's decision is morally objectionable from a Catholic perspective."⁵³

First, let us examine Fastiggi's treatment of the question of scandal. Unlike Sulamsy, Fastiggi does not think that the problem of scandal can be avoided. For example, Fastiggi argues: "While it might be moral to use organs of a murdered man for some beneficial purpose [as some argued in search for analogies to Bush's decision, e.g., Janet Smith], the parallel here would be the federal funding of a human anatomy lab that received its cadavers from those who murdered their people precisely to deliver their corpses to the lab for research."⁵⁴

Thus, Fastiggi concludes, "[w]hen the federal government funds research that tries to bring good out of what was obtained by an evil means, others might be led to commit a similar evil. It would be like a Catholic university accepting a generous donation from a known abortionist. The attempt to bring good fruit out of a poisoned tree always runs the risk of scandal."⁵⁵

Second, we have the related issue of *cooperation with evil*. Fastiggi notes that some who support the President's decision claim that it is "impossible to engage in formal or even material cooperation with evil acts committed in the past."⁵⁶ We saw this to be the case with the view of Sulamsy, though he did affirm that the decision was remote material cooperation. In response, Fastiggi argues as follows: "As a general principle this is true, but the Bush plan will involve material cooperation with on-going research that seems scandalous because of its *derivative connection with prior evil*."⁵⁷

Fastiggi also makes a case, and I think a strong one, for saying that Bush's decision involves what classic moral theologians would traditionally have called "indirect or negative cooperation with intrinsic evil." This kind of cooperation transpires "when someone in a position of authority fails to resist an injustice or denounce an evil-doer."⁵⁸ Because Mr. Bush "never

condemned privately funded research” that involves the willful killing of embryos and, furthermore, because he decided to give federal funds towards research on stem cells obtained from such evil, his decision “can be understood as a form of indirect or negative cooperation.”⁵⁹

Finally, we turn to the more significant problem of *indirect encouragement of future acts of evil*, which is close to Fastiggi’s first point concerning scandal. Fastiggi argues that “[w]hile the Bush decision does not provide federal funds for the on-going destruction of human embryos, it does weaken existing laws [e.g., the appropriations rider called the Dickey amendment, passed by Congress every year since 1975]⁶⁰ that seek to prohibit such destruction.”⁶¹ It does so by setting a “precedent” for funding research on stem cells ““where the life and death decision has already been made,”” whereby researchers, Fastiggi argues, “will be encouraged to create further stem lines by embryonic destruction. After all, the President’s policy allows, *in principle*, the use of such stem cells as long as ‘the life and death decision has already been made.’”⁶²

Thus, for example, in testimony on September 5, 2001 before a U.S. Senate committee, religious ethicist James Childress “argued on ethical grounds for expanding the pool of embryonic stem-cell colonies beyond the Aug. 9 cutoff date.”⁶³ He was quoted as saying that Bush’s policy is “ethically acceptable.” But, he went on to argue, that if Bush’s premise is accepted, i.e., if it is morally permissible to fund research on cells from already-killed embryos, “then it should also be ethically acceptable to do the same thing *prospectively*... This prospective policy would offer greater – and needed – flexibility for the short-term and long-term future. And it would be ethically preferable because it would increase the possibilities for important research, without violating relevant ethical standards.”⁶⁴

Although Sulmasy recognizes this same danger of encouraging future acts of evil, he seems more confident than Fastiggi that “the line can be held,” as he says. But, as Fastiggi notes, there are already scientists saying that the 60 odd stem cell lines identified by the President “will prove inadequate for research and that at least one third of these stem cell colonies are too young or fragile to be useful.”⁶⁵ Thus, it is not unreasonable to think that scientists and politicians “will increase the pressure to expand federal funding for additional stem cell lines obtained from further embryonic destruction.”⁶⁶

Moreover, unlike Smith, Fastiggi does not believe that a decision to ban federal funding would lead the opposition to pass more permissive legislation that would fund research involving the on-going killing of human embryos.⁶⁷ Although this is admittedly a prudential judgment, Fastiggi rejects this line of reasoning because it “fails to acknowledge that President Bush was under no obligation to provide funding for this research at all.”⁶⁸ In fact, as he had argued earlier, Fastiggi thinks that Bush’s

"decision will most likely increase rather than decrease demands for additional federal funding."⁶⁹

My Own View

With regard to my own view, which is obviously open to correction and/or revision, I am very sympathetic to all three of Fastiggi's moral concerns (as well as the similar concerns raised by William Smith), and thus I believe that Bush would have been on stronger moral ground had he given the same speech he gave on August 9th, but minus the following three things: the language about "potential life," the praise of in vitro fertilization as a process which "helps so many couples conceive children,"⁷⁰ and, most importantly, the approval of federal funding for research on existing embryonic stem cell lines.⁷¹ Instead, Bush could simply have said that he was going to fund research only on adult stem cells, as many pro-life organizations had urged him to do. Fortunately, Bush does note in his speech that the "government will spend \$250 million dollars on this important research."⁷² But, again, Bush should have designated all governmental funds to this area of research and refused to fund the research on embryonic stem cells.

As Fastiggi argues, for prudential reasons, "the federal government should only fund research that has a proven record of success in the private sector."⁷³ Yet embryonic stem cells *do not* have a proven record of success. In fact, not only is their record in helping patients decidedly poor, there are dangers in using them; and any benefits that might be derived from them are, most likely, many years away.⁷⁴ Research, largely ignored by the media, on adult stem cells, however, has already borne much fruit, indicating their great potential for treatment and cures.⁷⁵

Moreover, many "recent studies have revealed the potential of adult cells *to become several different types of tissues*. This flies in the face of the accepted scientific wisdom and standard textbook embryology of decades past..." Adult stem cells are not, as it had been thought, so "differentiated and committed" to becoming one cell type. Recent studies have shown that "adult neural murine stem cells can transform themselves into blood cells, adult muscle stem cells can convert into large quantities of blood cells, and...adult bone marrow cells can become liver cells."⁷⁶

Also significant was the report that a team of researchers, led by Catherine Verfaillie at the University of Minnesota Stem Cell Institute, had managed "to get a hitherto unknown type of adult bone marrow stem cell to expand in the test into endothelial cells, and then to get those cells to engraft in mice and contribute to new growth of blood vessels."⁷⁷ As described by *New Scientist* magazine, this adult stem cell, which they dubbed the "ultimate stem cell," might be able to be turned into any cell in

the body. Thus, according to the magazine, “[i]t might be the most important cell ever discovered.”⁷⁸

Furthermore, although I am grateful that President Bush again reaffirmed in his speech his strong opposition to both human cloning and to the creation of human embryos specifically for research aims, I have serious questions regarding the moral complicity, which appears less than remote, on the part of some in the Bush administration (especially those it appears at Health and Human Services, e.g., secretary Tommy Thompson) in encouraging the destruction of human embryos precisely to get their stem cells before Bush made his announcement on August 9, 2001. Allegedly, it was expected that Bush would offer some kind of “compromise,” that is, he would restrict federal funding to existing embryonic stem cell lines, and, with this in mind, after being “tipped off” by some at HHS about this imminent compromise, researchers then quickly began destroying embryos and retrieving their stem cells. Thus, there is evidence suggesting that many of the embryonic stem cell lines in existence today (and there is debate over the exact number), appear to have been secured by the killing of embryos *during the first six months of the Bush administration*. Thus, President Bush seems to bear some measure of responsibility for not putting a stop to this duplicitous situation.⁷⁹ Although exactly how much responsibility – if these actions occurred as I have described them – is not clear.⁸⁰

Conclusion

In his August 9th speech, the President very eloquently said: “Human life is a sacred gift from our creator. I worry about a culture that devalues life, and believe as your president I have an important obligation to foster and encourage respect for life in America and throughout the world.”⁸¹ As Catholics we should welcome these sentiments. But I also believe that as Catholics, our witness in behalf of the “culture of life” against the “culture of death” will be more effective if we reject embryonic stem cell research in favor of adult stem cell research.

In moral terms, President Bush’s decision could have been worse. And yet politically it is probably defensible. But Bush has already made his admittedly imperfect decision. So now the more pressing matter is to do all that we practically can to support him in keeping at bay the forces that would seek to undermine his policy’s clear refusal to allow for research beyond the parameters he has specified, which confines federal financing, as we have pointed out, to existing cell colonies derived from embryos that have already, sadly, been destroyed.⁸²

To help us to think long-term about this issue and others raised by modern science, I conclude with the words of Leon Kass, chairman of

President Bush's bioethics council: Kass says that the "moral crisis" of genetic technology resides in the "final erosion" of the notion that the human person is sacred and "its replacement with a view of man...as mere raw material for manipulation and homogenization."

"Unless we mobilize the courage to look foursquare at the full human meaning of our new enterprise in biogenetic technology and engineering," Kass continues, "we are doomed to become its creatures if not its slaves."⁸³

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References

1. President George W. Bush, "Address on Federal Funding of Embryonic Stem-Cell Research," in *Origins*, Vol. 31, No. 12 (August 30, 2001): 213-215, at 214. See also "White House Fact Sheet: Embryonic Stem Cell Research," August 9, 2001 (<http://www.whitehouse.gov/news/releases/2001/08/20010810.html>) and "Excerpts from Bush Address on U.S. Financing of Embryonic Stem Cell Research," *The New York Times*, August 10, 2001, A16, plus the related front page stories, "Of Principles and Politics" and "No New Embryo Use," in the same edition of the Times.
2. Stephen Jay Gould, "What Only the Embryo Knows" (http://www.nytimes.com/2001/08/27/opinion/27GOUL.html?todayshdlines_).
3. Pontifical Academy for Life, "Declaration on the Production and the Scientific and Therapeutic Use of Human Embryonic Stem Cells," in the section "Scientific Analysis" (http://www.vaticana.va/roman_curia/p.../rc_pa_acdlife_doc_20000824_cellule-staminali_en.htm). See also, Edward J. Furton and Micheline M. Mathews-Roth, "Stem Cell Research and the Human Embryo," Part One, *Ethics & Medics*, Vol. 24, No. 8 (August 1999): 1-2; Thomas B. Okarma, "Human Embryonic Stem Cells: A Primer on the Technology and Its Medical Applications," and James A. Thomson, "Human Embryonic Stem Cells," in Suzanne Holland, Karen Lebacqz, and Laurie Zoloth (eds.), *The Human Embryonic Stem Cell Debate: Science, Ethics, and Public Policy* (Cambridge, MA: MIT Press, 2001), pp. 3-13 and 15-26, respectively.

4. See National Institutes of Health, "Stem Cells: A Primer," May 2000, in the section "Potential Applications of Pluripotent Stem Cells" (<http://www.nih.gov/news/stemcell/primer.htm>). Moral theologian Mark E. Ginter has noted, however, that this NIH primer is already out of date as of his writing on October 17, 2001. His article provides an accessible overview of the science of stem cell research and a trenchant critique of the various "biases" in the NIH primer. See Ginter, "Stem Cell Research: WOWS & WHOAs," Part One, *The Priest* 58 (January 2002): 15-20.

5. William E. May, *Catholic Bioethics and the Gift of Human Life* (Huntington, IN: *Our Sunday Visitor* Press, 2000), p. 214. For an excellent critique of the NBAC *The National Catholic Bioethics Quarterly* report that May refers to, see René Mirkes, O.S.F., "NBAC and Embryo Ethics," *The National Catholic Bioethics Quarterly*, Vol. 1, No. 2 (Summer 2001): 163-187 (Obtaining stem cells from miscarriages – a method that May does not mention – would not be morally problematic. However, as Richard Doerflinger has cautioned, if embryonic germ cells are taken from spontaneous abortions, there is the possibility that "when cultured, [they could] reaggregate to form early embryos which then die as the process continues." Thus, "funding such research could violate the ban on funding the creation of human embryos for research" ["The Policy and Politics of Stem Cell Research," *The National Catholic Bioethics Quarterly*, Vol. 1, No. 2 (Summer 2001): 135-143, at 141, footnote #12]). This same fear is also expressed in the Catholic Medical Association's balanced statement on Bush's decision (see the text of the August 9, 2001 statement in *The Wanderer*, August, 23, 2001, p. 4) and, more strongly, in the paper by the philosopher and biochemist Dianne N. Irving, "Stem Cells that Become Embryos," included in "Stem Cell Ethics Digest No. 5," October 19, 2001, available from Jeff Ziegler at: ziegleriti@yahoo.com. Irving writes: "In short, yes – 'stem cells' derived from the early human embryo – from the 2-cell stage through the germ line stage (gastrulation) – are not only capable, but are even inherently driven by regulation to 'heal' themselves and to form new whole living embryos themselves. Not only do human embryologists know this empirical fact, so also do IVF researchers, clinicians, and their patients," in the section "Analysis: Part I." I do not know whether this paper has been published anywhere else. But see also Irving, "Human Embryonic Stem Cell Research: Are Official Positions Based on Scientific Fraud?" available at: www.lifeissues.net/bioethics/irv18stemcell.html. If Irving's argument is sound, then using embryonic stem cells for research would obviously be intrinsically evil. Cf. Nicholas Tonti-Filippini and Peter McCullagh, "Embryonic Stem Cells and Totipotency," *Ethics & Medics*, Vol. 25, No. 7 (July 2000): 1-3.

6. On the science of animal and human cloning in general, see, for example, Gina Kolata, *Clone: The Road to Dolly and the Path Ahead* (N.Y.: William Morrow and Company, 1998); Ian Wilmut, Keith Campbell, and Colin Tudge, *The Second Creation: Dolly and the Age of Biological Control* (N.Y.: Farrar, Straus and Giroux, 2000), especially chapter 13, Ian Wilmut, "Cloning People," pp. 267-298, where Wilmut argues against human cloning.

7. Pontifical Academy for Life, "Declaration on...Human Embryonic Stem Cells," in the section "Therapeutic Cloning." See also, for criticisms of the practice, John Ahmann, O.P., "Therapeutic Cloning and Stem Cell Therapy," *The National Catholic Bioethics Quarterly*, Vol. 1, No. 2 (Summer 2001): 145-150; Alfred Cioffi, "Reproductive and Therapeutic Cloning," *Ethics & Medics*, Vol. 27, No. 3 (March 2002): 1-3; Wesley J. Smith, "The False Promise of 'Therapeutic' Cloning," *The Weekly Standard*, March 11, 2002, pp. 24-27.

8. See Jose B. Cibelli, Robert P. Lanza, and Michael D. West, "The First Human Cloned Embryo," *Scientific American* 286 (January 2002): 44-51. In addition to cloning, parthenogenesis was used as well. See also Gina Kolata with Andrew Pollack, "A Breakthrough on Cloning? Perhaps, or Perhaps Not Yet" (<http://www.nytimes.com/2001/11/27/health/27EMBR.html>).

9. See Jose B. Cibelli, et al., "Parthenogenetic Stem Cells in Nonhuman Primates," *Science* 295 (February 1, 2002): 819. See also Sean Henahan, "Asexual Stem Cell Production" (<http://www.accessexcellence.org/WN/SU/SU102001/parthenogenesis.html>).

10. On July 31, 2001, the U.S. Congress passed a bill, 265 to 162, that banned all forms of cloning. Whether the Senate will pass a similar bill is an open question. However, the Senate Committee on Health, Education, Labor and Pensions conducted hearings on September 5, 2001 and again on February 5 and March 5, 2002. For a powerful philosophical argument against human cloning, see Leon Kass, "The Wisdom of Repugnance," *Human Life Review*, Vol. 28, No. 3 (Summer 1997): 63-88 (Originally in *The New Republic*, June 2, 1997). More generally, see Mark S. Latkovic, "Is There a Clone in Your Future? The Challenge of Modern Biomedical Science and the Response of Christian Faith," *The Catholic Faith*, Vol. 4, No. 6 (November/December 1998): 16-20; Eric Cohen and William Kristol, "Cloning, Stem Cells, and Beyond," *The Weekly Standard*, August 13, 2001, pp. 22-26.

11. Patrick Lee and Robert P. George, "Reason, Science, and Stem Cells: Why Killing Embryonic Human Beings is Wrong,"

(<http://www.nationalreview.com/comment/comment-george072001.shtml>).

This article was one of several in an online debate the authors carried on with *Reason* magazine's Ronald Baily. Baily had argued that because each of our body's cells are potential persons, then we cannot appeal to the notion that an embryo could be a person to ground the special treatment we give it (Baily, "Are Stem Cells Babies?" [<http://www.reason.com/rb/rb071101.html>])). This, of course, neglects – as Brother Nicanor Pier Giorgio Austriaco, O.P. has noted, in his critique of R. Alto Charo, who had made the same argument – the important philosophical distinction between active and passive potential. An "embryo has an active potential for adulthood while the somatic cell, even with cloning, does not" (Austriaco, Book Review of Paul Lauritzen, ed., *Cloning and the Future of Human Embryo Research* [N.Y.: Oxford University Press, 2001], in *The National Catholic*

Bioethics Quarterly, Vol. 1, No. 4 [Winter 2001]: 654-656, at 656). Lee and George had essentially made the same point in their first response to Baily. But see also the argument made by Dianne Irving in note 5 above.

12. Or, more precisely, as moral theologian Germain Grisez writes: Conception, "in the sense of fertilization – when the sperm and ovum fuse – normally should be regarded as the beginning of a new person. But why normally and not always? Because the complications [e.g., twinning] which sometimes arise require certain qualifications" (Grisez, *The Way of the Lord Jesus Vol. 2: Living a Christian Life* [Quincy, IL: Franciscan Press, 1993], p. 495, note omitted). Thus, as Grisez argues, twinning and other phenomena do not call into question the fact that most human persons begin their lives at conception/fertilization, while others begin theirs sometime between fertilization and implantation. But what is important to emphasize is that, after conception takes place – unless something goes wrong with the process, as happens in the case of the formation of a hydatiform mole – one is always dealing with a new individual human being. And cloning or even parthenogenesis (as ACT tried to do) does not in any way alter the essential point that human life begins at conception (On this point, see *ibid.*, p. 496; Benedict Ashley, O.P. and Albert Moraczewski, O.P., "Cloning, Aquinas, and the Embryonic Person," *The National Catholic Bioethics Quarterly*, Vol. 1, No. 2 [Summer 2001]: 189-201, particularly p. 193 on how to reconcile parthenogenesis with the thesis that human life begins at conception). For further discussion of the science and ethics of parthenogenesis, see my forthcoming article in *The National Catholic Bioethics Quarterly*, Vol. 2, No. 2 (Summer 2002).

13. See for example, Patrick Lee, *Abortion and Unborn Human Life* (Washington, DC: The Catholic University of America Press, 1997); Grisez, *Living a Christian Life*, pp. 489-498. See also The Linacre Centre for Healthcare Ethics, "Cloning and Stem Cell Research: A Submission to the House of Lords Select Committee on Stem Cell Research," submitted by Rev. David Jones, June 1, 2001, especially section 3.2, "When does the human individual begin?" (<http://www.linacre.org/stemcell.html>); Mirkes, "NBAC and Embryo Ethics." I cite these last two studies, among the many that have been written, specifically because their examination of the question of when life begins is treated in the context of the stem cell research debate.

14. Mirkes, "NBAC and Embryo Ethics," p. 185.

15. *Ibid.*, p. 182.

16. Anna Quindlan, "A New Look, An Old Battle," *Newsweek*, April 9, 2001, p. 72. Similarly, the bioethicist Ronald M. Green argues that a clone "is a new type of biological entity never before seen in nature...At the blastocyst stage...it is a ball no bigger than the period at the end of this sentence...It has no organs, it cannot possibly think or feel, and it has none of the attributes thought of as human...[The ethics advisory board of ACT, of which Green is the chair] prefer[s] the term

'activated egg... "' (Green, "The Ethical Considerations," *Scientific America* 286 (January 2002): 48-50, at 48.

17. See Robert P. George, "We Should Not Kill Embryos – For Any Reason," in George, *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* (Wilmington, DE: ISI Books, 2001), pp. 317-323, at 319.

18. William E. May, *Catholic Bioethics and the Gift of Human Life*, p. 158. As Fr. Robert A. Sirico has noted, "[n]one of us 'became' a human being at some point after conception. Each was a human being from the point at which we became a distinct organism – that is, conception" (*Wall Street Journal*, July 11, 2001, A16).

19. Pontifical Academy for Life, "Declaration on...Embryonic Stem Cells," in the section "Ethical Problems."

20. Quoted in Ramesh Ponnuru, "Cells, Fetuses, and Logic," *National Review*, July 23, 2001, pp. 18, 20, at 20.

21. Ponnuru, "Cells, Fetuses, and Logic," p. 20. See also Ramesh Ponnuru, "Lapse of Reason: The Libertarians and Cloning," *National Review*, February 11, 2002, pp. 33-36.

22. The February 11, 2002 edition of Zenit.org reported that researchers at Cornell University's Center for Reproductive Medicine and Infertility "have built the prototype of an artificial uterus, in which they placed the cells that form the internal mucous membrane of the uterus." Human embryos were implanted and "adhered to the walls and began to develop over six days." However, it was at this stage of development that the experiment was then terminated.

23. According to one story, "an estimated 100,000 embryos are in infertility clinic freezers, most destined to be thrown out" (Maria McCullough, "Created Embryos Eyed for Research," *Detroit Free Press*, July 11, 2001, A14). This story reported on a team of scientists at the Eastern Virginia Medical School who have been creating human embryos for the "sole purpose of extracting the [stem] cells."

24. If the parents choose not to have the embryos implanted in the mother, one other solution to this problem is to find couples that are willing to "rescue"/"adopt" these frozen embryos, as has already been done. This, it seems to me, is preferable to letting them be destroyed, used as research material, or simply left to die a natural death. The Church, however, has not rendered any definitive judgment on the issue. For an argument supporting my position and which I am in fundamental agreement with, see Helen Watt, "A Brief Defense of Embryo Adoption," *The National Catholic Bioethics Quarterly*, Vol. 1, No. 2 (Summer 2001): 151-154. See also Edward J. Furton, "On the Disposition of Frozen Embryos," and Sheila Diamond, "Theological Debate over Embryo Adoption," both of which appear in *Ethics & Medics*, Vol. 26, No. 9 (September 2001): 1-3 and Vol. 26, No. 10 (October 2001): 3-4, respectively, for good overviews of the debate.

25. Benjamin D. Wiker perceptively argues: "You cannot accept in vitro fertilization and reject cloning; therefore, you cannot remove the horrid specter of cloning without first rejecting in vitro fertilization. But you cannot accept contraception and reject in vitro fertilization – as should be obvious from how quickly the acceptance of contraception led to in vitro fertilization. Therefore, you cannot remove in vitro fertilization without rejecting contraception. And so, like it or not, to reject cloning, you must reject contraception" (Wiker, "Only Catholics Can Tell You Why Cloning Is Wrong," *National Catholic Register*, September 16-22, 2001, p. 9).

26. Congregation for the Doctrine of the Faith, *Donum Vitae* ("Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation," 1987), Part II, A and B.

27. *Ibid.*, Part II, B, Section 5.

28. *Ibid.*, Part I, Section 6: "[A]ttempts or hypotheses for obtaining a human being without any connection with sexuality through 'twin fission,' cloning or parthenogenesis are to be considered contrary to the moral law, since they are in opposition to the dignity both of human procreation and of the conjugal union."

It should be noted, however, in this context that the Catholic Church is not opposed in principle to science or its discoveries. But, as Pope John Paul II said in 2000, when speaking to scholars and scientists, "every scientific approach needs an ethical base and a wise openness to a culture that respects the needs of the person" (Quoted in Russell Shaw, "Is the 'Genetic Genie' Out of the Bottle?" *Our Sunday Visitor*, October 7, 2001, p. 12).

29. Many argue that using these "leftover" embryos for research purposes is a "lesser evil" than simply destroying them and therefore letting them go to waste. Or they argue, because of the "great good" that could be achieved by doing research on them – e.g., the discovery of cures and treatments to overcome terrible diseases – it is morally upright to use them and accept the ("lesser") evil of their deaths. However, many of these same embryo research advocates are at the same time willing to condemn the *intentional creation* of embryos for research purposes. It seems to me, however, that even on a purely consequentialist/proportionalist analysis, those who support the creation of research embryos that will be killed for a good end are on surer moral grounds than those who support the 97% or so of the 1.3 million procured abortions that take place in the U.S. *for reasons of convenience alone*. Why remain squeamish about the former kind of killing and not the latter? And by what principle do we condemn the former and not the latter?

30. Mirkes, "NBAC and Embryo Ethics," p. 181. See also Doerflinger, "The Policy and Politics of Stem Cell Research," p. 141.

31. For some of the reaction, pro and con, among pro-lifers, see Laurie Goodstein, "Abortion Foes Split Over Plan On Stem Cells," *The New York Times*, August 12, 2001, A1, 22. See also the literature cited in footnotes #33 and #35 below.

32. For example, Vatican Radio stated on August 10, 2001 that Bush "has gone beyond the moral boundaries of research" and "his decision opens the door to very dangerous developments" (quoted in Zenit.org, "Bush's Decision on Stem Cell Research Is Assailed").

33. These various reactions to President Bush's decision are well summarized by theologian Robert Fastiggi, "Human Stem Cell Research: A Catholic Response to President Bush's Decision," *Pastoral Life*, Vol. 50, No. 10 (October 2001): 2-6, at 2-3. See also Pádraig Corkery, "The Use of Embryonic Stem Cells - Recent Developments," *The Furrow*, Vol. 5, No. 1 (January 2002): 24-34, at 29-30. For a good sampling of the statements of Pope John Paul II and various bishops, cardinals, and other groups (e.g., the Knights of Columbus) and individuals responding to Mr. Bush's decision (including the statement of the National Right to Life Committee, in support), see "Reaction to President Bush's Decision on Embryonic Stem-Cell Research," in *Origins*, Vol. 31, No. 12 (August 30, 2001): 205, 207-213. See further the articles by various authors in the "Special Section," "The Case Against Embryonic Stem-Cell Research," *The Human Life Review*, Vol. 27, No. 3 (Summer 2001). Although these articles were written before Bush's decision, they provide helpful background material to the President's decision.

34. President George W. Bush, "Address," p. 214.

35. The articles of Franciscan Brother Daniel Sulmasy, a physician and bioethicist, and philosopher Janet E. Smith appear in a symposium, "Did Bush Get It Right on Stem Cells?," in *National Catholic Register*, September 2-8, 2001, pp. 1, 4. Other contributors to the symposium were Cathleen Cleaver, Deal W. Hudson, and David N. O' Steen. I have chosen to examine the opinions of Sulmasy and Smith since they are of a more philosophical nature.

36. Wm. B. Smith, "Medical Cannibalism?" *Homiletic & Pastoral Review* (March 2002): 69-71. Msgr. Smith's article appears in his regular "Questions Answered" column. I will refer to him as Msgr. Smith in the article in order to clearly indicate whose views I am referring to: Msgr. Smith's or Janet Smith's. The former Smith is a moral theologian.

37. Fastiggi, "Human Embryonic Stem Cell Research," especially pp. 3-6. Although Fastiggi's article was published before Msgr. Smith's, I will treat it after my summary of Smith's article, since among other things, it is a more substantive contribution to the debate and expands many of the same points found in Msgr. Smith's article.

38. See Thomas A. Shannon, "Human Embryonic Stem Cell Therapy," *Theological Studies* 62 (December 2001): 811-824. Shannon writes: "One

assumption in the traditional discussion of cooperation is that the act with which one cooperated was in fact a moral evil. Given that the act in question is the removal of cells from a blastocyst, that assumption may have to be revisited or at least reexamined. Given my previous analysis for the moral standing of the blastocyst [see pp. 812-818], its destruction would certainly be a premoral evil, but not a moral evil. Since the blastocyst does not have the moral standing of full personhood, its destruction is killing but not murder for there is no person who can be the subject of such a moral wrong. The scientists who accept such cells for research are not, on this analysis, cooperating in a morally evil act" (p. 820). See also Shannon, "Human Cloning: A Success Story or a Tempest in a Petri Dish?" *America*, February 18, 2002, pp. 15-18, which deals not only with cloning but parthenogenesis. For similar views, see Suzanne Holland, et al. (eds.), *The Human Embryonic Stem Cell Debate*, especially the essay by Catholic theologian Margaret Farley, R.S.M., "Roman Catholic Views on Research Involving Human Embryonic Stem Cells," pp. 113-118.

39. All quotations here from Smith's article are taken from p. 4 of the *Register's* symposium.

40. For example, one might imagine the scenario of a researcher who (1) was not involved with the original embryo destruction, (2) had made his or her pro-life convictions very clear, and (3) who was doing his work for a good end, doing research on the stem cells. But at the present time, at least, I do not believe that Catholic scientists should be involved in research on *embryonic* stem cells. We are still too "proximately" close to the evil of embryo destruction.

41. This point about complicity might be disputable, as I will indicate later in the paper.

42. Sulmasy, p. 1.

43. Ibid.

44. Ibid., pp. 1, 4.

45. Ibid. This quotation, as well as the subsequent quotations from Sulmasy's article, is found on p. 4 of the *Register's* symposium.

46. "If one's action contributes to the active performance of to (sic) the evil action so much so that the evil action could not be performed without the help of the cooperator, then this is known as immediate material cooperation...If the act in question is intrinsically evil, then immediate material cooperation is always prohibited. If one's cooperation is not needed to perform the evil action, but only assists in the performance of the action, then this is known as mediate material cooperation. This type of cooperation may be justified if there is a serious reason for it because the action on the part of the cooperator is fundamentally good...In cases where the cooperation is only mediate, one must still consider whether the

cooperation is *proximate or remote*... 'Proximate versus remote' refers to how closely mediate (i.e., noninstrumental) cooperation is connected with the evil in some way but not as an instrument of its performance" (Benedict M. Ashley, O.P. and Kevin D. O'Rourke, O.P., *Health Care Ethics: A Theological Analysis*, 4th edition [Georgetown University Press, 1997], pp. 194, 195).

47. Smith, "Medical Cannibalism?" p. 69.

48. Ibid.

49. Ibid.

50. Ibid. Smith cogently argues: "If human life is a sacred gift from God [as Bush stated in his speech], deliberate destruction is no way to treat a gift of God; if the end does not justify the means, some hoped-for end of curing something does not justify destroying tiny humans to get there" (Ibid.). Smith does not, however, formally treat the problem of scandal in his article.

51. Ibid. Smith also briefly notes the "fruitful alternatives" to using human embryos for their stem cells, e.g., bone marrow, umbilical cords, placental material, and human fat cells (see pp. 69-70), notes the dangers of using embryonic stem cells (see p. 70), defends the humanity of the embryo (see p. 70), and argues that the use of the human embryo for stem cells violates the first principle of medicine, "*Primum non nocere!* First, do no harm!" (See pp. 70-71).

52. As will become evident, Fastiggi and Msgr. Smith share similar views on the questions of *scandal* and *cooperation in evil*.

53. Fastiggi, "Human Embryonic Stem Cell Research," p. 6.

54. Ibid., p. 4. "For similar reasons, the comparison of research on stem cells derived from destroyed human embryos with the use of vaccines cultured from fetal tissue obtained from induced abortions is not valid" (Ibid.). Here, Fastiggi argues, the connection between the latter two actions is "more remote." That is, women are not (or were not) having abortions with the intent of donating their dead fetuses to government-funded researchers so that they could develop vaccines from them.

55. Ibid. See also Albert S. Moraczewski, O.P. "May One Benefit from the Evil Deeds of Others?" *The National Catholic Bioethics Quarterly*, Vol. 2, No. 1 (Spring 2002): 43-47.

56. Fastiggi, "Human Embryonic Stem Cell Research," p. 4.

57. Ibid., emphasis added. The Pontifical Academy for Life asks the question: "Is it morally licit to use [embryonic stem] cells and the differentiated cells obtained from them, which are supplied by other researchers or are commercially

obtainable? The answer is negative, since: prescinding from the participation – formal or otherwise – in the morally illicit intention of the principal agent, the case in question entails a *proximate material cooperation* in the production and manipulation of human embryos on the part of those producing or supplying them” (“Declaration on...Human Embryonic Stem Cells,” in the section “Ethical Problems,” emphasis added). Despite the sound judgment of the Academy, I do not think that research on embryonic stem cells is *intrinsically evil*. What is intrinsically evil is the destruction of embryonic life to get its stem cells. See also Corkery, “The Use of Embryonic Stem Cells,” for a convincing argument that one should not accept the benefits from embryonic stem cell therapies, should they arise in the future.

58. Fastiggi, “Human Embryonic Stem Cell Research,” p. 4. Fastiggi takes his definition of negative or indirect cooperation from Fr. Herbert Jones’s classic manual, *Moral Theology*, 2nd ed. (The Newman Bookshop, 1946), cf. no. 355. See also Dominic M. Prümmer, O.P., *Handbook of Moral Theology* (N.Y.: P.J. Kenedy & Sons, 1957), 274.7.

59. Fastiggi, “Human Embryonic Stem Cell Research,” p. 5. Fastiggi adds, “[p]ledging money for research on what was obtained by the intrinsic evil of destroying human embryos hardly seems to be an adequate denunciation of such evil” (Ibid.). President Bush did make clear in his speech, however, that he affirms the fundamental humanity of embryos and is opposed to destroying them. And so, Bush’s talk of “human embryos that have at least the *potential for life*,” should not, in the context of his entire speech, be interpreted to mean the same thing that many pro-abortion supporters mean by using the phrase (see Bush, “Address,” p. 214, emphasis added). We rightly respond to such views by saying that embryos are persons with potential, not potential persons (see John F. Kavanaugh, S.J., *Who Count as Persons? Human Identity and the Ethics of Killing* [Washington, DC: Georgetown University Press, 2001], Ch. 4, “Endowments of Embodied Persons,” pp. 48-70).

60. On the Dickey amendment, see Doerflinger, “The Policy and Politics of Stem Cell Research,” pp. 137-139.

61. Fastiggi, “Human Embryonic Stem Cell Research,” p. 5.

62. Ibid., emphasis added. This point (i.e., when Fastiggi writes, “in principle”) might have been expressed more clearly had Fastiggi noted that, even though Bush’s policy would prohibit federal funding for on-going embryo destruction, there is nothing to stop *privately funded* researchers from continuing to kill embryos; and then, some time from now, when it appears that more embryonic stem cells are needed, there is nothing to prevent these same researchers coming to the President and asking permission to use these same stem cells that were extracted after the August 9th deadline. But Bush’s policy *is* meant precisely to *prohibit* using any federal funds on the stem cells that might be derived from these embryos after 9:00 p.m. on August 9, 2001. The more important practical question

remains, however, whether the presidential policy's "line in the sand" will hold. See also Peter J. Riga, "The Stem Cell Dilemma – An Overview," *Linacre Quarterly* 68 (November 2001): 335-339.

63. Jerry Filteau, "Experts Tell Senators to Reject Embryo-Killing Research," *National Catholic Register*, September 16-22, 2001, p. 3. As noted earlier, Senate hearings on cloning called by the Judiciary Committee were also recently held on February 5, 2002.

64. James Childress, quoted in *ibid*, emphasis added.

65. Fastiggi, "Human Embryonic Stem Cell Research," p. 5. He cites a newspaper story, "Third of 64 Stem Cell Lines May Be Unusable," *Detroit News*, August 28, 2001, A4. There is also concern that these stem cell lines may run into problems with the FDA because of the fact that in the process of culturing them, mouse "feeder" cells are used, and thus the problems associated with animal to human transplants arise. The FDA has stringent guidelines in this area of research.

66. *Ibid*.

67. *Ibid.*, pp. 5-6.

68. *Ibid.*, p. 6.

69. *Ibid*. Michael Novak, however, thinks that although the President truly "stumbled in his moral reasoning," he "conceived and executed a shrewd enough political stroke to have temporarily disarmed his foes, won some time, and earned sufficient public standing to lead the nation through a great new era in our history" (Michael Novak, "The Stem-Cell Slide," *National Review*, September 3, 2001, pp. 17-18, at 18).

70. Bush, "Address," p. 213.

71. Bush's decision to name Dr. Leon Kass to chair his President's council on bioethics that will monitor stem cell research was also welcome. Kass is a man of great wisdom and integrity, who opposes such practices as human cloning and assisted suicide. On January 17, 2002 President Bush named 17 other members to the council, including pro-life Catholic scholars Robert P. George and Mary Ann Glendon, and the pro-life Protestant scholar Gilbert Meilaender. As of this writing, the council has had one meeting, and have planned to issue a report sometime in June 2002.

72. "Of the roughly \$250 million a year the government currently is spending on stem-cell research, [Dr. John Chute, who heads the Naval Medical Research Center's Hematopoietic Stem Cell Studies Section in Bethesda, Md.] said, up to now nearly all has gone to research on adult stem cells." However, Chute said "there is discussion of diverting about 40% of that, or \$100 million, 'to jump start the

federal funding of embryonic stem-cell research.” And he warned that doing so “would be a mistake of historical proportions and would risk harming hundreds of thousands of patients in the United States who currently benefit” (Jerry Filteau, “Experts Tell Senators to Reject Embryo-Killing Research,” p. 3).

73. Fastiggi, “Human Embryonic Stem Cell Research,” p. 6.

74. See, for example, Charles Krauthammer, “The Great Stem Cell Hoax” (http://www.weeklystandard.com/magazine/mag_6_46_01/krauthammer_art_6_46_01.asp).

75. However, as reported in the media, two papers in the online publication of Nature have cast some doubt on the potential of adult stem cells to be a useful alternative to embryonic stem cells (See, for example, <http://www.sciencemag.org/cgi/content/full/295/5562/1989>).

However, Catherine Verfaillie (see footnote 77) argued that, “the papers do not disprove adult stem cell plasticity findings by other researchers, including herself” (Alex Dominguez, “Two Studies Cast Doubt on Stem Cells,” <http://www.sun-sentinel.com/news>).

76. Culture of Life Foundation, *Medical Facts of Life* (Newsletter 2001), Vol. 1, No. 1, “The Promise of Adult Stem Cell Research,” pp. 1, 3. On p. 3 in the endnotes, numerous scientific studies are cited from such journals as *Science and Cell*. See also, The Linacre Centre for Healthcare Ethics, “Cloning and Stem Cell Research,” section 2.1, “Adult stem cells,” for references to prestigious scientific studies which indicate that adult stem cells are presently yielding beneficial results in patients, and Maureen L. Condic, “The Basics About Stem Cells,” *First Things* (January 2002): 30-34 on the arguments in favor of using adult stem cells rather than embryonic stem cells.

77. Sean Henahan, “Asexual Stem Cell Production” (<http://www.accessexcellence.org/WN/SU/SU102001/parthenogenesis.html>).

78. <http://www.newscientist.com/hottopics/cloning/cloning.jsp>. It has also been reported that researchers had discovered that adult stem cells circulating in the bloodstream are able to grow new tissue in the liver, gut, and skin. The study, by J.L. Abkowitz, “Can Human Hematopoietic Cells Become Skin, Gut, or Liver?” *The New England Journal of Medicine*, Vol. 346, No. 10 (March 7, 2002) suggests, according to one newspaper account, that cells can morph into many different kinds of tissues.

79. I heard these claims made by a prominent orthodox Catholic bioethicist during an October 3, 2001 talk in Ann Arbor, MI on embryonic stem cell research. Until given permission, I am not at liberty to cite his paper, which serves as my source for these remarks (which I hope I have gotten right) in the above paragraph (see also note 80 below). This speaker also rejected, for various reasons, Bush’s use of the chicken-pox analogy to justify his decision. Bush had used this example in an
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op-ed piece that he wrote for *The New York Times* on the weekend after giving his nationally televised address on Thursday evening. The speaker noted, among other things, that in the case of the vaccine, the parents using the vaccine for their children did not assist in the procurement of the abortion in order to make the vaccine (unlike the case of the scientists killing embryos precisely to harvest their stem cells), there was a sufficient need, there was no available alternative (as there is with adult stem cells), and no further abortions are needed in order to make the vaccine. However, besides rewarding with federal money those persons who destroyed embryos for the purpose of deriving their stem cells, if therapies are eventually developed from this research, it seems likely that more embryos will be needed and thus destroyed. See also Corkery, "The Use of Embryonic Stem Cells," pp. 31-34 for a useful discussion of how the use of vaccines developed from the tissue of aborted fetuses is morally different from the deliberate destruction of embryos for their stem cells. The author argues that the former is morally legitimate, while the latter is not.

80. As this article was being prepared for publication, I found that Cathleen A. Cleaver had just published an article that gave a similar account of the background to the President's August 9th decision (See Cleaver, "Stem Cell Policy and the Culture of Death," *The National Catholic Bioethics Quarterly*, Vol. 2, No. 1 [Spring 2002]: 27-33, at 29-30). Cleaver goes on to say that the President's policy raises real questions of *cooperation in evil* and *scandal* – both are implicated. She concludes: "The decision to publicly finance research on the remains of these destroyed embryos brings the research into the mainstream and makes it a public affair – it systematizes this approach and helps to make it part of the fabric of society. Therefore, such a policy will make it even more difficult for society to see in every human embryo the image of God" (p. 33). In the same issue of the *Quarterly* (see "A Cooperation Analysis of Embryonic Stem Cell Research," pp. 35-41), Peter J. Cataldo takes the opposite position: "Given the nature of cooperation, the federally funded researcher cannot cooperate in the past destructive acts from which the cell lines he or she uses were derived. If his or her work is not directly intended as assistance to the contemporaneous or future destruction of human embryos, it is not explicit formal cooperation" (p. 37). Neither would the work of the federally funded researcher constitute "implicit formal cooperation," according to Cataldo (*Ibid.*) Moreover, he argues, "[f]ederally funded research would seem to constitute neither proximate material nor remote material cooperation in the destruction of human embryos" (p. 39). Unfortunately, I did not have enough time to analyze more thoroughly these two articles.

81. Bush, "Address," p. 214.

82. See Frank Bruni, "Bush Says He Will Veto Any Bill Broadening His Stem Cell Policy" (<http://www.nytimes.co./2001/08/14/politics/14BUSH.html>).

83. Kass, quoted in Shaw, "Is the 'Genetic Genie' Out of the Bottle?," p. 12. See also Leon Kass, "Triumph or Tragedy? The Moral Meaning of Genetic Technology," *American Journal of Jurisprudence* 45 (2000): 1-16. The danger that

Kass warns us of is illustrated in another even more radical method than cloning or parthenogenesis for generating human embryonic stem cells which was used recently in Seoul, Korea: "cross-species cloning," in this case, using human cells and cow eggs (see Antonio Regalado and Meeyoung Song, "Furor Over Cross-Species Cloning: Fusing Human DNA and Egg of Cow Creates Embryo – And World-Wide Debate," *The Wall Street Journal*, March 19, 2002, B1, 9). The so-called "humanlike" or "hybrid" embryos that were created lived up to one week, but stem cells were unable to be grown. However, this was not the first time that animal-human transgenesis has been attempted, as the article makes clear.