NIH, Stem Cells, and Moral Guilt

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The National Institutes of Health Guidelines for Research Using Human Pluripotent Stem Cells contained no surprises for those who have been monitoring the development of those protocols. What some may find surprising is the relative ease with which NIH both appeals to a legal apparition and falls prey to several ethical fallacies.

The guidelines state that federally-funded research on human pluripotent stem cells (hPSCs) obtained from embryos will only be conducted "if the cells were derived (without federal funds) from human embryos that were created for purposes of fertility treatment and were in excess of the clinical need of the individuals seeking such treatment" (Section 2). Although these so-called restrictions may appear to limit and even to convey concern about the use of embryos in this research, they fail to provide human embryos with a blanket protection from the destruction which is a necessary aspect of obtaining their stem cells. Herein lies the root problem of the NIH guidelines.

Human embryos ought not be the subjects of experimental research aimed at benefitting someone other than the embryos themselves. Human embryos are just that, human. The fact that they are very young human beings does not therefore give us the right to use them in destructive research for the benefit of others. "But," the argument goes, "these are spare embryos who would be discarded and die anyway." This is not necessarily the case, as such embryos can be "adopted" and implanted in the wombs of women wishing to act on the embryos' behalf. However, even if these embryos were destined to die, we would still not be justified in killing them--our most vulnerable citizens--for the sake of improving or saving the lives of other citizens. Prisoners on death row are going to die anyway; yet we would find it unconscionable to remove their life-sustaining organs prior to their execution as a means of prolonging the lives of others. So also ought we to find human embryonic stem cell research unconscionable.

Aside from the NIH guidelines' promotion of an act which is immoral, the guidelines also advocate a protocol which is illegal. Since at least 1996, it has been against the law to use tax
dollars for human embryo research "in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death . . ." NIH dismisses the charge of breaking the law by claiming that it is off the hook legally as long as it ensures that tax dollars are not used to fund the stage of research in which embryos are destroyed. However, the intent of the existing law is clearly to prohibit just the sort of thing NIH is attempting to justify. Not able to find a legal loophole, NIH was left to construct one of their own-one which flies in the face of the law's original intent.

That brings us to another ethical problem with the guidelines. Not only does NIH claim to have erected a legal firewall between the funding of the destruction of embryos and the research using those embryos, they purport to have created a moral firewall as well. The problem, however, is that this alleged firewall cannot stand on grounds of moral complicity. When someone assists in or encourages an act, they are in some sense complicit in that act-regardless of whether they directly participate in carrying it out. For instance, those who play a role in designing or manufacturing high-tech tiles used in the space shuttle may be said to be complicit in the shuttle's successful flights. Such workers may even readily take credit for such triumphs by celebrating the success of the shuttle's operation and wearing t-shirts proclaiming that: "I made tiles for the space shuttle."

If moral complicity works in the positive direction, it also works the other way. Even if NIH doesn't grant funds to destroy human embryos, it is encouraging those who do by providing a venue for use of the stem cells. Even without the exchange of money, NIH is producing a "market" for those cells. Furthermore, moral complicity moves with the cells. That is to say, when NIH is standing with its arms outreached to receive embryonic stem cells from those who have destroyed embryos to obtain them, the moral guilt passes from one hand to the next. Those who destroyed the embryos are guilty of homicide (there's nothing else to call it), and that guilt passes to those who knowingly use in their research cells obtained at the expense of embryonic life. The NIH guidelines, to put it quite bluntly, do no less than encourage and sanction the destruction of human embryos.
Finally, research using human embryonic stem cells is becoming increasingly unnecessary and may prove irrelevant to the advancement of medicine. Recent scientific advances offer ample evidence to support the claim that the treating and curing of human injury and disease may not even depend on embryonic stem cell research. An unprecedented number of recent experiments have demonstrated that stem cells obtained from other sources may hold even greater promise than stem cells obtained from human embryos. An article published in the August 14, 2000 Journal of Neuroscience Research reports that Dr. Ira Black of the University of Medicine and Dentistry of New Jersey has been able to transform blood stem cells derived from adult animals into neurons which may be used to repair brain cells and spinal cords. If this method of transforming stem cells proves successful in humans, then embryos would not have to be destroyed. Using cells obtained from a patient's own body would also avoid the risk that the transplanted cells or tissue would be rejected by the patient's immune system—a risk which poses a serious challenge to the use of embryonic stem cells. Many other examples of these types of advances may be found at NIH should be encouraged to seek ways to increase funding for these alternative and promising avenues of research which do not rely on the destruction of human embryos. By doing so, they can take the moral high road rather than the ethical back roads and uphold the law of our land.

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