

THE NATIONAL CATHOLIC BIOETHICS CENTER



THE USE OF BIOLOGICAL MATERIAL OF ILLICIT ORIGIN

PREPARED BY THE ETHICISTS OF THE NCBC

FEBRUARY 2013

“Nontherapeutic experiments on a living embryo or fetus are not permitted, even with the consent of the parents. Therapeutic experiments are permitted for a proportionate reason with the free and informed consent of the parents or, if the father cannot be contacted, at least of the mother. Medical research that will not harm the life or physical integrity of an unborn child is permitted with parental consent.”—USCCB, *Ethical and Religious Directives for Catholic Health Care Services*, 5th ed. (2009), n. 51.

❖ SUMMARY ❖

The principal moral issue that arises with the use of biological material of illicit origin for any purpose is cooperation with evil. Formal cooperation (when someone shares in the end for which the evil action is done) is always illicit. Although material (instrumental) cooperation in general should also be avoided, it may sometimes be licit if

- There is a real need to cooperate in order to obtain a great good or to avoid a greater evil.
- The action of cooperation is not intrinsically evil itself.
- The directly intended end is the good to be done, and the evil with which one cooperates is only indirectly willed and tolerated.
- The evil action with which one cooperates is not the means to achieve the intended good end.
- There is proportionality between the good to be done and the evil with which one cooperates.

Research with Illicit Material in Catholic Hospitals and Other Catholic Institutions

Catholic institutions sometimes receive, for research or therapeutic purposes, material that has been obtained illicitly, such as commercialized organs for transplantation, embryonic stem cells, or cell lines obtained from electively aborted babies. The institution should avoid supporting the system that makes the material available, but each case needs to be analyzed individually to determine the extent to which the institution is obligated to refrain from use of the material in a specific research context.

The Use of Vaccines

A number of the vaccines used in various countries have been developed through research using fetal cell lines that were obtained from voluntary abortions performed some years ago. One cannot cooperate with an evil that has taken place in the past: the use of the material and the success of the research promotes general social acceptance of the illicit means by which the material was obtained. Levels of cooperation with the abortions vary widely, however—from the researcher who receives illicit cell lines and the pharmaceutical laboratory that commercializes vaccines derived from them (close cooperation) to parents who are asked to have their school children vaccinated (remote cooperation). The closer the cooperation, the stronger the reasons needed to use the cell lines or the vaccines derived from them.

The Dilemma of the Use of Frozen Embryos

Some countries currently have tens of thousands of embryos in frozen storage, which were engendered for reproductive use but will not be used for that. What should be done with these embryos? There is no definitive answer to this question, because there is no way to resolve the injustice that has already been done when the embryos were artificially engendered and frozen. Certainly what can and should be done is to urge authorities to stop promoting and funding the production and use of human embryos for any purpose.

❖ FAQ ❖

Question 1. What can parents do when they want their children to go to a school that requires children to be vaccinated?

Reply: The cooperation with evil is very remote when parents use vaccines developed from cell lines that were derived from abortion. Refusing vaccination against contagious diseases (diseases that can spread rapidly from one person to another by contact or close proximity, like measles, mumps, rubella, and chickenpox) puts at risk not only the unvaccinated child but also the rest of the community. Therefore, if public health authorities have judged that there is a real risk to public health if school children are not immunized, parents should comply with the requirement. At the same time, however,

- Parents can express their concern about the origin of the vaccines they are obliged to use.
- Parents can promote and demand the allocation of funds and research for licit alternatives. Some laboratories have already developed alternatives, although their safety has not yet been fully demonstrated.

Regarding vaccination against communicable diseases that are behaviorally transmitted (like HPV and HIV), the decision to have a child immunized must ultimately rest with the parents. There is no reason to require such vaccinations before school admission, since these diseases do not pose the same public health risks as contagious diseases.

Question 2. What should be done with the thousands of embryos in frozen storage?

Reply: The only way to partially repair the injustice already done to these embryos would be to transfer them into the wombs of their mothers. The problem is that most them have been abandoned by their mothers.

- It is unjust to either let them thaw and die or leave them frozen indefinitely.
- They should not be treated like cadavers and made available for scientific research as adult cadavers would be, because the entire system that created them, anticipating this outcome, was illicit. Allowing the embryos to be used for research would be the same as killing people and then insisting that their bodies may be used for research.
- Prenatal adoption could be taken into consideration, although there is no unanimity among the NCBC ethicists on whether prenatal adoption is licit.

Question 3. Are there circumstances in which a researcher may use the HEK-293 cell line for his research? This cell line was derived from kidney tissue obtained from a baby aborted voluntarily in 1974.

Reply: The user of the cell line implicitly supports the prior actions involved in developing and marketing it, maybe not formally but certainly materially. Although it may sound far-fetched to say that the user “approves” of the original abortion, he clearly approves of the developer–commercial company complex that profits from such abortions. So in deciding whether the benefits of specific research justify his mediate material cooperation with abortion, he will have to take this into account, and will have to be sure that

- There is total separation between the research he is carrying out and any promotion of abortion whatsoever.
- There are serious social reasons that compel him to carry on his research.
- There is no danger of scandal. In practice, the danger of scandal is serious and almost unavoidable.

❖ RESOURCES ❖

Pontifical Academy for Life, “Moral Reflections on Vaccines Prepared from Cells Derived from Aborted Human Fetuses” (June 5, 2005), reprinted in *National Catholic Bioethics Quarterly* 6.3 (Autumn 2006): 541–550. Reproduced by permission.

Angel Rodríguez Luño, “Ethical Reflections on Vaccines Using Cells from Aborted Fetuses,” *National Catholic Bioethics Quarterly* 6.3 (Autumn 2006): 453–470. Reproduced by permission.