

“Fetal” Tissue Research

The recent events regarding the controversy of “fetal” tissue research is a textbook case of the blind leading the blind. People who have no formal training in ethics or moral theology are making decisions in areas they literally know nothing about. It is a strange mix of relativism and nihilism. It is a relativism in the sense that in our post-modernist culture, modern man has fully adopted and is now functioning as if each individual has the capacities within himself by the powers of his own reason and will to determine what is right and wrong. Nietzschean nihilism naturally follows, for relativism removes any common basis of truth and morality and leaves it to the judgment of the individual, resulting in various opinions clashing. Consequently, the one who has the greatest will and political influence comes to power and imposes his will on the rest. It is an intellectual and volitional rejection of the universally binding moral code expressed in the Natural Law which has God as its Author.

But since the Catholic Church has rightly gotten involved in the debate to the extent that She has, it would be good to review the morality of research on the dead. To begin, we ought to refuse to use the term “fetal,” even though it is a valid medical term, because in the political sphere it is used to deaden the reality of what is being done. Yet, doing research on the dead can be morally licit under certain conditions and under others it seriously offends God. The Church and moralists accept that when a child is miscarried, the parents of the child may allow research to be carried out on the body of the dead child provided due reverence is given to the body and the remains are reverently buried after the research is completed. The reason parents can allow researchers to do research in this case is because by the natural death of the child, God has ceded the rights over the body of the child to the parents.

However, while the child is alive, he has conditional rights over his own body, and, therefore, for a mother to abort her child is a grave violation of justice against the child because she robs the child of the use of his own body and his life which is properly his. Once the unborn child is directly aborted or killed, the body takes on the character of being a directly aborted child’s body. In that case, while the obligation of the parents for proper burial is still present, they do not have the right over the dead child’s body since they immorally and illicitly took it from the child. The difference between the child who dies naturally and the child who is murdered is that God Who has absolute

rights over all creation cedes the limited rights over the dead child's body to the parents whose child dies naturally since God is the Author of life and death and therefore He can cede that right to anyone He pleases.

However, when a child's life is robbed from him by direct abortion or murder, God has not ceded those rights but the physical manipulation of the child's body has resulted in usurping the rights of the child and has violated God's absolute rights over the body. It means that the body takes on the character or quality of being wrongfully, immorally or illicitly obtained. Therefore, if the child is directly aborted, parents and researchers cannot do anything but properly bury the child as a recognition of their lack of rights over the child's body. Moreover, it would be morally illicit and a serious violation of the child's rights to directly abort him and then use the body, over which they have no rights, for experimentation.

In moral theology, we say that there are three fonts or things which make up every moral act, viz. the object, the end and the circumstances. The object is the action which we perform, e.g. stealing is a type of action. The second is the end for which one does it, e.g. one may steal the money so one can buy himself a new car (the end). The circumstances are those things which are not essential to what the action is but sometimes affect the goodness or badness of the action, e.g. one may swear which is bad enough, but it becomes worse if he does it in a church, since the circumstance of "place" makes the act worse.

When it comes to the question of tissue research, we must understand the various fonts of the action. Exterior actions have two components or "parts" if you will, viz. the action itself and the object upon which the exterior action bears. For instance, one can talk about the action of "hitting" which does not tell one anything morally until one discusses what one is hitting. So if one is hitting an infant, that would be morally bad but if one is hitting a baseball that could be morally good if it is done for the sake of right recreation. This is why St. Thomas makes the observation, therefore, that certain kinds of actions have different relationships to the things upon which they act. In other words, some kinds of action are appropriate for some kinds of things while other actions are not appropriate for certain kinds of things. For example, take the example of the action of taking a cow out of the barn. The act of taking the cow out of the barn depends on the quality of the condition of the cow. If the cow does not have the quality of being your cow, then taking it out of the barn is

stealing. Therefore, “taking out of the barn” is an action not proper to a cow that does not belong to you. If, on the other hand, your neighbor had rustled your cow and you went into his barn and took the cow out of the barn, it would be rightfully restoring of your property. In one case, when you steal the cow it is the immoral act of cattle rustling, in the other case, it is rightfully restoring your property. Both are the same physical acts but the quality of the cow made the acts essentially different, morally speaking. Therefore, the quality of the object of the exterior action can make acts morally different. This quality, called “circa quid” or “about which,” indicates a quality about the object which relates to the type of action being performed.

This is precisely what is at issue with doing experimentation on dead infants. If the body of the infant has the quality of having died naturally, then it has the quality of being ceded to the parents and not having been taken unjustly. Whereas, if the body of the infant was directly aborted, i.e. murdered, then the body has the quality of being immorally obtained. Therefore, research is a good action but it is not proportionate or should not be done on the body of a child which has been obtained unjustly because of the character of the child’s body. In other words, even if research in the abstract is good, that does not mean that it is always good in particular, because if it is done on a body which has been taken unjustly, then the injustice persists when the research is done.

An example along these lines may help to understand how the body of the child contains an illicit quality. Suppose you were walking down the street and someone drove by and shot you and killed you. Then some researchers driving a car happen to see the incident and said “hey, he is already dead, so let’s take his body and do experimentation on it.” You never gave permission for the experimentation and now that the injustice of murder has been committed against you, someone who has no rights over your body is going to commit another injustice against you and use your body for their own ends. It is the same with those children who have died as a result of direct abortion. Those who use bodies of directly aborted children violate the rights of those children and they have no right whatsoever to do any form of experimentation on a body over which they have no rights. Moreover, since the child has been murdered, the researchers not only have no rights, but if they receive a body of a directly aborted child, they have a grave obligation to serve justice which is to properly bury the child so that violence over the child can be put to rest by putting the body to rest.

Two other observations should be made. The first is that if parents decide to allow the body

of their child who has died a natural death to undergo research, they must demand the child's body back or that which remains of it, so that they can bury it properly; or they must ensure that the researchers will bury the child's body properly when they have completed the research. Moreover, researchers who morally engage in this research must be sure to always treat the body with the respect that is due to that of any of the dead.

The second observation has to do with the ends of the research. Some researchers justify using bodies of the directly aborted for the sake of advancing the science of medicine and other sciences. First, the ends never justify the means: this has not only been a constant teaching of the Church but it is born out in common sense experience. For example, if one wants to put an end to civil tensions between two ethnic groups in a given area, one is not morally justified in committing genocide in order to establish peace. Again the ends do not justify the means and this moral principle is based upon what is called the principle of the integral good, viz. "good is from an integral cause, evil from any defect whatsoever." This means that when one performs a moral act, every aspect of that act must be good for it to be morally good. For instance, if a couple uses NFP for contraceptive ends, that is morally bad. If one gives money to the poor so that he will be noticed by all and given vain glory, that is morally bad. If someone walks down the street in order to get exercise so that he can fulfill the moral requirement of taking reasonable care of his health but he walks on the fingers of construction workers who are laying cement on the sidewalk, that is morally bad. The point is that the object, i.e. what I am doing, the end, i.e. why I am doing it, as well as the circumstances, all of the parts must be good in order for the act to be morally good. All it takes is for one of them to be bad and the whole act becomes bad in the process.

Fr. Chad Ripperger, F.S.S.P., Ph.D.

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