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# **The Brave New World of Embryonic Stem Cell Research: Utilitarian Consequentialism and Faulty Moral Reasoning**

by

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Aldous Huxley's *Brave New World* presents us with the terrifying possibilities of what human beings can do to one another when respect for the basic values of life are compromised. Many of the technologies envisioned by Huxley, such as in vitro fertilization and the genetic engineering of children, have proved to be remarkably prescient. What is especially compelling about Huxley's *Brave New World* is the utilitarian promise of advancing science while ostensibly not harming anyone in the process. The principal promise consists in the abolishment of all disease and social conflict, albeit at the price of a moral enervation of the human psyche and the elimination of introspective religious sentiments. This rather heavy price would be too much to bear except for the fact that those in control do not realize what has been lost. "Unlike the man reduced by disease or slavery, the people dehumanized à la *Brave New World* are not miserable, don't know that they are dehumanized, and, what is worse, would not care if they knew. They are, indeed, happy slaves with a slavish happiness."<sup>1</sup>

*The National Academy of Sciences* unveiled a set of research guidelines that would ease us into the brave new world of human embryonic stem cell (hESC) biotechnology. The authors of the document allege that we need to establish responsible oversight practices that will enhance the integrity of privately funded research with hESCs. Specifically, these hESC oversight committees would promote research that allows the destruction of human embryos for the express purpose of extracting stem cells, the purpose being to develop new regenerative

technologies such as replacement organs. Apart from the doubts some authors have expressed about the practical feasibility of creating cloned organs for transplantation, the means or methods that would be employed are repugnant to many. In a press release announcing these recommendations on April 26, 2005 we read that hESC oversight committees "should review proposals for research that takes stem cells from excess blastocysts at in vitro fertilization clinics or from blastocysts created expressly for stem cell research. They also should review any proposed use of blastocysts created by nuclear transfer, often referred to as therapeutic cloning."<sup>2</sup> Here it should be said that employing somatic nuclear cell transfer (SNCT) techniques to create new organs is not really therapeutic cloning, but is the creation of a new organism from which an organ is harvested (i.e., reproductive cloning).<sup>3</sup>

The report adds that guidelines should be developed to address "*how far scientists should go* in mixing human and animal cells to create so-called chimeras, which researchers may need to do in order to test the therapeutic potential of human stem cells in animal models."<sup>4</sup> Specific safeguards would be in place, we are assured, so as to avoid the remote possibility of two mating chimeric animals giving birth to an offspring containing a human organ. Besides the philosophical question of whether a monkey with a human brain is still a monkey, a human being in a monkey suit, or a *tertium quid* of some kind, it is hard to avoid concluding that what it means to be human is unclear to the signatories of the *Guidelines*. This should not be too surprising I suppose, since many scientists are apparently convinced that there is no such thing as human nature. To be more precise, there are no fixed human characteristics that are naturally linked with being human, which means the special dignity we have traditionally ascribed to ourselves is merely the accidental by-product of evolutionary history. Indeed, the Prepublication Copy of the *Guidelines* states that there are no fixed species, and the boundaries separating traditional taxonomic groupings are "to some extent arbitrary."<sup>5</sup>

While some scientists worry about an irrational blockade of further funding for hESC research based on religious convictions, Francis Fukuyama reminds us that neither Aldous Huxley nor C. S. Lewis believed religion was the *only* grounds for understanding what it means to be human. "Both writers suggest that nature itself, and in particular human nature, has a special role in defining for us what is right and wrong, just and unjust, important and unimportant."<sup>6</sup> In this article I suggest that a consequentialist version of utilitarian ethical thinking is at work in the current debate over hES cell research. While this form of reasoning can explain why a right action is good, it cannot serve as a reliable guide for making correct ethical decisions, because the proposed good state of affairs allows the use of *any* means to attain the desired end.

## I. Specific Features of the National Academies' Recommendations

In what follows I implicitly defend the moral principle that it is never right to deliberately take the life of an innocent human being. Pope John Paul II stressed this very point in *Evangelium Vitae*, reminding us that the commandment "You shall not kill" (Ex. 20:13; Deut. 5:17) admits of no exception in the case of innocent human beings. "The deliberate decision to deprive an innocent human being of his life is always morally evil and can never be licit either as an end in itself or as a means to a good end."<sup>7</sup> Concerning the specific issue at hand here, since we do not know at what stage of development the human embryo is (or has become) a person, there is no justification for killing what could in fact be a personal human being.

Chapter Three of the *Guidelines for Human Embryonic Stem Cell Research* addresses the primary ethical concerns surrounding the promotion of this biomedical investigative activity, namely, that the derivation of hESCs involves the destruction of the blastocyst which "is regarded by *some* people as a human being."<sup>8</sup> This line of reasoning (or exposition) is somewhat fallacious, as no scientist proposes to derive hESCs from anything other than a human being. Bioethicists who deny that the blastocyst is a human being often appeal to the possibility of monozygotic twinning prior to implantation, but this claim implies that the zygote is just an unorganized clump of cells. The very fact we are speaking about twinning at all presupposes a pre-existing unitary organism, a single living entity that could possibly split into two genetically identical individuals.

In the next section of the *Guidelines*, entitled "The Special Status of the Human Embryo," the authors offer an exaggeratedly subtle comparison: "some view human embryos as morally equivalent to born human persons." At this juncture three possible positions are mentioned in defense of embryonic personhood: (1) the identity of a *future person* is present in the embryo, (2) the moral equivalence of the embryo to a person is associated with *potentiality*, and (3) human dignity is undermined by excessive manipulation of the embryo *regardless of purpose*. Each one of these positions is extremely complex, yet there is no discussion of the myriad philosophical issues associated with them. We are simply told that current *cultural practice* should dictate what is right or wrong about handling the human embryo. This is equivalent to basing moral judgments on majority rule, a democratic approach to thinking that is completely absurd in moral matters, since we can only regulate human affairs within the confines of the true and the good.

Concerning the notion of cultural practice, the document states that since "the natural loss of an embryo in normal human reproduction is not recognized as a death that requires a funeral," the embryo must not be a

human being that is morally equivalent to a newborn person. True, funeral and burial rites are generally reserved for baptized individuals, for the unbaptized individual is not a full-fledged member of the Church with access to her sacraments and liturgy. Nevertheless, funeral services in the Catholic tradition include special prayers for children who die before baptism, and these prayers can be used for a stillborn child as well. Several American bishops have approved of holding funeral services for unborn children killed by abortion.<sup>9</sup>

The *Guidelines* go on to state that since “the disposal of human embryos after completion of infertility treatments is not treated as murder by the legal system,” the community does not view these entities as morally equivalent to human persons. While neither state nor federal law currently penalizes the disposal of surplus human embryos produced by in vitro fertilization, this does not necessarily mean that these entities do not deserve to be treated with the same respect as infants. As a matter of fact, one could argue that we are dealing with a legal lacuna here, one that will be addressed within a relatively short period of time. Interestingly enough, to date, there have been several successfully prosecuted criminal cases for the murder of a pregnant woman and the young human being in her womb. Besides the high profile Scott Peterson case in California, in which Lacy Peterson’s husband was convicted on two counts of homicide – the murder of his wife and the killing of their son Connor, thirty states now include fetal homicide in their penal codes. Also, President Bush signed *The Unborn Victims of Violence Act* on April 1, 2004, a measure that has withstood constitutional challenges in several states.

The *Guidelines* also remind us that Islam, Judaism and even some Protestant denominations do not recognize the human embryo as morally equivalent to a person until at least 40 days after conception. And since many of these same religions have a strong commitment to the idea that faith must be manifest in good works, the authors conclude that members of these congregations should support the use of hESCs, even if they believe the embryo “may have greater moral status than other collections of cells.” This statement is both inaccurate and inconclusive. It is inaccurate because the human conceptus is an integrated, unified organism with a self-contained program of development, and it is inconclusive because a moral judgment cannot be made based on such a conjectural premise.

While the *Guidelines* rightly affirm that there is a general debate in society over the meaning of human dignity, the drafters of this document claim to have reached a balanced solution to this conundrum. Specifically, they state that “a profound moral obligation” is incumbent upon us to promote human dignity, working to restore health and natural function to the sick. While no one would argue with that altruistic aim, at least considered in the abstract, why are we willing to violate the human dignity

of one member of *Homo sapiens* in order to promote the physical welfare of others? One possibility is to simply deny that humans are unique vis-à-vis other animals.

[T]he popular notion that there are clear and distinct lines between species is a notoriously unreliable categorical scheme. Taxonomies developed since Aristotle do not necessarily countenance the idea of natural kinds, and modern scientists differ in their precise definitions of interspecies boundaries. There is general agreement in the scientific community that these boundaries are to some extent arbitrary.<sup>10</sup>

Given the regnant views of human dignity on offer at present, Leon Kass suggests that the notion of personal dignity is of limited value in bioethics.<sup>11</sup> While I would not concede nearly so much, it is quite ironic that one of the classical distinguishing features of different mammalian species is that members of distinct natural kinds do not and cannot mate. The specific difference between humans and other animals is significant, and this biological boundary reinforces the philosophical notion of natural kinds.

## II. Utilitarian Reasoning and Consequentialist Motivation

Of the many ethical theories currently available to us for the decision-making process, ethicists generally agree that utilitarian reasoning is particularly well-suited for problem solving in biomedicine. Utilitarianism holds that the right course of action to follow in any given situation is the one that produces the greatest balance of benefits over harms for everyone concerned, and this consideration implies that the means employed to maximize results are more or less irrelevant. One merely *postulates* the desirability of some particular human good or state of affairs and then identifies the act or acts that will maximize (or optimize) the desired result. Elizabeth Anscombe introduced the term "consequentialism" to the discussion of utilitarianism in order to focus attention on the inherent strategy of maximizing the expected consequences of free choices.<sup>12</sup>

The attractiveness of what I will call utilitarian consequentialism rests with its straightforward, procedural approach to the decision-making process, with the rightness or wrongness of an action being judged exclusively by the anticipated consequences, providing apparently singular and unambiguous public policy determinations. Critics of utilitarian consequentialism call our attention to several limitations of its calculus of beneficial results. For instance, it does not take into account important intention-foresight and acts-omissions distinctions, and these are absolutely critical for evaluating the moral probity of human action.

Predictably, rights, obligations, and intentions are not easily included in the premises of utilitarian arguments. Since a consequentialist calculation of potential utilitarian benefit only provides an account of what makes a right act right, it is not a very suitable method for moral decision-making.<sup>13</sup>

Simply discussing the pros and cons of potential research protocols is not a cogent form of reasoning either. Given the fact that utilitarian consequentialism tends to limit moral judgment to a proportionalist assessment of the benefits and risks of anticipated outcomes, its practitioners often experience difficulty in providing satisfactory solutions to challenging moral questions. With respect to the pros and cons of human cloning, for instance, Dan Brock states: "there is not an ethically decisive case either for or against permitting it or doing it."<sup>14</sup> This inconclusive response is not as benign as it might sound, for, as Hilary Putnam warns, to "think of all moral problems in terms of 'trade-offs' is precisely not to think morally at all."<sup>15</sup> At the end of the day, as Charles Taylor writes, "disagreement seems utterly inarbitrable by reason, bridgeable only by propaganda, arm twisting, or emotional manipulation."<sup>16</sup> Indeed, the utilitarian consequentialist tends to pit the good of a specific individual against the good of society at large, creating an uneasy tension between the long-range interests of a community and individual rights. We are left with mere 'traffic rules' for determining moral values, based almost exclusively on the perceived usefulness of a particular result, with little or no concern for moral truth or individual rights. "When dealing with a calculus of consequences, the inviolability of human dignity no longer exists, because nothing is good or bad in itself any more."<sup>17</sup>

Numerous scientists and moral philosophers argue that the zygote, embryo or fetus is not really a person. After all, these life forms are not conscious, intelligent, free agents of choice. Those scientists usually have a materialistic, evolutionary and mechanistic view of life, which leads them to deny that immature human life is worthy of legal protection. So Ronald Dworkin advocates the genetic engineering of human beings for the greater good, arguing that we have the responsibility to ensure that each individual life is *useful*. And "if playing God means struggling to improve what God deliberately or nature blindly has evolved over eons, then the first principle of ethical individualism commands that struggle, and its second principle forbids, in the absence of positive evidence of danger, hobbling scientists and doctors who volunteer to lead it."<sup>18</sup> While Dworkin is not considered to be a utilitarian, his principal argument, i.e., that the human embryo does not have a right to life because it is a non-sentient entity with no interests, is a utilitarian test for determining what can be considered a moral object. When you consider the fact that many non-sentient entities have legal interests and a public *persona*, such as corporations, associations, or estates, this argument is not very convincing.<sup>19</sup>

Ever since David Hume insisted that we cannot derive moral norms from factual premises (i.e., deriving 'ought' from 'is'), the naturalistic fallacy has become common currency in modern thought. Nevertheless, Hume agreed with Plato and Aristotle that the 'is-ought' dichotomy is bridged by the goals we set for ourselves, and that the aims of human life cannot be reduced to simple sensual ends like pleasure.<sup>20</sup> While there is a certain stylistic elegance associated with the reductionist strategy underlying utilitarian ethical paradigms, this way of reasoning does not incorporate the complexity of what it means to be human into the decision-making process, nor does it consider the moral purpose for which we act. This is why Joseph Ratzinger stresses that there are many dangers associated with failing to *limit* oneself in the application of technological discoveries. "For it is very evident that everything depends on man's not doing everything of which he is capable—for he is capable of destroying himself and the world—but on knowing that what 'should' be done and what 'may' be done are the standard against which to measure what 'can' be done."<sup>21</sup>

The consequentialist method of determining utilitarian benefit is severely hampered by the neutral position it assumes with respect to theories of the good as well as its disregard for motivation. As Jonathan Dancy writes: "consequentialism is a theory which gives us certain ends, but which is officially silent on which patterns of motivation may best promote those ends."<sup>22</sup> The advocates of hESC research would no doubt reply that we ought to pursue this activity in order to provide medical benefits to human beings with severely crippling maladies. This explanation of the merit of hESC research is not especially compelling because the ethical method employed presupposes the desired results. That is to say, utilitarian consequentialism inevitably entails circular reasoning, accepting the notion that the end justifies the means. Arthur Caplan admits as much when he says that the task of a bioethicist is to determine what someone wants to achieve and then providing the values and principles needed to achieve it.<sup>23</sup> This is in keeping with the utilitarian consequentialist's focus on hypothetical benefits, which are used to justify the use of any means to bring about the desired state of affairs. As Timothy O'Connell asserts, the end-not-means principle "must be rejected if by 'end' one means the consequences of one's act, for it is these consequences precisely that justify the means."<sup>24</sup> What is missing here is an objective moral norm, principle, or standard by which to judge which options are truly good to employ as means to the desired end. Any possible actions can be measured against one another in an ethical sense *only* if they have some shared property that can be evaluated by a distinct moral norm.<sup>25</sup>

The tragic death of 18-year-old Jesse Gelsinger sheds some light on the pitfalls of utilitarian consequentialist decision-making, especially with

respect to the motivation of those who take part in biomedical research. The researchers in this case failed to inform the patient that an experimental adenovirus gene therapy designed to correct a serious liver ailment had caused several deaths in experiments with monkeys. An important feature of the case was the motivation of the head investigator, Dr. James M. Wilson, who admitted that factors other than the patient's medical welfare influenced his decision to pursue this high-risk research protocol. "Publishing in first-rate journals. That's what turns us on. You've got to be on the cutting edge and take risks if you're going to stay on top."<sup>26</sup>

Besides the blinding effects of unbridled self-interest, utilitarian reasoning fails to take into account considerations of justice. In the case of hESC research, what warrants the taking of the life of an immature human being, in order to pursue a hypothetical gain for mature human beings? The only plausible answer is that the adult human being is judged to be more valuable to society than the immature one is, an argument that sounds a lot like John Rawls' moral theory of justice. Comparing normative moral theory to the scientific method, in which new data calls for constant modifications of theory, Rawls contends that justice is not a universal, constant, objective truth but represents an ever-changing theory that strives for reflective moral equilibrium.<sup>27</sup> This purely subjective concept offers us no way to bridge the epistemological divide separating diverse theories of justice. One set of considered moral judgments is simply pitted against another, with little prospect of reaching a satisfactory resolution to conflicting theories of justice.<sup>28</sup>

Paradoxically, besides insisting that community justice is not defined in terms of desired consequences, Rawl's theory could be employed to call into question hESC research. Rawls proposes imagining oneself in an original position of *veiled ignorance*, with your task as moral trustee being to promote the self-interested good of your principal. Applying this idea to the issue at hand, if a person were to imagine that she was once an embryo, and that others might have had the power to interrupt her nascent life, she would probably veto any action that is not respectful of the individuality of others and work to provide legal sanctions to prevent the killing of all embryonic life.

An intriguing development in this story is the fact that a motion filed by a pro-life advocacy group in California, the Life Legal Defense Foundation, could give rise to considerable delay in the issuance of state bonds to fund the \$3 billion hESC research initiative in that state. This legal challenge does not address the so-called "clone-and-kill" procedures contemplated by the California Institute for Regenerative Medicine, but focuses on the legality of disbursing state funds without any oversight by elected officials. Moreover, in answer to a query concerning the impact hESC research might have on job creation in the Bay Area, Nobel laureate

J. Michael Bishop, the Chancellor of the University of California–San Francisco, replied: “We haven’t figured out how to make stem cells do what we need them to do to be useful clinically. Until that is done, it’s a pretty shaky base for startups.”<sup>29</sup>

### Conclusion

I have outlined some of the more salient ethical problems associated with the utilitarian mindset that underlies the current thinking on the advisability of hESC research. We are on the verge of entering into a brave new world of wholesale destruction of human embryos, a public policy that would expand the possibilities of dehumanizing ourselves to a degree that is hard to imagine. Perhaps we should not be too surprised by this development. In keeping with the regnant notion that the human race is not a fixed species but just a more advanced form of primate, the very concept of human nature has been called into question as well as the special dignity of humans. Ultimately, recourse to utilitarian consequentialist reasoning to formulate public policy on hESC research is invalid, because this methodology only provides an account of what makes a right action right and not what is good or bad in itself. Like it or not, a human being is a human being, independent of its active capacity for rational, volitional and relational activity. Instructively, Theodor Haecker once remarked that Satan attempts to rob beauty of its transparency, moving us to be more fascinated by the captivating interest of an idea than the splendor of objective truth.<sup>30</sup> Let us hope the truth about the human embryo will soon prevail in the public forum in general and in the biomedical research arena in particular.

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1. Leon Kass, *Toward a More Natural Science: Biology and Human Affairs* (New York: Free Press, 1985), p. 35.
2. Cf. E. Christian Brugger, “Human Cloning, Theology of the Body And the Humanity of the Embryo,” *The Linacre Quarterly* 71 (2004): 232–244, especially 234. The terminological distinction between reproductive and therapeutic cloning is a semantic ruse, as every instance of human cloning is a true reproductive act. That is to say, the intended purpose of this research is to produce a new human being with human embryonic stem cells. After all, the specific aim of these studies is to assess the regenerative possibilities of totipotent hESCs.

3. When researchers at Advanced Cell Technology claimed to have used cloned ESCs from a cow to create a nascent kidney, they actually implanted the clone blastocyst into a cow's uterus, allowed the blastocyst to gestate for several weeks until the fetus formed a kidney, and then harvested the new kidney for transplantation. So, rather than an example of therapeutic cloning, a cloned fetus was killed in order to harvest a nascent organ for transplantation. See Robert P. Lanza, Ho Yun Chung, James J. Yoo, Peter J. Wettstein, Catherine Blackwell, Nancy Borson, Erik Hofmeister, Gunter Schuch, Shay Soker, Carlos T. Moraes, Michael D. West & Anthony Atala, "Generation of Histocompatible Tissue Using Nuclear Transplantation," *Nature Biotechnology* 20 (2002): 689–696.

4. The National Academies, "Guidelines Released for Embryonic Stem Cell Research," at <http://www.nationalacademies.org> (emphasis added). The *Guidelines* also suggest that grafted pig porcine heart valves represent an instance of a porcine–human chimera, whereas a true chimera is *an entire organism* composed of two genetically distinct types of cells resulting from the fusion of two early blastula stage embryos. The more likely scenario here entails recourse to SNCT, in which the DNA of a human somatic cell is transferred to an animal oocyte, with the distinct possibility that animal mitochondrial DNA could enter the cloned genome, certainly an unintended consequence.

5. National Research Council and the Institute of Medicine of the National Academies, Prepublication Copy of *Guidelines for Human Embryonic Stem Cell Research* (Washington, DC: The National Academies Press, 2005), p. 41. This is available at <http://www.nap.edu>. This is a good example of the myth of romantic humanism, which puts faith in technological progress to solve human problems and leads to the desire for control over human nature. That this represents a kind of religion is evidenced by the fact that scientists seem to envision themselves as Promethean creators endowed with the capacity to surpass every natural or cultural limitation in order to move us into an open future. See Benedict M. Ashley, *Choosing A World-View and Value-System: An Ecumenical Apologetics* (New York: Alba House, 1999), pp. 50–51.

6. Francis Fukuyama, *Our Posthuman Future* (New York: Farrar, Straus and Giroux, 2002), p. 7.

7. John Paul II, *The Gospel of Life [Evangelium Vitae]* (New York: Times Books, 1995), Chapter III, no. 57.5, p. 102.

8. *Guidelines for Human Embryonic Stem Cell Research* (Washington, DC: The National Academies Press, 2005), p. 39 (emphasis added).

9. See a questions and answers forum with Cardinal John O'Connor that addresses this question at <http://www.priestsforlife.org/magisterium/cardocqanda.html#qal4>.

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16. Charles Taylor, "Lichtung or Lebensform: Parallels between Heidegger and Wittgenstein," in *Philosophical Arguments* (Cambridge/Harvard: Harvard University Press, 1995), pp. 39–40.
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18. Ronald M. Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, MA: Harvard University Press, 2000), p. 452
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23. See Andrew Costello, "The Thinker," *Philadelphia* (March 1994): 74–83.
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25. Cf. Patrick Lee, *Abortion and Unborn Human Life* (Washington, DC: The Catholic University of America Press, 1996), p. 140.
26. Rick Weiss and Deborah Nelson, "Teen Dies Undergoing Experimental Gene Therapy," *The Washington Post*, September 29, 1999, A 1.
27. See John Rawls, *A Theory of Justice* (Oxford: Clarendon Press/Cambridge, MA: Harvard University Press, 1972), pp. 46–51.
28. R. M. Hare, "Rawl's Theory of Justice – I," *Philosophical Quarterly* 23 (1973): 144–147.
29. Taken from the *National Catholic Register* 81 (May 22–28, 2005): 10.
30. Theodor Haecker, *Schönheit: Ein Versuch* (Leipzig: Hegner, 1936), p. 91; cf. John Saward, *The Beauty of Holiness and the Holiness of Beauty: Art, Sanctity and the Truth of Catholicism* (San Francisco: Ignatius Press, 1997), pp. 32–37.