

## Abortion, embryonic stem cell research, and waste

David A. Jensen

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**Abstract** Can one consistently deny the permissibility of abortion while endorsing the killing of human embryos for the sake of stem cell research? The question is not trivial; for even if one accepts that abortion is *prima facie* wrong in all cases, there are significant differences with many of the embryos used for stem cell research from those involved in abortion—most prominently, many have been abandoned *in vitro*, and appear to have no reasonably likely meaningful future. On these grounds one might think to maintain a strong position against abortion but endorse killing human embryos for the sake of stem cell research and its promising benefits. I will argue, however, that these differences are not decisive. Thus, one who accepts a strong view against abortion is committed to the moral impermissibility of killing human embryos for the sake of stem cell research. I do not argue for the moral standing of either abortion or the killing of embryos for stem cell research; I only argue for the relation between the two. Thus the conclusion is relevant to those with a strong view in favor of the permissibility of killing embryos for the sake of research as much as for those who may strongly oppose abortion; neither can consider their position in isolation from the other.

**Keywords** Abandonment · Abortion · Embryonic stem cell research · Embryos · Meaningful future · Waste

### Introduction

The stem cell controversy arises from the fact that embryonic stem cells are obtained by killing a human embryo in the 4–5 day stage of

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D. A. Jensen (✉)  
Department of Philosophy, Brigham Young University, 4086 JFSB, Provo, UT 84602, USA  
e-mail: davidj@byu.edu

life.<sup>1</sup> Presently, death is an unavoidable consequence of extracting the stem cells.<sup>2</sup> In typical medical research we do not kill a human in order to obtain her cells. Only after a person has died (and not by our killing her), and if she has given consent, do we then experiment on or use her body parts and tissues. Or we harmlessly biopsy a living person's cells, again with her consent. I assume, and will not argue, that killing a post-birth human to obtain her cells for research is morally wrong. Already an increasing amount of research supports the use of adult stem cells for therapeutic purposes; yet it is difficult to maintain that these present and potential positive results alone make permissible the killing of an adult human in order to obtain her stem cells. Thus, the question arises as to why it is morally permissible to kill a very early human—a human embryo—and harvest its cells for the sake of experimentation.

Because the stem cell controversy arises from the killing of the embryo, morally relevant questions about embryonic stem cell research frequently resemble those of abortion—is the embryo a person with moral standing? when can it be killed? what reasons might be acceptable for killing it? and so forth. I am concerned in particular with the relationship between abortion and stem cell research; namely, can a position that abortion is morally wrong consistently endorse the moral permissibility of killing embryos for the sake of stem cell research?<sup>3</sup> The answer will depend on

<sup>1</sup> In this paper, I will always use the term “human” and adjectival forms (i.e., “human embryo”) as a purely biological categorization, distinct from the category of persons or the quality of personhood. I understand the latter to be a moral category: to be a person is to have moral standing, moral rights of various sorts, and so forth. Whether all humans are persons, and so have moral standing, is an open question. Likewise, it is an open question why humans have moral standing, when they obtain moral standing, and what other kinds of non-human creatures might also have moral standing. For an extended discussion of this, see [1, pp. 40–43]. Tooley deplores the use of “human” and “person” interchangeably and so in a way that understands both terms as moral categories where in fact only the latter is the properly moral category. He uses “member of the species *Homo sapiens*” to be completely clear when he is speaking of humans in a merely biological sense. I shall maintain the use of “human” and its forms. More recently, Fuat Oduncu also proposes maintaining these distinctions in “Stem cell research in Germany [2].”

<sup>2</sup> This aspect of the controversy may be changing with new methods of obtaining embryonic stem cells. One technique involves removing a single stem cell from the embryo in a manner that does not harm or kill the embryo. Thus far, evidence shows that removing a single stem cell (embryos at the 4–5 day stage have only 30 stem cells) will not alter the embryo's ability to develop normally. Another technique would identify embryos that have stopped developing naturally though their cells may still be viable for extraction and use. Another potential technique involves “resetting” an adult stem cell to its embryonic state. All of these techniques are still emergent, though they promise manners of obtaining embryonic stem cells that should quell many objections. Even if successful, the varieties of experimentation and research on embryonic stem cells might favor or require embryonic stem cells that are obtained by current methods of killing the embryo.

<sup>3</sup> Several prominent U.S. Senators, for example, endorse strong anti-abortion positions while supporting the killing of embryos for the sake of stem cell research, including Senators Orrin Hatch (R-Ut) (see [3]) and John McCain (R-Az) (see [4]). Former Senator and Senate Majority Leader Bill Frist (R-Tn) also endorsed this position (see [5]). In each case, they appear to endorse abortion only in exceptional cases—such as endangerment of the life of the mother—but they endorse the killing of human embryos for the sake of stem cell research. Senator Hatch, for example, appears to support killing embryos for the sake of stem cell research, but does not support abortion, because in the former case the killing is in the service of significant medical benefits. As he states, “Stem cell research facilitates life . . . Abortion destroys life; this is about saving lives [6].” I address this argument in the “Exceptions: benefits, abandonment, and waste” section. It is worth noting, in response, that parents who choose to abort a child will consider their lacking the burden of raising a child, not to mention the health risks of giving birth, to be a significant benefit.

the scope of and reasons for the wrongness of abortion. I will argue that if one accepts a “strong view” against abortion, then one is committed to the moral impermissibility of killing human embryos for the sake of stem cell research. While it may be thought (I think incorrectly) trivial that one who *accepts* the permissibility of abortion will be committed to the permissibility of killing embryonic humans for the sake of stem cell research, the thesis I am arguing is hardly trivial.<sup>4</sup> For, even if one accepts that all abortion is *prima facie* wrong in all cases, there are significant differences with many of the embryos used for stem cell research from those involved in abortion—most prominently, many have been abandoned *in vitro*, they appear to have no reasonably likely meaningful future, and it would appear to be wasteful to not use them for a good purpose. On these grounds one might think to maintain a strong position against abortion but endorse killing human embryos for the sake of stem cell research and its promising benefits. I will argue, however, that these differences are not decisive. In so doing, my point is not to argue against abortion or killing embryos for the sake of stem cell research (though my arguments may turn out to be relevant to these acts themselves). My point is only to argue for what one who accepts a strong view against abortion is committed to with regard to killing embryos for the sake of stem cell research.

### Abortion and killing human embryos

The question of the morality of abortion is interesting in relation to embryonic stem cell research since it too involves killing a pre-birth human though under significantly different circumstances. I call a *weak view* against abortion one for which the considerations against abortion either do not hold from the point of conception, i.e., they do not hold broadly, or they do not hold strongly. One weak view is that abortion is wrong because of the harm it brings to the pregnant woman. While abortion may harm some women, it does not appear to harm all or even most; the consideration does not hold broadly. Further, the harm or potential harm to the woman is usually not serious; thus the consideration does not hold strongly.

In contrast, I call a *strong view* against abortion one in which the considerations hold from the point of conception, i.e., they hold broadly, and they hold strongly.<sup>5</sup>

<sup>4</sup> I believe that the debate is unlikely to be trivial in either direction. If one’s reason for finding abortion morally permissible is the right of the mother to exercise control over her body—even in the face of a right to life of the pre-birth human—then this view of abortion would not necessarily correspond to the permissibility of killing a human embryo in which there is no conflicting right, such as an *in vitro* human embryo.

<sup>5</sup> One view that may have the virtues of both the weak and strong is the view that human life does not start until implantation (in the uterus) and the formation of the primitive streak at 14 days old (for a recent discussion, see [7]). If being human is a necessary condition on being a person, and hence a thing with moral standing, then the embryo at this stage would not be a person, or so this view maintains. This would allow some early abortions (practically speaking, only those brought about by a sort of “morning after” pill), and would allow killing embryos for the sake of embryonic stem cell research or perhaps for other purposes. Part of the argumentative appeal to this view is the possibility of splitting (twinning) prior to implantation and the resulting view that there is not an identifiable entity given the potential for splitting. The discussion of this possibility is beyond the scope of this paper; however, the view has some clear weaknesses. First, one need not accept that being human is necessary to personhood; it certainly does not

The most prominent and plausible strong view against abortion is that abortion is wrong because it violates some moral standing had by the pre-birth human.<sup>6</sup> This moral standing may come in virtue of its personhood, potential for personhood, sentience, humanness, the value of its future life, or some other feature it acquires or has potential to acquire at conception. This strong view against abortion need not imply that there are no exceptions to abortion (i.e., the mother's life is threatened by continuing the pregnancy), but it does imply a *prima facie* moral case against any abortion from the point of conception.<sup>7</sup> In this paper, I am neither arguing for the strong view against abortion nor for the feature that would best justify the strong view. I am concerned with what the strong view commits one to with regard to killing embryos for the sake of stem cell research.

If one accepts a strong view against abortion, then one *appears* committed to the conclusion of an argument such as the following:

- (1) Harvesting human embryonic stem cells requires killing a human embryo.
- (2) It is wrong to kill human embryos, therefore,
- (3) It is wrong to harvest embryonic stem cells.

(1) is an empirical claim that, at present, is true.<sup>8</sup> (2) seems to follow from the strong view against abortion—the strong view most likely commits one to granting some moral standing to the pre-birth human, and so the more general position of the wrongness of killing pre-birth humans, including human embryos. That one who endorses the strong view against abortion *appears* committed to the conclusion of this argument is not surprising. The question is whether it holds up under scrutiny—is there room to strongly oppose abortion while allowing the killing of embryos for the sake of stem cell research? There appears to be two avenues to question the conclusion of the preceding argument. First is premise (2): must a strong view against abortion imply a moral standing to the pre-birth human, and so the *prima facie* wrongness of killing a human embryo? Second is whether (3) follows from (1) and (2); for, the notion of wrongness found in premise (2) and the conclusion need not be taken as overriding of all other considerations. A moral claim is thought to be overriding in the face of nonmoral claims; but how it fares in the face of other moral claims is another question. I will consider both of these avenues of questioning.

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Footnote 5 continued

seem to be the case, and hence, arguments by potential for being a human could still come into play. Further, it is certainly not clear that the possibility of splitting (or implementation) is morally relevant any more than conception. For further discussion, see also [8, pp. 164–182].

<sup>6</sup> I consider, in “The strong view and moral standing” section, the possibility of something other than some property of the pre-birth human in virtue of which one might be able to accept the strong view.

<sup>7</sup> I am *not* claiming nor arguing that the strong view against abortion is correct. These features and their potential to make someone a person, a human, a thing with a right to life, non-abortable, and so forth have been considered extensively and without clear consensus. My concern is merely to assume the strong view against abortion. If it can be shown that even a strong view against abortion allows killing embryos for the sake of stem cell research, then the two positions will not be as interrelated as one might initially suppose.

<sup>8</sup> See Footnote 2.

## The strong view and moral standing

One might avoid the conclusion while maintaining a strong view against abortion by attributing the wrongness of abortion to something other than the human embryo's having a moral standing. One could argue that abortion is wrong not because of some feature of the pre-birth human, but because of the reason why one does it. For example, perhaps abortions are done for the sake of convenience, and this is what makes it wrong. Killing embryos for stem cell research is not done for convenience, but for the sake of important medical progress. Therefore, the reason why abortion is wrong on this proposal does not count against the wrongness of killing embryos for stem cell research, and thus one can strongly oppose abortion while endorsing the killing of embryos for stem cell research.

I am doubtful that most abortion involves a simplistic sort of convenience that might otherwise offend morally. But even in a case in which an abortion was performed for the most superficial sort of convenience, and we were to consider such a situation as wrong, it surely would not be convenience alone that would make the abortion wrong. For there is surely nothing morally wrong with doing things for the sake of convenience; there is nothing wrong with buying pre-sliced cheese because of the convenience that it holds over an unsliced block of cheese. If one wants to argue that abortion for the motive of convenience is wrong, one will have to assume that there is something about a human being (and not cheese) that makes it wrong to kill it for the sake of convenience and not for some other reason. So this explanation for the wrongness of abortion does not sidestep, and in fact relies on, the claim that the human embryo has moral standing.

My task in this paper is not to argue for the strong view against abortion or to argue for the most likely candidate or feature in virtue of which the pre-birth human would have some moral standing. This has been debated extensively. Nor is my concern with the relationship between the permissibility of abortion and killing embryos for stem cell research. The view that abortion is permissible may lead to a variety of positions on killing embryos for stem cell research.<sup>9</sup> My concern is with the strong view which opposes, *prima facie*, abortion from the point of conception, and so would appear to conflict with the killing of embryos in the 4–5 day stage. If one accepts the strong view, it appears that it will have to be in virtue of attributing to the pre-birth human some moral standing like the moral standing we attribute to

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<sup>9</sup> There are several options here for one who strongly supports abortion. First, if abortion is permissible at any time before birth because the pre-birth human lacks moral standing, then such a view on abortion would surely support killing embryos for the sake of stem cell research. It is intuitively difficult to defend, however, that a human being entirely lacks moral standing until it passes through the birth canal at approximately 9 months. Second, if abortion is permissible at sometime before birth, but not at others, because of the embryo's initial lack, but later acquiring, of moral standing, then again such a view on abortion would surely support killing 4–5 day old embryos for the sake of stem cell research. The concern with this view, however, is to identify a non-arbitrary point at which the pre-birth human acquires moral standing. Third, if abortion is permissible—even if only early on—because of the mother's right to control her body, then this view of the permissibility of abortion avoids the worry of whether the pre-birth human has moral standing or not. But at the same time, the grounds for the permissibility of abortion do not favor killing embryos for the sake of stem cell research, though they do not necessarily conflict with it either.

post-birth humans. It is difficult enough, for a moderate view on abortion, to attribute a moral standing to post-birth humans and then determine a non-arbitrary point at which that moral standing, sometime during the pre-birth stage but after conception, fails to obtain; thus allowing abortions between the time of conception and the acquisition of moral standing.<sup>10</sup> All the worse for one who wants to maintain a strong position against abortion—no abortion from conception—while attributing no grounds for moral standing to the pre-birth human. Thus, if one wants to maintain a strong view against abortion and justify killing human embryos for the sake of stem cell research, challenging premise (2) does not seem like a plausible avenue.

### **Exceptions: benefits, abandonment, and waste**

The second avenue to avoiding the prima facie argument is to consider the larger moral context of the conclusion. There may be other moral considerations in virtue of which the conclusion does not imply the impermissibility of killing embryos for the sake of stem cell research. One familiar way to characterize this is through the idea of exceptions to the rules. This can occur in two related ways. First, we may find that the moral considerations that underlie the rule do not obviously obtain in certain well-defined cases. Second, it may be that in these well-defined cases there are conflicting moral considerations which speak against action according to the rule. Thus although there may be something about certain human embryos and the circumstances of killing them that implies the principle that it is (prima facie) wrong to kill them, it does not follow that all particular cases of killing will be morally wrong.

So, for example, though we consider the prohibition against breaking promises to be a moral principle, my breaking a promise to help a friend when I discover that his activity is illegal and immoral may not itself be morally wrong. Neither does this imply that the moral principle—the wrongness of promise breaking—is not true; nor need we qualify the principle in weaker terms such as “usually” or “often.” We understand that moral principles at times have exceptions. These exceptions may reflect our incomplete understanding of moral matters, the difficulty of applying them to particular situations, or the challenge of interfacing the demands of multiple moral principles that may be relevant to a situation. For one who maintains a strong view against abortion but wants to justify killing human embryos for the sake of stem cell research, a promising approach may be that of looking for an exception to the rule of not killing pre-birth humans that is implied by the strong view against abortion.

One potential reason for an exception, and certainly a motive, is the promise of great benefits to humankind at a small cost. There are already established cases of morally permissible medically benefitting one or many persons at some cost to another. One type of case involves experimentation on and the therapeutic use of parts from the dead. Another type involves organ, blood, and tissue donation from

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<sup>10</sup> See Footnote 5 for one view that would allow stem cell research but rule out most abortions [7, 8].

living persons either for research or for use by someone else. Sometimes these donations are made by healthy living subjects, and sometimes they are made just before death where the donor has previously specified that his organs and tissues can be harvested.

However, for none of these ethically well-established cases of medically benefiting some at the expense of others are there corresponding cases for embryonic stem cell research. First, dead embryonic humans are not possible sources of embryonic stem cells; they must be viable. Second, embryonic humans cannot merely donate some tissue and yet continue living the way an adult can when she donates blood.<sup>11</sup> Finally, it appears impossible that harvesting cells from a naturally dying (i.e., not being killed by someone) human embryo is even possible. Dying adult humans who have their organs harvested die in circumstances where harvesting is possible: they are in a hospital, and their death is sufficiently slow that the organs can be removed and preserved as needed. But typically a human embryo that dies at the 4–5 day stage is in or just entering its mother's uterus. The circumstances of its death—and short embryonic life—do not allow us, at the last moments of life, to take one or more of its stem cells.

Surely medical researchers could move forward the pace of medical advances if we forced persons into medical experiments, including experiments that were likely to cause harm and death to otherwise healthy individuals. That the promise of benefits is morally inadequate to constitute an exception to the prohibition on experimentation on normal, healthy post-birth humans implies—accepting a strong view on abortion—that it is also inadequate in the case of pre-birth humans.<sup>12</sup>

Part of the problem here is a matter of rights versus benefits. While the benefits to humanity of experimenting on a few humans would be huge compared to the lost benefits of the few, such experimentation would violate their moral standing or moral rights. Given that sick people have no rights to the bodies of others, they have no claim to use them based on the benefits that it would give them. While certainly a lot of humans suffer because we do not experiment on a select few, we do not think that the majority have any claim to impose this suffering on the few. The importance of this distinction cannot be underemphasized. While there are moral intuitions to promote the benefit and well-being of others, even at our own sacrifice, these intuitions are moderated by certain moral roadblocks—rights—which not only limit what one can do, but they limit what one can do in the service of (morally) benefiting others.<sup>13</sup>

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<sup>11</sup> See Footnote 2.

<sup>12</sup> For a sustained argument against these kinds of considerations, see Peter Unger [9]. Unger unabashedly argues (in the spirit and tradition of Peter Singer) that harming one for the sake of benefits to the many may very well be justified, and includes cases of medical harming and benefiting among his examples. Unger recognizes that our intuitions against harming are the status quo, and his argument is meant to challenge these and related intuitions in favor of a more consequentialist view of moral obligations (and to apply these in particular to the case of help to the third world poor). As I note, however, and as Unger concedes, our intuitions with regard to medical harming for the sake of benefits to the greater number seem relatively strong.

<sup>13</sup> I consider, below, an objection by Julian Savulescu that challenges this sort of reasoning in the form of a “waste” argument [10].



Another potential avenue for an exception involves our current practices with regard to in vitro fertilization (IVF). Typically, the process of reproduction through IVF results in left-over embryos. These “spare” embryos will eventually die.<sup>14</sup> John Harris, for example, argues that consistency with regard to IVF practices allows that we kill embryos for the sake of stem cell research. Because IVF involves killing embryos for the important moral purpose of having children, and the promised medical benefits of stem cell research are as morally weighty as having children, it follows that killing embryos for the sake of embryonic stem research is permissible (See [11, p. 368]). This position might be thought to be consistent with the strong view against abortion if we assume that abortion’s purposes (in light of the embryo’s moral standing) fail to be on par with those of reproduction and healing. But it is not clear that what happens in IVF can be considered killings. The embryos are created with the intention of implantation and growth into a mature human being. That some may not achieve this end is a contingent fact of their existence similar to a typical case of a human who fails for whatever reason to mature to adulthood. Killing for the sake of medical benefits and progress is not on par with an embryo’s dying in the process of the parent’s quest to procreate.<sup>15</sup>

The circumstances of IVF, however, may allow us to view the moral standing of the embryo as altered in a way that is consistent with maintaining the strong view against abortion while allowing the killing of embryos for the sake of stem cell research. For, the fact remains that there are “spare” embryos left frozen and viable; they are in essence *abandoned* embryonic humans because they are not being nurtured to maturity. They were not created for the sake of having their cells harvested, they were created for implantation and development into normal children. But they are not dead; they are preserved, in a state of suspended growth, until they are to be implanted, discarded, or die. This seems to be one of the more promising avenues: it is the abandoned status of certain embryos that makes it permissible to kill them for research but also allows a strong view against abortion.

The problem is whether we can work this sort of justification into our larger moral practices: whether abandonment is something that we do take as relegating

<sup>14</sup> The incidence of “spare” embryos is the result of seemingly permissible epistemic concerns. Namely, there is significant uncertainty about how many eggs will successfully fertilize in vitro, and how many need to be implanted for successful procreation. Thus, it often turns out that successful procreation is achieved with additional, left-over embryos. To the extent that this can be avoided, it would certainly follow from the position that I am arguing that it would be wrong to create more than one knows are needed. To knowingly do so is not to create them for the sake of implantation.

<sup>15</sup> To my knowledge, there are not cases of killing one embryo *merely* for the sake of allowing or enabling another to come to maturity. Something like that would be needed to make the analogy work. There are cases in which, for example, a woman who is pregnant with three fetuses and one of those fetuses is underdeveloped, dying, and risks causing a miscarriage of all the fetuses. In this case, the one will be removed (killing it). But this is a case in which it is threatening the lives of the others, and doing so in part by its dying. Thus, this case is also not on par with the scenario Harris puts forth. Harris also makes the argument that normal sexual reproduction results in killing embryos for the sake of reproduction. This occurs, he argues, in the form of the miscarriages which typically occur in the quest for live birth. Once again, however, it is difficult to see that our knowledge that the process of normal reproduction—in which one intends for each fertilized embryo to live though some may miscarry along the way—is equivalent to killing some for the sake of bringing about a post-birth child. See [11, pp. 362–364].



moral status given that we must still kill the abandoned embryo in the process of extracting its cells. Its being abandoned is not equivalent to its being dead or dying. Suppose a mother does abandon, as sometimes happens, her baby after birth. This hardly seems to alter its moral standing. Likewise, should someone find the abandoned baby it hardly seems permissible that she experiment on it. Suppose the baby is so malnourished and sick from being abandoned that it will live only a few more days; it has no chance of recovery. Though it will not have any sort of meaningful life, using it for research in its last days seems nevertheless impermissible. But if abandonment of newborns—healthy or dying—does not allow death-inducing experimentation, why does it do so in the case of abandoned human embryos (for one who already accepts the impermissibility of abortion, and hence a moral standing to the embryo)? One might argue: the difference is that we can find a home for the abandoned neonatal, we can find someone who will adopt it. In contrast, no one would want to adopt frozen embryonic humans.<sup>16</sup> But suppose, for whatever reason, we could not find someone to adopt an abandoned neonate. It still seems impermissible in such a case to experiment on the infant. The scenario of an abandoned but dying baby provides, on the other hand, an analogy to what is potentially our responsibility to abandoned human embryos. Intuitively, in the case of an abandoned but dying newborn, our responsibility is to comfort it in its death in the same way we would an aged adult human whose life is ending.

One might respond: abandonment does not alter the moral standing of something that is still alive. But abandoned embryos are essentially *as good as dead*; it is abandoned, and has no future nor better options; it is difficult to think that life in a freezer is a better option. Coming back to the case of abortion, we might think that when a human is aborted it is losing out on its life: it is in a state of progression towards birth, will be raised either by its mother or adoptive parents, have a family of its own, and so forth. But in the case of abandoned embryonic humans, they have no future that they are losing out on by being killed and experimented upon. They are not in a state of progression towards birth and adulthood. The objection of being *as good as dead* seems to move beyond the abandonment objection and instead addresses the issue of a meaningful future. While abandonment may not be a morally relevant feature, the lack of a meaningful future eliminates the embryo's moral standing. Connected with the lack of a meaningful future is the notion of waste. Because the embryo lacks a meaningful future—and so lacks moral standing—to not use it for the benefit of another would be a waste.

Both the notions of a meaningful future and waste appeal to powerful and interrelated intuitions. It is intuitively difficult to see why frozen things in a freezer with no likely meaningful future cannot be used for something good. Some arguments against abortion point to this feature of a meaningful future: the fetus has a meaningful future, even if not a meaningful present [12]. But since abandoned embryos do not have such a future, then is it not a waste to use them? John Harris makes a fairly straightforward case on the basis of waste; he states: “It is difficult to find arguments in support of the idea that it could be better (more ethical) to allow

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<sup>16</sup> Though, in truth, it seems like we could find many “right to lifers” who would adopt them as unimplanted embryonic humans, and preserve what life they have in a freezer.

embryonic or fetal material to go to waste than to use it for some good purpose ...it must surely be *more* ethical to help people than to help no one” [11, pp. 368–369]. Harris is not arguing, in general, from the point of view that abortion is wrong or that the human embryo has moral standing. But the waste argument is clearly intended to counter such claims: whatever one might think about the moral standing of humans, it is surely ethically better to use an embryo for the sake of another’s benefit than to waste it by leaving it in its abandoned, embryonic, future-less state.

Arguments from waste have their place, but they can appear to do more than they actually support. If the failure to use something for a certain end is a waste, then it must have some value related to that end. It is because it has this value (*instrumental* value since it is value relative to some end), and there is not a greater instrumental value, that the failure to use it is a waste. Additionally, the thing must not have any value in itself, apart from any of its potential uses. To claim that not using an embryo for medical benefits is a waste implies that it does not have an inherent value that is weightier than the instrumental value. And to one who strongly opposes abortion, and so is committed to a moral standing on the part of the embryo, this does not seem like an option. Or at least to make the waste argument in the context of a strong view against abortion risks begging the question.

Consider, for example, a Kantian theory of morality in which the value of rational creatures (and so, humans) is such that they are ends in themselves (they have a dignity, not a price). For Kant it does not make sense to talk about their being wasted because they do not serve the ends of others. I am not advocating here a Kantian view of persons, but the view makes clear that questions of waste depend on first settling the question of inherent value and how this relates to a thing’s moral standing. Is it, for example, a waste not to experiment on the clinically insane? Surely their life is not our life, it is not the life we (reasonably healthy persons) want, and we might prefer dying to becoming insane to the extent that we must be institutionalized. But someone’s life is not a waste because it is not the life we want or even that any “normal” creature with moral standing would want. But the waste argument *risks* coming down to just that: since some human life is so much different or worse off than that of mainstream humans (probably mainstream Western humans, for that matter), it does not really count as a human life after all, or at least not one with moral standing.

One way to avoid begging the question of value is to consider seriously the life of the embryo, as different as it is from ours and as difficult as this may be. The life and future of these early humans, one would have to argue, is such that given their circumstances (circumstances which distinguish them from embryos *in utero*, as required by one who strongly opposes abortion) they have insufficient inherent value, and in particular they lack moral standing. Only then is it a waste not to use them given their instrumental value. The problem is that this sort of view seems dramatically inconsistent with our current practices with regard to other persons on the fringe of moral standing. Given this inconsistency, the permissibility of killing embryos for the sake of stem cells would require a change in our views of how we treat these other marginalized humans. This sort of change seems difficult to justify for one who already takes the strong view against abortion.

Perhaps the group closest to abandoned human embryos are the elderly infirm who live out their final days (or months, or years) in convalescence homes. What are we to do with one whose life is nearing an end, and who, though perhaps not in pain, has severely diminished mental, physical, and emotional capacities? Presently the accepted practice is to comfort and protect them until they die. While it would seem preferable that the elderly infirm spend their declining time with children or family, in many cases they are institutionalized in a care center. What we cannot do, morally, is kill them for the sake of experimentation. Likewise, harvesting their organs, testing new drugs on them, testing medical procedures, teaching new surgical students by practicing on them, these all offend our moral intuitions about what is permissible. But when the elderly infirm have lost those characteristics that establish personhood and hence moral standing—when they become marginalized humans, without a meaningful future—what justification do we have for not doing this? If we think of embryos in a freezer as resources for use (donated by their families), why does it not follow that much of the elderly infirm could be so regarded? None of this is to deny that an elderly infirm may choose to end his or her life early, even do so for the sake of benefitting another by his or her body parts. The question is whether this can be imposed upon them, and our current moral practices do not support it.

The group of marginalized humans is larger. It includes the mentally retarded and others born with severely disabling birth defects or those who acquire severe disabilities. Like the abandoned human embryo, they have a diminished capacity for a meaningful life. In some cases, they are so severely diminished that they may require institutionalization as well. Some children with certain diseases have a short life span and will not develop adult characteristics before dying. Whatever characteristics one takes to impart moral standing—including the overly general but intuitive “meaningful future”—it is likely that it will be lacking in this group. But none of this entails the permissibility of killing them for the sake of research or for the sake of benefitting others.

Also included is the large population of clinically insane, those whose mental and emotional disability requires that they be institutionalized. Their severely impaired capacities are likely also to challenge the standard of a meaningful future or the waste argument. Additionally, much of our criminal population could be included as marginalized humans—their heinous anti-social behavior and dispositions are such that we question their moral standing, and we certainly deprive them of most of the societal benefits and political rights we enjoy as creatures with moral standing. As with many other marginalized humans, these criminals will spend their lives institutionalized, serving no good to others or to themselves. In none of these cases of marginalized humans do we typically think it permissible to experiment on them or kill them for the sake of benefits to others. Their moral standing is on the fringe, and our manner of dealing with them is certainly undesirable from our point of view. In some sense they, or what remains of their lives (and perhaps the resources they are using) are a waste, but none of this implies the permissibility of killing them for experimentation or for the benefit of others.

We generally accept that something about being a human gives us moral standing. It is likely that whatever the characteristic, there will be some humans who

are marginalized; they have this characteristic to a reduced degree, only have potential for it, or had it but have lost it. Their lives will not be meaningful in some important sense. Our ideal example of a human with moral standing is the physically, mentally, and emotionally healthy and well-developed (and reasonably well behaved) adult human. But this ideal leaves many groups in the margins. While it is unclear how marginalized humans are to be incorporated into a community of individuals with moral standing—probably, any solution that does not bring them into the mainstream way of living will *feel* unsatisfying—killing them or experimenting on them is not our general practice. Some are locked in prisons, some in mental hospitals, some in convalescence homes, and, the argument would continue for abandoned human embryos, some in freezers. Thus the practice of not killing human embryos because they have no meaningful future and to not do so would be a waste contradicts our practices with other marginalized humans. Not killing them is part of a widespread practice of dealing with marginalized humans in a manner that recognizes to some degree their connection with the ideal entity of moral standing, the well-developed adult human.

One might make a waste argument even in the face of moral standing. Gene Otuka argues for another style of waste argument he terms the “nothing is lost” argument [13]. Otuka does explicitly recognize the moral standing of the human embryo from the point of conception, and he opposes creating embryos for the sake of stem cell research. But he permits killing “spare” embryos for the sake of stem cell research because nothing is lost to it. This position seems to put the emphasis on the embryo and what is important to it more than on those who may benefit (though it is certainly motivated by the possibility of benefit). As he states: “they will be lost no matter what one does. They will die if one does nothing—one may assume that the embryos will be frozen and eventually destroyed, or at least that they cannot be kept in limbo forever—and one cannot save them by killing others or letting others die” [13, p. 202]. But this view does not seem to avoid any of the problems already considered; and surely the embryo loses out on something it has, namely, its life. While the lack of a meaningful life may permit our allowing someone to die, it is typically not thought to allow us to impose death, and our current practices with regard to other marginalized humans does not involve this. Otuka considers, in fact, the objection that such an argument allows, as I have suggested, harvesting organs from terminally ill patients. He responds that “these possible extensions differ from the one I propose because the embryos in question are in physical limbo, without history or prospects” [13, p. 205]. But this does not seem to clearly distinguish embryos from other marginalized humans at all (at least not with any morally relevant feature).

One might object that the appeal to life being lost begs the question on my part for the question is what is it that makes life valuable, and the proposal is that a meaningful future is what makes it valuable. Having life itself is not a sufficient condition on value. An interesting problem with this view is raised by Elizabeth Harman: she argues in favor of abortion because the decision to have an abortion means that the embryo does *not* have a valuable future, and so is not losing out on something it had [14]! That is, because of the decision of the expectant mother to abort the fetus, it follows that the fetus had no future to lose out on. The concern

here, as with stem cell research, is that the lack of a future is a function of our behavior toward the early human, directly or indirectly, and so it is hard to use this as a reason for taking away its life. It would be a different case if the human were dying in virtue of some cause or circumstances that were not imposed on it by those who have an interest or related interest in its death. More importantly, for one who strongly opposes abortion, this sort of reasoning for killing embryos for the sake of stem cell research will not be consistent.

Another type of waste argument takes the point of view not that we are wasting embryos by respecting their moral standing, but that wasting them fails to respect their dignity. Julian Savulescu states the view:

Opponents of ES [embryonic stem cell] research ...will argue that whatever the benefits, intentionally killing embryos is failing to “respect human dignity.” ...[But] is it respecting human dignity to allow people to wither in nursing homes, unable to swallow, speak or move while all the time [extra IVF] embryos are destroyed? What more twisted version of respect for human dignity could there be [10, pp. 528–529]?

Curiously, this argument portrays human dignity in terms of respect for the human species as opposed to respect for individual members of the species. It is respect for the species as a whole that leads us to kill some for the sake of others. This is not the way we typically think of moral dignity; it typically attaches to individuals, and prevents their being mere means to another's benefit. Still, Savulescu's point is interesting: is it more disrespectful of dignity to destroy an embryo than to destroy an embryo for the benefit of another? Perhaps we show more respect for them when we destroy them for the sake of another. But this assumes that these are our only options. “Spare” embryos need not be discarded while viable; they can be allowed to die (remain frozen until no longer viable). Indeed, if for some reason embryos had to be killed, then killing while extracting would be better than mere killing. But as it stands, these are not our only options.

What is surprising, however, is Savulescu's appeal to persons in nursing homes: for surely it is not a far stretch to make a similar sort of argument about such persons; not merely that they could be used for the benefit of others, but that the enormous resources that Western societies spend on persons in their last years of life could be used for the enhancement of the lives of the younger and more promising. It is just this sort of reasoning that arguments from moral dignity are meant to counteract.

## Conclusion

I have argued that the link between the strong view against abortion and the wrongness of killing embryos for the sake of stem cell research may be stronger than initially supposed. I have not argued for either the permissibility or impermissibility of killing embryos in the case of stem cell research or abortion. However, if one is strongly committed to the moral permissibility of killing embryos for the sake of stem cell research, then consistency makes difficult a strong

position against abortion. If one's intuitions about the permissibility of killing embryos for the sake of stem cell research are sufficiently strong, this may be a welcome conclusion with regard to a strong view against abortion.

If one attempts to maintain the strong view against abortion and distinguish killing stem cell embryos on some other basis, something will have to be argued with regard to the status of an early human—as opposed to a neonatal, elderly, mentally diminished human—such that when they are abandoned, it is okay to kill them for research and benefit to others. But it is hard to see what this could be for one with a strong view against abortion and for one who accepts our current practices with regard to marginalized humans. While the current practices with regard to marginalized humans are not necessarily correct, the burden is on one who wants to challenge them to show that these practices do not reflect strong moral principles.

Two things make it difficult to see this burden in the case of embryos and embryonic stem cell research. First is our justifiably great excitement at the promise of medical advancement. That the promise of benefits may obfuscate moral concerns is certainly not unique to issues of health, but they do seem particularly strong in these cases. Second is the fact that pre-birth humans—and in general any non-adult humans—are especially vulnerable. But defense of the vulnerable may be one of our most important ethical responsibilities. I do not mean to beg the question here—human embryos may in the end have no moral standing—but only to point out how the burden here can be easy to overlook. Indeed, a moral prohibition against killing embryonic humans for the sake of research may even be stronger than a prohibition against abortion. For while any position against abortion will have to contend with other rights and privileges (i.e., a right to control one's body, one's life)—hence leading many to believe either that abortion is not wrong or that, though wrong, it ought not to be illegal—killing embryonic humans for the sake of stem cell research does not have these same sorts of conflicts; abandoned, frozen embryos interfere in no significant way with the lives or rights of adult humans. Thus a moral prohibition against killing embryos for the sake of stem cell research, in comparison to a strong view against abortion, may be even weightier.

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