



The Corpse Raiders

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Most people recognize the importance of obtaining consent before retrieving organs from the bodies of deceased persons. They also understand the necessity of showing respect for those bodily remains following death.

Recent news stories have chronicled the troubling story of a funeral home in Colorado clandestinely taking body parts out of corpses and selling them to medical supply companies. One family was horrified to learn that their mother's head, arms, pelvis, and parts of her legs had been harvested without their knowledge or consent. They and others are now suing the company. The funeral home had been selling body parts to places as far away as Saudi Arabia, and returning containers of ashes to the families that did not contain any actual trace of their loved ones.

The public outcry following these revelations, and the subsequent FBI investigation and legal prosecution of the funeral home directors, reminds us how easy it is to transgress important moral boundaries when we fail to respect the remains of the deceased.

Indeed, legal measures can remind us of our duties towards the dead, whether through laws that criminalize grave robbing, for example, or those forbidding the use

of executed persons' bodies for research. A few years ago, Chinese officials were timing the capital punishment of their prisoners in order to harvest their organs as soon as well-paying foreigners had arrived in Chinese hospitals to receive those transplanted body parts. International pressure quickly mounted to ban the practice.

While it is clear that we shouldn't kill others for the purpose of obtaining their organs or body parts, it should be equally clear that when an intentional act of killing has already taken place, and a cadaver is available, valid informed consent is still required prior to harvesting bodily tissues. All ethically sound research involving human subjects is predicated upon informed consent, which needs to be given either by the donors themselves before they die, or by their duly appointed proxy, acting on behalf of, and in the best interests of, the deceased individual.

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Some have been tempted to argue that aborted children

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“would have consented” to organ donation if they had been given the chance, since those organs are no longer needed by them after death. But if the justification for harvesting fetal organs is alleged to be the implied consent of the child, this has to be characterized as a false, even violent, presumption. The activity of harvesting tissues under these circumstances would only exacerbate the original evil act that terminated the child’s life. Taking cells or tissues without consent would be a callous extension of the original desecration of his or her bodily life.

Additionally, it is important to recognize that even if the mother of an intentionally aborted child were to sign the dotted line saying she granted her permission for the baby’s cells and organs to be donated, that consent would necessarily be null and void. Because she arranged for the taking of the child’s life, she already categorically demonstrated that she does not have the child’s best interests in mind. From the ethical vantage point, she disqualifies herself from being able to provide valid consent on behalf of her now-deceased child by the very decision to have the abortion in the first place.

While the action of taking bodily tissues without consent would be a lesser evil than the act of killing, this does not lead to the conclusion that we can therefore permit or encourage fetal corpse raiding at abortion clinics simply because we have some good use in mind, like pushing forward the frontiers of biological knowledge, or producing a new vaccine or even developing an important therapy for a serious disease.

Wherever cells from directly aborted fetuses are used in research or product development, alternative and ethically non-controversial cell sources should instead be pursued, using, for example, cells obtained from routine surgeries like the removal of an appendix, or foreskin removal during newborn circumcision, or fetal remains following a spontaneous miscarriage, after valid informed consent is able to be properly obtained from the parents. Consent given after the natural loss of a pregnancy would be analogous to granting permission for an organ donation from a couple’s naturally deceased newborn.

Even though significant scientific breakthroughs may have occurred in the past using illicitly gained

cells and tissues from direct abortions, this cannot ethically sanitize this approach to tissue procurement, nor justify the continuation of the practice in the future. In fact, outlawing the use of the remains of abortion victims by scientists and researchers would be a small but highly important first step towards showing proper societal respect for the many unborn children who unjustly perish in abortion clinics today.

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