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Vatican issues new document on biotechnology

John L. Allen Jr. | Dec. 12, 2008 All Things Catholic

In a resounding confirmation that the Catholic church's pro-life concern extends to the brave new world of biotechnology, the Vatican today issued a tough document condemning the freezing of human embryos, genetic engineering, human cloning, animal/human genetic hybrids, and a number of other procedures described as affronts to human dignity. The document also reiterates existing bans on embryonic stem cell research, in-vitro fertilization, and the "morning after pill."

In places, Vatican rhetoric is biting. The document charges that human cloning risks "biological slavery," that some biotech procedures reflect a "shameful and utterly reprehensible ? eugenic mentality," and that widespread practice of IVF, which typically involves the destruction of unused embryos, implies "blithe acceptance" of an "enormous number of abortions." Its concern is not merely laying out moral teaching but also shaping social and political debates, citing an "urgent need to mobilize consciences in favor of life."

Titled *Dignitas Personae*, the document was issued by the Congregation for the Doctrine of the Faith with the approval of Pope Benedict XVI. It was presented this morning in a Vatican news conference.

Underlying its conclusions are several core principles, addressed not just to Catholics but "to all who seek the truth":

- "The human embryo has, from the very beginning, the dignity proper to a person." (Vatican officials said this marks something of an advance beyond previous church documents, which were more circumspect in referring to the embryo as a ?person.?)
- "Human life is always a good" and therefore "must be fully respected," irrespective of such considerations as "intelligence, beauty, health, youth and integrity."
- The origin of human life must be in "marriage and the family," including natural sexual intercourse, "which expresses the reciprocal love between a man and a woman."

Dignitas Personae is styled as a successor to *Donum Vitae*, a landmark 1987 document from the CDF on bioethics. The purpose of *Dignitas Personae* is to bring *Donum Vitae* up to date in light of biotech advances over the last 20 years, as well as to address some simmering questions in Catholic moral debate.

In broad strokes, *Dignitas Personae* ratifies positions already outlined by the Vatican in ad-hoc fashion during the last two decades, often by the Pontifical Academy for Life, in response to specific inquiries or legislative and scientific developments. Thus the rejection of cloning and animal/human hybridization, while new with respect to such authoritative texts, is not surprising to anyone who has followed recent Vatican thinking.

At a tighter level of magnification, however, the document contains several points likely to raise eyebrows in

Catholic moral theology. Most cut in the direction of a restrictive posture on previously open questions, though they generally stop short of outright prohibitions. They include:

- A critical view of "embryo adoption," meaning allowing women and couples to bring someone else's frozen embryos to term.
- Caution about "Altered Nuclear Transfer," touted as a way of obtaining embryonic stem cells without creating an embryo.
- Potentially ambiguous language about the "morning after pill," which could affect the practice in Catholic hospitals of offering emergency contraception to rape victims ? though a spokesperson for the U.S. bishops' conference told NCR that the document is not intended to address that question.
- Raising the bar on the morality of research involving biological materials obtained from aborted fetuses or human embryos.
- A more negative view of genetic interventions passed on to subsequent generations than was offered in a 1983 speech by John Paul II, which hinted that such therapy could, at least in theory, be justified.

Experts will also likely find *Dignitas Personae* noteworthy for what it does not contain.

Like *Donum Vitae*, the new document is exclusively concerned with beginning-of-life issues. It does not address end-of-life questions, such as withdrawing artificial nutrition and hydration from patients in a persistent vegetative state, or the growing debate over "brain death," in which some maintain that use of neurological criteria allows deeply disabled, but still living, patients to be artificially declared dead in order to harvest their organs.

Even within the cluster of beginning-of-life issues, there are a couple of notable absences:

- *Dignitas Personae* approves research with adult stem cells, but does not mention "induced pluripotent stem cells," a means of reprogramming adult skin cells into the equivalent of embryonic stem cells. The technique has been hailed as a scientific end-run around the debate over embryonic cells.
- It also does not address a means of assisted reproduction known as GIFT, or "gamete intra-fallopian transfer." Catholic moralists are divided over GIFT, which involves removing eggs from a woman and mixing them with the man's sperm, then reinserting them in the fallopian tube. Many experts regard it as the best example of a question left hanging by *Donum Vitae*.

All of this suggests that while *Dignitas Personae* has answered some questions, it has also left some open, and created still others.

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Within Catholic moral theology, rumblings about a successor document to *Donum Vitae* have circulated for years. The early consensus seems to be that on the major points, *Dignitas Personae* is not a shocker.

"There's nothing here that shouldn't have been expected," said John Berkman, a Catholic ethicist at the Dominican School of Theology and Philosophy in Berkeley, California. "It could almost have been published as an appendix to *Donum Vitae*, taking its principles and applying them to new technologies."

Paradoxically, many experts said *Dignitas Personae* is likely to create the greatest consternation among Catholics most inclined to embrace official church teaching.

"This document is probably not going to affect moderate or progressive theologians, or moderate and

progressive Catholics in general," said Jesuit Fr. James Keenan at Boston College. Its impact, he said, will be most keenly felt among "conservative Catholics who have really been working within the principles of *Donum Vitae*."

Keenan said that prior to *Donum Vitae*, some conservative ethicists had argued in favor of "homologous" in-vitro fertilization, meaning the use of IVF by a married couple with their own biological materials, on the grounds of the church's traditional support for families and new life. Similarly, he said, some conservative moralists over the last 21 years have argued in favor of measures such as embryo adoption and altered nuclear transfer, who "may be as perplexed as some people were in 1987."

Berkman, however, said that generational change within Catholic moral theology may create a more receptive climate for *Dignitas Personae* than the one faced by *Donum Vitae* 21 years ago.

"There's an emerging group of theologians who are pro-life, but who don't want to be identified as ultra-conservatives," Berkman said. "They want to be faithful on issues such as abortion, but they want to put that teaching in a larger theological context." That group, he said, will be sympathetic to the aims of *Dignitas Personae*.

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Experts predict that initial reaction to *Dignitas Personae* will swirl around four points:

- Embryo adoption
- Altered nuclear transfer (ANT)
- The "morning after pill"
- The use of "illicitly obtained" biological materials

Read the full text of the document: **Instruction *Dignitas Personae* on Certain Bioethical Questions** [1]

Embryo Adoption

A 2003 RAND study concluded that almost 400,000 embryos have been frozen and stored in the United States since the late 1970s, with hundreds of thousands more in other nations. While Catholic teaching holds they should not have been created in the first place, the debate over embryo adoption pivots on what's to be done now that they exist.

Proponents support allowing women and couples who are not the biological parents to bring these embryos to term, as a means of saving human life. Doing so "constitutes a sometimes heroic act of kindness toward extremely needy members of the human community," said Legionaries of Christ Fr. Thomas Williams during a 2005 debate in Rome. Last June, Archbishop John Myers of Newark lauded embryo adoption as "saving a life, and doing it in a very moral way. It's saving an embryo from death, either by incineration or research."

Critics, however, say embryo adoption amounts to complicity in an immoral procedure, meaning the artificial generation of human life. They also suggest that it may simply encourage the freezing of more embryos. Those critics include Fr. Tad Pacholczyk with the U.S.-based National Catholic Bioethics Center, and Cardinal Carlo Caffarra of Bologna, Italy, an influential figure in pro-life circles.

Dignitas Personae clearly takes a negative view. While praising the intent of what it calls "pre-natal adoption," the document says it "presents various problems not dissimilar to those mentioned above" ? a reference to a section of the document rejecting the use of frozen embryos as an infertility treatment. In the end, *Dignitas Personae*

concludes, "the thousands of abandoned embryos represent a situation of injustice which in fact cannot be resolved."

Most experts say that language, while obviously not encouraging, stops short of outright condemnation.

"The debate is not really closed," said Dominican Fr. Nicanor Austriaco of Providence College, who is among the critics of embryo adoption. "This is not like other interventions, which are explicit in declaring something out of bounds." Instead, Austriaco said, the document places the burden of proof on supporters.

Williams, a leading supporter, agreed.

"While it weights things against embryo adoption, in no way can it be read as a definitive negative judgment," he said.

Williams said that if a couple came to him seeking advice about embryo adoption, "I would say that while the document expresses strong reservations, there are also a number of very faithful, orthodox moral theologians who don't have a problem with it. Lacking a more definitive statement, it could be acceptable."

Richard Doerflinger, associate director of the Secretariat for Pro-Life Activities with the U.S. bishops' conference, suggested a more restrictive reading.

"It's not a definitive moral judgment, but it's at least a yellow light," he said. "Before, it was unresolved, so the advice was basically to pray and to follow your conscience. This changes that situation quite a bit. It seems to be clearly saying this is not a project Catholic couples should be getting involved in."

However one interprets it, Williams said, "Everyone will wish that there had been a stronger or clearer judgment." The way the document stands, he said, does not resolve the practical question of what's to be done with frozen embryos: "Is the choice to leave them frozen? To thaw them and let them die? It leaves things open," he said.

Speaking on background, some analysts suggested that the overriding concern of *Dignitas Personae* is demanding a halt to the freezing of embryos. In that context, they said, the Vatican did not want to suggest that the moral dilemmas created by the practice could somehow be resolved. One expert predicted that if a global moratorium on freezing embryos were adopted, the Vatican might take a more sympathetic look at embryo adoption.

Altered Nuclear Transfer (ANT)

"Altered nuclear transfer" was pioneered by Stanford scientist William Hurlbut. The idea is to create a cellular entity that resembles an embryo, but with certain genes either modified or suppressed so that it can't develop into a human being. The result, Hurlbut says, is more akin to a tumor than an embryo, but it can still generate embryonic stem cells.

ANT has received considerable Catholic encouragement. In 2004, then-Archbishop William Levada of San Francisco wrote President Bush to support federal funding for research on ANT; in 2005, a Catholic think tank called the Westchester Institute endorsed animal trials on ANT (and a variant procedure known as ANT-OAR). Critics, however, aren't so sure that what's created in ANT isn't an embryo. One has called it simply "an embryo programmed to die."

Dignitas Personae strikes a strong note of caution. Section 30 refers to proposals for obtaining embryonic cells without destroying embryos, and a footnote makes clear the document has in mind ANT and OAR.

"These proposals have been met with questions of both a scientific and an ethical nature regarding above all the ontological status of the 'product' obtained in this way," the document says. "Until these doubts have been clarified, the statement of the encyclical Evangelium vitae needs to be kept in mind: 'What is at stake is so important that, from the standpoint of moral obligation, the mere probability that a human person is involved would suffice to justify an absolutely clear prohibition of any intervention aimed at killing a human embryo.'"

As with embryo adoption, analysts say that language is discouraging but not definitive.

Hurlbut, who describes himself as a "generic Christian," told NCR that while he's disappointed the document did not say "in principle, we favor such a project," he nonetheless found the Vatican's caution "wholly appropriate."

Hurlbut expressed confidence that "we're going to be able to meet the criteria of moral certitude that this is not an embryo, by any reasonable standard." He said studies with ANT in primates have produced cell lines "that look the same as those derived from embryos," yet they come from entities that are "clearly not organisms."

Other experts say this may be a case in which science has leapfrogged over moral debate. ANT, they say, has become somewhat passé in light of new developments with "induced pluripotent stem cells," meaning adult cells reprogrammed to become the functional equivalent of embryonic cells.

"The way the technology is now, there's no reason to be engaging in ANT/OAR," Berkman said. "This has become largely an academic question."

Hurlbut questioned the claim that reprogramming adult cells will make ANT irrelevant.

"It will take time for that technology to be perfected, and we may never get there, though most scientists are optimistic," he said.

The Morning After Pill

The "morning after pill" refers to drugs containing higher doses of the hormones used in normal birth control pills, which, if taken within 72 hours after intercourse, reduce the chances of pregnancy. In the United States, the federally approved form of the "morning after pill" is known as Plan B. There's long been debate on how these drugs work: Do they prevent conception, in which case they're simply high-octane birth control; or do they block implantation of an embryo or otherwise cause its destruction, in which case they're a chemical form of abortion?

The debate has implications for Catholic health care, since church policy permits Catholic hospitals to offer rape victims emergency contraception (in the U.S., Plan B), assuming tests for ovulation and pregnancy are negative, indicating that conception has not occurred. The "Ethical and Religious Directives" of the U.S. bishops state that "a female who has been raped should be able to defend herself against a potential conception from the sexual assault."

In October 2000, the Pontifical Academy for Life put out a statement following approval of the "morning after pill" for sale in Italian pharmacies. The academy took a hard line: "It seems sufficiently clear that those who ask for or offer this pill are seeking the direct termination of a possible pregnancy already in progress, just as in the case of abortion," the statement read. "The same absolute unlawfulness of abortifacient procedures also applies to distributing, prescribing and taking the morning-after pill."

That statement has been cited frequently by critics of dispensing emergency contraception in Catholic hospitals.

It was invoked most recently in September 2007, when the bishops of Connecticut announced they would permit Catholic hospitals to comply with a new state law mandating Plan B for rape victims without an ovulation test. While voicing opposition to the law, the bishops offered two premises for their decision to comply:

- "Serious doubt about how Plan B pills and similar drugs work";
- "The teaching authority of the Church has not definitively resolved this matter."

Most experts say *Dignitas Personae* does not offer definitive resolution of the debate over Plan B.

The document deals with emergency contraception in section 23, introducing a distinction between what it calls "interceptive" methods, if they interfere with the embryo before implantation, and "contragestative," if they cause the elimination of the embryo after implantation. Footnotes identify the best-known interceptive methods as "the IUD ? and the so-called 'morning-after pills,'" and the principal means of contragestation as "RU-486 (Mifepristone), synthetic prostaglandins or Methotrexate."

In either case, *Dignitas Personae* holds, these methods are illicit: "The use of means of interception and contragestation fall within the sin of abortion and are gravely immoral. Furthermore, when there is certainty that an abortion has resulted, there are serious penalties in canon law." Significantly, this is the only point at which *Dignitas Personae* raises the prospect of canonical sanctions.

Doerflinger of the U.S. bishops' conference told NCR he does not believe this language means the practice of administering Plan B in Catholic hospitals is illicit.

"It clarifies that this is a very important moral issue, but it doesn't say that what Catholic hospitals are doing to prevent pregnancy in rape victims has been established as an abortifacient and therefore can't be used," Doerflinger said. "That has to be settled by more definitive science, not in a church document."

Bishop William Lori of Bridgeport, Connecticut, chair of the Committee on Doctrine and Pastoral Practices of the U.S. bishops' conference, agreed.

"I don't think the document explicitly addresses the rape protocols, nor does it specifically address Plan B," Lori told NCR. "If it had wanted to, it could have and would have. It doesn't settle that question."

Talking points on *Dignitas Personae* prepared by the Catholic Health Association assert that current practice in Catholic hospitals will "remain unchanged." The CHA text says that "Plan B, the medication of choice for emergency contraception, does not appear to have a post-fertilization effect, given the results of repeated scientific studies."

Illicitly Obtained Biological Materials

Many experts say the most potentially consequential teaching of *Dignitas Personae* comes in sections 34-35, dealing with the use of biological materials of "illicit origin" ? referring to cell lines or other materials obtained from aborted fetuses or embryos.

Here too, *Dignitas Personae* is codifying a ruling already issued by the Pontifical Academy for Life, in this case a 2005 response to an inquiry from a Florida-based group called the "Children of God for Life." Noting that cell lines used in vaccines against rubella and chickenpox were developed in the 1960s and early 1970s from aborted fetuses, the group asked if it's licit for Catholic parents to have their children inoculated with these vaccines. The Academy for Life held that while consumers have an obligation to protest and to seek alternatives where

possible, the use of such vaccines where no alternatives exist amounts to "very remote" complicity in evil, which can be justified by the "proportional reason" of preventing disease.

Dignitas Personae upholds that teaching, but places greater emphasis on the responsibility of researchers.

The document rejects a "criterion of independence," which would suggest that as long as a researcher was not personally involved in an abortion or the destruction of an embryo, use of materials obtained from those acts does not amount to complicity in evil.

"There is a duty to refuse to use such 'biological material,' even when there is no close connection between the researcher and the actions of those who performed the artificial fertilization or the abortion," the document says, "or when there was no prior agreement with the centers in which the artificial fertilization took place."

"This duty springs from the necessity to remove oneself, within the area of one's own research, from a gravely unjust legal situation and to affirm with clarity the value of human life," it says.

Keenan said that language may pose a crisis of conscience for Catholic scientists.

"You're left asking, is a Catholic researcher who works with stem cell lines, for example, supposed to resign? The document seems to insinuate that," he said.

At the same time, *Dignitas Personae* distinguishes "differing degrees of responsibility." A researcher who has no voice in decisions to use these materials, for example, is not in the same situation as one who makes that decision. Similarly, consumers compelled to use these materials because no alternative exists are also in a different moral position.

The quandaries involved were illustrated four years ago, after revelations that the Georgetown University Medical Center was using cell lines obtained from aborted fetuses in research on Alzheimer's disease, cancer, and other maladies. An in-house inquiry at Georgetown concluded that the research could continue, partly on the grounds that the abortions were not performed for the purpose of obtaining the cell lines. Moreover, some of the scientists said they were unaware of the origins of the cells when they began their work.

Berkman said that while sections 34-35 of *Dignitas Personae* will have to be considered when such issues arise in the future, the document does not offer a one-size-fits-all solution. In part, he said, that's because the document calls researchers to a form of "evangelical witness" in favor of life ? and, Berkman said, "with very few exceptions, you can't mandate witness."

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Doerflinger pointed to one other area where *Dignitas Personae* appears to tighten previous teaching: Germ line therapy, meaning genetic interventions passed on to subsequent generations.

In practice, such interventions are already barred by Catholic moral teaching because they involve in-vitro fertilization. In theory, however, Doerflinger said, a 1983 speech by Pope John Paul II "seemed to hold the door open" for an acceptable form of such intervention, if a way of performing it other than IVF could be found.

"The expression 'genetic manipulation' remains ambiguous," John Paul said in that address, "and should constitute an object of true moral discernment. It covers, on the one hand, adventuresome endeavors aimed at promoting I know not what kind of superman and, on the other hand, desirable and salutary interventions aimed at the correction of anomalies such as certain hereditary illnesses."

Dignitas Personae seems more dubious about the prospects for such "desirable and salutary interventions."

"Because the risks connected to any genetic manipulation are considerable and as yet not fully controllable, in the present state of research, it is not morally permissible to act in a way that may cause possible harm to the resulting progeny," it says. The document adds that such research is also illicit because it relies upon IVF.

Some analysts, however, say the phrase "in the present state of research" still leaves a slight crack in the Vatican's judgment.

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Beyond the specifics of *Dignitas Personae*, observers also reacted to its rhetoric and style. Keenan said that in comparison to *Donum Vitae*, the new document often seems more tentative in its conclusions.

"Tonally, it has more subjunctives rather than the imperative," Keenan said. "It's entertaining circumstances and expressing reservations rather than solving problems," he said, calling it a more "mature" document.

Doerflinger also pointed to an obvious sensitivity in *Dignitas Personae* that its condemnations not be seen as a bias against science.

The document affirms that medical science "participates in the creative power of God, and is called to transform creation by ordering its many resources toward the dignity and well-being of all human beings." It expresses hope that the results of scientific advances will reach "areas of the world that are poor and afflicted by disease."

Charles Camosy of Fordham University, who said he's sympathetic to the document's concerns, nonetheless pointed to what strikes him as an obvious omission: There's not a single reference in *Dignitas Personae* to any of the social encyclicals popes have issued since the 19th century. That's symptomatic, Camosy said, of an "unfortunate and artificial" division in the church between what he called "moral status conservatives" and "social justice liberals," which means that both camps often fail to take "a comprehensive approach to the church's moral resources."

Camosy pointed out that it's not until the final section that *Dignitas Personae* offers an argument invoking social ethics.

In that section, the document quotes a 1991 letter from Pope John Paul II comparing the church's defense of unborn life today to its advocacy on behalf of oppressed workers in the 19th century: "The church feels duty-bound to speak out with the same courage on behalf of those who have no voice," John Paul wrote. "Hers is always the evangelical cry in defense of the world's poor, those who are threatened and despised and whose human rights are violated."

That's the kind of language, Camosy suggested, that could do a better job of getting social justice Catholics on board, and perhaps making the pro-life argument more persuasive to the broader world.

Precisely that sort of argument was offered during this morning?s press conference by Archbishop Rino Fisichella, President of the Pontifical Academy for Life.

?The church has been committed throughout the centuries in defense of certain fundamental principles which are today the common heritage of humanity,? Fisichella said. ?Certainly, at the time the church was challenged by a fringe of forward-thinkers who, in the name of progress and the laws of the market, preferred to trample upon the fundamental rights of persons. How can we forget, for example, the commitment of missionaries against slavery in countries that had been colonized, or the defense of workers at the beginning of the 19th century? Today, the issue that will mark the coming decades and the life of society is determined by the defense

of the dignity of the person from conception to natural death.?

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