

A Contralife Argument against Altered Nuclear Transfer

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As many readers of this journal know, William Hurlbut, a physician and member of the President's Council on Bioethics, has proposed altered nuclear transfer (ANT) as a technique for achieving the benefits of embryonic stem cell research without destroying human embryos.¹ ANT refers to the process of altering the nucleus of a human somatic cell and then using the technique of somatic cell nuclear transfer (transferring this nucleus into an enucleated oocyte and then stimulating the entity to divide). According to Hurlbut, ANT would create an entity that lacks the essential characteristics of a human embryo but that could provide a source of pluripotent stem cells (cells that have the potential to develop into different types of cells). Hurlbut's proposal has sparked a debate about whether ANT would create a damaged human embryo or, as Hurlbut contends, merely a "biological entity that, by design and from its very beginning, lacks the attributes and capacities of a human embryo."²

¹ See William B. Hurlbut, "Altered Nuclear Transfer as a Morally Acceptable Means for the Procurement of Human Embryonic Stem Cells," *The National Catholic Bioethics Quarterly* 5.1 (Spring 2005): 145–151. Hurlbut first presented this paper to the President's Council on Bioethics.

² Ibid., 149. For some criticisms of Hurlbut's contention that ANT would not create a human being, see the following contributions to the Colloquy section of *The National Catholic Bioethics Quarterly* 5.1 (Spring 2005): Joachim Huarte and Antoine Suarez, "An Unanswered Question," 9; Richard Egan, "The Burden of Proof," 12–13; Rev. Tadeusz Pacholczyk, "The Substantive Issues Raised by Altered Nuclear Transfer," 17–19. For Hurlbut's replies to these criticisms, see "Dr. Hurlbut Replies," 19–22. For another argument that ANT would produce a human being, see Jean D. Peduzzi-Nelson, "Criticism of the Hurlbut ANT Proposal," *The National Catholic Bioethics Quarterly* 5.2 (Summer 2005): 226.

In this essay, I assume for the sake of argument that people who successfully employed ANT would create a nonhuman entity instead of a damaged human embryo. Nevertheless, I argue that the successful use of ANT would be morally similar to the use of contraception. Therefore, someone could argue that ANT is immoral *either* because it *fails* to prevent nuclear transfer from creating a human being and therefore is a form of homicide, *or* because it *successfully* prevents nuclear transfer from creating a human being and therefore is morally similar to contraception. To my knowledge, proponents of ANT have not responded to the second part of this objection.

Contralife Arguments against Contraception and ANT

According to the contralife argument against contraception, people who use contraception act immorally because they act against, or violate, the good of human life. Proponents of this argument do not contend that contraception destroys an existing human being, but they do argue that people can act against a good, both by destroying or damaging an existing instance of that good, and by impeding a process that could produce that good.³ Therefore, the contralife argument against contraception can be summarized as follows:

- (1) People act immorally if they act against human life.
- (2) People act against human life if they intentionally prevent a process from creating a human being.
- ∴ (3) People act immorally if they intentionally prevent a process from creating a human being. [1, 2]
- (4) People who use contraception intentionally prevent a process (i.e., sexual intercourse) from creating a human being.
- ∴ (5) People who use contraception act immorally. [3, 4]

Unlike some other arguments against contraception, this argument requires no premises about the meaning of sexual intercourse in human relationships.⁴ (Of course, someone could maintain that more than one sound argument shows that contraception is

³For a detailed presentation of this argument, see Germain Grisez et al., “‘Every Marital Act Ought to be Open to New Life’: Toward a Clearer Understanding,” *The Thomist* 52.3 (July 1988): 365–426. For a summary of the argument, see Joseph Boyle, “Contraception and Natural Family Planning,” *International Review of Natural Family Planning* 4.4 (Winter 1980): 309–315, reprinted in *Why Humanae Vitae Was Right: A Reader*, ed. Janet Smith (San Francisco: Ignatius Press, 1993), 409–417. For a criticism of the contralife argument from a thinker who accepts the Catholic condemnation of contraception, see Janet Smith, *Humanae Vitae: A Generation Later* (Washington, D.C.: Catholic University of America Press, 1991), 340–370. For May’s response to these criticisms, see his review of Smith’s book in *The Thomist* 52.1 (January 1992): 155–161.

⁴For an example of an argument against contraception that does require such premises, see Alexander Pruss, “Christian Sexual Ethics and Teleological Organicity,” *The Thomist* 64.1 (January 2000): 71–100. See also John Crosby, “The Personalism of John Paul II as the Basis of His Approach to the Teaching of *Humanae Vitae*,” in *Why Humanae Vitae Was Right*, 195–226.

immoral.) The premises of the contralife argument entail that people act immorally if they intentionally prevent *any* process from creating a human being.

Proponents of ANT have suggested different methods of employing ANT, but all these methods seem intended to prevent the nuclear transfer from creating a human being. For example, Hurlbut's original proposal suggested that scientists could prevent the process of nuclear transfer from creating a human embryo by deletion of the gene *Cdx2* in the nucleus of a somatic cell prior to transfer.⁵ Scientists who used such a method would intend to prevent a nuclear transfer from creating a human being, as people who use contraception intend to prevent sexual intercourse from creating a human being. Therefore, modifying the fourth premise of the contralife argument against contraception yields the following argument against ANT:

- (1) People act immorally if they act against human life.
- (2) People act against human life if they intentionally prevent a process from creating a human being.
- ∴ (3) People act immorally if they intentionally prevent a process from creating a human being. [1, 2]
- (4') People who use ANT intentionally prevent a process (i.e., nuclear transfer) from creating a human being.
- ∴ (5') People who use ANT act immorally. [3, 4]

Scientists could use ANT to achieve a noble end—namely, to obtain the benefits of embryonic stem cells without destroying any human embryos—but the contralife argument entails that ANT is an immoral means to achieve that end. Similarly, the contralife argument entails that couples who use contraception act immorally even when they have a good reason to avoid having children, such as being unable to care for a child properly.

In this essay, I do not attempt to establish the first two premises of either contralife argument presented above. I contend only that proponents of ANT must respond to the charge that people who successfully performed ANT would act immorally for the same reason that people who use contraception act immorally. In other words, proponents of ANT must respond to the objection that ANT is immoral unless the contralife argument is unsound.

Proponents of ANT have suggested methods other than deleting the *Cdx2* gene prior to the nuclear transfer. In June 2005, a group of thirty-five ethicists, moral theologians, physicians, and scientists proposed a method called oocyte-assisted reprogramming (OAR), which is designed to create pluripotent stem cells by reprogramming the genes in the nucleus of a somatic cell “to bias the somatic nucleus towards a pluripotent stem cell state” before transferring the altered nucleus into an

⁵ See Hurlbut, “Altered Nuclear Transfer,” 149–150. Hurlbut notes that his suggestions for specific procedures to employ ANT “may or may not be morally acceptable” and “are offered only to make clear the larger concept, and as a starting point for discussion” (145).

enucleated oocyte.⁶ According to its proponents, OAR would “achieve its objective, not by a gene deletion that precludes embryonic organization in the cell produced [as with the method for ANT previously proposed by Hurlbut], but rather by a positive transformation that generates, *ab initio*, a cell with the distinctive molecular characteristics and developmental behavior of a pluripotent cell, not a totipotent embryo.”⁷ I agree that OAR would not produce a human embryo, but I maintain that practitioners of OAR would intend to prevent the nuclear transfer from creating a human being. If the transfer of an *unaltered* nucleus did not result in a human embryo, then people would have no reason to use OAR instead of simpler, unaltered nuclear transfer.

If proponents of OAR could show that scientists can employ OAR without intending to prevent the nuclear transfer from creating a human being, then the contralife argument would not apply to OAR. The contralife argument does not preclude all actions that prevent the creation of a human being; it precludes only actions that *intentionally* prevent the creation of a human being. For example, the contralife argument does not entail that a woman with uterine cancer necessarily would act immorally by undergoing a hysterectomy. A woman could intend to remove the cancer by doing so, and accept infertility as a foreseen but unintended side-effect. Analogously, scientists could intend to produce pluripotent cells and accept the prevention of the creation of a human embryo as a foreseen but unintended side-effect of OAR if they had some reason—other than their desire to avoid creating a human embryo—to prefer the cells produced by OAR over the embryonic cells produced by unaltered nuclear transfer (cloning). To my knowledge, proponents of OAR have not identified any such reason.

What Contralife Arguments Do and Do Not Entail

Contralife arguments do not entail that the state must prohibit ANT or contraception, because one consistently can maintain that an action is immoral without concluding that the law should prohibit the action. For example, the belief that people act immorally by lying or by fantasizing about certain sexual activities clearly does not entail that the law should prohibit all lies or all illicit sexual fantasies. Contralife arguments would, however, entail that people may not support public funding for ANT or contraception (for example, by voting for the allocation of public funds for these things).⁸ By doing so, people would cooperate formally in ANT or contraception, since they would intend the funds to be used for these purposes. Therefore,

⁶ See Joint Statement with Signatories, “Production of Pluripotent Stem Cells by Oocyte-Assisted Reprogramming,” *The National Catholic Bioethics Quarterly* 5.3 (Autumn 2005): 581.

⁷ *Ibid.*, 582.

⁸ The following argument for this conclusion resembles the argument by then-Cardinal Ratzinger that Catholics may not vote for a candidate precisely because the candidate supports permissive abortion laws. See Cardinal Joseph Ratzinger’s memorandum to a U.S. Conference of Catholic Bishops task force on Catholic bishops and Catholic politicians, “Worthiness to Receive Holy Communion: General Principles,” *Origins* 34.9 (July 29, 2004): 133. The former Cardinal emphasizes: “A Catholic would be guilty of

people who supported public funding for ANT or contraception would share the intention of preventing nuclear transfer or sexual intercourse from creating a human being. (I here assume the traditional view that people who share a wrongdoer's intention are guilty of formal cooperation and that formal cooperation in wrongdoing always is immoral.)⁹

Even if the contralife argument does entail that people have an obligation *not to cooperate formally* in ANT, the argument does *not* entail that people have an obligation *actively to oppose* ANT or public funding for ANT. To consider a specific case, suppose that a U.S. senator facing a difficult bid for reelection becomes convinced that both ANT and contraception are immoral because they both violate the good of human life. If Congress then considered a bill that would allocate public funding for ANT, the senator would have an obligation not to express support for the bill and not to vote in favor of the bill (since doing so would qualify as formal cooperation in wrongdoing). Nevertheless, the senator might have serious reasons not to campaign actively against the bill. For example, the senator might judge that a public campaign against the bill would not prevent its passage and that a futile campaign against the bill very likely would result in an election loss to a candidate who would support public funding for other immoral activities. Therefore, the senator could decide not to vote on the bill at all and to avoid public comment about it. People, including politicians, who judge certain legislation to be immoral might decide to devote their limited time and resources to promoting other just causes, rather than to defeating that legislation.

I do not contend that politicians may refrain from campaigning actively against *any* immoral legislation in order to save their jobs. In this example, the senator has serious reasons for not making public arguments against ANT. If the circumstances were different, then politicians might have an obligation to risk their jobs in order to oppose an immoral bill.

The Magisterium

Someone who approves of contraception and the destruction of human embryos for research will have few, if any, concerns about similarities between ANT and contraception. Such a person will find ANT interesting only as a way of persuading other people to drop their objections to embryonic stem cell research, not as a way to avoid acting immorally by destroying human embryos. Both Hurlbut's defense of ANT and my argument are directed toward people who oppose the destruction of human embryos for research and who wish to find a morally acceptable way to obtain the benefits of pluripotent cells. Before proponents of ANT can claim

formal cooperation in evil, and so unworthy to present himself for Holy Communion, if he were to deliberately vote for a candidate precisely because of the candidate's permissive stand on abortion and/or euthanasia."

⁹For a more thorough presentation and defense of the distinction between formal and material cooperation and an argument that formal cooperation always is immoral, see Germain Grisez, *The Way of the Lord Jesus*, vol. 3, *Difficult Moral Questions* (Quincy, Illinois: Franciscan Press, 1997), 871–897.

to have identified a morally acceptable procedure for obtaining pluripotent cells, they must address the objection that ANT is morally similar to contraception.

I am unaware of any magisterial teaching regarding ANT. If the magisterium does speak on this issue eventually, it could illuminate the reasons for the Catholic teaching on contraception. If the magisterium concluded that ANT is impermissible because it would create a human embryo, then this conclusion would say little or nothing about the Catholic prohibition of contraception. On the other hand, a magisterial condemnation of ANT that reserved judgment about whether or not the procedure creates a human being could provide support for thinkers who argue that Catholic teachings prohibit contraception because it is contralife. If, however, the magisterium concluded that ANT is permissible, even if it requires an intention to prevent a process from creating a human embryo, then this teaching would provide decisive evidence against thinkers who argue that the Catholic tradition rejects contraception *because it is contralife*.¹⁰

¹⁰ For a defense of this description of the Catholic tradition, see Grisez et al., “Every Marital Act,” 366.