

Metaphysics Matters? On Law and Reproductive Technologies

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INTRODUCTION

The first child born after use of *in vitro* fertilisation, world-wide, was born in the UK in 1978. Research for the development of pre-implantation genetic diagnosis was initiated some years later, during the 1980s, and it led to the first report of successful use of this diagnostic method, at world level, at Hammersmith Hospital, London (Handyside *et al* 1990). Since then, policies have been created world-wide. In certain countries, laws have been established, for the sake of regulating medical practice in the fast-developing area of reproductive medicine. Explicitly or implicitly, some of these laws and policies have been underpinned by particular religious or secular philosophical perspectives. Such is the case in Italy and in Sweden.

A comparison between policies and laws in the area of assisted reproduction and embryo selections in Italy and Sweden highlights differences in terms of how practice is regulated. It also evokes the larger question of what should be a desirable role of what John Rawls (1993) have called “comprehensive doctrines” such as different kinds of Christianity, Marxism, Utilitarianism or Kantianism in the establishment of particular laws and/or public policies.

The article discusses John Rawls’ understanding of the role of comprehensive doctrines in public political debates, public policies and lawmaking, and applies it to assisted reproduction in Italy and Sweden. It is divided in three sections. First, it described the technologies and the regulations in Italy and Sweden in the area of assisted reproduction. Second, it presents Rawls’ (1993, 1999) concepts of comprehensive doctrines and public reason. Third, these concepts are applied to the regulations in the area of assisted reproduction in Italy and Sweden. It is then argued, on the one hand, that Rawls’ political liberalism is an important contribution to the discussion of the place of religious or philosophical doctrines in public policies and laws. On the other hand, it is also argued, Rawls

reasoning seems to build on a certain, problematic understanding of citizens in pluralistic societies. Some modifications of the role of reasons derived from comprehensive doctrines are therefore suggested.

THE TECHNOLOGIES, POLICIES AND LAWS ON ASSISTED REPRODUCTION IN ITALY AND SWEDEN

In vitro fertilisation and pre-implantation genetic diagnosis

Pre-implantation genetic diagnosis, hereafter referred to as PGD, implies a genetic testing of embryos, performed after ex-corporeal assisted reproductive technology. Its aim is to identify the presence of genes that will or might result in a particular genetic disease and it allows selective transfer and implantation of embryos into a woman's uterus. PGD can be offered to couples who know that they are at risk for a certain genetic disease. It has also been described as a means for improving the outcome of assisted reproductive technologies in so called poor-prognosis patients, such as older women (Heng 2006).

The use of PGD presupposes that a woman and a man have used some kind of assisted reproductive technologies. One of the most common technologies for ex-corporeal assisted reproduction is *in vitro* fertilisation. *In vitro* fertilisation involves ovarian stimulation in order to cause a woman to produce extra oocytes. If present, oocytes are retrieved and placed in a culture medium that allows them to mature further. Mature eggs are put in a Petri dish with sperm and if fertilisation occurs, embryos are returned to the culture medium for further development. PGD involves analysing one or two cells obtained from a 6–10 cell-stage embryo – a stage reached 3 days after insemination. Embryos are cultivated *in vitro* and a biopsy of 1-2 cells is taken from the embryo. A genetic analysis is performed on these cells, which allows transfer and implantation of embryos without the specific genetic disease.

Policies and Laws on Assisted Reproduction in Italy

The Italian law 40/2004 regulates the use of assisted reproduction technologies. While some claim that the law is an important means to regulate a field that has been akin to “the ‘wild west’ of infertility treatment and research,” others hold that it is a “contradictory law markedly influenced by the Roman Catholic Church” (Manna and Nardo 2005:532). I will not discuss the question whether the law is contradictory. It is accurate that the field of reproductive technologies has been unregulated. Before 2004, there was a legislative vacuum in Italy as regards assisted reproduction technology (see also Fenton 2006). Since 2004, Italy has one of the most restrictive medical practices in the world in this area. The present law also harmonise with some strands within the official teachings of the Roman Catholic Church.

The Italian political discussion of ex-corporeal assisted reproductive technologies and of PGD has to a large extent focused on different understandings of the moral status of the human embryo, its dignity and personhood. The question of the moral status of the human embryo has appeared in documents of *Il Comitato Nazionale per la Bioetica* (hereafter referred to as CNB), the Italian National Committee for Bioethics, established in 1990. CNB has published a number of documents on ethics and new medical technologies but it has not managed to reach a consensus on the moral status of embryos, which has had consequences for the discussion of PGD. In this sense, the committee can be seen as exemplifying the tension between different groups in Italian society with regard to sexual and medical ethics. Shared views have been difficult to obtain¹.

In June 1996, CNB discussed PGD. No consensus was reached on the status and treatment of embryos, therefore some members considered PGD to be morally illicit and some did not. CNB was unable to formulate any recommendations with regard to the use of PGD, but it did state that the “embryo is one of us” and that the human embryo, at least, is not merely a matter of biological material (CNB 1996)².

According to the official teaching of the Roman-Catholic Church, any loss of embryos, such as is possible after the use of ex-corporeal reproductive technologies, is morally unacceptable. Human existence begins at conception and the embryo should, consequentially, be treated as a human person. It has also been argued that the use of assisted reproductive technologies is morally unacceptable since it violates the “inseparability principle,” according to which procreation, marital love and the conjugal act must not be separated (Congregation for the Doctrine of Faith 1987:II.B.4)³. These views support the present Italian law on assisted reproduction, even though it could be argued that had the official teaching of this Church been followed, the law would have been even more restrictive.

¹ The status of the embryo has been discussed in several of CNB’s documents (CNB 1994, 1995, 1996). Pope John Paul II (1995) also published a document on bioethics that condemned use of IVF when embryos would be disposed of. In many respects, Italy could be described as a secularised Western country, but such a picture is too simple with regard to national discussions on sexual and medical ethics. Italy, remarks the Italian philosopher Maurizio Mori, was Roman-Catholic in the sense that there was a ‘shared morality’ in the above-mentioned areas until the late 1960s. According to Mori, the shared morality was mainly a morality corresponding to official Roman-Catholic moral principles, which were legally enforced and built into social institutions (Mori 2002). For a discussion of religious and cultural aspects of the bioethical discussion from an Italian perspective, see also Ventura (2000).

² The bioethical tension in Italy has also resulted in a discussion of ethics in general. As an example, in June 1996, four philosophers published *Il Manifesto di Bioetica Laica*, the Manifesto of Secular Bioethics, in a daily newspaper. The authors described the manifesto as a reaction against the official teaching of the Roman-Catholic Church in bioethics that, in their view, put forward principles and reasoning that presupposed a certain kind of belief in God. The manifesto contained a number of principles that the authors considered necessary if bioethics should be discussed in an open and constructive manner. The moral discussion, they concluded, must be separated from the religious faith (Flamigni *et al* 1996).

³ The inseparability principle and its ‘act-focus’ has also been discussed and criticised by Roman Catholic American moral theologians (such as Cahill 1996:233), as has the official understanding of the embryo (McCormick 1994, Cahill 1993). Roman-Catholic theologians have also been urged not to dissent from the views of the Magisterium (Congregation for the Doctrine of the Faith 1990).

Until 2004, there was no national policy document or legal proposal with regard to PGD. PGD was not permitted in public hospitals, but remained unregulated in private hospitals. The law 2004/40 forbids the use of donated gametes. The law also limits the maximum number of oocytes to be fertilised during a cycle of assisted reproduction to three. Though embryo biopsy as such is not illegal, all embryos must be transferred to the uterus, which means that *if* PGD should be used, affected embryos must also be implanted. Embryo cryopreservation is banned. Furthermore, couples at risk for genetic disease but who have no fertility difficulties do not meet the law's requirement that the assisted reproductive technologies necessary for PGD be provided only to infertile couples (*Legge 19 Febbraio 2004 n.40, Norme in materia di procreazione medicalmente assistita* [Italian law on assisted reproductive technologies]).

For the understanding of the Italian situation, the process and the passage of this law, through the Italian parliament, are also noteworthy. In January 2003, the Vatican stated that Roman-Catholic politicians should not vote against the teaching of this Church (Congregation for the Doctrine of Faith 2002). In June 2005, before the referendum, Roman-Catholics were explicitly urged not to vote, so that the results would be invalid and the law not revised. The result of the referendum on whether to change the law was also invalid because of too small a number of voters.

Sweden

In Sweden, religious groups are regularly consulted in the preparation of white papers, as are other groups in the Swedish society. Much political discussion as regards the use of reproduction technology has been framed in terms of a combined teleological/consequence ethical approach and deontological/Kantian inspired approach (see for example the Swedish white papers SOU 1984:88; SOU 1985:5, SOU 2001:113; SOU 2004:20). The four principles of biomedical ethics – the principles of respect for autonomy, non-maleficence, beneficence and justice – put forward by the American philosophers Tom Beauchamp and James Childress, are also referred to as a basis for ethical deliberation (SMER 2004)⁴.

PGD has been discussed in white papers since 1985 (SOU 1985:5) but it was only after the successful use in the UK that policy discussions became more detailed. In 1992, the *Swedish Medical Ethical Council* (an advisory board to the Swedish government on ethical issues raised by technological advances, hereafter referred to as SMER) argued that PGD should only be used within clinical research, and by couples who could not become pregnant without the use of IVF and who were considered to be at risk for a particular genetic disease. If strictly regulated, SMER said, PGD could lead to benefits for these

⁴ Their principlistic approach can underpin the combined teleological and deontological Swedish approach in medical ethics; Beauchamp and Childress have argued that their approach has the benefit of putting forth ethical principles that people with different preferences as regards ethical theories can adhere to.

individuals (who may not have dared to become pregnant without also using this diagnostic methods) on the one hand. On the other hand, it was also stated that the development and the use of this method could imply a changed view on the value of human beings and that continuous discussions were needed (SMER 1992:3-5).

Two years later, the first Swedish child was born after successful use of IVF and PGD. This was also the year when the Swedish National Board of Health and Welfare recommended that PGD should be used with clear restrictions. PGD should only be used by couples who had a genetic disposition to a severe genetic disease, and for the diagnosis of “severe, progressive, hereditary diseases that lead to an early death” and where “no cure or treatment” was available. Sex selection should only be allowed if necessary as a step in diagnosis for a sex-linked disease (Bet. 1994/95:SoU18:13). It should be noted that there have been no laws regulating the area of assisted reproduction in Sweden until 2006. Furthermore, the 1994/1995 document has not the status of official ethical guide-lines.

The 1994/1995 document on PGD has been criticised. Critics from within handicap movements have argued that PGD could strengthen attitudes detrimental to people with certain handicaps and diseases. It has been argued that the use of PGD signals that all human beings do not have the same value, which is morally problematic. DHR’s reasoning draws on the Kantian concept *menchenwurde*, in Swedish *människovärde* (DHR 1998, 2001). The usefulness of the notion of severe disease has also been questioned (DHR 2001, SMER 2004:9) and it has been argued that it is pedagogically problematic to explain to couples that prenatal diagnosis is available to them (and possible abortion) for conditions that it is not permissible to search for with PGD (SMER 2004:9). These kinds of criticisms has been framed in Kantian language and in teleological terms: on the one hand, a risk for a weakened understanding of the value of human beings and, on the other hand, difficulties in terms of problematic consequences when PGD is to be used more strictly than prenatal diagnosis.

In 2002, in Sweden, an informal advisory group for moral issues in PGD suggested a set of “more flexible” conditions for the use of PGD (Wahlström *et al* 2002). The informal advisory group suggested that the severity of the disease should no longer be a necessary condition, nor should genetic diseases need to lead to death at an early age where no cure or treatment was available. Instead, the necessary conditions for the use of PGD should be that a couple was at high risk for a specific single-gene or chromosomal disease that implied a high risk of having a child with the disease; that IVF was sufficiently safe for the particular couple; that the couple had been given sufficient (written and oral) information about the nature of the disease, their risk for the particular disease, the alternatives to PGD and the positive and negative aspects of PGD; that the couple continued to ask for PGD in a well-thought-through manner and that they be offered conventional prenatal diagnosis as a matter of control. A set of relevant conditions as regards the assessment of couples’ need for PGD were also elaborated.

The informal advisory board also stated that the goal of the use of the technologies involved, and the values that should be promoted through its use, were certain couples' autonomy and well-being (Wahlström *et al* 2002:1572). The reasoning was, to a large extent, teleological. The use of PGD was described as having less harmful consequences for the couples who chose to undergo it than had prenatal diagnosis and possible termination of abortion. It was described as psychologically easier than prenatal diagnosis and possible termination of abortion. It was described as a means to increase the chance that certain couples could achieve their goals as regard family-planning. It was described as resulting in more options of action, provided that the couples concerned considered their need of PGD to be stronger than the risks that could be part of the IVF and PGD procedures. The advisory group also said that the health care system as well as society in large had a duty to prevent systematic efforts in terms of avoiding or not bringing certain groups of people into the world.

SMER approved of the major part of the proposal, with some exceptions. As one such example, the notion of severe genetic diseases was re-introduced (SMER 2004). SMER also explicitly stated that, in its reasoning, the notion of *människovärde* (that was described as an axiom) was one of its points of departure. It stated that the human embryo was understood as human life under development, but that it had not the moral and ontological status of a person, and that the principle of beneficence, non-maleficence, justice and respect for couples' integrity and autonomy were important (SMER 2004:1.6.1-1.6.4. Apart from the added notion "couples integrity," these are the well-known philosophical principles of Beauchamp and Childress 2001).

The reasoning of SMER was approved of in a white paper of 2004 (SOU 2004:20) which led to the Swedish law on PGD (SFS 2006:351). According to this law, PGD is only allowed when the woman or the man concerned carries of a severe monogenetic or chromosomal genetic disease and when they have a high risk for having a child with a genetic disease or impairment.

ITALY AND SWEDEN

There are certainly differences between the regulation in Italy and Sweden. Italy and Sweden have also one thing in common: it is not established what role so called comprehensive doctrines should be given, nor which comprehensive doctrines should be given primacy over others, and why this is the case. Still, some such doctrines are given primacy over others. In Sweden, the ethical reasoning in public political discussions such as in white papers, draw both on a consequence ethical approach and a deontological, Kantian approach. Unfortunately, the reasons why either approach is preferred in a particular discussion are not always clarified. In Italy, certain religious and philosophical reasons were brought forward in the discussion that forwent the referendum and the establishment of the law 24/2004.

POLITICAL LIBERALISM, RELIGION AND LAW

Central to most versions of political liberalism is the idea that the government of a particular country ought to be impartial on metaphysical questions. In Rawls' view, this is the case since a modern democratic society is characterized by a "reasonable pluralism" of "incompatible yet reasonable comprehensive doctrines" (Rawls 1993: xvi, 1999a:131). A comprehensive doctrine is a doctrine which includes conceptions of what is of value in human life, of ideals of personal virtues or, arguably, of who qualifies as a human person. It may be religious, such as in the case of Christianity, as well as secular, such as in different forms of Kantianism or Utilitarianism.

As citizens of a modern democracy, Rawls explains, we should not expect any of these doctrines to be affirmed by all or even nearly all citizens. We should realize that we cannot reach mutual understanding on the basis of irreconcilable comprehensive doctrines. Indeed, Rawls says, the consequence of the reasonable pluralism of irreconcilable comprehensive doctrines is that we never can reach a non-oppressive agreement about comprehensive philosophical, moral or religious principles. This being the case, we need to find strategies to live with a reasonable pluralism of such doctrines. More precisely, we need to find strategies to handle this pluralism when citizens discuss fundamental political questions in the public political forum – in courts, in governmental discourses and in the "discourse of candidates for public office" (Rawls 1999a:133-134).

According to Rawls, we need to re-consider what kinds of reasons that we may reasonably give to each other in debates of fundamental political questions. It is not politically reasonable to assume that citizens of a certain modern democratic society can agree on the kind of "thick" theories of the good that comprehensive doctrines often contain. Instead, focus should be directed at a political conception of justice arrived at through arguments, but independent of comprehensive doctrines. Citizens should deliberate within a framework of what they "regards as the most reasonable political conception of justice, a conception that expresses political values that others, free and equal citizens might also reasonably be expected reasonably to endorse" (Rawls 1999a:140)⁵. This is the way forward.

The benefit of Rawls' political liberalism is that it tries to respect citizens' different religious, moral or philosophical beliefs. Indeed, some claim, respect for fellow citizens' reasons requires not only respect for their comprehensive doctrines but also that we refrain from building political principles on such doctrines (Nussbaum 2000). But, it may be asked, if comprehensive doctrines should not be the basis of reasonable deliberation

⁵ The public reason is not the same as secular reason; secular reason in Rawlsian vocabulary is reasoning based on comprehensive nonreligious doctrines. Secular reason, secular philosophical arguments, moral arguments as well as religious arguments fall outside the domain of the political (Rawls 1999a:148). Public reason should be exercised in discussions of political questions in public political forum, defined as the discourses of judges, of government officials, and of candidates for public office.

that results in legitimate laws and public policies, what then is the role of religious and philosophical doctrines in public political discussions?

Rawls states that in order to enable a just and free society also under conditions of doctrinal conflict with no prospect of resolution, the state need to maintain impartiality as regards comprehensive doctrines. The state should not “specifically address the moral topics on which those doctrines divide,” but it should try, as far as possible, “to avoid disputed philosophical, as well as disputed moral and religious, questions” (Rawls 1999b:394). However, saying that no comprehensive doctrine is appropriate as a political conception in a just and free society implies *not* that proponents of comprehensive doctrines such as religions should be prevented from influencing public policy. Rawls makes explicit that it means “only” that proposal from these proponents must not be in conflict with the political conception of justice – and that the proponents need provide publicly accessible reasons for their positions (Rawls 1993:175, 195-211).

This is also the reason while Rawls on the one hand can say that public arguments should i) appeal to “ascertainable evidence and facts open to public view, in order to reach conclusions about what we think are the most reasonable political institutions and policies” (Rawls 1999a:155) and ii) that public reason is exercised when we deliberate within a framework that we regard as the most reasonable political conception of justice, which we also can expect other free and equal citizens reasonably to endorse (Rawls 1999a:140). On the other hand, he also says that

reasonable comprehensive doctrines, religious or nonreligious, may be introduced in public political discussions at any time, provided that in due course proper political reasons –and not reasons given solely by comprehensive doctrines– are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support (Rawls 1999a:152).

Proponents of comprehensive doctrines are allowed to try to influence public reasoning and policy-making as long as the resulting policy are not *solely* based on reasons from within particular comprehensive doctrine – and as long as the reasoning is *not contradictory* to the political conception of justice.

What, then, about disputed questions where public policy and laws are considered necessary, but where public reason fails to arrive at any decision? Rawls’ chooses the example of abortion to clarify his view. In such situations of stand-offs, when policies and laws still are necessary, citizens still must not invoke reasons that are only based on their comprehensive doctrines. Instead, citizens must vote on the question according to their “complete ordering of political values” (Rawls 1999a:169). The outcome of the vote is not to be seen as true, but as legitimate law.

COMPREHENSIVE DOCTRINES AND PUBLIC REASON IN THE ITALIAN AND SWEDISH REPRODUCTIVE TECHNOLOGY DEBATE

Reasons derived from comprehensive doctrines, such as utilitarianism, are also explicitly/implicitly used in Swedish reproductive technology political debates and in white papers as well as in Italian documents by the *Comitato Nazionale per la Bioetica*. These are political forums in which Rawls claims public reason to be particularly important. According to Rawls, though comprehensive doctrines may be introduced in public political discussions, this is only acceptable provided that reasons not solely based on comprehensive doctrines are, in due course, presented. Public reasons should be brought forward to support what the particular comprehensive doctrines are said to support. Therefore, it is *not* problematic that reasons derived from comprehensive doctrines underpin policies and laws in Sweden and Italy, as long as public reasons also are brought forward that support what the comprehensive doctrines are said to support. Have this been the case? As an example, when the Italian law states that only homologous IVF should be allowed, is this view supported by public reasons? *If* such reasons are not brought forward and if we want to follow the Rawlsian line of thinking, it could be argued that the possible lack of public reasons is problematic.

The major problem with the Swedish and Italian debates, however, is not whether public reasons have been brought forward. The problem is instead, at least in Sweden, that metaphysical issues have not been discussed and examined enough in the public political discussions. Here, I have not only in mind questions such as “is the embryo a human person” but also other questions as regards what it means to be a self (and a responsible self).

Metaphysics and public reasons

Public reasons cannot settle debates where the particular issues addressed are metaphysical in kind. Rawls acknowledges this. In his view, in such situations of stand-offs, when policies and laws still are necessary, citizens must vote on the question according to their complete ordering of political values.

Rawls' approach has its advantages. Nevertheless, I will argue, it implies an unnecessarily restricted view on what characterise desirable public political discussions on reproductive technologies in modern, pluralistic societies. Bellamy (1999) holds that at the heart of Rawls' theory lies a certain conception of citizenship that mainly those already devoted to this political liberalism may endorse: a conception of citizens as individuals who do not consider certain religious or philosophical convictions as crucial to their way of living, or even to their identity, and who therefore find it comparably easy not to bring in comprehensive doctrines in public political debates. Furthermore, I consider the rather

limited role that Rawls' gives to metaphysical issues in political debates problematic, since some of the issues in need for regulation build, partly, on metaphysical standpoints and since metaphysical questions typically are addressed from within particular comprehensive doctrines. This goes for questions as regards when the human person starts to exist as well as when the human person ceases to exist.

In order better to understand the other's point of view that I may not share, it is important that also reasons for or against a certain technology, based solely on a particular comprehensive doctrine are put forward in the debate *and are critically examined*. Indeed, not encouraging people to express these kinds of reasons (i.e. non-public reasons, which are not also complemented with public reasons), and not examining these non-public reasons, are counterproductive to public political discussions in pluralistic modern societies. It will not enable understanding, nor communication between groups with different views based on different comprehensive doctrines. It may imply that unreasonable views become passively tolerated.

It is sometimes acknowledged that we consider someone to be different from us, depending on what we take to be the sameness of the rest of us (see Babbitt 2005). In this sense, a supposed sameness is logically prior to a supposed difference. It is *also* the case that I, in order to try to understand the extent to which sameness prevails between me and the other needs to give the other the possibility, initially, to say something that is meaningfully different from that which I expect her or him to say (Gadamer 2004). Not allowing reasons solely based on comprehensive doctrines, also in public political discussions, is an unnecessarily sharp restriction – particularly if one of the motivations is to respect I concur with comprehensive doctrines in pluralistic societies.

Rawls also claims that policies and laws should as far as possible not take a stand on disputed philosophical and/or religious questions. He adds that in discussions of disputed questions where public policy and laws are considered necessary and where public reason fails to arrive at any decision, citizens must vote on the question according to their complete ordering of political values. Laws should be construed on the basis of the majority's views in the case of disputed philosophical and/or religious questions. Here, it is worth noting that citizens did vote on the law regulating the use of reproduction technologies in Italy, even if it may be difficult to make certain that they voted according to their complete ordering of political values.

Again, though Rawls' ideas are valuable and helpful to a certain extent, his approach becomes problematic in pluralistic societies with conflicting comprehensive doctrines. Possibly, citizens do not vote in accordance with their complete ordering of political values. Possibly, certain non-political values may be more important to them and they may vote on these values, or on a mixture of political and non-political values. It is not clear, in my view, how the sharp distinction between political and non-political values can be argued for without first stipulating a certain view on citizenship, which all citizens in pluralistic societies may not accept. This being the case, and if it comes to voting, certain

reasonable comprehensive doctrines may come to, in practice underpin the resulting law also if proper political reasons have *not* been presented. This may be understood as an argument for making practice resemble the Rawlsian ideal more. Then, the problem is not the Rawlsian line of thinking, but practice.

I suggest another route. If, as in Italy or Sweden, reasonable comprehensive doctrines underpin the public and political debates, it becomes crucial that these doctrines are brought forward in the public political forum and that they are critically examined. Though Rawls' approach is helpful, the role of comprehensive doctrines needs to be modified.

CONCLUSIONS

A comparison is done between policies and laws in the area of assisted reproduction and embryo selections in Italy and Sweden; this also evokes the larger normative question of what is a desirable role of religions or so called "comprehensive doctrines" such as different kinds of Christianity, Marxism, Utilitarianism or Kantianism in the establishment of particular laws and/or public policies. While examining certain elements of John Rawls' political liberalism, it is argued that his political liberalism allows pressure groups to take part in society and to express their views in the public domain. Proponents of comprehensive doctrines are allowed to try to influence public reasoning and policy-making as long as the resulting policy are not *solely* based on reasons from within particular comprehensive doctrine – and as long as the reasoning is *not contradictory* to the political conception of justice. Furthermore, certain reasonable comprehensive doctrines as long as they are not contrary to the conception of political justice, can in fact be underpinning legitimate law. This is also where Rawls' idea may be not helpful but problematic. Reasons based solely on comprehensive doctrines need not be understood as problematic in public political discussions. Instead, in order better to understand the other's point of view that I may not share, it is important that *also* reasons for or against a certain technology, based solely on a particular comprehensive doctrine (even if no other political reasons are given that support what the comprehensive doctrine is thought to support) are put forward in the debate and are critically examined. Furthermore, Rawls reasoning seem to build on a certain, problematic understanding of citizens in pluralistic societies.

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