

Dignity

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Inside:

To Clone or Not to Clone?

Reflections from the Executive Director of the President's Council on Bioethics

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Somewhere on earth right now the first human clone is journeying toward birth, innocent of the headlines and the history that he or she will make simply by being born.

Or so we are told by an admittedly less-than-reliable source, namely, the flamboyant Italian fertility doctor, Severino Antinori. But what if Antinori turns out to be telling the truth? What if it is as easy to clone human beings as it is to clone cats, cows, and sheep—with or without the genetic abnormalities that have plagued most mammalian clones to date? What would the birth of the first human clone mean? With what emotions should we greet this epochal newcomer? And more importantly, with what policies?

It was precisely to wrestle with and advise the U.S. President on these sorts of moral and policy questions that President Bush created the President's Council on Bioethics in late November of 2001. Six and a half months later, the Council submitted its first report to the President, *Human Cloning and Human Dignity: An Ethical Inquiry*.

Contrary to the premature assertions of a few vocal commentators, the President's Council is not stacked with anti-cloners, pro-lifers, or even Republicans. To the contrary, the group's broad diversity has made its discussions at times suspenseful and often stressful (for this staff member, at least). Happily, the conversation among this group of eighteen distinguished ethicists, lawyers, scientists, theolo-

gians, and political philosophers led by Chairman Leon Kass, M.D. has been, at all times, highly civil—not to mention informative, thought-provoking, and even occasionally entertaining.

The first six months of the Council's existence confirm my sense that, with the dawning of the biotech age, our society finds itself at an historic crossroads. On the question of human cloning, there is no avoiding a momentous choice. Even deciding to do nothing—even a failure to decide at all—will have serious consequences for ourselves and our posterity.

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The report takes it for granted that both human cloning and so-called “regenerative medicine” (which, among other things, would include the generation of replacement tissues from a patient's own stem cells) are at least potentially feasible, even though, as of this moment, both remain mostly undemonstrated and speculative. The report makes these assumptions intentionally, to get past technical matters that are subject to change, in order to address deeper moral and ethical questions, which are unchanging. If human cloning turns out to be possible, would it be morally appropriate or acceptable to procreate in this way? If regenerative medicine turns out to be possible, but only by way of destroying human embryos (cloned or uncloned), would it be morally appropriate or acceptable to use nascent human life for this purpose? What do we owe to children? To infertile couples? To patients?

- 1 To Clone or Not to Clone?
Reflections from the Executive Director of the President's Council on Bioethics
- 2 Alleviating Suffering
- 5 Movie Review
News from the Field
- 6 Book Review
- 7 Center Resources
- 8 Save These Dates
Center News

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What do we owe to the embryo? To society? To ourselves? After a thorough consideration of these questions, the Council reached the following policy conclusions:

First: The Council unanimously recommends a permanent legal ban on what it calls “cloning-to-produce-children,” that is, the creation of a human clone by the same means used to create Dolly the sheep, followed by implantation of that clone into a uterus (whether human or animal, natural or artificial). In this, the Council affirms an existing, broad social consensus against clonal baby-making. (How deep this consensus runs remains to be seen; presumably it would receive its first test with the birth of the first clone.)

Second: Ten Council members (a majority) offer an additional, controversial recommendation, namely, that Congress should impose a four-year moratorium on “cloning-for-biomedical-research” in which cloned embryos are created and destroyed for research purposes.

Third: Against this majority recommendation, seven members urge that cloning-for-biomedical-research be permitted to go forward, but under strict federal regulation.

It is too early to tell what impact these recommendations will have on the public discussion. Both the majority and minority recommendations fall somewhere between the two main legislative positions in the current debate. On the one side, President Bush and a strong majority of the House of Representatives want to ban all cloning permanently, whether for baby-making or for research purposes. On the other side, a significant minority in the Senate wants to allow cloning-for-biomedical-research, while a significant minority resists any bill that would permit such cloning. And because the two issues are linked, no cloning bill can move forward.

Even if it does not ultimately help break the legislative logjam, the report remains noteworthy in my opinion, for at least three reasons.

First: It goes beyond the safety argument in objecting to cloning-to-produce-children. Unlike the reports of two previous national advisory bodies (the National Bioethics Advisory Commission and the National Academy of Sciences), *Human Cloning and Human Dignity* lays out a case against clonal baby-making that does not depend on the current, constantly

changing state of technology. Rather, it argues that not only is cloning-to-produce-children unsafe now, but it could never be safely attempted because both the child and the (gestating) mother would be treated as a kind of human experiment, exposed to unknown risk, even if the technique had been shown to be fairly safe in other mammalian species. Furthermore,

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even if it were to be attempted and shown to be safe, it would still be unjust and dehumanizing. As Dr. Kass aptly summarizes in the July 11, 2002 edition of the *Wall Street Journal*:

By enabling parents for the first time to predetermine the entire genetic makeup of their children, it would move procreation toward a form of manufacture. It would confound family relations and personal identity; it would create new stresses between parents and offspring. And it might open the door to a new eugenics, where parents or society could replicate the genomes of individuals (including themselves) whom they deem to be superior.

Cloning, in short, would be unjust to the cloned child, degrading to the cloning parents, and debasing to the society that permitted cloning to take place.

Second: The report attempts to be honest and careful in its use of terms, so as to (again borrowing from Dr. Kass’ *Wall Street Journal* article) “allow us to debate the moral arguments without Orwellian or euphemistic distortion.” This is significant, because clear thinking requires clear language. The Council chose not to use terms like “therapeutic cloning” or “nuclear transplantation to produce stem cells” because such terms obscure the crucial fact that cloning-for-biomedical-research—just like cloning-to-produce-children—involves the creation of cloned human embryos.

Third: The report tries forthrightly to assess what could be lost as well as gained under either course (either a moratorium or a green-light with regulation) of cloning-for-biomedical-research. In his *Wall Street Journal* article, Dr. Kass char-

acterizes the weighing out of these options: “Although individual council members weigh these concerns differently, we all agree that each side in this debate is defending something vital to us all: the goodness of knowledge and healing, the goodness of human life at all its stages.”

Some Council members argue that the goods to be obtained from research cloning (knowledge and healing) outweigh the alleged harms. Others argue that an evil intrinsic to research cloning (the taking of nascent human life) and the likely harms resulting from it (the coarsening of our moral sensibilities) cannot be accepted in order to pursue as yet undemonstrated benefits. But virtually all of the members agree that to endorse the creation of cloned human life solely as a resource for research is to cross a significant moral boundary. If society endorses the destruction of seven-day-old embryos for their stem cells today, why not three-month-old fetuses for their (arguably much more useful) organs and tissues tomorrow? Where is the natural stopping point? Will we be willing to endorse “fetus farming”?

Hence the unanimous support of the Council for federal limits on cloning research, limits that would apply to privately as well as federally funded activity. The seven-member minority favors federal regulation, beginning with a requirement that no laboratory embryo be allowed to develop past fourteen days—the stage at which the embryo’s cells have begun to differentiate into the various organs and tissues of the body and therefore forfeit their ability to develop into other kinds of cells. (The fourteen-day line has been adopted by the United Kingdom without much controversy, but would surely be more controversial in the U.S. given the consistently large pro-life voting bloc in Congress.) The ten-member majority favors a temporary ban on such research, in part because it would provide time to debate whether we should cross this moral boundary at all.

Whatever course we take, the fact remains: human cloning crosses an important line separating sexual from asexual procreation, and takes the first step toward genetic control over the next generation. If, in fact, the first clone is now making his or her way innocently toward birth, *Human Cloning and Human Dignity* helps us greet his arrival with our eyes open to some of that event’s deeper, and troubling, implications. ■