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BOOK REVIEW

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On Cloning

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John Harris, *On Cloning* (Routledge, 2004, 184 pages).

John Harris is an influential British bioethicist. He has served on the ethics committee of the British Medical Association and on the government advisory committee on genetic testing, and been consulted by the European Parliament and Commission, the World Health Organization, and the United Nations. In his book *On Cloning*, he proposes to provide "a fairly comprehensive account of the science and ethics of cloning and of the arguments for and against the various applications."

Cloning is defined by Harris as asexual reproduction that results in two or more genetically identical individuals. This definition allows him to introduce right from the start a subtle confusion between or leveling of the natural and the artificial that runs like a thread throughout the book. Naturally occurring monozygotic twins, Harris tells us, are simply natural clones: they have the same genetic identity, resulting from an asexual division of cells after the moment of fertilization. Scientists can induce such division to create one of two methods of cloning: the splitting of an embryo. The other method, known as Cell Nuclear Transfer (CNT) or Cell Nuclear Replacement (CNR), is to take an oocyte egg cell and replace its nucleus with that of a regular somatic body cell. The resulting embryo will be genetically identical to the individual who donated the nucleus.

To say that an identical twin is simply a natural clone is something of a stretch, but Harris seems intent on blurring the lines between nature and artifice. He sees little difference, for example, between enhancing brain function through genetic modification and the more customary, albeit slower and less certain, method of educating our children. Somewhat more subtly, he at times refers to sexual reproduction as simply one possible means of procreation among several. "No one who either has used or intends to use sexual reproduction as their means of procreation," he says at one point, "can consistently object on principle to human embryo research." This attempt to do away with any distinction between what occurs by

nature and what occurs by choice is doubtless influenced by his understanding of what nature is, namely, chance combinations of genes and molecules. Indeed, with this understanding of nature as mere meaningless chance, it is somewhat understandable why Harris would advocate for purposeful human choice and intervention in its place. If nature itself is inherently irrational or non-rational, having no intrinsic *logos* of its own, then it is up to man to impose reason upon it.

Just as there are two primary means of cloning, embryo splitting and nucleus transfer, there are also two primary purposes for cloning: reproduction and cell therapy. The first entails creating a cloned embryo as an alternative to "natural" reproduction, with the intention of permitting it to come to term. Harris admits that "the purely reproductive purposes of cloning are not obviously important or urgent," especially once we realize that it is virtually impossible to create an individual that is not only *genetically* identical but also physically and psychologically identical. This commonplace idea of what a clone is and what cloning is for would seem unattainable, given the irreplaceable role of environment on these factors, to say nothing of free will. Still, Harris argues that we cannot entirely dismiss the importance of permitting reproductive cloning, since any attempt to limit it would be an inadmissible infringement on reproductive autonomy. Even if it is something that we ourselves may not care for or even find downright "distasteful," we should nonetheless be willing to accept some degree of offense in a pluralistic society that values the right of others "to choose their own procreative path."

This is also Harris' response to one of the most significant arguments against reproductive cloning, which is the idea of a "right to an open future" or a right for our children to be "radically Other" and a complete surprise, rather than always bearing the weight of some preconceived and perhaps mistaken ideal of imitation. Harris sees the value of radical alterity, but for him this right to pluralism and otherness ought to be grounded in a *parent's right to choose*: this is the "otherness" that really counts. Indeed, he argues, rather unconvincingly, the best way to encourage diversity is to permit *absolutely free* parental choice, since "such choices are for the most part likely to be as diverse as are the people making them."

The principle of autonomy comes into play also in Harris' response to arguments against cloning as a violation of human dignity. Harris finds the concept of human dignity to be ultimately too *vague* to function as a useful concept in making decisions about cloning. The idea is usually tied to the Kantian notion of persons as ends in themselves and therefore incapable of being instrumentalized. Harris argues that most children are also wanted for some end beyond themselves; for example, to provide "a son and heir," a sister for Bobby, and so on - almost all economic relationships likewise involve some form of instrumentalization. The conclusion he draws is that we cannot use the idea of autonomy or human dignity (for him essentially equivalent) to help decide on issues of cloning. Kant's principle "is so vague and so open to selective interpretation and its scope for application is consequently so limited that its utility is virtually zero." Instead, we must weigh the benefits and harms of the given situation in consequentialist fashion; and it is *always* in the best interest of the potential child to come into being, provided that he has "the capacity for autonomy like any other" and that his life can be deemed worthwhile, meaning "a life that the child, and later the adult, would find acceptable."

Autonomy is not, however, for Harris a right before it can be claimed as such by the subject. When Axel Kahn defines autonomy as "the indeterminability of the individual with respect to external human will," Harris comments that it is "hopeless as a definition" because "those in Persistent Vegetative State (PVS) and indeed all new-borns would on such a view have to count as autonomous!" There is then no "ontological" or original autonomy, no inviolability of the

person as such, only an "empirical" or exercised autonomy. The adult will is paramount. Thus any appeal to human dignity is "empty rhetoric which invokes resonant principles with no conceivable or coherent application to the problem at hand." Opposing arguments are dismissed as expressions of irrational prejudice, "born of a desperation to find something (one may reasonably think desperation to find *almost anything*) that can be said against cloning." In fact, he prefaces his engagement with them as follows: "Let us turn now to some very banal objections to cloning that have not been given separate attention so far in this book and treat them with the brevity they doubtless deserve." Such a lack of respect and inability to try and see what it is that his opponents are attempting to defend does little to engender confidence in Harris's position.

As far as *therapeutic* cloning is concerned, this is for Harris immensely important and urgent: he claims that it promises significant medical benefits through the use of embryonic stem cells specifically tailored to the individual whose nucleus would be cloned. Interestingly, Harris does not engage here in the debate about whether a human embryo is a person and therefore whether or not it is permissible to kill and dismember it in order to use its cells for research or medical purposes. Instead he relies on a "principle of waste avoidance": "faced with the opportunity to use resources for a beneficial purpose when the alternative is that those resources are wasted, we have powerful moral reasons to avoid waste and do good instead." The "resources" that are wasted here, instead of being put to good use, are early embryos: "We now know that for every successful pregnancy which results in a live birth many, perhaps as many as five, early embryos will be lost or 'miscarry.'" This applies to normal pregnancies; the number is much higher when Artificial Reproductive Technology (ART) is employed. Since, according to Harris, anyone who "intends to use sexual reproduction as their means of procreation" is (perhaps unconsciously) *instrumentalizing* these discarded embryos for the sake of the sixth child that will be born, implying it is worth the cost of the previous five in order to have the sixth, there can be no argument against human embryo research or therapeutic cloning, for saving a life is as important as creating a new one.

Much could be said in response. In the first place, it is not at all clear what effect the virtually ubiquitous use of birth control has had upon women's health and the capacity for embryos to implant in the uterine lining and to remain there once implanted. In the second place, many people would recognize a significant difference between what occurs by nature (embryo loss or miscarriage) and by deliberate human choice (embryo dismemberment). But thirdly and most obviously, it is surely insupportable to claim that the embryos that *happen to be* lost through early miscarriage have been "instrumentalized" for the sake of the embryo that comes to term. Each of these embryos is, if not desired for its own sake, at the very least certainly not desired merely *for the sake of* the viable embryo to come. There is no intrinsic connection between the two besides a statistical number, and the death of the first embryo is in no way connected to nor aiding the birth of the second. Whereas in ART and in therapeutic cloning, the dismemberment and death of embryos is directly willed and deemed necessary for the achievement of the goal being pursued.

Harris' argument is based on a kind of utilitarian balancing of costs and benefits: "I am saying that we do as a matter of fact and of sound moral judgment accept the sacrifice of embryos in natural reproduction, because although we might rather not have to sacrifice embryos in order to achieve a live healthy birth, we judge it to be defensible to continue natural reproduction in the light of the balance between the moral costs and the benefits." While some goods, such as reproductive autonomy, are apparently inalienable rights that we must accept regardless of how distasteful we might judge the use they are put to, others, such as the life of an embryo, are legitimately liable to cost-benefit analysis. Again, it seems that it is only when a human being becomes capable of asserting his autonomy that his right to it becomes

inviolable.

Harris is at least helpful in spelling out the utilitarian framework that seems necessarily built into cloning, and indeed all ART. "Most countries and most religions accept IVF and its benefits," he says, "and in doing so accept that spare embryos will be produced only to die." The logic of IVF and the logic of cloning are essentially identical: that fact should give pause to those who support the first while opposing the second. The author of *On Cloning* unfortunately fails to engage the arguments of those opposed to cloning, and therefore to drive the overall argument forward to the points where it really becomes sharp and interesting. The book simply exposes the ethical mindset of someone who supports cloning not just in terms of the technological imperative (that we should do something because we *can*), but because of the potential "benefits" it would provide - regardless of the human and social costs.

