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Human Cloning and Human Dignity

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The President's Council on Bioethics, *Human Cloning and Human Dignity: An Ethical Inquiry* (Washington, DC, 2002, 299 pages).

In her introduction to the 1831 edition of *Frankenstein*, Mary Shelley confesses that the idea for her monster came out of discussions, of which she was mostly a silent listener, between Lord Byron and Percy Bysshe Shelley regarding scientific experiments which attempted to replicate the "principle of life." As Mary Shelley relates it, the manufacture of life from its component parts is frightful - "Success [at such an endeavor] would terrify the artist; he would rush away from his odious handywork, horror-stricken." Her novel was a reflection on what she considered to be a possibility of science.

One-hundred seventy years later, as the possibilities imagined by Shelley of creating life in a laboratory had become a reality, the United States President's Council on Bioethics was asked to reflect again on the question of the ethical implications of biotechnology. *Human Cloning and Human Dignity* was the product of this Council's first deliberations, and though disagreement between council members is evident throughout the document's pages, it is notable for its attempt to treat the issue of human cloning in a way that is comprehensive and accessible to the general public.

In the wake of Dolly the sheep's cloning in 1997 and the isolation of human embryonic stem cells the following year, national cloning legislation began to take shape. In 2001 the United Kingdom permitted research on cloned embryos up to fourteen days old. In the United States, cloning legislation stalled in Congress due to disagreement on two types of bans: a ban on all human cloning including the creation of cloned embryos for research; and a ban on so-called reproductive cloning, which is made effective by "criminalizing the act of implantation" of a cloned human embryo, or mandating its destruction (pp. 32, 290).

It was in this context that the President's Council on Bioethics was established by George W.

Bush to "undertake fundamental inquiry into the human and moral significance of developments in biomedical and behavioral science and technology" (p. xvii). Chaired by Leon Kass, the seventeen-member Council included medical doctors, scientists, ethicists, and theologians who represented the spectrum of American opinion on bioethical issues. The council chose cloning as its first subject of debate, with the goal of providing a concrete policy recommendation for the President.

As a requirement for dialog, members of the Council first sought to find an agreed-upon terminology. As they put it, "Before we can get to possible moral or policy arguments... we need to agree about what to call that about which we are arguing" (p. 37). Some of the Council members (especially the Council's chair, Leon Kass) were acutely aware that the choice of terms would limit the types of questions that could be asked and, therefore, the answers that could be given.

An important contribution of the Council was a rejection of the popular phrases "reproductive cloning" and "therapeutic cloning". Reproductive cloning was considered inadequate because *all* cloning is reproductive - a point that is simply descriptive and not normative. Therapeutic cloning was similarly found to be a misleading term: "cloning embryos may be undertaken with healing motives. But it is not itself an act of healing" (p. 44). Rather, it is an act that destroys the research subject for the benefit of a hypothetical patient. "Cloning-to-produce-children" and "cloning-for-biomedical-research" were the terms ultimately chosen by the Council's majority, in order to emphasize that these are the same acts with the same result (a cloned human embryo), simply undertaken with a different intention.

Some proponents of the activity called "therapeutic cloning" objected to this term as well - not because of the adjective but because of the substantive. Though it was proponents who originally coined the term, some now feared that the word "cloning" itself had become associated with fearful gut reactions. These proponents suggested the terms *somatic cell nuclear transfer* (SCNT) or *nuclear transplantation*. A majority on the Council rejected this description, however, finding it "obscures the immediate meaning of the act itself, the production of a living cloned human embryo" and reduces an act to its mechanism. In a moment of humor, the document noted that describing cloning as SCNT is analogous to describing walking as "sequential alternate leg advancement (SALA)" (p. 46).

For its defense of terms that accurately describe the act of cloning, as well as its refusal to rely on technical language that is empty of human or moral content, the careful discussion of terminology (pp. 37-56) represents a genuine contribution to public discourse.

The debate surrounding the two "types" of cloning, as described above, constitutes the bulk of the document's pages. The reflection on cloning-to-produce-children progressed almost immediately to an anthropological and philosophical level. Concerns were raised - regarding issues of identity, the manufacture of human beings, the frightful prospect of eugenics, the disruption of generational succession, and the broader effects on society implied by cloning - which were enough to cause each member of the Council to recommend a ban on this activity (pp. 87-115).

On the other hand - despite the fact that the act involved in cloning embryos for research is actually the same - the discussion of *research* cloning dwelled at length on a type of cost-benefit analysis, in which potential health benefits were weighed against what certain Council members called the "intermediate moral status" of the human embryo (pp. 128-149). The difference between the two discussions is striking. An indication of the difference in tone can be found in several personal statements written by members who wished to "speak in their

own voice on one or another aspect of this report" (p. 245). One member likened cloning-for-research to fighting a war: "I hope [the President] decides to send in the stem cells to root out disease. In the spirit of these times, I too say, 'Let's roll'" (Gazzaniga, p. 257). Another finds that delays in the march of scientific progress try one's patience: "Our ignorance is profound; the potential for important medical advances is very great. We must remove the current impediments to this critical research... NOW" (Rowley, p. 293). It is as if the prospect of progress lobotomizes the capacity for deeper reflection.

The document does raise important anthropological questions with regard to cloning-for-research: the exploitation of women to procure a supply of eggs, instrumentalization of human life, the question of what is truly owed to the suffering, and the repeated warning that "a fundamental moral line is crossed" when human embryos are created for the sole purpose of research (pp. 123-127; 159-170). Nonetheless, the connection between all acts of artificial human "production" is not explicitly made by the document; nor is the possibility considered that cloning-for-research may in a sense be more horrific than cloning-to-produce-children, since cloning-for-research creates human embryos with the intention of destroying them (*Dignitatis Personae* 30).

Willy-nilly, some advocates of "therapeutic cloning" - in their attempt to show that cloning-for-research does not cross any significant moral barriers that have not already been crossed - articulate the deeper relationship between all forms of artificial reproductive techniques. One member writes: "It is hard to see the moral difference between a practice that typically sacrifices embryos (by the tens of thousands, in the case of the IVF industry) and one that inevitably does so [as would occur with cloning-for-research]" (Sandel, p. 294). Or again, "I do not think there is any moral difference between a fertilized egg created in an in vitro fertilization clinic and one created by cloning an embryo. Both eggs are deliberately produced by scientific intervention and both (except for the IVF egg used to impregnate a woman) are destroyed" (Wilson, p. 297). Though this council member might not want to admit it, he is very near to the anthropology of the Catholic Church in this regard.

In the end, *Human Cloning and Human Dignity* is admirable for its comprehensive treatment of the issue of human cloning as it is debated in American society. However, this strength is also its weakness: the reader at times feels confronted by a cacophony of voices. It is in fact a testimony to the leadership of its chair, Leon Kass, that the council was able to author a single document at all.

The Council's recommendation to ban cloning-to-produce-children (unanimous) and place a four-year moratorium on cloning-for-biomedical-research (by a ten to seven majority vote) was, nonetheless, never enacted. Legislation to ban cloning was brought before Congress in 2001, 2004, and 2007, and each time foundered in the Senate due to disagreement regarding cloning-for-research. In 2005, Leon Kass stepped down as Chair to be succeeded by Edmund Pellegrino. In June 2009, the Council was disbanded by President Barack Obama. According to a White House spokesman, it would be replaced by a new commission whose purpose would be to offer "practical policy options" instead of philosophical guidance.[1]

NOTE

[1] *New York Times* "Obama Plans to Replace Bush's Bioethics Panel", June 17, 2009.

