

- 4 J. Harris, *The Value of Life* (London: Routledge & Kegan Paul, 1985), 144.
- 5 *In re Baby "M,"* 217 N. J. Super. 372, 525 A.2d 1157 (1987).
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HUMAN CLONING

CLONING OF HUMAN BEINGS

Leon R. Kass

In this testimony presented to the National Bioethics Advisory Commission (NBAC), Kass urges the commission to declare human cloning deeply unethical and to recommend a legal ban. Calling attention to the widespread sense of repugnance elicited by the prospect of human cloning, he advances four lines of argument against its use. These arguments are based on (1) considerations related to the ethics of experimentation, (2) concerns about identity and individuality, (3) the dangers of transforming procreation into manufacture, and (4) the negative impact upon our understanding of what it means to have children.

Mr. Chairman, Members of the Commission.

I am deeply grateful for the opportunity to present some of my thoughts about the ethics of human cloning, by which I mean precisely—the production of cloned human beings. This topic has occupied me off and on for over 30 years; it was the subject of one of my first publications in bioethics 25 years ago. Since that time, we have in some sense been softened up to the idea of human cloning—through movies, cartoons, jokes, and intermittent commentary in the mass media, occasionally serious, more often lighthearted. We have become accustomed to new practices in human reproduction—in vitro fertilization, embryo manipulation, and surrogate pregnancy—and, in animal biotechnology, to transgenic animals and a burgeoning science of genetic engineering. Changes in the broader culture make it now more difficult to express a common, respectful understanding of sexuality, procreation, nascent life, and the meaning of motherhood, fatherhood, and the links between the generations. In a world whose

once-given natural boundaries are blurred by technological change and whose moral boundaries are seemingly up for grabs, it is, I believe, much more difficult than it once was to make persuasive the still compelling case against human cloning. As Raskolnikov put it, "Man gets used to everything—the beast!"

Therefore, the first thing of which I want to persuade you is not to be complacent about what is here at issue. Human cloning, though in some respects continuous with previous reproductive technologies, also represents something radically new, both in itself and in its easily foreseeable consequences. The stakes here are very high indeed. Let me exaggerate, but in the direction of the truth: You have been asked to give advice on nothing less than whether human procreation is going to remain human, whether children are going to be made rather than begotten, and whether it is a good thing, humanly speaking, to say yes to the road which leads (at best) to the dehumanized rationality of Brave New World. If I could persuade you of nothing else, it would be this: What we have here is not business as usual, to be fretted about for a while but finally to be given our seal of

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approval, not least because it appears to be inevitable. Rise to the occasion, address the subject in all its profundity, and advise as if the future of our humanity may hang in the balance.

"Offensive." "Grotesque." "Revolting." "Repugnant." "Repulsive." These are the words most commonly heard these days regarding the prospect of human cloning. Such reactions one hears both from the man or woman in the street and from the intellectuals, from believers and atheists, from humanists and scientists. Even Dolly's creator, Dr. Wilmut, has said he "would find it offensive" to clone a human being. People are repelled by many aspects of human cloning: The prospect of mass production of human beings, with large clones of look-alikes, compromised in their individuality; the idea of father-son or mother-daughter twins; the bizarre prospects of a woman giving birth to a genetic copy of herself, her spouse, or even her deceased father or mother; the creation of embryonic genetic duplicates of oneself, to be frozen away in case of later need for homologous organ transplantation; the narcissism of those who would clone themselves, the arrogance of others who think they know who deserves to be cloned or which genotype any child-to-be should be thrilled to receive; the Frankensteinian hubris to create human life and increasingly to control its destiny; man playing at being God. Almost no one sees any compelling reason for human cloning; almost everyone anticipates its possible misuses and abuses. Many feel oppressed by the sense that there is nothing we can do to prevent it from happening. This makes the prospect all the more revolting.

Revulsion is surely not an argument, and some of yesterday's repugnances are today calmly accepted. But in crucial cases, repugnance is often the emotional bearer of deep wisdom, beyond reason's power fully to articulate it. Can anyone really give an argument fully adequate to the horror which is father-daughter incest (even with consent) or having sex with animals or eating human flesh, or even just raping or murdering another human being? Would anyone's failure to give full rational justification for his revulsion at these practices make that revulsion ethically suspect? Not at all. In my view, our repugnance at human cloning belongs in this category. We are repelled by the prospect of cloning human beings

not because of the strangeness or novelty of the undertaking, but because we intuit and feel, immediately and without argument, the violation of things we rightfully hold dear. I doubt very much whether I can give the proper rational voice to this horror, but in the remarks that follow I will try. But please consider seriously that this may be one of those instances about which the heart has its reasons that reason cannot adequately know.

I will raise four kinds of objections: the ethics of experimentation; identity and individuality; fabrication and manufacture; despotism and the violation of what it means to have children.

First, any attempt to clone a human being would constitute an unethical experiment upon the resulting child-to-be. As the animal experiments indicate, there is grave risk of mishaps and deformities. Moreover, one cannot presume a future cloned child's consent to be a clone, even a healthy one. Thus, we cannot ethically get to know even whether or not human cloning is feasible.

I understand, of course, the philosophical difficulty of trying to compare life with defects against non-existence. But common sense tells us that it is irrelevant. It is surely true that people can harm and even maim children in the very act of conceiving them, say, by paternal transmission of the HIV virus or maternal transmission of heroin dependence. To do so intentionally, or even negligently, is inexcusable and clearly unethical.

Second, cloning creates serious issues of identity and individuality. The cloned person may experience concerns about his distinctive identity not only because he will be in genotype and appearance identical to another human being, but, in this case, it will be to a twin who might be his "father" or "mother"—if one can still call them that. What would be the psychic burdens of being the "child" or "parent" of your twin? Moreover, the cloned individual will be saddled with a genotype that has already lived. He will not be fully a surprise to the world: people are likely always to compare his performances in life with that of his alter ego. True, his nurture and circumstance in life will be different; genotype is not exactly destiny. But one must also expect parental and other efforts to shape this new life after the original—or at least to view the child

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with the original version firmly in mind. For why else did they clone from the star basketball player, mathematician, and beauty queen—or even dear old Dad—in the first place?

Genetic distinctiveness not only symbolizes the uniqueness of each human life and the independence of its parents that each human child rightfully attains. It can also be an important support for living a worthy and dignified life. Such arguments apply with great force to any large-scale replication of human individuals. But they are, in my view, sufficient to rebut even the first attempts to clone a human being. One must never forget that these are human beings upon whom our eugenic or merely playful fantasies are to be enacted.

Third, human cloning would represent a giant step toward turning begetting into making, procreation into manufacture (literally, something “hand made”), a process already begun with in vitro fertilization and genetic testing of embryos. With cloning, not only is the process in hand, but the total genetic blueprint of the cloned individual is selected and determined by the human artisans. To be sure, subsequent development is still according to natural processes; and the resulting children will still be recognizably human. But we here would be taking a major step into making man himself simply another one of the man-made things. Human nature becomes merely the last part of nature to succumb to the technological project, which turns all of nature into raw material at human disposal, to be homogenized by our rationalized technique according to the subjective prejudices of the day.

How does begetting differ from making? In natural procreation, we two human beings come together, complementarily male and female, to give existence to another being who is formed, exactly as we were, by what we are—living, hence perishable, hence aspiringly erotic human beings. But in clonal reproduction, and in the more advanced forms of manufacture to which it leads, we give existence to a being not by what we are but by what we intend and design. As with any product of our making, no matter how excellent, the artificer stands above it, not as an equal but as a superior, transcending it by his will and creative prowess. Scientists who clone animals make it perfectly clear that they are engaged

in instrumental making; the animals are, from the start, designed as means to serve rational human purpose. In human cloning, scientists and prospective “parents” would be adopting the same technocratic mentality to human children: human children would be their artifacts. Such an arrangement is profoundly dehumanizing, no matter how good the product. Mass-scale cloning of the same individual makes the point vividly; but the violation of human equality, freedom, and dignity are present even in a single planned clone.

Finally, and perhaps most important, the practice of human cloning by nuclear transfer—like other anticipated forms of genetic engineering of the next generation—would enshrine and aggravate a profound and mischief-making misunderstanding of the meaning of having children and of the parent-child relationship. When a couple now chooses to procreate, the partners are saying yes to the emergence of new life in its novelty, are saying yes not only to having a child but also, tacitly, to having whatever child this child turns out to be. Whether we know it or not, we are thereby also saying yes to our own finitude and mortality, to the necessity of our replacement and the limits of our control. In this ubiquitous way of nature, to say yes to the future by procreating means precisely that we are relinquishing our grip, even as we thereby take up our own share in what we hope will be the immortality of human life and the human species. This means that our children are not our children: They are not our property, they are not our possessions. Neither are they supposed to live our lives for us, or anyone else’s life but their own. To be sure, we seek to guide them on their way, imparting to them not just life but nurture, love, and a way of life; to be sure, they bear our hopes that they will surpass us in goodness and happiness, enabling us in small measure to transcend our own limitations. But their genetic distinctiveness and independence is the natural foreshadowing of the deep truth that they have their own and never-before-enacted life to live. Though sprung from a past, they take an uncharted course into the future.

Much mischief is already done by parents who try to live vicariously through their children; children are sometimes compelled to fulfill the broken dreams of unhappy parents; John Doe, Jr. or the III

is under the burden of having to live up to his forebear's name. But in cloning, such overbearing parents take at the start a decisive step which contradicts the entire meaning of the open and forward-looking nature of parent-child relations. The child is given a genotype that has already lived, with full expectation that this blueprint of a past life ought to be controlling of the life that is to come. Cloning is inherently despotic, for it seeks to make one's children or someone else's children after one's own image (or an image of one's choosing) and their future according to one's will. In some cases, the despotism may be mild and benevolent, in others, mischievous and downright tyrannical. But despotism—the control of another through one's will—it will unavoidably be.

What then should we do? We should declare human cloning deeply unethical in itself and dangerous in its likely consequences. In so doing, we shall have the backing of the overwhelming majority not only of our fellow Americans, but of the human race—including, I believe, most practicing scientists. Next, we should do all that we can to prevent human cloning from happening, by an international legal ban if possible, by a unilateral national ban, at a minimum. Scientists can, of course, secretly undertake to violate such a law, but they will at least be deterred by not being able to stand up proudly to claim the credit for their technological bravado and success. Such a ban on human cloning will not harm the

progress of basic genetic science and technology; on the contrary, it will reassure the public that scientists are happy to proceed without violating the deep ethical norms and intuitions of the human community.

The President has given this Commission a glorious opportunity. In a truly unprecedented way, you can strike a blow for the human control of the technological project, for wisdom, prudence, and human dignity. The prospect of human cloning, so repulsive to contemplate, in fact provides the occasion—as well as the urgent necessity—of deciding whether we shall be slaves of unregulated progress, and ultimately its artifacts, or whether we shall remain free human beings who guide our technique toward the enhancement of human dignity. To seize the occasion, we—you—must, as the late Paul Ramsey said, “raise the ethical questions with a serious and not a frivolous conscience. A man of frivolous conscience announces that there are ethical quandaries ahead that we must urgently consider before the future catches up with us. By this he often means that we need to devise a new ethics that will provide the rationalization for doing in the future what men are bound to do because of new actions and interventions science will have made possible. In contrast a man of serious conscience means to say in raising urgent ethical questions that there may be some things that men should never do. The good things that men do can be made complete only by the things they refuse to do.”

EVEN IF IT WORKED, CLONING WOULDN'T BRING HER BACK

Thomas H. Murray

Murray argues that we must face several “hard truths” about human cloning. One of these hard truths is that cloning—at least at this stage of technological development—does not produce healthy, normal offspring. The other hard truths he identifies are asserted in opposition to the idea that if cloning did produce healthy offspring, parents could sensibly use it to replace a dead child.

Eleven days ago, as I awaited my turn to testify at a congressional hearing on human reproductive cloning,

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ing, one of five scientists on the witness list took the microphone. Brigitte Boisselier, a chemist working with couples who want to use cloning techniques to create babies, read aloud a letter from “a father,

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