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Human Cloning - Should the United States Legislate against It

George J. Annas

John Robertson

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Should the United States legislate against it?

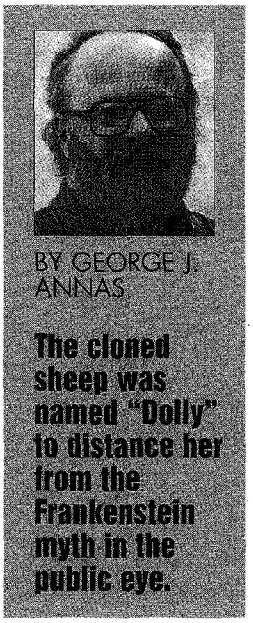
Two weeks after Scottish researcher Ian Wilmut told the world in February that he had cloned an adult sheep, he went before the U.S. Senate to say that cloning humans would be unethical and "quite inhumane." He warned Congress, however, against acting rashly to adopt legislation that might stifle biological research.

Unlike Britain, Spain, Germany and Denmark, the United States has no national law that bans the cloning of humans, although President Clinton has ordered a ban on federal funding for human-cloning experiments. Whether there should be a legal ban is one issue before a presidential advisory panel.

As a precursor to that public debate, George J. Annas, a health law professor at Boston University, argues that human cloning should be illegal lest it lead to a world in which people are commodities. For him, a society that hasn't confronted implications of in vitro fertilization—a nearly 20-year-old procedure—is not ready for a potentially far more troublesome procedure.

Arguing against a ban, John A. Robertson, professor of law at the University of Texas and an expert on law and bioethics, says society must not let fear of science fiction scenarios cloud its vision. It would be unwise, he says, to block potentially valid uses of cloning simply because of the initial shock brought on by Wilmut's unprecedented creation.

Yes: Individual dignity demands nothing less



BY GEORGE J. ANNAS

The cloned sheep was named "Dolly" to distance her from the Frankenstein myth in the public eye.

Human cloning should be banned because it would radically alter our very definition of ourselves by producing the world's first human with a single genetic parent. This manufacture of a person made to order undermines human dignity and individuality, and encourages us to treat children like commodities.

Prior discussion of the ethics of human cloning was interrupted in 1978 by the birth of Louise Brown, the world's first baby conceived through in vitro fertilization. The ability to conceive a child in a laboratory added in vitro fertilization to artificial insemination as a technique that humans could use to reproduce without sex, and also made it possible for a woman to gestate and give birth to a child to whom she had no genetic relationship.

We still have not answered any of the fundamental questions of parental identity, embryo disposition and posthumous reproduction that in vitro fertilization has spawned. In vitro fertilization is no precedent for cloning; the child is still conceived by the union of egg and sperm from two separate persons, and the child is genetically unique. Cloning is replication, not reproduction, and represents a difference in kind, not in degree, in the way humans continue the species.

Novels such as *Frankenstein* and *Brave New World*, and films such as *Jurassic Park* and *Bladerunner* have prepared the public to discuss deep ethical issues in human cloning.

Victor Frankenstein never named his creature, repudiating parental responsibility. The creature himself evolved into a monster when it was rejected by both Frankenstein and society. Naming the cloned sheep "Dolly" was done for the public to suggest an individual, or at least a pet or a doll, not for the scientific article (in which she is referred to simply as 6LL3). The strategy was meant to distance her from the Frankenstein myth by making her appear to be more normal than she is and by making it look as if the scientists can and are accepting responsibility for her.

Rather than look deeply into ethics and world literature, supporters of human cloning have tried to come up with extreme and improbable hypotheticals to sell this technique to the American public. But these hypothethicals only demonstrate that the risks of dehumanization and commodification are real.

The most popular suggestion is that parents of a dying child should be able to clone the child for a replacement. But when a child is cloned, it is not the parents who are replicated, but the child. No one should have such dominion over a child as to be allowed to use its genes to create the child's child.

Ethical human reproduction requires the voluntary participation of the genetic parents, and this is impossible for the young child. Nor, of course, should one have an "extra" child for organs or other spare parts.

Humans have a basic right not to reproduce, and human dignity requires that human reproduction not be equated with that of farm animals or even pets. We could only discover whether cloning is even feasible in humans by unethically subjecting the planned child to the risk of serious genetic and physical injury. Congress and states should take a stand at this boundary.

ABA JOURNAL PHOTOS BY CHRIS FITZGERALD AND PETER SILVA

No: The potential for good is too compelling

BY JOHN A. ROBERTSON

Cloning could help give children a good genetic start in life and help ensure parents a happy rearing experience.

The successful cloning of an adult sheep has startled the public in the speed of its arrival, and in the potential it offers to control the genome of people. Although nurture and environment are crucially important in making people who they are, there is also truth in the claim that "who designs the plan controls the product."

The prospect of human cloning elicits fears of abuse—visions of power-hungry tycoons cloning themselves or a class of permanent servants. But we should hesitate to act on initial reactions. It is simply too early in the development cycle to make global decisions banning all cloning research or declaring that anyone who clones another is a criminal.

A ban on cloning now is both imprudent and unjustified because there are potentially valid uses and the potential harms have not been clearly identified. In significant ways, cloning is not qualitatively different from prebirth genetic selection techniques now in widespread use. Indeed, it appears much less intrusive than the ability to alter and manipulate genes that is on the near horizon.

A key moral fact is that cloning will not necessarily harm anyone. In the most likely cloning scenarios, parents will be seeking a child whom they will love for himself or herself. Any resulting child would be a person with all the rights of persons, and would no more be the property or subject of the person who commissions or carries out the cloning than any other child.

Nor will the child be the same person as the clone source, even if the two share many physical characteristics, for its rearing environment and experiences will be different. As religious leaders note, such a child will have its own soul.

Consider some reasons for choosing to replicate a human genome. At the embryo level, it may be to assure that an infertile couple has enough embryos available to achieve pregnancy. In that case cloning an embryo could lead to the birth of a twin. Even if the twins' births are temporally separated, this is not necessarily harmful and may lead to a special form of sibling bonding.

There may be other situations of merit, such as creating embryos from which a child may obtain needed organs or creating a twin of a previous child who died. It may also enable a couple seeking an embryo donation to choose more precisely the genome of offspring, thus assuring that the resulting child has a good genetic start in life and the couple has a happy rearing experience.

These uses vary in their appeal, in the existence of alternatives to the same goal, and in their potential impact on people providing the DNA and people born with that genome. As a result, all cases of cloning need not be treated similarly. Self-cloning, which some would find the height of narcissism, may create problems for offspring that do not exist when cloning occurs to enhance fertility or a child's health.

Cloning raises challenging questions about human liberty, dignity and identity. At this early stage in the development process, however, enough good uses can be imagined that it would be foolish to ban all cloning and cloning research because of vague and highly speculative fears. As with other technological developments, science fiction should not drive science policy. ■

ILLUSTRATION BY JEFF DIONISE