

Mesa Community College

“Some Preliminary Arguments Favoring Cloning”

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By:

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OPENING STATEMENT:

The question we are here to address tonight is whether or not human somatic cell nuclear transfer, or cloning as it is popularly known, is morally permissible. Note that I use the word 'permissible' in this context. When giving a moral evaluation of an action we are confronted with three possibilities: the act might be right, it might be wrong, or it might be permissible. The words 'right' and 'wrong' denote a positive or negative obligation respectively. That is, if an act is deemed right, we have an obligation to perform it and are blameworthy if we fail to perform that act. The same, in reverse, is true for actions labeled 'wrong'. Permissible acts are those that are neither commanded by morality, nor forbidden by morality. What makes an action right, wrong, or permissible is determined by the critical evaluation of moral principles and arguments, the intention of moral agents, and/or the consequences of our actions.

In my comments tonight, I will focus on the moral considerations surrounding the permissibility of human somatic cell nuclear transfer. I will argue that both whole-body, or reproductive, cloning and therapeutic cloning are morally permissible. I will maintain that there are no arguments sufficient to warrant a ban on research into, and general application of human somatic cell nuclear transfer, or cloning.

ARGUMENT:

As previously stated, it is my task tonight to argue that research into and the application of human cloning is morally permissible. As such, it seems obligatory that I provide positive arguments in favor of this position rather than merely refuting the arguments of the opponents of this technology. Thus, my task will be twofold: I must first address the strongest arguments in

opposition to cloning, some of which have already been mentioned, and I must then offer some positive argument in favor of cloning. I would like to caution, however, that the time constraints of this forum prevent me from providing anything more than the broadest outline of a complete argument. Serious attention to moral issues, both public and private, requires familiarity with the complexities of moral theory, and anyone who has given any serious attention to moral philosophy knows that that requires a significant dedication of time and effort. In short, there are no simple answers to complex moral questions, and I would caution us all to be wary of any (be they philosopher, theologian, or politician) who suggest otherwise.

I would also like to point out that as a philosopher I am committed to the view that the only way to address moral conundrums is through rational discourse. Ethics, the philosophical investigation of morality, proceeds by offering and analyzing arguments. Thus, when we engage in Ethics or Moral Philosophy we are not interested in tradition, popular consensus, nor even what the law may say. Laws may be unjust, as they very often are, and the majority may simply be clueless. Over time traditions change as they are no more stable than the opinions of the people that make up a society. No, genuine moral questions can only be settled through the process of rational discourse free of the coercion of physical, political, or economic power.

My argument will proceed in two phases: first I will address the use of human somatic cell nuclear transfer for the purposes of producing persons, I will then turn to the question of therapeutic applications of this technology. It is my overriding thesis that technology is, in-itself, morally neutral. I take it that moral considerations only arise in the application of technology, and the locus of moral assessment lies somewhere in the intentions of the moral agent and the overall consequences of her actions. If my arguments succeed, it will thus become clear that any ban on all forms of cloning technology is not justified on moral grounds.

I. Reproductive Cloning

The greatest public concern over cloning seems to be the application of human somatic cell nuclear transfer with the aim of producing a person. Why this particular issue has taken center stage is to me somewhat mystifying and I will leave it to the sociologists and psychologists to investigate further. My task is to address the question: is it morally permissible to use cloning technology to produce a person. In order to argue that it is, I will first address some of the claims that it is not morally permissible. I will then outline an argument on which it could be seen as morally permissible.

A. Arguments Against Reproductive Cloning

There are numerous arguments that have been offered to show that reproductive cloning is immoral. I take most of these arguments to fall into one of four broad categories: 1) The Religious Argument, 2) The Dignity Argument, 3) the Psychological Harm Argument, and 4) The Genetic Diversity argument. The first two of these are closely related; the Religious Argument claims that the use of cloning technology for human reproduction violates divine law and the Dignity Argument, as its name suggests, claims that reproductive cloning violates human dignity. Dr. Yount has already suggested reasons for rejecting the argument from religion, so I need say no more about it now. However, the Dignity Argument does not fall to the same objections as it does not require acknowledgement of, or adherence to, any religious doctrine. Its weight seems to lie instead in a humanist notion of the distinctness of the species. Instead of divine law, proponents of this argument seem to be committed to some form of natural law that posits a superior status for the homo sapien. But, if we are to take this argument as reflecting

anything more serious than anthropocentrism we need an account of precisely what this “dignity” of the human is and how it is derived from natural law. Though I may be wrong, I know of no serious attempts to provide such an explanation in recent intellectual history. I take it that in its current form, this argument is little more than an emotional appeal.

The Psychological Harm argument fails to be persuasive for different reasons. As it has already been outlined by Dr. Yount, I can move on to show what I take to be its primary weakness. If the proponent of this argument is correct, and reproductive cloning is immoral because of the potential psychological harms that may be inflicted on the cloned person when they become cognitively aware, then it seems to me that all human reproduction is analogously immoral. After all, it is possible, indeed plausible, to suppose that any child I bring into the world may suffer some future psychological harm by being brought into the world. The number of persons who have suffered existential anxiety when faced with their own mortality far exceeds the number of those who have not. And what child produced through ordinary nuptial processes has not felt daunted by the task of living up to the expectations of their parents or the successes (or failures) of their siblings, or relatives, or others in general. If the possibility of inflicting future psychological trauma on our offspring is sufficient to proscribe cloning, it is also sufficient to forbid all future procreation!

The fourth and strongest argument against reproductive cloning also turns on the non-maleficence principle that commands us to do no harm. In the case of the Genetic Diversity Argument, however, the harm we are cautioned against is not psychic harm to the individual, but potential harm to the species itself. Genetic diversity, as the argument goes, is essential for the wellbeing of the species, and reproductive cloning directly reduces the amount of genetic diversity within the species, thus producing a harm that ought to be avoided. As I am not a

geneticist, I will grant, for the sake of argument, the claim that the health of a species is directly related to the amount of genetic diversity found within it (although I have some doubt that it is that simple). However, for this argument to be taken seriously, we would have to suppose that the proponents of reproductive cloning are suggesting we supplant all human sexual reproduction with human somatic cell nuclear transfer. This, however, is not the case. Those in favor of reproductive cloning only claim that it ought to be allowed as one form of sexual reproduction. It is simply not realistic to expect that the amount of genetic homogeneity that would be caused by allowing reproductive cloning would create a statistically significant threat to the gene pool.

B. Arguments For Reproductive Cloning

Having shown that the primary types of arguments offered against reproductive cloning are seriously flawed, we can now turn our attention to an argument in favor of reproductive cloning. Please keep in mind, however, that the best I can do here is offer the barest outline of such an argument, to be successful such argument will require further development.

There have been many attempts to show why reproductive cloning is morally permissible. For example, it has been argued that cloning technology is, like all technology, just another expression of the human rational capacity which is itself a product of the evolutionary process. Thus, cloning could be understood as part of the evolutionary process and, therefore, natural. It has been argued that reproductive cloning will allow us to alleviate the suffering induced by the loss of a loved one. Further, it has been argued that reproductive cloning allows infertile couples to have genetically related offspring that satisfies some deeply ingrained (perhaps even hard-wired) desire of the homo sapien. I take none of these arguments to be persuasive.

The strongest argument in favor of reproductive cloning, it seems to me, is rooted in the right of individuals to exercise, or refrain from exercising, their own reproductive capacities as they see fit. This type of argument is usually referred to as the Libertarian Argument. It is rooted in the belief that moral agents are autonomous, or self-ruling. On this view, the autonomy of moral agents is constrained only by the non-maleficence principle. Thus, in so far as a person does not harm another moral agent, they should be at liberty to do as they please. We should note here that what counts as harm needs to be articulated before this argument is complete. That is, the Libertarian Argument is not committed to saying that there are no constraints on the application of cloning technology; not every case of reproductive cloning will necessarily be permissible. However, this argument does suffice to say that a total ban on reproductive cloning is unwarranted and should be resisted. That is, some cases of reproductive cloning may be permissible while some cases may not.

II. Therapeutic Cloning

Having argued that the application of human somatic cell nuclear transfer for the purposes of producing persons is, in principle, morally permissible, I now have to address the question of therapeutic cloning. I take it that everyone is reasonably familiar with the process by which therapeutic cloning occurs, so I will forego a summary here and proceed to an analysis of the arguments for and against it. As in the case of reproductive cloning, I will begin with an analysis of the arguments against cloning, and then proceed to outline an argument in favor of human somatic cell nuclear transfer for therapeutic purposes.

A. Arguments Against Therapeutic Cloning

If we ignore the heretofore dismissed Argument from Religion, most of the arguments against therapeutic cloning fall into two broad categories: arguments against the manipulation and destruction of a developing embryo, and arguments concerning the cost of the exploration and application of cloning technology. I will refer to these as the Embryonic Rights Argument and the Economic Argument respectively. I maintain that neither of these arguments successfully demonstrates the need for a ban on therapeutic cloning technology. Together with the argument I will present in favor of therapeutic cloning, I will show that any universal ban on cloning technology for therapeutic purposes is not morally justified.

The Embryonic Rights Argument maintains that therapeutic cloning is morally impermissible because it necessitates the destruction of a human embryo (or more precisely, a human blastocyst). This argument rests on one of two necessary assumptions: either, human embryos have intrinsic rights, or human embryos have future rights. However, both of these assumptions are problematic. In the first place we must identify the locus of intrinsic rights of the embryo; that is, we must answer, why does an embryo have intrinsic rights? It certainly is not the case that an embryo has intrinsic rights in that it exists. My can of coke exists, but certainly has no rights. Alternatively, it might be suggested that its rights are secured in that it is alive. Here again, however, a little reflection shows that there are many living things that we do not consider bearers of rights. The ficus on my patio is most definitely alive, but once again we do not think of it as having the right to protest my re-potting it or trimming off a few of its branches, or neglecting it altogether. Thus, the property of life seems insufficient to warrant the attribution of rights. It might be suggested that it is not in virtue of its existence, or its organic existence, but rather that it is animal existence that gives the embryo rights. There are, of course,

many who hold that animals ought to be given moral consideration. This consideration, however, is grounded in the animal's ability to perceive pleasure and pain. Unfortunately for the embryonic blastocyst there exists no nervous system to perceive pleasure and pain. Hence, the argument from animal existence is also insufficient to warrant the attribution of moral agency to the embryo.

If the embryo fails to have intrinsic rights because it exists, is alive, and is an animal, it only remains possible to assert that its rights are rooted in its being human. Notice that the virtue of human existence cannot rest on the same grounds as animal rights (i.e., the ability to perceive pleasure and pain), for as was previously argued, that would leave the embryo high and dry. In order for this argument to work, there must be something intrinsically good and valuable in human existence wherein natural rights reside. The famous German philosopher Immanuel Kant argued that it was reason that provided the foundation for moral agency in human beings. But alas, the poor embryo doesn't even have a nervous system, let alone the capacity for rational thought. The embryo looks nothing like a human, nor does it act like a human being. In fact, the only thing that connects it with being human is DNA. Thus, it appears that the only argument supporting the intrinsic natural rights of the embryo is that it contains human DNA. Of course, once we make this assertion, we see the absurdity that follows: all cells in the human body contain human DNA. That being so, we must argue that all human cells have intrinsic rights and it would be morally impermissible to interfere with their existence. This would make removing a tumor, malignant or benign, just as reprehensible as assassinating Ghandi. It would also mean that clipping one's toenails and visiting the barber for a trim would be morally reprehensible acts as in each case we are excising cells that contain human DNA. These are, of course, extreme

cases, but that is simply to drive home the point that containing human DNA is insufficient to secure moral status.

If the embryo does not have intrinsic rights that secure a prohibition against therapeutic cloning, perhaps it has future rights that justify such a prohibition. That is, perhaps it is not what the embryo is, but what it might become that endows it with rights. But, this argument also seems particularly difficult to accept. To see why, all we have to do is apply some analogous cases. If we grant that our rights are grounded in our future selves it would seem that almost any intrusion into our existence would be impermissible. It would certainly follow that all forms of contraception, natural and artificial, would be impermissible. It would also follow that any intentional homicide, whether in the case of war or criminal punishment, or even self-defense, would be impermissible. But most absurdly, it would seem to follow that all tissue samples containing complete strands of DNA must be preserved indefinitely. After all they might, someday, given possible technological advances, be capable of developing into autonomous persons. Thus, from biopsies to hair clippings, there exists a moral obligation of preservation. Given that this is an obviously absurd conclusion, we can also conclude that an embryo's possible future is insufficient to warrant attributing rights to it.

If my arguments thus far have been even remotely cogent, it follows that the case for an embryo's right to exist and develop without interference has not been established as it has neither intrinsic nor future rights. Thus, the Embryonic Rights Argument fails to be persuasive. As for the Economic Argument against therapeutic cloning, I have very little to say. Any concern over the cost of therapeutic cloning could be raised against any medical technology. And, since I take medical technology to be, on the whole, a desirable good, it will follow that certain allocations of

capital will be justified for its attainment. How much and for whom is an open question, but it is clear that the case for a universal ban on therapeutic cloning has not been made.

B. Arguments For Therapeutic Cloning

I will conclude my paper with a brief argument in favor of therapeutic cloning. The primary purpose for therapeutic cloning is to provide medical benefits to persons. Given the shortage of organs available for transplantation and the cost of anti-rejection therapy after successful transplantations where matching organs are available, the possibilities offered by therapeutic cloning are significant. It also offers the very real possibility of rehabilitation for persons suffering neurological degradation and trauma. If we take the goal of medicine, to make life better, to be a virtue, it follows that development of medical technologies are virtuous as well. But, they are not justified in themselves. As I stated at the beginning, medical technology itself, like all technology, is fundamentally amoral. How it is developed and for what purposes, and how it is applied in society are the moral questions we must face. Thus, an absolute ban on all forms of a medical technology like cloning would seem to be unwarranted, at least on moral grounds. However, it is important to note that it does not follow from my arguments that any and all applications of medical technology are morally permissible. The infamous medical experiments of the Nazi regime, or the Tuskegee syphilis study of the last century stand as obvious examples of illicit medical research and application. We must always be mindful of the non-maleficence principle in our consideration of the development and application of medical technologies. We must consider the benefits in relationship to the possible side effects of any and all technologies. But to ban a technology without sufficient reason is not only short-sighted, but also potentially immoral.