

The Complexities of Human Cloning

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In anticipation of the first report of the President's Council on Bioethics, critics on the Left and some right-wing libertarians have been sharpening their swords and replenishing their reserves of indignation, contempt, and derision. But those who hoped and prepared to take up arms against a manifesto of traditional pieties grounded in religious faith and literary fictions should have been sorely disappointed.

In fact, the recently issued Human Cloning and Human Dignity - nearly 200 pages in length and scrupulously laying bare the moral case for and against human cloning - is an enlightened and enlightening document, for which Dr. Leon Kass, chosen last fall by US President George W. Bush to chair the council, deserves much credit.

Not the least reason for the report's value is the seriousness with which the council members - an intellectually diverse and distinguished group of medical doctors, scientists, legal scholars, political scientists, moral philosophers and theologians - took to heart the November 2001 presidential Executive Order that brought the council into being, directing it, first of all, "to undertake fundamental inquiry into the human and moral significance of developments in biomedical and behavioral science and technology."

In fulfilling this presidential mandate, the council has provided a model of liberal inquiry in the service of the public interest. Ironically though, and with the most high-minded of intentions, it has also helped lay the groundwork for the therapeutic cloning or, as the council prefers, cloning for biomedical research, that a majority of council members oppose.

THE CASE of cloning for biomedical research was a hard one for the council. All 17 members who cast votes recommended an outright Congressional ban on cloning to produce children (reflecting both a long-standing consensus embodied in the conclusions of previous presidential commissions and the views of a substantial majority of the American people). But a slim majority of 10 members of the council recommended a four-year national moratorium on the cloning of human embryos for use in stem-cell research to allow for further study of the moral and political and scientific issues.

A seven-member minority recommended that cloning for biomedical research be allowed to proceed promptly, subject to strict federal regulation (since, however, debate concerning regulatory mechanisms has scarcely begun, the initiation of such research even under the minority recommendation could take some time).

The majority supports the four-year moratorium on embryonic stem-cell research because of the variety of threats it believes such research poses to the moral preconditions of human freedom. They appreciate that treatments for diseases that ravage millions of Americans could conceivably come some day from research on stem cells, the extraction of which destroys the cloned human embryos from which they would be taken. But they believe that this good is outweighed by our moral obligations, including the respect that is owed to developing human life, and the need to prevent the moral harm to society that would come from further undermining our shared sense, under siege from many sides, that human life should not be reduced to manufacture and marketing.

Nothing said elsewhere in the report by those in the minority, who support proceeding without delay with embryonic stem-cell research, disposes of the majority's concerns. There is no gainsaying the majority's position that human embryos are developing human life, that embryonic stem-cell research involves creating, using, and destroying that human life, and that the liberal spirit properly flinches when human life is reduced to a means and not treated also as an end in itself.

Moreover, beyond the harm incurred by the human life that is used in stem cell research is the harm suffered by the users of human life.

There are no easy answers - certainly none provided by the minority - to the fears that the majority raises about the effect on our moral sensibilities of what it calls "the complete instrumentalization of nascent human life." The minority dismisses such concerns as "slippery slope" arguments. But some slopes are slippery.

These are weighty moral concerns. But the march of freedom in a free society is not easily slowed especially by a council report that is already so deeply imbued with the spirit of freedom.

Indeed, thanks to the report's commitment to liberal inquiry based on the rigorous airing of opposing opinions, however, the pathos of the majority position, supported by Kass, comes into sharper view. For the very freedom whose moral preconditions the majority wishes to protect is bound to bristle against and eventually rush over the restrictions they wish to institute.

The moratorium, as well as more stringent federal regulations designed to permit such research while keeping it within limits, will very likely prove incompatible with, and eventually fall before, the very freedom to inquire, the freedom to improve our condition, and the freedom to master our world that liberal democracy in America secures, and the hunger for even more of which it steadfastly encourages.

Government, of course, must take action. The decision not to do so or to postpone a final decision is certainly fraught with consequences. But the council's report does not carry the force of law. It is not a judicial decision. Nor is it a draft bill. It is an advisory study. It carries the force of argument. And the report's most enduring legacy, particularly if the minority position

eventually carries the day, may well be its summons to awareness of the moral hazards to which human cloning gives rise, and the argument it makes, both explicitly and in practice, for the value to public debate of liberal deliberation.

Indeed, if the president, members of Congress, and interested citizens allow themselves to be instructed by the council's report, they could help set the nation on the right path in the debate about human cloning, helping us to avoid the error that for so long hampered the debate over abortion, which was the refusal by both camps to grasp the good that lay on the other side of the question.

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