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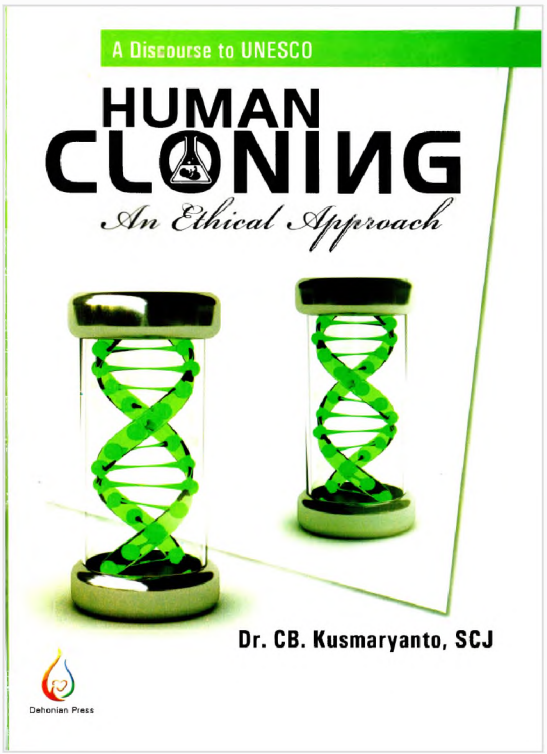

Human Cloning An Ethical Approach

by C.b. Kusmaryanto

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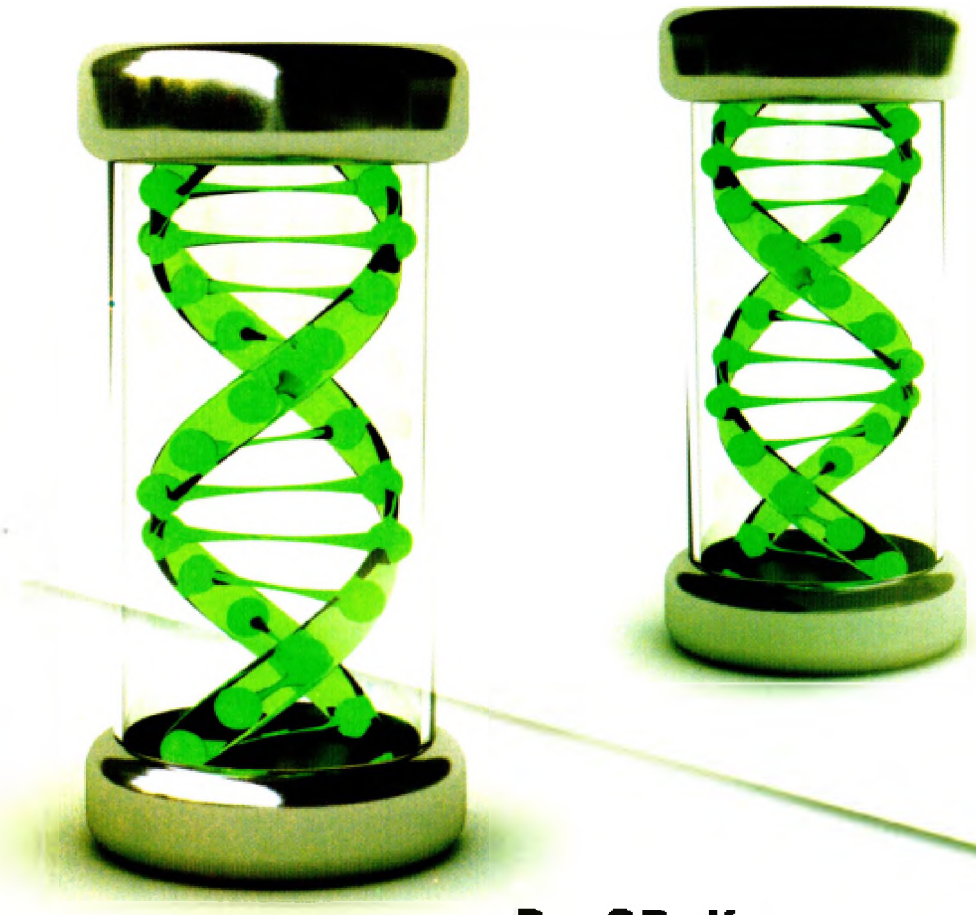
A Discourse to UNESCO

HUMAN CLONING

An Ethical Approach



Dr. CB. Kusmaryanto, SCJ

Dehonian Press

United Nations
Educational, Scientific and
Cultural Organization

International Bioethics
Committee (IBC)

A Discourse to UNESCO

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An Ethical Approach

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A Discourse to UNESCO: Human Cloning an Ethical Approach

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A living Human being,
has the right to live
because she/he has life already.

Contents

Preface

When the success of the mammal cloning (Dolly) was announced on February 27, 1997[1], many people were frightening in hearing this news. Many people considered this news as a bad news rather than good news even terrifying news. What mat[illegible]d for many people, in fact, was not Dolly itself but human cloning. It is only a matter of time, sooner or later, human beings will be cloned. It was understandable that the refusal reactions of human cloning came from all over the world. Many countries and institutions set up laws to ban human reproductive cloning.

Now it has been more than 10 years since that event. From that time on, it has been many new developments, inventions and pe[illegible]tions in cloning whether in th[illegible]methods and the tools. UNESCO set up a working group to study this issue in order to determine whether the latest scientific, ethical, social, political and legal advances warrant a new international initiative. The working group produced a working document entitle "Is Human Reproductive Cloning Inevitable: Future Options for UN Governance"[2]

Based on the working document, on 28 – 31 October 2008 UNESCO invited many scholars, researchers, scientists, ethicists and representations of countries to assess the actual situation on human cloning, to hear different viewpoints, and to discuss the new developments in order t[illegible]ake necessary actions to renew regulations if it is opportune. The 15th session of the I[illegible]ernational Bioethics Committee (IBC) was opened on 28 October by the Director-General of UNESCO, Koïchiro Matsuura and the Chairperson of the IBC, Adolfo Martinez-

1 Ian Wilmut, A.E. Schnieke, J. McWhir, Keith H. Campbell, "Viable offspring derived from fetal and adult mammalian cells", in *Nature* 385(1997) 810 – 813. Actually, Dolly was born on July 5, 1996 but it was announced only on February 27, 1997. Ian Wilmut, Keith Campbell, Colin Tudge, *The Second Creation: Dolly and the Age of Biological Control*, Harvard University Press, Cambridge, 2000, p. 208

2 Chamundeeswari Kuppuswamy et all., *Is Human Reproductive Cloning Inevitable: Future Options for UN Governance*, United Nations University – Institute of Advanced Studies, Yokohama, 2007

Palomo. The IBC has pioneered debate on human cloning and laid the foundations of the Universal Declaration on the Human Genome and Human Rights (1997) which condemns reproductive cloning of human beings as contrary to human dignity. From that time on, there have been more than 50 countries passed laws banning this human cloning.

The book that you are reading now is my discourse which was presented in the public hearing of UNESCO on human cloning. My discourse is one of the discourses which were presented. My special attention is on the ethical dimension of human cloning. From the public hearing, it is clear that human cloning is one of the emotive and divisive issues in many aspects whether ethically, socially and technically. One may argue that cloning to create human beings should be allowed to help those who can not have children naturally but the opposite may be true. I will explore this possibility.

The so-called therapeutic cloning (or more precisely: cloning to create therapeutic/research means) is even more crucial. There are many efforts to negotiate an international convention to allow this type of cloning since it is viewed by some as a possible source of new therapeutic remedies for degenerative diseases. My discourse – also will focus on the ethical point of view – will explore that this type of cloning which involves the production of embryos as a source of stem cell is unethical.

My special grateful thank you goes to UNESCO, to the Indonesian National Bioethics Committee, to the Indonesian National Committee of Health Research Ethics, to my colleagues at the Gadjah Mada University and Sanata Dharma University, and finally to my parent-sibling and confreres.

I hope that this book will inspire us for further genuine discussions in order to arrive at the correct and perfect final conclusion.

Berkah Dalem

CB. Kusmaryanto

Executive Summary

I. NEW PROPOSED TERMINOLOGIES

1. The Direct Product of Cloning is an Embryo

The first difficulty is related to the direct product of cloning (SCNT). What is the nature and essence of it and what should we name it? Although many scientists use the term embryo to describe the direct product of cloning but not all the scientists agree with it. The objections to use the term embryo are related to the origin, the uncertainty about the extent of its developmental potential and the fact that it is a morally loaded term.

Biologically speaking, the direct product of SCNT has precise properties which are equally to the product of fertilization. It is a diploid cell which has been capacitated for development into a full human being. Through the process of activation, the differentiated diploid cell has undergone a radical changing in the nature and essence so that it becomes totipotent. In its single nucleus contains the full complement of genetic materials necessary for producing a new human being. Its growth and development are coordinated and directed by its inner programs toward becoming full human being. Briefly, the direct product of cloning has the same property to the fertilized ovum (zygote) and without doubt, it is an embryo. If it is not an embryo, the reproductive cloning is not possible since only after cloning that the embryo is implanted to the womb. In this case, the origin does not determine the thing but its nature and the essence that make up a thing. So, the origin of the embryo - whether come from fertilization or cloning - doesn't change the nature of the embryo. The direct product of cloning is embryo in nature and in essence.

2. Reproductive Cloning and Therapeutic Cloning?

Cloning is classified commonly into reproductive cloning and therapeutic cloning. Serious critiques emerge on both terminologies. Firstly, all clonings are reproductive cloning because all types of cloning produce embryos. The fact that only some of them will be implanted into the womb and carried in pregnancy, do not change the nature and essence of the direct product of cloning. Secondly, cloning is only an initial part of the total process while the rest is a natural process in producing children. The differences between reproductive and therapeutic cloning lay in the process after the cloning itself until its final goal: to produce human beings or to create means for research or therapy. So the types of cloning have to be classified not based on the act of cloning itself but based on the final goal of the cloning.

For the sake of scientific honesty and clarity, it is better to use non-biased and transparent terminologies: in place of the term "reproductive cloning" it is better to use "cloning to create human beings" and in place of the term "therapeutic cloning", it is better use the term "cloning to create therapeutic/research means". In the case of therapeutic cloning, it has to be noted clearly that the action of cloning itself is not an action of therapy but an action only to create means of therapy.

II. CLONING TO CREATE HUMAN BEINGS

1. Uniqueness Human Life vs. Freedom and Auto-determination

From the embryological point of view, after finishing fertilization, zygote is not a mass of cells but has her/his own exact genomic identity and this genomic identity becomes her/his identity for all of his/her life; those cells form a unity as an individual where each of the cells has its own place and proper job in the overall precise and determined development; its development is autonomous because it is guided and directed by an internal genomic program. This genomic identity of the embryo is unique.

For all human beings, the genomic identity is very precious and it is protected by most of the international legislations, including UNESCO's Universal Declaration on the Human Genome and Human Rights, especially article 2 and 11 which oblige to respect human dignity with its uniqueness of his genetic identity. Briefly, intentionally making similar human genome is a violation against privacy and the common heritage of humanity. It is individual rights to have proper genetic patrimony in such away that it cannot be transferred or repudiated.

Cloning to produce human being is totally contrary to this principle. It is true that the genomic identity is only part of the whole personal identity. The personal identity is broader than the genomic identity and it is formed by nurture and nature, so it has to be noted distinctively that many aspects of the personal identity depend on the genomic identity whether directly or indirectly. Now it is becoming more evident that some genes have big influences in human behavior. The genomic identity is an important property of the person on which one builds up his personal identity. Personal genomic identity not only symbolizes the uniqueness and independence of each human being but it can also be an important support for living a worthy and dignified life.

2. Enforcement of Genomic Identity

The real problem in cloning to produce human being is that there is a person who imposes deliberately his genomic identity to others. This enforcement would make a tremendous impact on many aspect of life:

Psychological Level. The continual comparison with the master will impair his sense of self and give the feeling of already having lived. People are likely always to compare his performances in life with his master who is his alter ego. He will be loved or hated not because his quality but because of his master. It will give psychologically unbearable burdens. According to Jürgen Habermas when a person knows that his genome is pre-programmed by somebody else, he will change his auto-perception toward his physical and mental existence. His recognition of self as the product of a pre-programmed person will overlap or even replace his spontaneous being. The failure to

make a distinction between spontaneous and artificial will engrave his existential modality. This changing of auto-perception happens in his brain and it will affect his way of regard his existence.

Social and legal level. The confusion will also arise from the fact that the cloned human being may be the twin of his father or even his grandfather. It will destroy familial relationship in some ways: it creates a confusion regarding the normal understanding and relations of father, mother, sibling and son on. This relation is not merely appellation or tradition but they bear many consequences in the real life such as rights, obligation and responsibilities. Furthermore, as an asexual reproduction with only a single parent for the offspring, human cloning creates children who are not the fruit of reciprocal self-giving of man and woman but the fruit of desire and technique.

Moral level. The determination of genomic identity means also determination of human behavior and thus limiting human freedom and auto-determination which are important predispositions allowing people to become themselves. If a person is forced to do something which is not his choice, he will be alienated from his actions (behaviors) and unable to take responsibility for his actions. In this case, he cannot become himself through his actions. Finally he will be alienated from her/him self. Hans Jonas explained that the cloned twin is different from natural twin. In the natural twin, they live at the same time on the contrary in cloning, the master and the cloned human being do not live at the same time but in a sequence of time: one after another. In natural twins, although they begin their life with the same genome but they start with the same ignorance about their future because they do not know the fate of their future. With the course of time, they will enrich their lives according to their preferences and choices. Although their lives to some extent will be determined by their identical genes, they start with the same ignorance as to what their genes will determine in the future. Thus they remain free to choose a future like other individuals who do not have a twin. In this case, ignorance about their future is a prelimi[110] condition of freedom. Jonas concluded that every one of us has the right to ignorance, the right to not know his future.

Human value level. The master has a higher level because he has

the power to determine and impose his personal genomic identity on his cloned human being. In the case of human cloning with genetic engineering, the case may be even worse. Not only does the master determine the genome of the cloned human being but also changes or manipulates the genome of the cloned human being according to his will so that the cloned human being becomes the product of the will. Certainly, the product is at a lower level than the producer or designer since the product is the fruit of the producer's decision and creation. In other words, the producer or creator has dominion over his product. If there is no equality among human beings, it means that there is one or a group of people who will dominate other people and in many cases they may even use other people for their needs which is contrary to the principle that each person has his own finality in him self.

3. Human Beings Playing God

For the eastern tradition, especially for the Indonesians, religious aspects play important role in personal and collegial life. All believers believe that God is the creator of the universe and that the human being is a creature. God is the Lord of the creation (human being) and a human being is the administrator of his life. In this case, the term "playing God" is invoked to warn human beings not to act as though he were the Lord of his life (the owner) with power over his life. The role of Creator is God's prerogative rights, and human beings should not usurp this right. If human beings traverse this border, it means that these human beings are playing God because they are taking over the role which is reserved exclusively for God.

In human cloning, the creator of the human being is not God but another human being. It is a form of transgression of God's law in which God is the sole creator of the universe and humankind. This human creation is even worse because the so-called creator cannot give his creature (the cloned human being) a salvific relationship which leads to eternal life. In same cases, even the creator kills the creation not because mistakes or bad action of the embryo but simply the genetic defect that is not her/his responsibility. It means that the cloned human beings are condemned to die for something which is not their

responsibility but which is the responsibility of other people (cloners).

III. CLONING TO CREATE THERAPEUTIC/RESEARCH MEANS

1. Life Is a Basic Human Right

Human rights are the rights that are attributed or connected with a human being as human being, because they are human beings. All human rights - such as freedom to speak, vote, religion etc. - assumed or has the prerequisite the existence of life. Without life there is no human right. Among all human rights, the right to live is the most basic of human rights. The right to live must be placed as the basis or the foundation of all other rights because without life there is nothing. All human rights have a basic and constitutive assumption based on the life of human beings because all human rights are for those who are living and because there is life. Since the basis of the right is the ownership of a thing, so the rights to live have to be connected with the ownership of life in the completion of fertilization. Those who are living, have the right to live because they have life. Zygote has the life of human being. The right to live should not be connected to the status of embryo as a person but to the ownership of the life itself. The right to live has nothing to do with the personhood of embryo but has to be connected with the ownership of life.

2. Eugenics and Planned Killing

The first objection of cloning to create therapeutic means is the fact that the killing of embryo is an integral part of the programs without which the goal cannot be achieved. Normally, a research cannot be justified if researchers have foreseen the damaging effect to the subject involving in research. In fact, cloners deliberately create human beings and well-planned to destroy them deliberately. The killing of the human being is an integral part of the programs without which they cannot achieve their goals. The harvesting of the embryonic stem cells can

be performed only by destroying the blastocyst or by damaging its integrity. This is a preprogrammed and deliberate foreseen killing or damaging of an innocent human being. The innocent cloned people are destined to be killed soon after their existence in the world. This type of killing ethically cannot be justified.

I
NEW PROPOSED TERMINOLOGIES

As noted by the "Outline for the speakers" for this UNESCO public hearing, there are some discussion regarding the words "reproductive cloning" and "therapeutic cloning". In this case, I would like to propose the changing of those terminologies. In fact, there are many meanings of "cloning" that the scientists use in their scientific works. If the word cloning itself does not have a single meaning, one can expect that the product of cloning and its related issues are even worse: there is much confusion. In some cases, the confusion of terms and their meanings has its origin not only in the obscurity of the objects but also in the moral position (moral stance) of the users regarding the certain issues behind the terms.

1. The Direct Product of Cloning

first difficulty is related to the direct product of cloning, especially the product of somatic cell nuclear transfer. In human embryology, it is known that the product of fertilization is the "zygote" or in general "embryo". The modern usage of the term embryo is clear and most people agree to it and to the content within the term. What then should we name the product of cloning?

Although most of the scientists like John B. Gurdon and James A Byrn European Council[2], National Bioethics Advisory Commission[3], etc., use the term embryo to describe the direct product of cloning, but not all the scientists agree with the use of this term. Other scientists, Ian Wilmut, use the term "reconstructed embryo"[4]. Jose B. Cibelli and Robert Lanza use the term "early embryo"[5]. Other scientists use other terms such as reconstructed egg, zygote-like-entity, zygote equivalent, and activated cell[6].

There are some reasons why some scientists object to the term embryo and simply do not use it. These objections are related to the origin, the uncertainty about the extent of its developmental potential, and the fact that it is a morally loaded term. For many people, the term

1 John B. Gurdon and James A Byrne, "Storia della Clonazione", in Anne McLaren, *La Clonazione: Uno Sguardo Etico*, Sapere 2000, Roma, 2002, p. 55

2 Comitato Nazionale per la Bioetica, *La Clonazione*, Presidenza del Consiglio dei Ministri - dipartimento per l'informazione e l'editoria, Roma 1997, p. 88

3 National Bioethics Advisory Commission, "Human Cloning: report and Recommendations of the National Bioethics Advisory Commission", in Richard Sherlock and John D. Morrey, *Ethical Issues in Biotechnology*, Rowman & Littlefield, Lanham, 2002, p.528

4 I. Wilmut, A.E. Schnieke, J. McWhir, A.J. Kind, K.H.S. Campbell, "Viable Offspring Derived from Fetal and Adult Mammalian Cells", in *Nature* 385(1997) 810 - 813

5 Jose B. Cibelli, Robert P. Lanza, and Michael D. West, "The First Human Cloned Embryo" in *Scientific American* (November 24, 2001)1 - 7; Jose B. Cibelli, Ann A. Kiessling, Kerrianne Cunniff, Charlotte Richards, Robert P. Lanza, and Michael D. West, "Somatic Cell Nuclear Transfer in Humans: Pronuclear and Early Embryonic Development" in *e-Biomed The Journal of Regenerative Medicine* 2(2001) 25 - 31

6 Leon R. Kass (chairman), *Human cloning and human dignity: The Report of the President's council on Bioethics*, Public Affairs, New York, 2002, pp. 53 - 55

embryo is exclusively the product of fertilization of the ovum by sperm while the direct product of cloning is not a fertilization; it is an activated ovum and it is completely produced by human artifice (artifact). For some scientists, the term embryo is a morally loaded term. The term embryo gives the popular imagination a miniature baby. Because of this popular imagination, it is unfair to say that in therapeutic cloning, stem cells are harvested from an embryo which is a miniature baby[7]. That is the reason some scientists propose not to use word embryo.

In fact, the direct product of SCNT has precise properties. It is an egg with an inserted diploid nucleus and is activated through the process of cloning. It has been capacitated for development into a living being (human being) with the full diploid chromosomes of a human being.

Through the process of activation, the enucleated ovum has undergone a radical changing. The capacitation of inserted diploid somatic nucleus changes the nature of haploid ovum into diploid cell. In its single nucleus contains the full complement of genetic material necessary for producing a new organism (human being). Precisely because of this changing that the growth of the cells – chromosomal replications, cell division and differentiation into tissues and organs – are coordinated by its inner programs and their development is directed by internal principles toward becoming full living being (human being). Fertilized ovum (zygote) has that same property. The President's council on Bioethics (USA) stated that "*the product of somatic nuclear transfer is an entity that is the first stage of a developing organism – of a determinate species (human), with a full genetic complement, and its own (albeit near-replicated) individual genetic identity. It hence deserves on functional grounds to be called an embryo.*"[8].

So, this direct product of cloning has exactly the same characteristics as an embryo and without doubt, it is an embryo. If it is not an embryo, the reproductive cloning is not possible. In this case,

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7 Leon R. Kass (chairman), *Human cloning and human dignity: The Report of the President's council on Bioethics*, pp. 53 – 56

8 Leon R. Kass (chairman), *Human cloning and human dignity: The Report of the President's council on Bioethics*, pp. 58 – 59

the origin does not determine the thing but its nature and the essence that make up a thing. So, the origin of the embryo, whether come from fertilization or cloning, doesn't change the nature of the embryo. The direct product of cloning is embryo in nature and in essence.

2. Reproductive and Therapeutic Cloning?

Types of cloning are classified commonly according to their final goal. If its final goal is to produce a child then it is usually called reproductive cloning, and if its final goal is to provide tissue/organs for therapy it is usually called therapeutic cloning.

Serious critiques emerge on both reproductive cloning and therapeutic cloning terminologies. In fact, all clonings are reproductive cloning in the sense that all types of cloning produce embryos. The fact that only some of them will be implanted into the womb and carried in pregnancy, do not change the nature of the product of cloning. The other reason for critique is that the cloning is only an initial part of the total process while the rest is a natural process in producing children. So both reproductive cloning and therapeutic cloning terminologies need to be changed.

The product of cloning is an embryo whose genetic information is identical to the one being cloned. So, the term cloning itself has to be understood as producing an embryo asexually which has the identical genetic information as the one being cloned. The differences between reproductive and therapeutic cloning are in the process after the cloning itself until its final goal. Up until now, there have been two major final goals: to produce human beings and to create means for research or therapy. So the types of cloning have to be classified not based on the act of cloning itself – since there is no difference between them – but based on the final goal of the act (cloning).

In place of the term "reproductive cloning" it is better to use a non-biased and transparent terminology: "cloning to create human beings". This term describes the final purpose of the cloning in a clear and frank way although it may be a little bit blunt.

The term "therapeutic cloning" is questionable. Although the final intention to clone is therapeutic, the act of cloning itself is not an act

therapy. On the contrary, it destroys the product of cloning (embryo) so that the embryo itself does not enjoy the benefit of any therapy.

The word therapy comes from the Greek word *therapeia* which means healing. The original meaning of this word was 'service to God' but later it meant 'service to human being'[9]. It has similarities with the Greek word *therapon* which means attendant[10]. From this word, then comes the word therapy (noun), therapeutic or therapeutical (adjective), and therapeutically (adverb). The Random House Webster Dictionary presents the definition of therapy "*the treatment of disease or disorders, as by some remedial, rehabilitative, or curative process: speech therapy.*" The American Heritage Dictionary offers a similar definition "*Treatment of illness or disability.*" From the original meaning of the Greek word through its derivative in English, there exists consistency: healing of patients. The patients who have the diseases or disorders or disabilities are treated in such away with some remedial, rehabilitative, or curative process so that their diseases or disorders or disabilities disappear and they regain health. For example: "speech therapy", a patient who has a disorder in speaking is treated in order to speak well; "psychotherapy", the treatment of mental and emotional disorders through the use of psychological techniques is designed to encourage communication to resolved confliction behavior and to gain insights into problems, with the resulting goal being personality growth and behavior modification. The most important point in this case is that the patient – who receives the intervention (therapy) – receives the benefit of the medical interventions and continues to live in a (more) healthy condition. We see that in the so-called therapeutic cloning, the one (embryo) who receives intervention (being cloned and harvested its stem cell) does not receive any therapy or treatment; the embryo is even destroyed and killed in order to harvest its stem cells for therapeutic means or to be used as a means of research. The therapy – which may happen in the future – is not applied to the embryo as the product of the cloning but is applied to different individual. Thus the embryo as the product of cloning does not receive any benefit from the act of therapy. It is clear

9 John Scally, *A Brave New World?*, Veritas Publication, Dublin, 1998, p. 93

10 Random House Webster

that the term "therapeutic cloning" is not appropriate. In the place of the term "therapeutic cloning", I prefer to use the term "cloning to create therapeutic/research means". This term describes the final purpose of this type of cloning in a transparent and frank way.

There is also an attempt to confuse the terminology of therapeutic cloning. Some people try to include cloning to create a human being as part of therapeutic cloning[11]. They say that the couples, who can not conceive through ordinary means of conception, have an infertility disorder. They contend that medical technologies need to overcome this disorder. Cloning may be the only means to overcome this infertility disorder and that is the reason why employing cloning techniques to create a child is a therapeutic cloning. Classifying cloning to create human beings into therapeutic cloning is misleading and only yields to confusion because with that type of cloning, the infertility disorder of a man or woman is not cured. She/he may have a child through the technique of cloning but her/his infertility is not cured. She/he is still infertile reproductively.

11 Cf. Jose B. Cibelli, Robert P. Lanza, and Michael D. West, "The First Human Cloned Embryo" in *Scientific American* (November 24, 2001)1 – 7.

II
CLONING TO CREATE HUMAN BEINGS

1. Human Beings Playing God

For the eastern tradition, especially for the Indonesians, religious aspects play important role in making decisions. All believers believe that God is the creator of the universe and that the human being is a creature. God is the Lord of the creation (human being) and a human being is the administrator of his life. In this case, the term "playing God" is invoked to warn human beings not to act as though he were the Lord of his life (the owner) with power over his life. The role of Creator is God's prerogative rights, and human beings should not usurp this right. If human beings traverse this border, it means that these human beings

are playing God because they are taking over the role which is reserved exclusively for God. Eberhard Schockenhoff, a German philosopher, affirmed, "*He (humankind ed.) owes his creaturely existence neither to a decision taken by his own freedom nor to a gift bestowed by someone else, but only to the creative address by God's word. This means that he comes into existence as one called by God and is maintained in existence by the continuation of this creative address.*"[1]

If we apply the paradigm of God's creation to human cloning, we will see that the creator of the human being is not God but another human being. It is a form of transgression of God's law in which God is the sole creator of the universe and humankind. This human creation is even worse because the so-called creator cannot give his/her creature (the cloned human being) a salvific relationship which leads to eternal life.

In cloning to create therapeutic means matters are even worse. A human being acts as if he were the creator and owner of the life of a human being. The cloner creates a human being and then kills him just as though the cloner had full power over the human being and, therefore, can create and terminate the life of this human being. This is a serious transgression of the border which human beings should not trespass because it is no less than the murder of an innocent human being. Human beings are not the owner of their lives but the administrator who have to safeguard their life from its existence until its natural death.

In creating human being, God make human being because of love which God wants them to be happy. In cloning, it is the creator who will be happy and not the cloned human beings.

2. Dignity of Human Beings

The traditional concept of honor in which some people were honored based on their "blue blood" or position in the society, or master – slave

1 Eberhard Schockenhoff, *Natural Law & Human Dignity: Universal Ethics in an Historical World*, The Catholic University of America Press, Washington D. C., 2003, p. 229

relationship, was now being replaced by the concept of the dignity of human beings which is attributable to all human beings because all human beings have equal intrinsic values.

In the last century, the notion of human dignity has played an important role in many international and national declarations, especially after the Second World War. There are some international institutions which have declared that human beings have an inherent dignity which become the basis of freedom, justice and peace. See for example: The Preamble of the Universal Declaration of Human Rights which was approved by the General Meeting of the United Nations on 10th December 1948; The United Nations Covenant on Civil and Political Rights which was approved in 1966; The European Convention on Human Rights which was adopted by the Council of Europe on 1950.[2]

In these modern times of a pluralistic society in which there are so many value systems, religions and moral criteria, there is a growing awareness that human dignity could be the framework or platform on which could be built the common ground of ethical and juridical views because human dignity as a concept belongs to a pre-ethical or pre juridical or pre-political realm.

Among the many aspects of the dignity of human life, the principle of autonomy plays the most important role in bioethical discussions. The concept of autonomy in bioethics recognizes the human capacity for self-determination, and puts forward a principle that the autonomy of persons ought to be respected along with nonmaleficence, beneficence, and justice. Human cloning will not respect human dignity in some ways:

a. Biological Identity, Uniqueness, and Unrepeatable of Human Life

From the embryological point of view, after finishing of fertilization, zygote is not a mass of cells but has her/his own exact genomic identity and this genomic identity becomes his identity for all of

2 Noëlle Lenoir, "Respect for Life and the Law pf the Living", in Denis Noble, Jean-Didier Vincent, *The Ethics of Life*, Unesco Publishing, Paris, 1997, p. 174; Martin Hailer and Dietrich Ritschl, "The General Notion of Human Dignity and The Specific Arguments in Medical Ethics", in Kurt Bayertz (ed.), *Sanctity of Life and Human Dignity*, Kluwer Academic Publisher, Dordrecht, 1996, pp. 99 – 102

his life; those cells form a unity as an individual where each of the cells has its own place and proper job in the overall precise and determined development; its development is autonomous because it is guided and directed by an internal genomic program.

This genomic identity of the embryo is unique because it is different from the genomic identity of those who have generated the embryo (father and mother) and it is different from that of the other children of the same parents and certainly it is different from that of any people in the world.

For all human beings, the genomic identity is very precious and it is protected by most of the international legislations. UNESCO has the Universal Declaration on the Human Genome and Human Rights. In the article 2 of the declaration, it is said, "*a) Everyone has a right to respect for their dignity and for their rights regardless of their genetic characteristics. b) That dignity makes it imperative not to reduce individuals to their genetic characteristics and to respect their uniqueness and diversity.*"

In the article 11 of the same declaration, it is stated, "*Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted. States and competent international organizations are invited to co-operate in identifying such practices and in taking, at national or international level, the measures necessary to ensure that the principles set out in this Declaration are respected.*"

There are some interesting and noteworthy elements in this declaration. First of all regarding the human dignity and human rights: the right for respect and dignity has to be applied to everyone. This respect and dignity is connected to the genetic characteristics and not to the personhood status of human beings. Whatever the genetic characteristics of the subject are, as long as it is a human genetic characteristic, its dignity and rights must be respected.

Secondly, the declaration emphasized the uniqueness and diversity of the genetic characteristics. The text stated strongly that the uniqueness and diversity of the genetic characteristics have to

be respected. That is the reason why the declaration explained eloquently that the practices which are contrary to human dignity – such as reproductive cloning – shall not be permitted. The United Nations regarded this similarity of the human genome between two persons as a violation against privacy and an act against the common heritage of humanity[3] so that cloning shall not be permitted.

With the Universal Declaration on the Human Genome and Human Rights, UNESCO and the UN declared that the human genome is the common heritage of humanity so that everybody's rights to their proper genetic patrimony were reaffirmed as things that cannot be transferred or repudiated because they belong to a particular individual. All the legal entities – whether international or national communities – have to protect and guarantee this patrimony, according to article 18 of the Declaration: "*States should make every effort, with due and appropriate regard for the principles set out in this Declaration, to continue fostering the international dissemination of scientific knowledge concerning the human genome, human diversity and genetic research and, in that regard, to foster scientific and cultural co-operation, particularly between industrialized and developing countries.*"

b. Confusing the Personal Identity

The personal identity is one of the most contested disputes in the discussion of human cloning. It touches the most radical and sensitive core of the philosophical dispute about person and individual and the unity of the "ego" (person) which is the foundation of the subject.

Personal identity is the identity of a person as a whole. This is the identity which makes a person different from another person. It comprises the genotype (genetic constitution of an individual as determined by the particular set of genes it possesses), phenotype (the observable characteristic of an individual which result from

3 Bartha Maria Knoppers, "Il Genoma Umano: Proprietà dell'individuo o patrimonio Comune" in Anne McLaren, *La Clonazione: Uno Sguardo Etico*, Sapere 2000, Roma, 2002, p. 132 – 139

interaction between the genes he possess and the environment), physical form, and personality.

It is true that the genomic identity is only part of the whole personal identity. The personal identity is broader than the genomic identity but we cannot undermine the role of genomic identity. The genomic identity is formed at fertilization while the personal identity is formed during the lifetime of the person through the interactions of the person with the external stimuli and through how the person processes those stimuli internally and gives responses to those stimuli. In this case, there are many external stimuli that may influence the personal identity such as education, environment, belief, religion and so forth.

It has to be noted attentively that many aspects of the personal identity depend on the genomic identity whether directly or indirectly. Now it is becoming more evident that some genes have big influences in human behavior. Even in many cases the personal identity is determined by the genomic identity. For example: my personal identity as a male Javanese-Indonesian is different from that of a German. This personal identity is determined first of all by my genomic identity which was transmitted to me through my parents. This personal genomic identity will determine my behaviors in many respects.

Although it is true that personal identity is not 100% determined by the personal genomic identity, we cannot undermine the role of the genomic identity in shaping personal identity. The genomic identity is an important property of the person on which one builds up his personal identity. Personal genomic identity not only symbolizes the uniqueness of each human being and the independence from his parents that each human child rightfully inherited from his parents but it can also be an important support for living a worthy and dignified life[4]. It is without doubt that the physical and physiological life of people is written and encoded in

4 Leon R. Kass, James Q. Wilson, *The Ethics of Human Cloning*, AEI Press, Washington D.C, 1998, p. 35; Leon R. Kass, "The Wisdom of Repugnance", in Gregory E. Pence (ed), *Flesh of my Flesh: The Ethics of Cloning Humans*, Rowman & Littlefield Publishers, Lanham, 1998, p. 28.

the genomic identity (genetic material) of the person[5].

So the real problem of personal identity in relation to human cloning is that there is a person who determines the personal genomic identity deliberately; he (the master) imposes upon another person (the cloned human) to receive his personal genomic identity which eventually becomes the personal identity of the cloned human being.

It is true that in the (natural) fertilization of the ovum by the sperm, the parents also in a certain sense have determined the personal identity of the children. Even some diseases are inherited by their offspring. But in this case, there is a big difference between fertilization and cloning. If in cloning, there is one person who determines and imposes deliberately his personal genomic identity while in (natural) fertilization nobody does. Even the genomic identity of the baby is totally new and unique.

Unlike in cloning in which one person (the master) determines and imposes his personal genomic identity on the cloned human to be his personal genomic identity, in (natural) fertilization the determination of the new genome is done unintentionally like a lottery. Both of the parents may hope to have a beautiful daughter who has beautiful eyes like her mother and blonde hair like her father, but they cannot do anything to make their dreams come true. Actually, this fact becomes a blessing for the children because it is through this "lottery" that the children have their proper personal genomic identity and eventually their personal identity.

On the contrary, this enforcement of personal genomic identity would make a tremendous impact on the psychological level. The continual comparison with the master who is his "*alter ego*" will impair his sense of self and give the feeling of already having lived[6]. The confusion of personal identity will arise from the fact that the cloned human being may be the twin of his father

5 Roger-Pol Droit, "L'Identité Perturbée", in Henri Atlan, Marc Augé, Mireille Delmas-Marty, *Le Clonage Humain*, Seuil, Paris, 1999, p. 123

6 Nicholas Agar, "Cloning and Identity", in *The Journal of Medicine and Philosophy* 28 (2003) 9 – 26

or even grandfather. It will give psychologically unbearable burdens. People are likely always to compare his performances in life with his master who is his alter ego[7].

There are many people who want to clone their beloved deceased, whether husband, or wife, or children, or girlfriend and so on. Certainly this genetically identical make up of the cloned person will put burdens on him. On one side, he will discover that people love him and adore him not because of his good qualities as person but because he is the copy of the deceased person and has to follow in the footsteps of his deceased master. On the other side, he might know that people will hate and detest him, not because he does something wrong or because of his bad attitudes, but because he is the copy of a genotype that has already lived. The above attack on human identity will lead the cloned person to alienation from his personal identity. He will be a stranger to himself .

c. Limiting Freedom and Auto-determination

The role of genes in shaping the 'fate' of a person cannot be underestimated because they play a very important role. French Anderson worried that some germ-line therapy might inadvertently destroy the human capacity for the contemplation of good and evil[9]. Robert Williamson underlined this important role of the genes that makes up the genetic identity of the person. He said, "*Our genetic identity is an essential part of this individuality, and it is our genetic differences that explain why societies which attempt to impose environmental conditions to achieve uniformity have not succeeded... I think most observers would agree that genotype*

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7 Leon R. Kass, James Q. Wilson, *The Ethics of Human Cloning*, p. 33; Leon R. Kass, "The Wisdom of Repugnance", in Gregory E. Pence (ed.), *Flesh of my Flesh: The Ethics of Cloning Humans*, Rowman & Littlefield Publishers, Lanham, 1998, p. 27.

8 Roger-Pol Droit, "L'Identité Perturbée", in Henri Atlan, Marc Augé, Mireille Delmas-Marty, *Le Clonage Humain*, Seuil, Paris, 1999, p. 122

9 French Anderson, "Genetics and Human Malleability" in *Hastings Center Report* 20(1990) 21 - 24

is a major determinant of behavior."[10] D. Nelkin and M. S. Lindee demonstrated in their book *The DNA Mystique: The Gene as a Cultural Icon*[11], that genes play an important role in determining the psychology and personality of a person (genetic essentialism). This fact is reinforced by the finding of new genes which cause depression and schizophrenia.

Although it is true that human being is multi dimensional and cannot be reduced to the genomic determinism in which our destiny is determined completely by our genes but human genome plays an important role in determining human behavior. Imposing human genomic identity on another person creates a very big problem for the personal identity and especially for the freedom and the right of auto-determination of the person. It is serious problems regarding human cloning: imposing personal genomic identity (genes) on other human beings. The receiver (cloned human being) has no possibility to refuse or to choose another possibility. It is different from the case of natural fertilization: the receiver (child) also has no choice other than to receive the available genome but nobody is imposing his genome on the child. The genome of the child is completely new and nobody has ever had it before.

Freedom and auto-determination are important predispositions allowing people to become themselves. If a person is forced to do something which is not his choice, he will be alienated from his actions (behaviors) and unable to take responsibility for his actions. In this case, he cannot become himself through his actions.

Jürgen Habermas gave an interesting explanation on how a pre-programmed genome can change a person's perception about his physical and mental life. When a person knows that

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10 Robert Williamson, "Human Reproductive Cloning is Unethical Because It Undermines Autonomy", in Michael Ruse and Aryne Sheppard (eds.), *Cloning: Responsible Science or Technomadness?*, Prometheus books, Amherst, 2001, pp. 231 – 232

11 D. Nelkin and M. S. Lindee, *The DNA Mystique: The Gene as a Cultural Icon*, W. H. Freeman and Company, New York, 1995

his genome is pre-programmed by somebody else, he will change his auto-perception toward his physical and mental existence. His recognition of self as the product of a pre-programmed person will overlap or even replace his spontaneous being. The failure to make a distinction between spontaneous and artificial will engrave his existential modality. This changing of auto-perception happens in his brain and it will affect his way of regard his existence[12].

d. Inequality among Human Beings

In the natural fertilization, the formation of the child's genome is determined by a combination of nature and chance, not by human design. Father and mother cannot intervene in the formation of the new genome. It is like a lottery in which the players cannot do anything to determine the result except to wait, to see, and to accept the result.

But this "lottery by chance" proves to be a blessing. Each human child shares the common natural human species genotype; each child is genetically equally kin to each of the parents, yet each child is also genetically unique. Because of such a process of begetting, every human being is at once equally human, equally enmeshed in a particular familial nexus of origin, and equally individual from the beginning of life until the end of life, even though they are different in genomic identity[13].

In human cloning, the equality between human beings cannot be guaranteed because there is a person (the master) who determines the others (cloned human beings). The master has a higher level because he has the power to determine and impose his personal genomic identity on his cloned human being. In the case of human cloning with genetic engineering, the case may be even worse. Not only does the master determine the genome of the cloned human being but also changes or manipulates the genome of the cloned human being according to his will so that the cloned

12 Jürgen Habermas, *Il Futuro della Natura Umana: I Rischi di Una Genetica Liberale*, Biblioteca Einaudi, Torino, 2002, pp. 54 – 55

13 Leon R. Kass, James Q. Wilson, *The Ethics of Human Cloning*, pp. 24 – 25

human being becomes the product of the will. Certainly, the product is at a lower level than the producer or designer since the product is the fruit of the producer's decision and creation. In other words, the producer or creator has dominion over his product. This fact is a very delicate one for human rights. If there is no equality among human beings, it means that there is one or a group of people who will dominate other people and in many cases they may even use other people for their needs which is contrary to the principle that each person has his own finality in him self.

So the real problem starts with the existence of the cloned human being and from the cloned human being himself: he/she will not be born equal to other human beings. The inequality is inherent in the nature of the cloned human being and not because other people treat him unequally. In fact, equality among human beings is the basis for human relationships and furthermore equality is the intrinsic property of human beings.

Certainly, this inequality among human beings is a serious violation of human rights. The United Nations declared clearly that all human beings are born free and equal. The first article of the Universal Declaration of Human Rights states it clearly, "*All human beings are born free and equal in dignity and rights.*" This point is very important because it is not a specialty of a certain religious point of view but it is a universal value that applies to all people regardless of their belief or religion or culture. This universal right is previous to any belief or political system because it exists in all human beings as human beings.

e. Transgressing the Right not to Know the Future

Some promoters of human cloning argued that cloning is the same as natural twinning. In fact, there are some differences. Hans Jonas also agreed in some cases that the relationship between master and cloned human being is the same as between identical twins[14]. But he analyzed further that the cloned twin is different from natural

14 Hans Jonas, *Dalla fede antica all'uomo tecnologico: Saggi filosofici*, Il Mulino, Bologna, 1991, p. 241; Hans Jonas, *Tecnica, Medicina ed Etica: Prassi del principio responsabilità*, Einaudi, Torino, 1997, p. 139

twin. In the natural twin, they are contemporarily identical twins because they live at the same time. On the contrary, the master and the cloned human being are not contemporarily identical twins. They do not live at the same time but in a sequence of time: one after another. This difference is a very important point that constitutes the main difference between the two types of identical twins[15].

In the case of natural identical twins both of them live together at the same time. Although they begin their life with the same genome but they start with the same ignorance about their future because they do not know the fate of their future. With the course of time, they will enrich their lives according to their preferences and choices. Although their lives to some extent will be determined by their identical genes, they start with the same ignorance as to what their genes will determine in the future. Thus they remain free to choose a future like other individuals who do not have a twin. In this case, ignorance about their future is a preliminary condition of freedom[16].

The future of their lives must be constructed by them selves. They have to discover their experiences for themselves and through their own power without pre-fabricated guidance so that they can guide themselves to live according to their own choices and preference. Only in this way can a human being become himself. Thus ignorance of the effect of their genome on their life is necessary for the spontaneous, free, and authentic construction of a life and self. Although natural twins have the same genome, because of their ignorance as to their future, they will have exciting and interesting experiences each time because these experiences will be new for them. That is the reason, Jonas holds that every one of us has the right to ignorance, the right to

15 Hans Jonas, *Tecn* *Medicina ed Etica: Prassi del principio responsabilità*, p. 139; Hans Jonas, *Dalla fede antica all'uomo tecnologico: Saggi filosofici*, p. 241

16 Hans Jonas, *Tecn* *Medicina ed Etica: Prassi del principio responsabilità*, p. 144; Hans Jonas, *Dalla fede antica all'uomo tecnologico: Saggi filosofici*, p. 247

not know his future[17].

Jonas concludes that in this case, knowing the future is harmful. It paralyzes the spontaneity to become oneself and endangers the sincerity of relations with other people with him[18]. We can see this point exactly in human cloning. The cloned human being believes - although it may be a false belief – that he knows many things about himself because there was already a person who lived a life with his genome. It seems to him that his life has already been lived by another person so he feels that his fate is already determined. In this way, he will lose the spontaneity of authentically creating and becoming his own self. He will lose the sense of freedom to build his own future.

If the master is a famous person, the case is even worse. Many people who have known the master would expect to see all aspects of the master exhibited and present in his clone. Certainly, those who want to clone a famous figure may have very big expectations that the cloned human being will develop along the lines of the famous master. Those people will raise the cloned baby according to these expectations. This cloned person, who knows that he is a clone of a famous figure, does not have many choices other than following these expectations. In this way, the cloned person will lose his freedom to be himself and to build his life according to his own choices.

f. Transmission of Life

Transmission of life is a means to safeguard the existence of human species. There are some essential differences between begetting (natural transmission of life) and creating new human beings (cloning) both in the way of creating and the materials needed for producing human beings. Those differences create unavoidably very important philosophical and natural differences. In the natural fertilization process, human beings come together as male and

17 Hans Jonas, *Tecnica, Medicina ed Etica: Prassi del principio responsabilità*, p. 144; Hans Jonas, *Dalla fede antica all'uomo tecnologico: Saggi filosofici*, p. 247

18 Hans Jonas, *Tecnica, Medicina ed Etica: Prassi del principio responsabilità*, p. 146

female complementarily to give existence to another new human being. Their status of male and female is not a supplement but essential and basic to generate new human being. The absence of one party makes it impossible to generate a new human being. The generation of the new human being is even richer because from a male and a female parent can be born both female and male children. Above all, in the natural fertilization, the new generation is begotten exactly as we are and by what we are without any intervention in it.

In clonal reproduction, by contrast, and in the more advanced forms of the manufacture of human beings, we give existence to a being not by what we are but by what we intend and design. The clonal reproduction is, therefore, poorer than the natural reproduction. In the clonal reproduction, from the male master can only be produced male cloned people and from the female master can only produce female cloned people.

Hans Jonas had some very inspiring thoughts regarding the existence of a being and its continuation. First of all, he stated that the state of being is absolutely better than nonbeing. This is what he called fundamental self-affirmation. This being has the ability to be concerned with something even if it is only with itself. From this fact we can learn about the presence of purpose from within. This purpose of the being is not the only one purpose, but it can be manifold and maximized along with the growing wealth of goals striven for so that the being makes itself worth its own effort. Secondly, it is logical that the continuation of a being is very effort because being is absolutely better than nonbeing. Even though the continuation of a being needs a price to be paid, preservation is certainly a good compared to the alternative of annihilation or impoverishment[19]. In other words, Hans Jonas would disagree with human cloning whether in the present time because of the annihilation of so many human beings who have died during the process of cloning as well as in the future with

19 Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*, University of Chicago, Chicago, 1984, pp. 81 – 82

its possibility of a higher success rate because human cloning impoverishes the human being itself.

For Jonas, cloning a human being is an irresponsible act toward another human being. According to Jonas, the responsibility is not only "*the ex post facto account for what has been done, but the forward determination of what is to be done.*"[20] With this statement, Jonas wanted to underline that we have a responsibility not only to the consequences of what we have done in the past but also for what has a claim on my acting in the future. Jonas very much underlined this point and called this type of responsibility as "responsibility for the future"[21]. He opened one of his articles with the statement, "*Care for the future of mankind is the overruling duty of collective human action in the age of a technical civilization that has become 'almighty' if not in its productive then at least in its destructive potential.*"[22] This responsibility is not only for what lies inside of me but also for what lies outside of me, but in the effective range of my power and in need of it or threatened by it. Those responsibilities become mine because the power is mine and has a causative relation to just this matter. That is the reason why Jonas said, "*The well-being, the interest, the fate of others ... has come under my care, which means that my control over it involves at the same time my obligation for it.*"[23]

In this line of thinking, we can then conclude that cloning a human being is an irresponsible act because it impoverishes a human being both in sex and identity. Cloning fails to take care of the well-being, interest, and the fate of others and in that way it jeopardizes the future of human beings.

20 Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*, 1984, p. 92

21 Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*, p. 93

22 Hans Jonas, "*Responsibility Today: The Ethics of an Endangered Future*", in *Social Research* 43(1976) 77

23 Hans Jonas, *The Imperative of Responsibility: In Search of an Ethics for the Technological Age*, p. 93

g. Distortion of Familial Relationship

In the sociological sphere, sociologists usually divide the types of families into "common family" which refers to a father, mother and children living together, or the "extended family" which refers to a father, mother, children and other blood relatives (grand father/ mother, nephew, aunt and so on) living together. In both types of families, there is a constant and lasting relationship between the members of family. The basis of the familial relationship is characterized by a lasting union between two people who loves one another and who are open to the transmission of life. Thus, the status of a man and a woman in traditional family is not an additional status in family life but it is a constitutive status without which there can be no family.

In the sphere of psychology, the blood ties are very significant. We can find easily people who are looking for their ancestors or their biological father or mother. Many adopted children are in anguish whenever they discover that the mother and father who raised them are not his blood parents. Many of them eventually find themselves in a difficult situation psychologically and blame their stepfather or stepmother for not telling them the truth. In a positive sense, the blood ties also have much significance.

On the level of the affective sphere, a mother usually has by instinct a special relationship with her children. Even if mother and children are separated by distance, a mother can often feel her children's condition. Through the intuition, there are many mothers who know accurately if her children are gravely sick or in despair. This special effective connection exists because of blood ties and especially during pregnancy at which time the embryo depends totally to his mother. Furthermore, having, raising and loving a child are profoundly life-altering experiences both for the mother as well as for the father[24].

Let us see how human cloning destroys the above familial relationship. First of all, human cloning is an asexual reproduction

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24 Thomas H. Murray, "What Are Families For?: Getting to an Ethics of Reproductive Technology" in *Hastings Center Report* 32 no. 3(2002) 42

with only a single parent for the offspring. It is a radical departure from the natural human way of begetting children. The cloned human being is not the fruit of a reciprocal self-gift between husband and wife which is a manifestation of openness to begetting offspring. Thus it deprives the person from a sexual relationship which is the most intimate expression of a reciprocal self-gift and the natural way of begetting children. In human cloning, children are not the fruit of reciprocal self-giving but the fruit of desire and technique.

Secondly, cloning a human being creates a confusion regarding the normal understanding and relations of father, mother, sibling and son on and its moral relationship[25]. A woman may give birth her biological grandfather or grandmother or grand children or even her self. Theoretically, woman can give birth whoever either her blood ties family or any other people. If this happens, this creates much confusion. Is the cloned human being an offspring or a sibling or who? How does the cloned human being called the woman who gives birth to him? How does the cloned human being call the other members of the blood ties family? As we have seen above, those appellations are not merely a tradition but they bear many consequences in the real life. The lineages of biological blood ties identify rights and responsibilities[26]. In the eastern hemispheres, especially in Indonesia, the familial relationship is very important because the familial relationship is a major consideration in acting and deciding to do or not to do.

Before the invention of reproductive technology which leads to the surrogate mother, for some reasons people may not know exactly the identity of the biological father of a child but the identity of the mother is always known. "*Homo vagans mater semper certa*". The mother of a child is always clear while the

25 Leon R. Kass, James Q. Wilson, *The Ethics of Human Cloning*, p. 26; Leon R. Kass, "The Wisdom of Repugnance", in Gregory E. Pence (ed), *Flesh of my Flesh: The Ethics of Cloning Humans*, p. 28

26 Robert Wachbroit, "Genetic Encores: The Ethics of Human Cloning", in Richard Sherlock and John D. Morrey (eds.), *Ethical Issues in Biotechnology*, Rowman & Littlefield, Lamham, 2002, pp. 577

father is not always. The mother is the woman who gives birth to the child. Now the confusion is much greater because now not only it is possible for the identity of the father not to be known, but the identity of the mother of the child may not be known as well. The mother of a child is not always the woman who gives birth to the child. She may be anyone else who may not have any blood ties whatsoever with the woman who gives birth to the child.

With the advances of human cloning, we must redefine the terminology for the family especially those term used in reference to the blood ties relationship. Can we always use the term "child/children" for the cloned human being in his relation to the woman who gives him birth? What do we call the relationship of the woman gives birth to her biological grandfather? What terms do we use to name this cloned human being? How will we call the cloned human being if he is the biological grand father of the woman who gives birth to him? Is he her great grandfather or sibling or twin? There are many more problems regarding family ties in relation to the cloning of human beings.

Third, cloning human being will confuse the parental responsibility. In the natural procreation, parent will receive their child as he is, whether their child is normal or abnormal. This attitude is based on the natural parental responsibility in which parents receive the fruit of their love. The problem is very different with cloning. Who has responsibility if the cloned human being has defect? Do the 'parents' want to take responsibility of the defect so that they will accept the cloned human being as he is? Or do we have to blame the clonner? Do the 'parents' will be responsible for his up bringing in the same way true parents who are the cause of child's origin and contribute equally to the genome of their children? I believe that this problem will end up in the killing of the embryo while he is still in the womb of a woman. This is a form of eugenic that cannot be justified morally because a person (the cloned human being) is condemned to death not because of his false or guilt but because of his human condition.

These problems are not simple problems but they are serious

problem, especially for the well being of the cloned human being. These problems will have a huge impact on the development of the cloned human being in many aspects of his life such as socially, psychologically, affectively and so forth. In fact, every person has the right to live in dignity apart from unnecessary problems imposed by other people. The distortion of social mother and biological mother and other related problems contradict to the well being of the cloned human being. That is the reason why every person has the right to be born naturally.

Each of us has the right to know our genealogy so that we know exactly who our parents are. In the modern time, people demand the minimum condition to life humanly. For the baby, the first condition is the accuracy of parent which guarantees the children's need of intimacy, safety, and love. They are very important for the development of the children. In the case of cloning human being, the accuracy of the parent is not guaranteed. A cloned human being may have many 'mother' without any father if the somatic nucleus of a woman is inserted to an enucleated ovum of other woman and then it is implanted to another woman (surrogate mother). A cloned human being who is born from such process will undergo total confusion regarding his genealogy.

III

CLONING TO CREATE THERAPEUTIC/ RESEARCH MEANS

1. Intrinsic Value of Human Life

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Intrinsic value means that things are desirable for their own sake. It is, therefore, affirmatively valued for its own sake, and it exists from the beginning of its existence. It is not a value that is added by someone else in the course of time but it is a value that exists since the existence of the thing and it will only cease to exist at the same time that the thing ceases to exist. So, if someone believes that the life of a human being begins to matter morally only after the 14 days, it means that he does not believe in the intrinsic value of human beings because the beginning of life is not at the same time as when life begins to matter

morally. There is a span of time when the life of a human being does not have intrinsic value.

Human life is valuable not because somebody or a state or an institution gives value to it, but because human beings are human beings. Each life bears inestimable worth regardless of externally applied criteria and it also means that among many valuable things, human life must be considered to be the most important.

Some people – for example Jonathan Glover and Peter Singer – criticized this statement by saying that this statement is analogous to racism in its purest form[1]. Glover criticized the intrinsic value of human life as 'speciesism' because "*human life [is] being treated as having a special priority over animal life simply because it is human.*"[2] The same way of thinking can be seen in the statement, "*people of a certain race ought to be treated differently simply because of their membership of that race.*"[3]

In responding to this objection, a distinction must be clearly made between what makes a human being different from an animal is different from what makes human beings different from one another. The difference between animals and human beings is the difference in species while the difference among human being is the difference in race.

The difference between human species and animal species is the difference of biological structures which make a human a human and an animal an animal. It is this difference which makes the nature of a human different from the nature of an animal. Whereas the difference between one human being and another human being (racialism) is the difference between person (personality) which does not make any difference in his humanness (the nature of the human). So the affirmation of the intrinsic value of a human being is not the same thing as racialism or 'speciesism' because the difference between species

1 Jonathan Glover, "The Sanctity of Life" in Helga Kushe, Peter Singer (eds), *Bioethics: An Anthology*, Blackwell, Oxford, 1999, p. 198; Peter Singer, *Practical Ethics*, Cambridge University Press, Cambridge, 1999, pp. 55 - 62

2 Jonathan Glover, "The Sanctity of Life", p. 198

3 Jonathan Glover, "The Sanctity of Life", p. 198

cannot be applied to the difference between (human) races. The nature of the difference lies in the different levels which can not be parallel with each other.

Briefly, because of the intrinsic value of human life, individual persons have to be protected because they enjoy uniqueness and specialness that is in itself deserving of protection and it can not be copied like in the case of cloning[4].

2. Life Is a Basic Human Right

From the term itself has indicat that human rights are the rights that are attributed or connected with a human being as human being. In other words, all human beings have these rights because they are human beings. The ownership of this right is caused by being human. So human rights come from the nature (natural law) of being human (man's natural essence) and are inherent to human dignity and are the expression of human dignity.

These rights are previous to all positive laws because positive laws are crystallizations of those rights in specific norms and assimilate them as a foundation for juridical ordinances. Because they precede positive laws, human rights become the foundation and the criteria for judging the validity of all juridical orders (laws). In other words, positive laws cannot contradict human rights.

The newly erected United Nations (UN) proclaimed the Universal Declaration of Human Rights on December 10, 1948. This was a brilliant effort to safeguard the human rights which had been violated in the previous decades. In Article No. 3 of this Declaration, it was stated that, "*Everyone has the right to life, liberty and security of person.*"[5]

From this declaration, it is rightly stated that everyone has the right to life. What is not appropriate in the declaration is that it is placed in the same sequence with the right of liberty and security. It

4 Steven Malby, "Human Dignity and Human Reproductive Cloning", in *Health and Human Rights*, 6(2002) 109

5 Eugene B. Brody, *Biomedical Technology and Human Right*, Unesco Publishing, Paris, 1993, p. 262

gives the impression that those rights are all on the same level and equal in value. In fact, that is not the case. Among all human rights, the right to live is the most basic of human rights. The right to live must be placed as the basis or the foundation of all other rights because without life there is nothing. All human rights have a basic and constitutive assumption based on the life of human beings because all human rights are for those who are living and because there is life. People who have died no longer have human rights. Briefly, all of the human rights and their applications are for those who are living. Even the right to die – if somebody believes to have it – is for those who are living. Without life, there are no human rights whatsoever. Everything which is related to human experiences, human achievements, human responses even self realizations, needs human life as a basis.

The basis of the right is the ownership of a thing. For example: I have the right of a computer because that computer is mine. So the basis for the right to live is the ownership of life itself. From the embryological point of view, the beginning of live of human being is right at the completion of fertilization[6]. Zygote has the life of human being. *A living human being, has the right to live because she/he has life already*. The right to live should not be connected to the status of embryo as a person but to the ownership of the life itself. The right to live has nothing to do with the personhood of embryo but has to be connected with the ownership of life.

Since the right to life is the basic right of humanity, respect for this human life needs to be placed as the basis for all things and it has to be respected firmly. Human life is to be preserved precisely as a condition for other values and therefore insofar as these other values remain attainable. Human cloning – especially cloning to create therapeutic/research means does not respect human life so that it must be banned.

Some people may ask, "Do all levels of human life have the same

6 Keith L. Moore and T. V. N. Persaud, *The Developing Human: Clinically Oriented Embryology*, Saunders, Philadelphia, 2003, p. 2; Ronan O'Rahilly and Fabiola Muller, *Human Embryology & Teratology*, Wiley-Liss, New York, 2001, p. 31; William J. Larsen, Lawrence S. Sherman, S. Steven Potter, and William J. Scott, *Human Embryology*, Churchill Livingstone, United Kingdom, 2001, p. 2;

right?" Certainly no! No body has objection if babies do not have the right to vote or to marry. Although not every level of human live has the same rights but the right to live has to be protected and applied for all kind of living human being since they have live already.

3. Eugenics and Planned Killing Deliberately

Eugenics is a theory that deals with the improvement of heredity qualities by means of the principles of genetics[7]. Francis Galton coined the word eugenics in 1883.

With the coming of human cloning, there will emerge a new form of eugenics. As is usual in the process of the production of goods, there is a strict quality control in order to maintain the good quality of the product. The goods which do not meet a certain degree of quality are destroyed. The same procedure will be applied to human cloning. The cloners will not allow the product of inferior quality to be on stage. The cloned human beings who do not match certain criteria of good genes will be destroyed (killed). In this way, human cloning will dehumanize human procreation because it transforms human procreation into a laboratory technique of reproduction. Sooner or later only those children who fulfill our wants will be fully acceptable. It means that people are condemned to die not because of their faults or mistakes or wrong doings but simply because they do not fulfill the criteria of possessing good genes. It is eugenics. It is even more tragic because the state of having "inferior genes" is not because of the mistakes or the faults of the cloned people but because of the mistakes of other people (the cloners). It means that people (cloned human beings) are condemned to die for something which is not their responsibility but which is the responsibility of other people (cloners).

The other difficult questions to resolve are about the criteria themselves: who are they who have the power to decide the criteria, and why those people have the authority to decide the criteria. The variety

7 Elizabeth A. Martin, *Oxford Concise Medical Dictionary*, Oxford University Press, Oxford, 1998, p. 230; Rosalind Fergusson (ed.) *Oxford Dictionary of Nursing*, Oxford University Press, Oxford, 1998, p. 158

of the criteria can be imagined to be applied in human cloning such as business criteria in which the profit is the leading element, or scientific pride in which the scientific achievement is the most important thing, or even the individualistic criteria in which like and dislike play the most important role. Regarding the people who decide the criteria, it seems an endless discussion. Do we let the scientists alone to decide the criteria or should other people be included?

Cloning to create therapeutic means still has further different judgment. As usual in the ethical consideration, the justifications of an act have to be considered from many perspectives. An act has to be justified from the object itself, the intention, and the totality of the foreseeable consequences.

If we apply this principle in research using human subjects, the researchers have to predict the side effects both long-term and short-term effect to those who are involved in the research. A research cannot be justified if the researchers have foreseen the damaging effect to the subject involving in the research. In this perspective, the situation of cloning to produce therapeutic mean is even worse. The cloners deliberately create human beings and well-planned to destroy them deliberately. The killing of the human being is an integral part of the programs without which they cannot achieve their goals. The harvesting of the embryonic stem cells can be performed only by destroying the blastocyst by taking out its embryoblast. This destruction of the blastocyst is the same as killing. This is a preprogrammed and deliberate foreseen killing of an innocent human being. The innocent cloned people are destined to be killed soon after their existence in the world. This type of killing ethically cannot be justified at all.

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United Nations
Educational, Scientific and
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International Bioethics
Committee (IBC)

Fifteenth Session of the International Bioethics Committee

Paris, 28-29 October 2008

UNESCO Headquarters – Room IV (Fontenoy building)

Programme

SHS/EST/CIB-15/08/CONF.502/INF.2
24 September 2008
Original: English/French

TUESDAY 28 OCTOBER 2008

8:45 a.m. – 9:45 a.m.	*Registration of participants*
10:00 a.m. – 10:30 a.m.	Opening Ceremony with ***Mr Koïchiro Matsuura,*** Director-General of UNESCO ***Mr Adolfo Martinez Palomo,*** Chairperson of the International Bioethics Committee
10:30 a.m. – 1:00 p.m.	**Principle of respect for human vulnerability and personal integrity: Preliminary reflection** *Chaired by* ***Prof. (Mr) Adolfo Martinez Palomo**, Chairperson of IBC*
10:30 a.m. – 11:15 a.m.	**Keynote Conference: *"Respect for human vulnerability and personal integrity: theoretical challenges and practical achievements"*** **Prof. (Mrs) Maria do Céu Patrão Neves,** Professor of Ethics, Department of History, Philosophy and Social Sciences, University of Açores, Portugal
11:15 a.m. – 11:45 a.m.	*Coffee Break*
11:45 a.m. – 1:00 p.m.	Discussion

* * *

2:30 p.m. – 5:30 p.m.	**Draft report on social responsibility and health: Progress report of the IBC Working Group** *Chaired by* ***Prof. (Mr) Fawaz Saleh**, Professor of Private Law, University of Damascus, Syrian Arab Republic* *Vice-Chairperson of IBC*
2:30 p.m. – 3:00 p.m.	***Presentation by* Prof. (Mr) Adolfo Martinez Palomo,** Coordinator of the Council of Science and Technology of the Presidency of Mexico Chairperson of the IBC Working Group
3:00 p.m. – 3:45 p.m.	Discussion
3:45 p.m. – 4:15 p.m.	*Coffee Break*
4:15 p.m. – 5:30 p.m.	Discussion and conclusion

WEDNESDAY 28 OCTOBER 2008

10:00 a.m. – 1:00 p.m.	**Human cloning and international governance: Public hearings** *Chaired by* ***Prof. (Mr) Toivo Maimets,*** *Professor of Cell Biology and Director of the Institute of Molecular and Cell Biology, University of Tartu, Estonia* *Vice-Chairperson of IBC*
10:00 a.m. – 10:15 a.m.	Introductory remarks by the Chairperson
10:15 a.m. – 11:00 a.m.	*Presentation by* **Dr (Mr) Dirceu Bartolomeu Greco,** National Commission of Ethics in Research (CONEP) Brazil *Questions / answers*
11:00 a.m. – 11:45 a.m.	*Presentation by* **Dr (Mr) Rajaona Andriamananjara,** Chairperson, Madagascar's Committee for Ethics of Science and Technology (CMEST) *Questions / answers*
11:45 a.m. – 12:15 p.m.	*Coffee Break*
12:15 p.m. – 1:00 p.m.	*Presentation by* **Dr (Mr) Carolus B. Kusmaryanto,** Member of the National Committee of Health Research Ethics (KNEPK), Indonesia Chair, KNEPK Working Group for developing guidelines for stem cells, *Questions / answers*

* * *

2:30 p.m. – 3:15 p.m.	**Human cloning and international governance: Public hearings - *continuation***
2:30 p.m. – 3:15 p.m.	*Presentation by* **Prof. (Mr) Lars Ahrlund-Richter,** Professor of Molecular Embryology, Karolinska Institutet, Sweden Member of the International Society for Stem Cell Research (ISSCS) ***Questions / answers***

3:15 p.m. – 5:20 p.m. **Human cloning and international governance: Progress report of the IBC Working Group**

Chaired by
Prof. (Mr) Takayuki Morisaki,
Director of the Department of Bioscience,
National Cardiovascular Center Research Institute, Japan
Member of IBC

3:15 p.m. – 3:45 p.m.	***Presentation by* Prof. (Mr) Toivo Maimets,** Chairperson of the IBC Working Group
3:45 p.m. – 4:15 p.m.	*Coffee Break*
4:15 p.m. – 5:20 p.m.	Discussion and conclusion

5:20 p.m. – 5:30 p.m. **Conclusions and closure of the fifteenth session of IBC**

with

Mr Adolfo Martinez Palomo,
Chairperson of IBC

Mr Henk ten Have,
Secretary-General of IBC
Director of the Division of Ethics of Science and Technology of UNESCO

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Joint Session of the International Bioethics Committee (IBC) and the Intergovernmental Bioethics Committee (IGBC)

Paris, 30-31 October 2008

UNESCO Headquarters – Room IV (Fontenoy building)

Programme

95

SHS/EST/CIB-CIGB/08/CONF.502/1 INF.1
17 September 2008
Original: English/French

THURSDAY 30 OCTOBER 2008

8:45 a.m. – 9:45 a.m.	*Registration of participants*
10:00 a.m. – 10:30 a.m.	**Opening of the joint session** with ***Mr George N. Anastassopoulos,*** President of the thirty-fourth session of the General Conference of UNESCO ***Mr Adolfo Martinez Palomo,*** Chairperson of the International Bioethics Committee (IBC) ***Mr Jude Mathooko,*** Chairperson of the Intergovernmental Bioethics Committee (IGBC) ***Mr Pierre Sané,*** UNESCO Assistant Director-General for Social and Human Sciences Representative of the Director-General
10:30 a.m. – 11:20 a.m.	**Commemoration of the 60th anniversary of the Universal Declaration of Human Rights: Bioethics and Human Rights** *Chaired by* ***Mr Pierre Sané,*** UNESCO Assistant Director-General for Social and Human Sciences
10:30 a.m. – 11:00 a.m.	***Keynote Conference by*** **Prof. (Mrs) Sheila McLean,** International Bar Association Professor of Law and Ethics of Medicine, University of Glasgow, United Kingdom
11:00 a.m. – 11:20 p.m.	Discussion
11:20 a.m. – 11:40 a.m.	*Coffee Break*

11:40 a.m. – 12:10 p.m. **Progress report on UNESCO bioethics programme: Promotion and dissemination of the Universal Declaration on Bioethics and Human Rights and capacity-building activities**

- *Overview of on-going activities*
- *Presentation of the UNESCO Bioethics Core Curriculum*
- *Launch of the Global Ethics Observatory (GEObs) Database on Resources in Ethics*

by **Mr Henk ten Have,**
Director of the Division of Ethics of Science and Technology of UNESCO

12:10 p.m. – 1:00 p.m. **Overview of the follow-up to the recommendations of the fifth session of IGBC (Paris, July 2007)**

With the intervention of

Dr Jude Mathooko, Chairperson of IGBC
Dr Henk ten Have, Secretary-General of IBC
Mr Adolfo Martinez Palomo, Chairperson of IBC

* * *

2:30 p.m. – 5:30 p.m. **On-going work on human cloning and international governance: Progress report and discussion**

2:30 p.m. – 3:00 p.m. *Progress report by* **Prof. (Mr) Toivo Maimets,** Chairperson of the IBC Working Group on human cloning and international governance

3:00 p.m. – 3:45 p.m. Discussion

3:45 p.m. – 4:15 p.m. *Coffee Break*

4:15 p.m. – 5:30 p.m. Discussion and conclusion

5:40 p.m.
Reception offered by the Director-General of UNESCO

FRIDAY 31 OCTOBER 2008

9:30 a.m. – 12:00 p.m.	**On-going work on social responsibility and health: Progress report and discussion**
09:30 a.m. – 10:00 a.m.	*Progress report* **Prof. (Mr) Adolfo Martínez Palomo,** Chairperson of the IBC Working Group on social responsibility and health
10:00 a.m. – 10:45 a.m.	Discussion
10:45 a.m. – 11:15 a.m.	*Coffee Break*
11:15 a.m. – 12 noon	Discussion and conclusion
12 noon – 12:30 p.m.	**Conclusions and closure of the joint session of IBC and IGBC** with ***Mr Adolfo Martinez Palomo,*** Chairperson of IBC ***Mr Jude Mathooko,*** Chairperson of IGBC ***Mr Henk ten Have,*** Secretary-General of IBC Director of the Division of Ethics of Science and Technology of UNESCO

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Fifteenth Session of the International Bioethics Committee of UNESCO (IBC)

UNESCO Headquarters, Paris, 28-29 October 2008

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