

# HUMAN CLONING AND HUMAN DIGNITY



THE REPORT OF THE  
PRESIDENT'S COUNCIL ON  
**BIOETHICS**

With a foreword by  
**LEON R. KASS, M.D.,** Chairman

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**AND**  
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**PUBLICAFFAIRS**  
*New York*

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ganizations. For more information, please contact the Special Markets De-  
partment at The Perseus Books Group, 11 Cambridge Center, Cambridge,  
MA 02142, or call (617) 252-5298.

Book design by Jane Raese

ISBN 1-58648-176-2

FIRST EDITION

10 9 8 7 6 5 4 3 2 1

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## FOREWORD

BY LEON R. KASS, M.D., CHAIRMAN,

President's Council on Bioethics

The fingerprint has rich biological and moral significance. Made by a human hand, it exhibits our common humanity. Distinctively individuated, it signifies our unique personal identity. Left behind on objects we handle, it is a telltale sign of individual responsibility, sometimes of guilt. The advent of cloning and other genetic technologies means that we human beings may soon be putting our hands on our own genetic endowment, in ways that will affect the humanity and identity of our children and our children's children. A novel responsibility is now upon us: to decide whether or not it is wise for us to grasp this awesome power over future generations, and if so, under what conditions and for what purposes. This book, *Human Cloning and Human Dignity: The Report of the President's Council on Bioethics*, seeks to equip us for that responsibility by making clear just what is at stake.

When the preliminary text of this report was first released in July 2002, at a meeting of the Council in Washington, D.C., reporters and others were mainly interested in "the bottom line":

what were the Council's policy recommendations, and by how big a majority were they approved? But policy recommendations, though hardly unimportant, represent but a small part of our work. Indeed, we regard the clarifications of language, the ethical arguments, and the practical reflections of this volume to be of much greater and more durable importance, especially as we have sought to place the current public controversies about cloning into their larger and more permanent technological, moral, and social contexts. The report's preface and first chapter already contain suitable introductions to the subject of human cloning and why it matters to us. This foreword will mainly speak more generally about the importance of bioethical issues and about the work of the President's Council on Bioethics in addressing them and bringing them to public attention.

Few avenues of biotechnological innovation raise more thorny ethical questions, or in more dramatic fashion, than cloning of human beings. Until recently the stuff of science-fiction novels and movies, the cloning of animals is now an accomplished fact, and several fertility experts around the world have announced their intention to start cloning human beings. Biomedical scientists have begun to create cloned human embryos to obtain genetically selected stem cells—the primordial embryonic cells that can become all the specialized tissues of the body—that may prove useful in finding cures for some of humanity's most debilitating diseases. As we gain the capacity for genetic screening and for precise genetic modification of embryos, fetuses, and those already born, it becomes easy to imagine the host of disconcerting moral dilemmas in store for us as we come to manipulate our own DNA: questions about individuality and identity, freedom and limitation, nature versus nurture, respect for life versus the search for cures, procreation

versus manufacture, the meaning of having a child, relations among the generations, the definition of “normal” and the standards for “improving” upon it, and the ultimate goals—and limits—of science and medicine. These are no longer questions just for philosophers. Biomedical science and technology have made them questions for all of us, as human beings and as citizens. They provide profound challenges for profoundly challenging times.

In August 2001, President George W. Bush, in conjunction with his decision to permit limited federal funding for embryonic stem cell research, announced his intention to create the President’s Council on Bioethics to address the ethical and policy ramifications of biomedical innovation. Our world has changed drastically since that time, and with it the nation’s mood and attention. Since September 11, in numerous if subtle ways, one feels a palpable increase in America’s moral seriousness. We have rallied in support of the respect for life, liberty, the rule of law, and the pursuit of progress. We seem to have acquired in addition a deepened appreciation of human vulnerability, and therefore of the preciousness of the ties that bind and of the importance of making good use of our allotted span of years. We more clearly see evil for what it is and, more important, we celebrate the nobility of courage, heroism, and civic service in the wake of tragedy. It has been a long time since the climate and mood of the country were this hospitable for serious moral reflection.

Yet the moral challenges of bioethics are very different from the ones confronting the nation as a result of September 11. In the case of terrorism, as with slavery or despotism, it is easy to identify evil as evil, and the challenge is rather to figure out how best to combat it. But in the realm of bioethics, the evils

we face (if indeed they are evils) are intertwined with the goods we so keenly seek: cures for disease, relief of suffering, and preservation of life. When good and bad are so intermixed, distinguishing between them is often extremely difficult.

As modern Americans we face an additional difficulty. The greatest dangers we confront in connection with the biological revolution arise, ironically, from principles that are central to our self-definition and well-being: devotion to life and its preservation; freedom to inquire, invent, or invest in whatever we want; a commitment to compassionate humanitarianism; and the confident pursuit of progress through the mastery of nature. Yet the burgeoning technological power to intervene in the human body and mind, justly celebrated for its contributions to human welfare, is also available for uses that could slide us down the dehumanizing path toward what C. S. Lewis called, in a powerful little book by that name, the abolition of man. Thus, just as we must do battle with anti-modern fanaticism and barbaric disregard for human life, so we must avoid runaway technology, “scientism,” and the utopian project to remake humankind in our own image. Safeguarding the human future rests on our ability to steer a prudent middle course, avoiding the inhuman Osama bin Ladens on the one side and the post-human Brave New Worlders on the other. To plot and navigate this course is the single greatest challenge for thought and action in the domain of bioethics.

“Bioethics” is a relatively young area of concern and field of inquiry, no more than thirty-five years old in its present incarnation—though the questions it takes up are in fact ancient. The term itself may seem remote and esoteric, but properly understood it refers to matters very close to home and accessible to



every thoughtful person. Coined in 1970 by the biologist Van Rensselaer Potter—to designate a “new ethics” to be built not on philosophical or religious foundations but on the supposedly more solid ground of modern biology—the term was applied to the study of all intersections between advances in biological science and technology and the moral dimensions of human life. Today, it also names a specialized academic discipline, granting degrees in major universities and credentialing its practitioners as professional experts in the field. For the President’s Council on Bioethics, “bioethics” refers to the broad domain or subject matter, rather than to a specialized methodological or academic approach. It is a Council *on* Bioethics, not a council *of* bioethicists. Council Members come to the domain of bioethics not as “experts” but simply as thoughtful human beings who recognize the supreme importance of the issues arising at the many junctions between biology, biotechnology, and life as humanly lived.

For the Council, “bioethics” is not an ethics based on biology, but an ethics in the service of *bios*—of a life lived humanly, a course of life lived not merely physiologically, but also mentally, socially, culturally, politically, and spiritually. We seek for wisdom and prudence regarding these deep human matters, taking help from wherever we can find it, in an effort to develop the best ideas and the richest approaches that will do justice to the subject. Concretely, this means beginning not with judging whether deed “x” or “y” is moral or immoral, or whether technology “p” or “q” should be funded or banned. According to the Executive Order that created the Council, our first task is rather to undertake fundamental inquiry into the full *human and moral significance* of developments in biomedical

and behavioral science and technology—the intersection, as it were, of biology and biography, where life as lived experientially encounters the results of life studied scientifically.

As the Council's scope is broad, so its manner of inquiry has been searching and open. The Council is, by design, a diverse and heterogeneous group: by training we are scientists and physicians, lawyers and social scientists, humanists and theologians; by political leaning we are liberals and conservatives, Republicans, Democrats and independents; and by religion we are Protestants, Catholics, Jews, and perhaps some who are none of the above. But we share a serious concern for the importance of the issues and the desire to work with people from differing backgrounds in search for truth and wisdom about these vexing matters.

Because reasonable and morally serious people can differ about fundamental issues, it is fortunate that we have been liberated from an overriding concern to reach an artificial consensus that would have papered over these differences. As our Executive Order indicates, in pursuit of our goal of comprehensive and deep understanding, "the Council shall be guided by the need to articulate fully the complex and often competing moral positions on any given issue . . . [and] may therefore choose to proceed by offering a variety of views on a particular issue, rather than attempt to reach a single consensus position." And that is exactly what we have done. All serious relevant opinions, carefully considered, have been welcome. We have also sought out viewpoints not represented on the Council through reading and invited testimony and through public comment, oral and written. Moral positions rooted in religious faith or in philosophy or in ordinary personal experience of life have been held equally relevant; we have upheld the view that

respect for American pluralism does not mean neutering the deeply held views of our fellow citizens. On the contrary, with the deepest human questions on the table, we have been eager to avail ourselves of the wisdom contained in the great religious, literary, and philosophical traditions.

The result is an analysis that draws on multiple sources and resources, that considers arguments on all sides, and that presents the disagreements in their fullness and richness. On several crucial matters, we have in fact reached consensus. But where we have not, the Council has eagerly agreed to allow each side to make its own best case, and not only out of politeness for difference. For it is clear to all of us that each side in the debate has something vital to defend, not only for itself *but for everyone*. As the report declares: "No human being and no society can afford to be callous to the needs of suffering humanity, cavalier regarding the treatment of nascent human life, or indifferent to the social effects of adopting in these matters one course of action rather than another." Only through understanding the full moral complexity of the issues will the American people be able to think about and debate these matters in a fully informed and sober way, now and in the future—as events will most certainly compel us to try to do.

We have entered a time of heightened public awareness of the importance of the difficult moral issues raised by biomedical advance. American society has just experienced almost two years of unprecedented public debate and decision-making about human cloning and stem cell research in particular and the ethical dilemmas of biological progress in general—dilemmas associated with using performance-enhancing drugs in sports or behavior-controlling drugs in classrooms; choosing the sex of one's children; patenting human genes or embryos;

offering financial incentives to increase the supply of organs for transplantation; protecting human subjects in risky clinical experimentation; providing proper comfort and care at the end of life. We have every reason to believe that these debates will continue, and perhaps become something of a permanent fixture in American public life. Legislators, scientists, and citizens will be called upon to consider the human and moral meanings of new areas of scientific research, and how new or potential bio-genetic technologies might transform various human activities, for better and for worse. They—we—will also be called upon to make prudential judgments about the proper role of government in the regulation of scientific-technological innovation in these areas, including decisions on public funding, the responsibilities of new or existing regulatory agencies, and the proper scope of state and federal law. To meet these challenges, two requirements stand out, one for thought and one for action.

The most urgent intellectual task is the need to provide an adequate moral and ethical lens through which to view these developments in their proper scope and depth. Doing this must involve careful and wisdom-seeking reflection about the various human goods at stake: both those that may be served and those that may be threatened by twenty-first-century biotechnology—and, in either case, going beyond the obvious concerns of safety, efficacy, and financial cost. This sort of analysis must begin by prospectively considering the goods we wish to defend and advance, rather than by reactively considering merely the potential consequences of this or that particular technological innovation. A rich and proper bioethics will always keep in view the defining and worthy features of human life, features that biotechnology may serve or threaten. Yet at the same time, responsible public bioethics must not lose sight of its practical

duty to shape a responsible public policy, as the demands for policy decision arise piecemeal and episodically. General ethical considerations will need to be brought to bear on the specific ethical issues at hand. Principle needs to be supplemented by prudence, as we will often be compelled to seek not the best simply, but the best-possible-under-the-circumstances.

On the practical side, it is worth remembering that this Council came into being in connection with President Bush's decision regarding federal funding of embryonic stem cell research, providing government support for research using already existing stem cell lines. The Council's work has been informed and guided by the President's desire for thoughtful consideration of bioethical matters that bear on his responsibilities and on public policy more generally. Few observers have noted that the President's decision established (or re-established) the precedent that scientific research, being a human activity, is primarily a moral endeavor—one in which some human goods (the pursuit of cures for the sick, the inherent value of scientific freedom and curiosity) must be considered in light of other human goods (the inherent dignity of human life; attention to the unintended consequences of research and the use of technology; the need for wisdom and realism about the meaning of human life, human procreation, and human mortality). At the same time, the President's stem cell decision and the surrounding public debate also demonstrated the capacity of democratic representatives to make moral distinctions in scientific matters—for example, between absolute and relative duties, necessary and optional goals, moral and immoral means, actively participating in (or abetting) morally dubious acts and merely benefiting from them. It is our belief that, armed with the necessary facts and with responsible guidance and advice,

the institutions of American democracy can and must take it upon themselves to consider the meaning of advances in biotechnology, and to ask whether and which of these advances demand what sort of public oversight or public action.

One final word on the substance of the moral arguments to date. All too often, especially in public debate, bioethical controversy is fought out on the plane of what one may call the “life principle,” the principle that calls for protecting, preserving, and saving human life. For example, the proponents of embryonic stem cell research argue vigorously that stem cell research will save countless lives. The opponents of the research argue with equal vigor that it would in the process destroy countless lives. It is, in short, an argument between two sorts of “vitalists” who differ only with respect to whose life matters most: the lives of sick children and adults facing risks of decay and premature death, or the lives of human embryos who must be directly destroyed in the process of harvesting their stem cells for research. Each side often acts as if it has the trumping argument: “Embryonic stem cell research will save the lives of people with juvenile diabetes or Parkinson’s disease,” versus “Embryonic stem cell research will kill tens of thousands of embryos.” These are surely important—indeed, crucially important—concerns. But, at the risk of giving offence, I wish to suggest that concern for “life”—for its preciousness and its sanctity, whether adult or embryonic—is not the only important human good relevant to our deliberations. We are concerned also with human dignity, human freedom and equality, and the vast array of human activities and institutions that keep human life human. Important though it is, the “life principle” cannot become the sole consideration in bioethical discourse. Some efforts to prolong life may come at the price of its degradation, the un-

intended consequences of success at life-saving interventions. Other efforts to save lives might call for dubious or immoral means, while the battle against death itself—as if it were just one more disease—could undermine the belief that it matters less how long one lives than how well. And, in unusual circumstances, some lives may need to be risked or even sacrificed that others may survive and flourish. Such questions of the good life—of humanization and dehumanization—are of paramount importance to the field of bioethics and to the future of our nation and the human race. We do well to keep them in the forefront of our minds as we start to put our fingerprints on the biological foundations of our humanity.

LETTER OF TRANSMITTAL  
TO THE PRESIDENT

The President's Council on Bioethics  
1801 Pennsylvania Avenue N.W., Suite 600  
Washington, D.C. 20006  
July 10, 2002

The President  
The White House  
Washington, D.C.

Dear Mr. President:

I am pleased to present to you the first report of the President's Council on Bioethics, *Human Cloning and Human Dignity: An Ethical Inquiry*. The product of six months of discussion, research, reflection, and deliberation, we hope that it will prove a worthy contribution to public understanding of this momentous question.

Man's biotechnological powers are expanding in scope, at what seems an accelerating pace. Many of these powers are double-edged, offering help for human suffering, yet threatening harm to human dignity. Human cloning, we are confident, is



but a foretaste—the herald of many dazzling genetic and reproductive technologies that will raise profound moral questions well into the future. It is crucial that we try to understand its full human significance.

We have tried to conduct our inquiry into human cloning unblinkered, with our eyes open not only to the benefits of the new biotechnologies but also to their challenges—moral, social, and political. We have not suppressed differences but sought rather to illuminate them, that all might better appreciate what is at stake. We have eschewed a thin utilitarian calculus of costs and benefits, or a narrow analysis based only on individual “rights.” Rather, we have tried to ground our reflections on the broader plane of human procreation and human healing, with their deeper meanings. Seen in this way, we find that the power to clone human beings is not just another in a series of powerful tools for overcoming unwanted infertility or treating disease. Rather, cloning represents a turning point in human history—the crossing of an important line separating sexual from asexual procreation and the first step toward genetic control over the next generation. It thus carries with it a number of troubling consequences for children, family, and society.

Although the Council is not unanimous, either in some of its ethical conclusions or its policy recommendations, we are unanimous in submitting the entire report as a fair and accurate reflection both of our views and of the state of the question. To summarize our findings briefly:

*First.* The Council holds unanimously that cloning-to-produce-children is unethical, ought not to be attempted, and should be indefinitely banned by federal law, regardless of who performs the act or whether federal funds are involved.

*Second.* On the related question of the ethics of cloning-for-