I. Taking Cloning Seriously

“Thanks to our belief that all children should be wanted children (the more high-minded principle we use to justify contraception and abortion), sooner or later only those children who fulfill our wants will be fully acceptable. Through cloning, we can work our wants and wills on the very identity of our children, exercising control as never before. Thanks to modern notions of individualism and the rate of cultural change, we see ourselves not as linked to ancestors and defined by traditions, but as projects for our own self-creation, not only as self-made men but also man-made selves; and self-cloning is simply an extension of such rootless and narcissistic self-re-creation.” (553-4)

554: (It’s partly the fault of analytic philosophers, who have turned Bioethics into a thin and inarticulate academic field.)

II. The State of the Art in 1997:
<277 enucleated cells> and <29 Clonal embryos> to produce <1 live birth.>

III. The Wisdom of Repugnance

“In crucial cases, repugnance is the emotional expression of deep wisdom, beyond reason’s power fully to articulate it. Can anyone really give an argument fully adequate to the horror which is father-daughter incest (even with consent), or having sex with animals, or mutilating a corpse, or eating human flesh, or even just (just!) raping or murdering another human being? Would anybody’s failure to give full rational justification for his or her revulsion at these practices make that revulsion ethically suspect? Not at all. On the contrary, we are suspicious of those who think that they can rationalize away our horror, say, by trying to explain the enormity of incest with arguments only about the genetic risks of inbreeding.” (557)

“The repugnance at human cloning belongs in this category. We are repelled by the prospect of cloning human beings not because of the strangeness or novelty of the undertaking, but because we intuit and feel immediately and without argument the violation of things that we rightfully hold dear. Repugnance, here as elsewhere, revolts against the excesses of human willfulness, warning us not to transgress what is unspeakably profound. Indeed, in this age in which everything is held to be permissible as
long as it is freely done, in which our given human nature no longer commands respect, in which our bodies are regarded as mere instruments of our autonomous rational wills, repugnance may be the only voice left that speaks up to defend the central core of our humanity. Shallow are the souls that have forgotten how to shudder.” (557)

The Relevance of Repugnance:

Things People have found Repugnant:
Incest  (Kass specifically mentions father/daughter incest)
Inter-racial marriage
Homosexuality
Eating Sushi
Sex with animals
Mutilation of a corpse
Eating human flesh
Rape and murder
Human cloning.

An Argument: Some of these examples are clearly things people found repugnant because of unjustifiable prejudices. In other cases repugnance can be explained by the fact that harm and exploitation are involved. In still other cases, repugnance is easy to understand but has no moral significance.

Principle (for consideration): Repugnance alone should not be regarded as sufficient justification for liberty limiting legislation. Where legislative restrictions limit liberty, we must have stronger reasons (harm? serious offense? public reasons) to justify them.

Example: Many people find it repugnant to think about their parents’ sex lives, but this in no way implies that it is morally wrong for their parents to have sex lives. It follows that mere repugnance (without articulate reasons that explain why repugnance is the morally appropriate attitude for us to have) cannot justify moral judgment. A fortiori mere inarticulate repugnance cannot justify regulation or legal prohibition of a practice.

Pace Kass:
1) Repugnance alone is not sufficient to justify the regulation of human cloning.
2) The only reason we have for wishing to regulate human cloning is that we find it repugnant. (???)
3) Therefore, we are not justified in regulating human cloning.

Is premise 2 true?
Would the argument work if premise 2 were true?
Three (Rejected) Perspectives: (558)

1) Technological/Minimalists: Cloning is simply an extension of existing technologies for assisting reproduction.
2) Libertarians: Cloning is a new option for expressing an individual’s right to reproduce. (Protected, one assumes, by the same rights that protect reproductive liberty in other contexts.)
3) Meliorists: Cloning provides an opportunity to improve human beings “minimally, by ensuring the perpetuation of healthy individuals by avoiding the risks of genetic disease inherent in the lottery of sex, and maximally, by producing ‘optimum babies,’ preserving outstanding genetic material, and (with the help of soon-to-come techniques for precise genetic engineering) enhancing inborn human capacities on many fronts.” (558)

Aside: Is there a morally relevant distinction between cases where technology is used to treat deficiencies in normal human functioning, versus cases where technology is used to improve people so that they are “better” than normal?

“It is....grossly distorting to view the wondrous mysteries of birth, renewal and individuality, and the deep meaning of parent-child relations, largely through the lens of our reductive science and its potent technologies.” (559)

Kass argues that cloning threatens to change the meaning of children. Is this a form of the ‘commodification objection,’ or a new argument? Do children have the same fundamental meaning to all parents, and can we control the “meaning of children” through public policy?

Privacy and Reproductive Liberty:

Constitutional Right to Privacy: People have a right that others not interfere with their private choices and decisions. (This right has been appealed to in cases regarding the use of contraception, abortion, the right to engage in consentual sexual relationships, and the purported “right to die.”)

Argument:
1) The decision to clone myself is a private reproductive choice.
2) The constitution guarantees a right to make private reproductive decisions.
3) I have a right to clone myself.

Question: Is it true that reproductive decisions are private? If not, how should this change our moral (and perhaps constitutional) reasoning about this right?
IV. The Profundity of Sex

Question: Does Kass provide a universal account of the meaning of sex, or is the account he offers one among several different available accounts? Are the kinds of reasons Kass appeals to “public reasons,” or are they merely private reasons?

Question: Many people take recourse to fertility treatments or more complicated reproductive technologies. Do the arguments Kass offers cast aspersions on their choices?

V. The Perversities of Cloning

“...any attempt to clone a human being would constitute an unethical experiment upon the resulting child-to-be.” (562)

Would a clone face Identity Problems?
“What would be the psychic burdens of being the “child” or “parent” of your twin? The cloned individual, moreover, will be saddled with a genotype that has already lived. He will not be fully a surprise to the world.” (563)

Response:(?)
“Every human being comes into the world with certain burdens and benefits: none of us come with a “clean slate,” fully a “surprise to the world.” The burdens faced by a cloned human being would be different, but there is no reason to think that they would be greater than the burdens of other children.”

Response:
1) We do not prohibit people from reproducing merely because their children are likely to bear special burdens. (Ex: Blind or handicapped persons.)
2) The burdens that would be born by a cloned person would not be greater than the burdens expected in other cases of permissible reproduction.
3) Therefore the “burdens of the child” do not justify interference with reproductive choices even in the case of human cloning.

Suggestion: Many of the arguments Kass offers, relevant and morally significant though they may be, may not be the sort of arguments that can justify interference with private reproductive decisions. Others (especially those that concern the welfare of the child, who would seem to be a nonconsenting experimental subject) might be sufficient in themselves to justify the regulation or prohibition of human cloning.

Would changes or improvements in technology make these arguments less compelling? If cloning technology were perfected, would the arguments against the practice still carry sufficient weight to justify regulation or legislative prohibition?