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Cloning Human Embryos

Why Artificial Human Procreation is Immoral

by

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Nearly one year ago headlines heralded an important biomedical breakthrough in the area of human reproduction, the successful cloning of identical twins in vitro. Instead of being universally applauded, however, this news created a heated ethical debate on the morality of such procedures. At that time Dr. Robert Stillman, of the George Washington University Medical Center, achieved artificial human procreation cloning, technically termed in vitro fertilization (IVF) cloning. Surprisingly enough, the scientists were stunned by all the media attention, apparently unaware of the ethical implications of their successful experiment.¹

The Federal Government is now studying the possibility of lifting the 15-year ban on supporting human embryo research. A committee of ethicists, lawyers and scientists, headed by Harold E. Varmus of the National Institutes of Health, favor limited experimentation on human embryos for the diagnosis of genetic diseases, hereditary disorders, as well as normal development. Patricia A. King, a law professor at Georgetown University, explains that such procedures are ethical because an embryo is not a human life in the moral sense of the expression. "The pre-implantation human embryo warrants serious consideration as a developing form of life," she said, "but it does not have the same moral status as infants and children."² The logic here is quite understandable in a culture that advocates free choice in the continuance or termination of non-viable fetal life.

Let us take a look at the purported advantages of in vitro fertilization (IVF), as well as the patent disadvantages of the technique, as a prelude to a discussion of ethical guidelines for the IVF debate. Although somewhat removed from the immediate question of human embryo research funding, IVF cloning is a definite possibility if such investigations ensue. After discussing some of the technical aspects of the procedure, I will address ethical issues that can help improve our understanding of embryo experimentation. This article attempts to explain why the law should protect all human life, even that which is not recognizable as such by parameters of intelligence, relationality, or as suggested by NIH, neurological

development. A more inclusive and comprehensive understanding of the life of the human being is needed to avert future experimentation that degrades man's dignity.

1. Advantages and Disadvantages of IVF Cloning

One purported advantage of the modified in vitro fertilization technique for medical assisted procreation is the possibility of offering prospective parents the option of "giving birth" to identical twins, triplets, or even quadruplets, at predetermined times by freezing identical cloned embryos. This method enables doctors to create multiple and genetically identical embryos for future implantation when a couple so desires; it also allows parents to evaluate characteristics and qualities of actual children and determine which are desirable in future offspring.

Splitting embryos into multiple clones allows the physician to implant several embryos into the mother's womb at different times. In homologous IVF, the parental gametes meet and engage in the laboratory Petri dish, totally independent from the normal marital act. In the new cloning procedure, embryos are divided one or more times following in vitro fertilization, then a technician places an artificial zona pellucida on the split embryos to create two new identical embryos. Alternatively, artificially joined parental gametes, created by the in vitro fertilization of the mother's ovum, can be implanted into an egg harvested from a second woman (heterologous fertilization).

The American Fertility Society issued an interesting warning when Dr. Stillman's findings were made public last year: "This subject is of such grave importance that relevant guidelines should be established at the national level." Some ethicists, however, disagreed with this assessment. Dr. Albert Jonsen of the University of Washington in Seattle considered a debate on this topic of little value: "Every odd question that one can ask about a new science becomes an ethical question. And that's dumb." But Dr. Arthur Caplan, Director of the Center for Bioethics at the University of Minnesota, said that because the technique is so easy to perform it can be subject to abuse and misuse: "There is room for governmental and societal debate and, perhaps, prohibitions and control and restraints." In a similar vein Dr. John Fletcher of the University of Virginia claimed that our current policy on embryo research "is in total disarray." Clearly, the cloning of human embryos brings to the public forum a series of urgent ethical questions that must be properly addressed and satisfactorily resolved.

A panoply of technical innovations appeared after the birth of Louise Brown on July 25th, 1978. Many people do not realize, however, that success in this field comes at a considerable cost. It is estimated that over a period of 12 years Drs. Steptoe and Edwards (the gynecologist and biologist who fertilized Louise Brown) discarded some 99.5% of the ova fertilized in their laboratory, submitting 68 women to laparoscopy, with a yield of 44 mature eggs, 32 of which were fertilized, with only four of those being successfully implanted. Of those four fertilized eggs two live births resulted, Louise Brown and Alastair Montgomery. The extremely high failure rate for egg retrieval and successful implantation

called for technical improvements. Ovulation induction enables women who produce only one egg per month (with only a 10 to 20 per cent chance of becoming pregnant with IVF) to form up to 20 eggs in the same period of time.

The tremendous success of hormonal ovulation induction created a new problem: what to do with the surplus eggs. Some people were more than content with the prospect of making use of excess ova for donation to other women, in particular, for those who do not produce enough eggs themselves or have anatomic or physiologic abnormalities that preclude fertilization. But such "trafficking" in human embryos is frightening to contemplate. Besides the medical concern for possible immunological incompatibility and mass marketing of fertilized embryos, the procedure tends to bifurcate maternity; and the mother's eggs become biological merchandise bought and sold according to market forces and subject to extensive manipulation by technicians. Unfortunately, the technical improvement in IVF cloning masks the full moral impact of heterologous ova donation.

2. Clarifying Ethical Guidelines in the IVF Debate

Having discussed the more salient technical aspects of the new IVF procedure, including its positive and negative features, let us address the issue of ethical guidelines for future research in cloning. I believe there are cogent reasons why investigative efforts in human cloning should not be pursued. Human embryo manipulation can only be considered morally acceptable when it is performed for therapeutic cure or to facilitate normal human procreation. But such therapy can never be considered a valid means for satisfying the desire, even the laudable wish, of parents to engender children.

The most valuable guiding light for this discussion is the intrinsic value of human life and the inalienable rights of the human person. The defense of human life as a basic good, sacred and inviolable, has been emphasized by the Church as a compelling argument for protecting fetal life from the moment of conception. While some authors deny the coincidence of human conception and ensoulment of the person, others exclude sacred concerns from legal constraints. Ronald Dworkin argues that human life can be valued as intrinsically sacred even when it does not possess rights. Although a human fetus is valuable, it cannot be a bearer of rights, since it does not have the requisite neurological development needed to manifest personal 'interests' the government cannot prohibit abortion. Law protects human rights and not intrinsic values, in Dworkin's view, because concern for intrinsic values falls outside the competence of law. Personal values are not derived from a commitment to justice, rather they are "detached" personal beliefs of conscience which cannot be protected by law.³

Unfortunately, human zygotes, embryos, or fetuses are unable to manifest their wishes or interests, and in consequence, they have no personal rights. IVF cloning is one step removed from discussions on abortion rights, yet it goes without saying that embryos are at special risk in a world where the life of the unborn is precarious. If the conceived human embryo or fetus is not acknowledged to be a person in its own right, much less respect is allotted to the potential child formed by technicians in the laboratory. Moreover, it would be naive to consider all

scientific applications in the area of human sexuality as morally neutral, or even advantageous, based solely on the criterion of technical efficacy. The right of the fetus to life derives from God, not human legislation; the law should recognize and protect basic human rights.

As a composite of material body and spiritual soul, the human person is a unity that cannot be dissociated for any reason. Artificial procreation treats the human body, and the child, as an object of human creation, a subhuman object which exists not for its own sake but for the sake of the parents. One must remember that the purpose of the marital act is not solely the propagation of life. The marital act embodies a specific ethical content that expresses the unique spousal relationship of husband and wife. John Paul II explains that moral activity cannot be judged as good "merely because it is a means for attaining one or another of its goals," the *object* of the act must be good in and of itself and "in conformity with the order of reason."⁴ And for the marital act to be good it must respect the unitive and procreative meaning of marital love. The sexual revolution began by arguing about abortion, William Smith points out, "how to have sex *without* babies," now some wish to know "how to have babies *without* sex!"⁵ Clearly the same disregard for moral principles is at work here.

Among those human acts which are evil per se, the pope includes homicide, genocide, abortion, euthanasia, voluntary suicide and "whatever violates the integrity of the human person."⁶ To conceive a child outside of the marital act excises the parent's sexuality from their person and violates their moral integrity. Human conjugal love cannot be a physical expression of the spiritual love of husband for wife and wife for husband if their personal integrity is abused. Christian anthropology appreciates that the body, or any part thereof, is an extension of the soul and therefore of the person. When one touches the body they also touch and affect the soul; this is particularly true of the organs and mechanisms of human procreation.

John Finnis points out that human generation by IVF requires a series of separate human choices or decisions, each of which is made by several different persons, none of which involve a person-to-person act.⁷ Although it is true that the spouses decide, *between* themselves, to pursue this procedure in the hopes of obtaining a child, the subsequent decisions and actions carried out by technicians are acts of purely pragmatic practical reason uninformed by conscience or marital love. Choices of this nature are actually decisions that "artificialize" the conception of life and trivialize the couple's sexuality.

Since human sexuality is essentially a sign of complete personal donation to another, all of the biological, affective and emotional elements must be integrated harmoniously with the unique interpersonal communion of marital love. The relationship between the spouses is a personal union of love in which each one gives themselves to the other totally, exclusively and definitively. This total gift of self is the basis for the expressive significance of their sexuality. Furthermore, their physical union is the expression and consummation of spiritual union in love; only in the context of this symbolic self-gift *in carne* (in the flesh) is a new human life afforded protection from impersonal manipulation.

3. Magisterial Guidelines for a Fruitful Debate

The landmark encyclical of Pope Paul VI, *Humanae Vitae*, which saw the light of day on the birthday of Louise Brown (1968 & 1978 respectively), speaks of the inseparability of the marital act in its unitive and procreative significance. There is "an inseparable connection willed by God and unable to be broken by man on his own initiative," the encyclical explains, "between the two meanings of the conjugal act: the unitive meaning and the procreative meanings."⁸ The evil of artificial IVF is not so much that it is artificial but that it destroys the physical and spiritual unity characteristic of and essential to marriage. "When couples . . . separate these two meanings that God the Creator has inscribed in the being of man and woman and in the dynamism of their sexual communion," writes John Paul II, "they act as 'arbiters' of the divine plan and they 'manipulate' and degrade human sexuality — and with it themselves and their married partner — by altering its value of 'total' self-giving."⁹

The separation of the unitive and procreative meaning of sexuality in IVF cloning is a form of "production," a creation by way of technicians, who, acting as surrogate procreators for the parents, make use of human parts to fashion a new human being. William May explains that fertilization in vitro procedures "make" a child and disregard the unitive and procreative significance of the marital act; it renders human sexuality incidental to (or independent from) the birth of a child. But the marital act cannot be viewed as a "production" because it is a free *human act*, and as such, it is only legitimately exercised by the husband and the wife. It is an action that expresses the couple's corporeal and spiritual union in a community of life and love where conjugal union ought to be open to the gift of new life as "begotten, not made."¹⁰

All free human choices are self-determining and are regulated by specific moral norms termed "moral absolutes," exceptionless norms that bind in all circumstances, *semper et pro semper*. "Each true specific moral absolute excludes every moral choice in which, by adopting and striving after that choice's precise object, one would necessarily integrate into one's will and character some violation of, or other disrespect for, a good intrinsic to human persons — oneself or another or others."¹¹ Artificial fertilization of human life robs both spouses of the procreative and unitive meaning of their act of conjugal love, goods that are meant to remain in the person until communicated through sexual union. Manipulation of the biological vehicle of their consummated union steals the core foundation of the gift of self from their personal domain and instrumentalizes the body. Since God is the author of human nature, violation of the natural means of conceiving human life is a violation of God's law.

Human sexuality pertains to a higher form of practical reason that corresponds with the ability to discover a truth that obliges obedience. Moral law is the source of man's freedom, and authentic freedom is a share in an eternal law open to human participation. This law is not extrinsic to our being, rather it inheres in our very nature as creatures of God. From the perspective of creation man sees himself as one who can discover laws that explain how he is and how he ought to act. But in order to know how he ought to act he must appreciate natural law, not

merely as norms, but as the ability to act in ways that are in agreement with the eternal law of the Creator. Only with the revealed truth of divine creation are we in a position to fully appreciate God's law as the light of conscience, a light that demands greater correspondence and obedience than does human reason. This higher law is the truth we seek, the truth that sets us free (cf. Jn. 8:32), the truth that enables us to do what is really good. By relying on human reason alone man easily converts his body, or the body of others, into an object of use which leads to the depersonalization or "reification" of others. In IVF cloning the procreative faculty is assigned to the realm of human creativity or *making* rather than human *acting*. When marital love is disengaged from divine provision, parents become the sole arbiters of good and evil. The fallacy here is obvious: only God creates a human soul.

The Instruction on bioethics issued by the Congregation for the Doctrine of the Faith, *Donum Vitae* (February 22, 1987), explains that strictly therapeutic interventions in embryos are permissible and desirable when the explicit objective is to heal a genetic malady or a chromosomal defect. Such procedures must be carried out with the express purpose of promoting the integral well-being of the conceived person. With respect to the dignity of procreation itself the Instruction affirms that every person has the right to be conceived and to be born within marriage and from marriage. But embryo cloning is arbitrary and in opposition to the dignity of the embryo and the conjugal act.¹² Only God creates human life, man pro-creates, or more properly, he co-creates by collaborating with divine creation. Thus man must first be open to divine receptivity before coming to share in God's creativity, and the marital act open to life expresses such openness. In IVF cloning, parents presume they possess all of the procreative powers needed to communicate the fullness of human life (including a spiritual soul) when in reality only God can do that — human dignity comes from God, not from human beings.

4. Man's Essential Relationship to God

The source of human dignity resides in the special relationship present between man and God. Sacred Scripture reveals that the human person is a creature made in the image and likeness of God (cf. Gen. 1:27), who is loved by God for his own sake (cf. *Gaudium et Spes*, 22). These divine abilities and privileges far exceed man's natural capabilities, and this is particularly evident in the area of human procreation where a spiritual soul is introduced into the child. A man and a woman can provide the reproductive cells needed for the emergence of new biological life, but only God creates the unique spiritual substance of the soul. Therefore, to clone a human being is to usurp God's creative role, to ingenuously presume one is a *creator* of human life.

Spouses live responsible procreation only when they collaborate with God's providential design as fruit and sign of mutual self-giving with love that respects human nature. Each person has a right to become a mother or a father *only* through each other's body which has been offered exclusively to the other as the personal and mutual gift of self.¹³ Heterologous IVF is illicit because the embryo

is produced by uniting gametes from two unmarried persons, thereby depriving the child of a true filial relationship; it also violates the reciprocal commitment of love present between the spouses and undermines the unity of marriage. *Donum Vitae* states that "the child must be respected and recognized as equal in personal dignity to those who gave him life."¹⁴ A child must always be the result of mutual marital love and never be subjected to conditions of efficacy.

The procreative and unitive act of the parents, symbolic and expressive of their marital love, cannot be substituted by a technician's work. This view of marital love places one of the ends of matrimony as the sole end, the propagation of the species, an end which does not distinguish us from other forms of life. What is especially unique about human procreation is its permanency in love within the loving womb of a family. A laboratory technician should not be allowed to appropriate the procreative function of the married couple because he or she does not participate in the life of the family. This dramatic impropriety contradicts the very dignity of marriage and violates the inalienable rights of those two spouses who alone are morally capacitated to give life through spousal love. Only the exclusive love of man for woman and woman for man in the state of marriage assures the totality and authenticity of one's self-gift. This unique form of love, spousal love, puts us in contact with God and opens us to His gifts.

Parents do not have an absolute right over their children, nor are they entitled to a child simply because they are married. No one has an absolute right over his or her own life, nor the life of another, because human life is a gift of the Creator. A child is a person-gift, not a thing available to be purchased or to be possessed; and in the context of marriage a child is entrusted to spouses by God as a living witness of their mutual love and fidelity. Even the best of subjective intentions cannot render licit an act that is in itself evil.¹⁵ Since the very object of in vitro cloning is evil no special circumstance or good intention can alter its moral species. "The morality of the human act depends primarily and fundamentally on the 'object' rationally chosen by the deliberate will. . . ." — "The reason why a good intention is not itself sufficient is that the human act depends on its object, whether that object is *capable or not of being ordered to God*, to the One who 'alone is good'. . ."¹⁶ The perennial Christian moral axiom, that a good end can never justify use of an immoral means, clearly applies here.

In the controversy over contraception a point is often repeated that bears consideration. Separation of the procreative act from the unitive act reflects a deeper form of separation, a separation from the providential design of God. Only in the context of mutual person-to-person gift of self does a new human life truly appear as a gift from God and as a cherished new member of the family enterprise of love. A child conceived by IVF is confected by human hands foreign to the family communion of love. Rather than confiding in divine providence, IVF cloning (along with twin fission and parthenogenesis) destroys the personality of the child by eliminating his or her unique individuality. Let us hope that the debate over human embryo cloning is constructive and rational, acknowledging the special guidelines that must be applied to the human person made in the image and likeness of God and beyond the realm of scientific manipulation.

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 16. *Ibid.*, 78.
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