

Discussion (day 1 session 3): Moral philosophy of human reproductive cloning

Chairpersons: John Harris, Pasquale Patrizio

Speakers: John Gurdon, Carson Strong, Dieter Birnbacher

Discussants: John Robertson, Carson Strong, Anne McLaren, John Gurdon, Dieter Birnbacher, Soren Holm, Rosario Isasi, Robert Edwards, Gillian Lockwood, Gladys White, David Galton, Jeff McMahan

John Robertson: Concerning your point about therapeutic cloning. Did I conclude correctly that at the present time we do not know for sure whether tissue made via therapeutic cloning would suffer various imprinting or other problems? Is that still an open issue that we need more research on?

John Gurdon: Yes, that is true.

John Robertson: What are the factors that would determine that problem?

John Gurdon: It is not known yet what the limits are. Probably one of the ideas is that the imprinting imposed on donor nuclei is not completely reversed, not completely reprogrammed. Therefore some genes cannot be switched as happens normally as a result of the reprogramming process in the embryo. It would mean that the cells derived from those original transplants are defective.

John Robertson: Even if we are able to direct the cells into tissue of our concern?

John Gurdon: That could well be so. Having said all that, of course science advances rapidly, so in a given time I suppose there will be solutions to these problems. But at the moment, it remains a problem.

John Robertson: This question is for Carson Strong and, by implication, for Dieter Birnbacher. In your talks, I did not see any arguments that would not also apply to cloning by a fertile couple. I understand Dieter's comments on reconstruction of the meaning of dignity to apply to cloning by fertile couples or fertile individuals as well as the infertile. I would be interested in knowing whether the interest in cloning, if it were to be protected, would have to be extended to anyone who wanted to clone anyone, assuming they had lawful access to the cells they wished to clone.

Carson Strong: Very good question, John. Actually there are at least three components to your question. It is possible to examine individual cases, say a fertile couple wishing to use cloning, and ask whether cloning would be ethically permissible in this particular case. Then there is the issue of whether it would be ethically permissible to have a policy that permits anyone to use cloning, including fertile couples. Here, one of the concerns is whether such a policy would have harmful consequences for society. Thirdly, should the state forbid anyone, including fertile couples, from using cloning? So there are three separate questions.

Taking the first question, I would suggest that the objections mentioned in my paper can also be applied to this sort of case. We must ask whether those objections are successful. In most cases I think the argument on harm to the child would not be successful. The question arises of whether it is contrary to respect for the child. I think that since we are looking at the individual case, the answer would be 'it depends on the particular case.' How would the couple actually treat the child after its birth? I can imagine situations in which they would treat the child in a loving manner and promote the child's autonomy, in which case the objection would not succeed. The third objection is the teleological argument. I think that falls flat no matter what the particular case we are dealing with. So the answer to the individual case is, yes I think the arguments I have presented would support the view that it is ethically permissible for a fertile couple to use cloning. Again I emphasize this is something that is based on the facts of the particular case. In some cases of this sort, it seems plausible to argue that it would be ethically permissible.

Dieter Birnbacher: In any case, no-one expects to be without any risks. There must be some negotiation on risks and chances, between negative and positive aspects. And of course in the case of infertility there is a greater demand for using this exotic procedure than in a case where the parents demand cloning for different reasons. So I stress again the matter of priority. Cases where fertilization *in vitro* is now used for enhancement purposes will continue to be used and were of course introduced only for medical purposes in the first place.

Anne McLaren: My query and a brief comment to Carson Strong. In mice, it has recently been shown that both eggs and spermatozoa can be derived from embryonic stem cells in culture. Now we do not know whether they are good eggs or good spermatozoa, and we probably won't know until after decades of research mainly on animals. But if it turns out that good human eggs and spermatozoa can be made from cloned cells of each individual, it would of course mean that gamete donation was unnecessary and reproductive cloning for infertile couples is also unnecessary. But if that situation does not arise, then in the case of the infertile couple, do I take it that you would recommend cloning of the fertile partner rather than the infertile one, so as not to duplicate another irretrievably infertile individual?

Carson Strong: The quick answer is no. I am not making a recommendation even that they use cloning. I am simply addressing the question 'would it be ethically permissible?'. I argue that it would be. I think it is a matter of arguing that cloning then becomes an additional option for infertile couples. It is their choice. They may have very good reasons, for example, for wanting to have each partner provide the cell nucleus successively so that they would have both a son and a daughter, for example, although not necessarily in that order.

Soren Holm: My question is for Carson Strong. The importance of reproduction is becoming more and more confused. It seems to me that we use its importance in people's lives to declare we should have reproductive liberty, since this is a very important right. But then of course if reproduction is so important, it is also something I should think about morally, about someone deciding to reproduce. After all, having a child is one of the ways I can most predictably affect other people. School teachers, classmates, you name it; having a child is one of the acts that can be done now that will have most ramifications into the future. It seems to be a very important act morally. But that seems to count against reproductive liberty, so I am slightly confused about whether reproduction is important or not.

Carson Strong: I would respond this way. I have been defending not so much the general importance of reproduction. Of course, it is obviously very important for the survival of the species, but I have focused on the importance of reproductive freedom for the individual. I try to argue that individuals can find a personal meaning in having children. This is a response to a common objection that it is not that important to have a genetic offspring as long as adoption is available or donor pre-embryos are available. I try to point out that individuals can find personal meaning in having children. That was not meant as an argument that you have a duty to reproduce. I did not intend it to be interpreted in that way.

Rosario Isasi: A question for Dieter Birnbacher. You said especially in the context of human cloning, that the argument on human dignities is the mere use of rhetoric. I would like to know, how do you conceptualize human dignity, because you avoid that in your presentation.

Dieter Birnbacher: That would be a long story. I can only give you the essentials. I would distinguish very strictly between various concepts of human dignity. It is not a unitary concept, but a family of concepts in the Wittgensteinian sense. There is a good deal of overlap between these concepts, but the central idea of respect is very different in each case. The dignity of the individual is different from the dignity of the species. In between these two concepts there is an intermediate concept which covers also human embryos, human corpses and possibly even human cells and organs. We have to be very clear about what kind of respect we have in mind in respecting dignity for these various objects. I have made the attempt to show that the idea of dignity which is appropriate to individual human beings, to concrete persons, cannot be applied to abstract objects like the human species and then be made the basis of similar prohibitions. For an individual, dignity is a set of rights, a minimal set of rights. Species cannot have rights, and it is doubtful whether embryos can. I wish to show the idea of attributing dignity to abstract objects is confused.

Jeff McMahan: I have initially a slight challenge to something that Carson said and then wish to suggest a case of reproductive cloning that seems to me maximally justifiable. If you are going to defend reproductive cloning I have got an example for it. The challenge is this: in your remarks you said that if cloning would harm the clone it would also benefit it. Did you have something like this in mind when you said that cloning might harm the child, and raised the special problems that cloned individuals would have? They would be unusual, they would be related to their parents, and develop in bizarre ways. But you gave an instance of the way which the cloned individual would benefit from cloning, namely the benefit of existence itself or something like that. It seems to me that these are not the kinds of harms and benefits that you can weigh together in exactly the way you are proposing. I mean if you weigh the benefits of existence against the harms of being cloned, that is just asking the question 'Is this a life worth living?'

The example I wanted to give is the following. Imagine a woman whose husband has died. She has been impregnated by him, but the baby gets injured, and is definitely going to die. What she desperately wants is a child that is a biological product of herself and her deceased husband who now is no longer capable of reproduction. The way she could have that baby is by cloning the infant that she already has before it dies. Now the reason I say this is a kind of maximally justifiable sort of case is that what she wants to get from this is much closer to what people ordinarily want in reproduction than what is envisaged in most discussions of reproductive cloning. What she

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