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ORGAN DONATION: WHAT'S LOVE GOT TO DO WITH IT?

Jennifer C. Lahl, Executive Director
The Center for Bioethics in Culture
(Oakland, CA)

The topic of organ donation prompts us to consider many ethical issues, such as resource allocation, xenotransplantation (the transplantation of animal organs into humans), futility of care, and the complex issues raised by having a child in order to produce a suitable organ for transplantation into an ill relative. All of these issues are driven by the fact that there is indeed a shortage of human organs for transplantation; therefore, this article will focus on identifying and evaluating some suggested methods for alleviating the critical shortage of organs that is of concern to both society and the medical profession alike.

Many of these suggestions clearly take the concept of "donation" out of organ donation and move us away from the spirit of altruism toward the commodification of

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DIGNITY

THE NEWSLETTER OF THE CENTER FOR BIOETHICS AND HUMAN DIGNITY

Christian perspectives on bioethical challenges such as end-of-life care, euthanasia, genetic and reproductive technologies, and the changing face of health care.

CLONING HUMANS: LEON KASS AND KEVIN FITZGERALD ON THE "POST-HUMAN FUTURE"

Linda K. Bevington, M.A. *Director of Research, The Center for Bioethics and Human Dignity*

When President Bush was faced with the daunting task of deciding whether federal funds would be appropriated for research on human embryonic stem cells, he diligently sought out and considered the views of both proponents and opponents of the controversial research. For assistance in reaching a final decision on the matter, he turned to Dr. Leon Kass, M.D., Ph.D., an esteemed University of Chicago professor who has established himself in the fields of bioethics, medicine, and education.

While Kass has declined to reveal the exact nature of his advice to the President – or the extent to which that advice was followed – one aspect of the Kass/Bush relationship is clear: it will be ongoing. During the nationally-televised August 9, 2001 address announcing his long-awaited decision on the stem cell issue, Bush declared his plans to appoint an advisory council to monitor stem cell research, as well as to address the complex medical and ethical questions prompted by other biomedical advances. Bush also revealed that he had selected Leon Kass as his choice to chair this council comprised of prominent scientists, physicians, ethicists, lawyers, theologians, and other professionals.

In addition to bringing a passionate expertise in bioethics to the stem cell debate, Kass has also been quite engaged in the deliberations over human cloning. In publications on this issue dating back to 1972, Kass worries that human cloning will inevitably usher in what he calls a "post-human future," with negative and irreversible implications for all.

Articulated in his June 20, 2001 testimony before Congress, Kass holds the conviction that human cloning must be prohibited in both what is commonly referred to as the "reproductive" and "therapeutic" sense. That is, in order to prevent the kind of future that Kass dreads, legislators must move quickly to proscribe not only the implantation and birth of human clones, but also the laboratory creation of cloned embryos intended only for use in research – regardless of the alleged benefits of such research. Kass stated

in his Congressional testimony that, "Anyone truly serious about preventing human reproductive cloning must seek to stop the process from the beginning, at the stage where the human somatic cell nucleus is introduced into the egg." (For the Center's statement supporting a ban on both "reproductive" and "therapeutic" cloning, please access <http://www.cbhd.org/cloning/cloning.pdf>.)

In April, Center President John Kilner, Senior Fellow Ben Mitchell, and I had the privilege of spending an afternoon with Leon Kass and fellow bioethicist Dr. Kevin FitzGerald, Ph.D., S.J., who also does oncology research at Georgetown University Medical Center in Washington, D.C. In response to our questions concerning some of the intricacies of the human cloning debate, Kass and FitzGerald responded in not only an informed, but very insightful and thought-provoking, manner. Of key interest were the discussions pertaining to the current legal initiatives to regulate human cloning, the alleged "right" to reproduce via cloning,

**"Human cloning is
offensive. Most
people can't tell you
why... we have got
to help them."**

*—Leon Kass, Chair of
President Bush's new
bioethics advisory council*

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effective means of engaging this debate, and the far-reaching implications of cloning for the human society. Following are summarized excerpts of those discussions.

With regard to the debate over whether a comprehensive ban (which would prohibit both "reproductive" and "therapeutic" cloning) or a non-comprehensive ban (prohibiting only "reproductive cloning") should be enacted, Kass defended the necessity of a comprehensive ban by asserting that it would be the only ban that would effectively prevent "reproductive" human cloning. He pointed out that if cloned embryos are created in the laboratory in the private context of a doctor/patient relationship, there may be no way to prevent their implantation into a woman (and their subsequent birth) since it will not always be possible to determine which embryos resulted from cloning and which did not. Furthermore, should it be confirmed that a woman is carrying an "illegal clonal pregnancy," many people would protest a state-mandated abortion, or a prison sentence if the woman insisted on carrying her cloned child to term. FitzGerald envisioned a scenario in which human clones were born in a legislative context that regarded cloning as a felony and wondered whether the cloned individuals would have legal recourse to sue those responsible for their creation. (They might be especially motivated to follow through on such recourse if they suffered from any of the developmental maladies that have typically plagued animal clones to date.) Thus, not only would a ban solely on "reproductive cloning" fail to prevent what it is intended to prevent – the birth of human clones – it would also likely lead to a myriad of legal and medical problems.

Proponents of "reproductive" cloning often support their case by asserting that this technology would allow an infertile or homosexual couple to have a child who is genetically related to one partner. They also appeal to the fact that cloning could enable a single person to have his or her own genetically identical offspring. In both cases, the need for a sperm or egg donor (which some regard as objectionable) would be eclipsed. When asked how such justifications for human cloning might best be undermined, Kass challenged the very notion of what is increasingly being heralded as "the right to a genetically-related child." He argued that legal precedent enshrining such a "right" does not exist and asserted that we must attack, though with compassion, the idea that creating such a child via cloning is a good idea. In doing so, Kass suggested that we focus on the host of resultant maladies that would likely be unleashed which the clone's parents would themselves abhor. (For example, if a woman's college son – a clone of her husband – reminded her of her spouse at the time she first fell in love with him, serious relational and

marital problems might arise within the family.) In Kass' words, "Turning the world upside down to make sure that [a few couples] can have a genetically-related child is not sensible."

Those who are opposed to human cloning on the basis that it constitutes a threat to human dignity often offer inherent objections to the practice in support of their opposition. However, both Kass and FitzGerald contended that to make such a case against cloning is not likely to be effective in a culture that has increasingly rejected the existence of moral absolutes. Kass recounted his experience of presenting to a group of graduate students the anti-cloning argument that a child should be the product of the union between a man and a woman. He indicated that while the students were in complete agreement with his position that human beings should not be cloned, they intensely disliked his supporting argument. Kass and FitzGerald stated that people today are likely to be friendlier to the important consequentialist arguments against cloning: that it will pave the way to despotism, "manufacture" and "commodification" of children, extreme control over the lives of others, and limited freedom of our offspring – the consequences of which will surely be detrimental.

Finally, in explicating the importance of addressing bioethical issues such as stem cell research and human cloning at the public policy level, Kass underscored the appropriateness of a legislative ban that would prohibit both "reproductive" and "therapeutic" cloning. While he acknowledged that bans are crude instruments for setting limits regarding where science will take society, he asserted that a comprehensive cloning ban would place the burden of proof on cloning advocates to offer a convincing argument as to why we should endorse something that will transform humanity.

In his concluding remarks, FitzGerald stated that the human cloning issue has enormous implications for our concept and experience of freedom. He stated that, "Freedom is not necessarily merely the exercise of choosing this option rather than that option, but also the exercise of discovering one's self . . . [as an] individual or . . . as a community. When we attempt to control all the various elements of our lives to the extent that this . . . technology seems to indicate, we have in a sense chosen to relinquish some of that freedom (whether we are successful or not). We can no longer now be the creatures that we were before." Kass added: "There are . . . people who care about what it means to be a human being – not in some kind of technical, philosophical sense – but [because] they recognize threats to the things that they hold humanly dear. Human Cloning is offensive. Most people can't tell you why . . . we have got to help them." ■