

# Is cloning the absolute evil?\*

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Although the literature raised by the announcement of Dolly, beginning in 1997, is very uneven in quality, as Hermitte (1997) writes in the last volume of the French Cahiers du Comité Consultatif National d’Ethique (the October volume is devoted to the cloning issue; see also the outstanding critical analysis by Bertrand Liaudet of the Reponse au Président de la République au sujet du clonage reproductif in the same volume), everything has been said and repeated. The only task left would be the tireless distinction between true and false assertions, between sound arguments and sophisms. The priority seems to be no more the analysis and assessment of the cloning techniques, but the analysis and assessment of all the symbolic reactions about and around these techniques and their possible extension to human beings. ‘Words’ and not ‘things’ seem to be the actual major concern for the philosopher.

Francis Bacon, whose ideas did so much for the development of the ‘new science’—the modern, experimental science—and for the institution of the first scientific Society (the Royal Society) called ‘idols’ these symbolic representations and beliefs which continuously are hiding things and facts behind words and which hinder the progressive and responsible mastery of nature by man.

During the first half of the 20th century, Sir Alfred Ayer, one of the promoters of logical positivism and neo-positivism, was inviting the learned community to a kind of ‘gentlemen’s agreement’ between scientists and philosophers. The first should analyse facts; the second should analyse words and sentences. We know that this division is a too simplistic. However, philosophers are essentially de-

voted to meaning, concept, proposition or argument analysis. This task is not a subordinate one: human beings live at least as much among symbols or signs as amongst facts and things. Even more: human beings as such have access to things and facts only through words and representations.

However, one particular aspect strikes the philosopher about cloning: it is that kind of existential or metaphysical horror which the idea of cloning (especially human cloning) has raised and which contributed much to its universal and *a priori* condemnation. Six to seven dramatic pages on reproductive human cloning in the *Réponse au Président de la République au sujet du clonage reproductif*, written by a work group from the French National Consultative Ethics Committee in April 1997 are, in this sense, exemplary. They are talking about the ‘unacceptable overthrow of the human condition’, about ‘the great lottery of heredity, with its unlimited uncertainty, which constitutes a major protection of human being’, about ‘attack on human condition’ or ‘getting out of human nature’, etc. And these pages conclude to an inescapable ‘definitive, categorical, vehement ethical condemnation’.

In this paper, I will limit myself to the idea (and it is only an idea at present time) of human reproductive cloning. This idea is interesting from a philosophical point of view because of its almost universal and absolute condemnation. All the other uses of cloning techniques could be right or wrong. In this sense, they are not different from ordinary means or tools, even if they call for particular prudence. Reproductive human cloning is described as an absolutely unacceptable technique, as an act that no circumstance could possibly justify; worse than killing, for which people have found so many justifications and excuses. ‘Thou shall not clone’ should be put at the very beginning of the Decalogue.

Could one say that human cloning is an illustration of the absolute evil? Kant, who is one of the most quoted philosophical references in bioethics, talks about ‘radical evil’. But ‘radical evil’ is, for him, only the evil linked to the

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human condition. Man, since he is free and finite, may make use of his freedom for the good or for the bad. Cloning, precisely, would exclude this alternative or choice. Cloning would be absolutely bad. In Kant's terms, cloning would express a perversion of the will of the person who would achieve it.

Now, what is the good? Following Kant, good will is the good. And good will is the will of the person who promotes, for himself and in the other, reason and freedom. The Kantian good consists in supporting always and everywhere the autonomy of the person.

If cloning is the absolute evil, it should be the necessary negation of all autonomy in the other person. It would always entail objectivization and instrumentalization of the other person, leaving no room at all for the consideration of the other as an end or as a free being. Denying the autonomy of the other person, it would deny the very otherness of the person. This is the meaning of the absolute condemnation of cloning which is as categorical as the moral imperative that cloning would transgress necessarily.

Can one seriously claim and demonstrate that all forms of human reproductive cloning would entail necessarily and entirely the instrumentalization, objectivization and negation of the autonomy and otherness of the other person?

To answer this question, I will analyse: (i) the argument about the absolute identity denying the otherness of the clone; (ii) the argument about instrumentalization denying that the clone is a person; (iii) the argument about determinism denying any possible autonomy or freedom of the clone.

These arguments are very closely linked together. They are a various denouncement of one and the same 'evil'.

### The argument about identity

I will not consider here fantasies concerning eugenics and massive cloning in totalitarian societies. Cloning techniques would only add new means to achieve the political evil already present in such societies. I have only in mind the eventuality of a couple or a person choosing cloning for determinate reasons, such as: accidental death of a child, total sterility, terminally ill child needing bone marrow transplant, couple of adults carrying both lethal recessive genes, etc. There would be no more than one or two clones. Can one seriously claim that the identity of such clones with the parent-donor would necessarily and totally deny the otherness and hence the autonomy of the clone?

Recent literature has enough emphasized that the biological identity of clones is far from being absolute because of the differences linked to mitochondrial DNA, interac-

tions between genes and interactions between genes and the environment. These various and complex interactions, which may entail mutations, run during the whole development and existence of an individual. In the cases taken in account, the differences would be still greater because of the age distance between the parent-donor and the clone.

But above all, biological identity doesn't exhaust nor even constitute the identity of an individual as far as he is a human being. The identity of a person is psychological, social, cultural. Being much more separate than monozygotic twins, clones should have enough room to develop their own personal identity.

I am not claiming that there would be no problem at all. However, (i) to a large extent, these problems would depend on the manner in which clones would be accepted or not by their family and by society; (ii) concerning identity problems and acceptance of children's otherness and autonomy by parents, important and various problems occur in the frame of ordinary sexual reproduction. It all depends on the father, the mother, the family and the people by whom the child is reared.

This matter being speculative, one could imagine that the clone, who has only one unique model to identify himself with or against, might have less identity problems (particularly, sexual ones) than an ordinary child.

However, it is obvious that in our present society and having regard to the great number of representations and discourses which demonize cloning, clones would face heavy difficulties. But this is due to circumstances. Natural circumstances: evolution has made human race reproducing itself in a sexual way. Historical circumstances: social representations, values and institutions have been constructed on the basis of these biological data. Institutions have interpreted natural data in various ways, but they could not ignore these biological starting points. Now, the biological or natural data are nevertheless contingent products of evolution. Products that science and technology are beginning to acquire the capacity to modify. Products that it is no more possible nor legitimate to identify with a non temporal essence or a transcendental structure.

In the line of this evolutionist view, one often stresses the superiority of sexual reproduction, which guarantees diversity, and one thinks to find with this another argument against cloning which is genetically impoverishing. It is true that massive reproduction of a species by cloning would be impoverishing in regard to genetic diversity. But the fact that a species so far limited to only one way of reproduction could also, in some circumstances, use another way of reproduction is, in fact, enriching. It could grant this species an 'evolutive advantage' that might be crucial for survival in some extreme conditions where the

usual ways of reproduction would be rendered impossible. So, limited use of cloning would not really impoverish genetic diversity and it would increase biodiversity and social diversity, since filiation by cloning would be added to ordinary filiation.

Concluding this point about identity, it seems to me that, in the limited number of cases evoked, problems would be fundamentally linked to the self-perception and social perception of clones. This situation is not essentially different from the situation of test-tube children, which is on the way of progressive normalization.

### The argument about instrumentalization

The fear for instrumentalization is closely connected with the anxieties about identity. Indeed, negation of individual identity is negation of the otherness of the other person, hence negation of autonomy. Now, instrumentalization is the same as denial of autonomy.

Once again what strikes one is the great number of different possible cases and situations. Among these, without doubt, we can find fantasies of absolute instrumentalization: clones as organ tanks, massively produced eugenic or functional clones, etc. But one can imagine also cases where instrumentalization would be less and even marginal or not more important than for many naturally conceived children. In other words, one can perfectly imagine cases in which cloning reproduction would fulfil a certain desire and function (replacement of a dead child, for instance), without exhausting the being and the proper meaning of the clone also accepted and desired as another person; a person becoming more and more autonomous while getting older. Such situation and such evolution are not essentially different from the ordinary ones. It is a commonplace that both parents or one parent impose to children an imaginary function and address them conscious or unconscious demands, instrumentalizing them in diverse senses and to various extent. In most of the cases, these partial instrumentalizations do not prevent the child from being at the same time an end as such for his or her parents, neither from gaining his or her own autonomy and personality. I do not see why it should be necessarily and always different with cloning reproduction. I do not see why instrumentalization of individual clones ought always to be integral and hopeless. To repeat: partial instrumentalization in various senses is a universal component in human relations, even in the most (in principle) disinterested ones, such as love or friendship. Kant was perfectly aware of this: his categorical imperative does not forbid to instrumentalize the other person, but only to instrumentalize the other person totally. We

have the moral obligation to relate to the other person always also as an end and not simply as a means.

To conclude: being new and even a very extraordinary idea, cloning tends to emphasize certain aspects of ordinary human life. Mass cloning in a totalitarian society would be a caricature of slavery. But the cloning technique did not invent either slavery or the army as a kind of human mega-machine. Evil is not in the technique. And cloning is a technique which may have good and bad uses, depending on context and circumstances. A child conceived and born in the natural way but soon after the death of another child is always also a replacement child. As such, he or she will be instrumentalized and loved. This particular birth situation will not prevent him or her from becoming another person, and not only the shadow of the dead one. Once again, I do not see why it would necessarily be different, time going on, with a clone. And if it is possible to distinguish between degrees of instrumentalization - as it obviously is about cloning possible situations and circumstances - there should be also room for degrees of autonomy.

### The argument about determinism

Quoting the French *Reply to the President*, this is the fear that cloning would suppress 'the great lottery of heredity, with its unlimited uncertainty, which constitutes a major protection of human being', the essence of the human person being freedom. This argument includes several sophisms.

First, the very idea of genetic determinism. As it has been said about the question of identity, gene/gene and gene/environment interactions are limiting determinism and predictability even at the biological level. And this determinism and predictability are still much more limited in the field that is most important: the evolution of a personality, the existential choices with their psychological, sociological and cultural motivations.

Another aspect of the sophism is that the clone would be pre-determinate and predictable because the model would be known. This would of course not be the case when cloning a child, dead or not. But even in the eventuality of cloning an adult, one does not see why the clone should necessarily repeat the errors or successes of his or her parent.

Once again, there is no doubt that self-perception and social perception of the clone are very important factors to encourage or discourage clones to develop their autonomy. But this situation is not deeply different from the situation of many children who are deformed and conditioned by their parents, family, education. Ideological or religious

indoctrination, conditioning techniques of behavioural psychology diminish or suppress the autonomy of the other person and guarantee the capacity of predicting the behaviour of individuals in a much more extended way than would do cloning reproduction. And let us note that all those who want to impose definitive and absolute interdictions they wish to place out of any future consideration and debate, help also strongly to impose behaviour determinism and prevent the development of the capacity for free reflection and choice.

Another sophistic argument, that is rather often found in bioethics literature, is the idea that human freedom would directly depend on or derive from the unpredictability, the open and unknown chances of genetic combinations and mutations at the origin of each individual. If one thinks that way, any responsible taking over of human reproduction (by prenatal diagnosis, genetic therapy, eugenic abortion, etc) would affect the freedom of the individual.

Pretending to reduce human freedom—which postulates deliberate choice after information, reflection and debate—to chaotic non-determinisms and unpredictable chances in nature amounts to deny human freedom and not to honour it.

Philosophy, especially Kantian philosophy, stresses that the human being is a being of freedom only to that extent that it is also a being of reason. The ideal is the synthesis, never wholly achieved, between reason and will. Only such a synthesis allows genuine ethical choice. Presenting the genetic lottery as the essential condition of possibility of free ethical choice is nonsense. The faculty of free choice is not to place in the mutational odds of genes nor in the unpredictability of the individual genome. It is much more rooted, for instance, in the linguistic capacity and in the existence of open societies.

### Concluding remarks

This presentation is not a defence of human reproductive cloning. It is a defence and illustration of the freedom of thought, the freedom to discuss and to evolve. In my opinion, the absolute and definitive interdiction that many people wish to impose on human reproductive cloning and which should definitively end the debate is dangerous in itself (because it would be a dogma or a taboo) and is not justified. An important part of the argumentation in favour

of absolute interdiction is based on a partial or incorrect presentation of facts, on the refusal of distinguishing between cases, contexts, circumstances, motivations and on sophistic arguments. The desire for an absolute interdiction often expresses a deep feeling of anguish. And the very origin of this anguish – its real object – may be the abysmal experience of the human freedom itself. The style and accent of the pages that the French reply devotes to human reproductive cloning illustrates pretty well this emotional reaction ending in the ‘vehement, categorical and definitive ethical condemnation’ which is expressed in such a dogmatic almost theocratic wording: ‘Thou shall not clone’. Never.

I must say that I fully agree with the content, the tone and the conclusions of the American National Bioethics Advisory Commission (1997) report to President Clinton which expresses a firm consensus in favour of a moratorium concerning all forms of human reproductive cloning. This consensus is based on the still unknown and biological risks of the new technique and also on the very controversial nature of the issue at the ethical and more generally social levels. The Clinton report does not deny that there is a debate, an open debate (also among theologians), and it encourages the going on of this debate. The report does not pretend to forbid from now and forever, but for a period limited to a few years at the end of which one should make a new state of the question.

I think that, in addition to the unknown biological risks and also to the risks linked to the ruling social representations, cloning has foremost against it that it is for the human race anti-natural. Now, the human race is, in some important sense and to an important extent, also itself anti-nature.

However, my point, in this paper, was not to develop arguments in favour of human reproductive cloning. It was only to analyse some arguments against it, some arguments which, in my opinion, lack modesty and, in some cases, relevance.

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