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# **Human Cloning**

## **An Ethical Approach**

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# **Indonesian Law:**

- **We do not have law on human cloning whether reproductive cloning or therapeutic cloning;**
- **What we have is ethical guidance for reproductive cloning and therapeutic cloning**
- **I will explain the reasons**

# Terminologies

## 1. Direct product of human cloning

- What is the name and nature of direct product of cloning?
- Some people have objections to name “embryo” to the direct product of human cloning.
- The enucleated ovum with the somatic nucleus inside has undergone a radical changing from haploid into diploid cells.

# Terminologies

- In its single nucleus contains the full complement of genetic material necessary for producing a new organism (human being). Precisely because of this changing that the growth of the cells – chromosomal replications, cell division and differentiation into tissues and organs – are coordinated by its inner programs and their development is directed by internal principles toward becoming full living being (human being).

# Termonologies

- The direct product of cloning has exactly the same characteristics as an embryo and without doubt, it is an embryo. If it is not an embryo, the reproductive cloning is not possible. In this case, the origin does not determine the thing but its nature and the essence that make up a thing. So, the origin of the embryo, whether come from fertilization or cloning, doesn't change the nature of the embryo. The direct product of cloning is embryo in nature and in essence.

# Reproductive Cloning?

- Cloning human is producing an embryo asexually which has the identical genetic information as the one being cloned.
- All clonings are reproductive cloning because the direct product of cloning is an embryo.
- In fact, cloning is only initial part of the process while the rest is natural process.
- The type of cloning is determined by the final goal of cloning and in this case, the final goal is producing human beings.
- I prefer to use “Cloning to produce human being”

# Therapeutic Cloning?

- Although the final goal of this type of cloning is therapy but the act of cloning itself is not a therapy.
- The Random House Webster Dictionary presents the definition of therapy “*the treatment of disease or disorders, as by some remedial, rehabilitative, or curative process: speech therapy.*” In this case: the person who receive intervention get the benefit of the intervention so that she/he is cured.
- The embryo, who receives intervention does not get any benefit, even it is destroyed.

# Therapeutic Cloning?

- It is true that somebody will be cured but it is not the embryo upon which the action of cloning is done.
- Furthermore: this type of cloning contradict to the principle of medical ethics: You cannot cure a person by killing another person.
- In place of therapeutic cloning I would prefer to use “Cloning to create therapeutic/research means”



# **CLONING TO CREATE HUMAN BEINGS**

# 1. Playing God

- Most of the eastern tradition, especially for the Indonesians, religious aspects play important role in making decisions. All believers believe that God is the creator of the universe and that the human being is a creature. God is the Lord of the creation (human being) and a human being is the administrator of his life.
- Human being is not the creator of life and the creator of life is God's prerogative rights' Human beings should not usurp this right. If human beings traverse this border, it means that these human beings are playing God: they are taking over the role which is reserved exclusively for God.

# 1. Playing God

- Cloning is a transgression of God's law in which God is the sole creator of the universe and humankind. This human creation is even worse because the so-called creator cannot give his creature (the cloned human being) a salvific relationship which leads to eternal life.

## 2. Biological Identity, Uniqueness, and Unrepeatable of Human Life

- From the embryological point of view, after finishing of fertilization, zygote is not a mass of cells but has her/his own exact genomic identity and this genomic identity becomes his identity for all of his life; those cells form a unity as an individual where each of the cells has its own place and proper job in the overall precise and determined development; its development is autonomous because it is guided and directed by an internal genomic program.

## **2. Biological Identity, Uniqueness, and Unrepeatable of Human Life**

- This genomic identity of the embryo is unique because it is different from the genomic identity of those who have generated the embryo (father and mother) and it is different from that of the other children of the same parents and certainly it is different from that of any people in the world.

## 2. Biological Identity, Uniqueness, and Unrepeatable of Human Life

- Article 2 of the Universal Declaration on the Human Genome and Human Rights of the UNESCO said, “
  - a) *Everyone has a right to respect for their dignity and for their rights regardless of their genetic characteristics.*
  - b) *That dignity makes it imperative not to reduce individuals to their genetic characteristics and to respect their uniqueness and diversity.*”

## 2. Biological Identity, Uniqueness, and Unrepeatable of Human Life

- Article 11 of the same declaration said *“Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted. States and competent international organizations are invited to co-operate in identifying such practices and in taking, at national or international level, the measures necessary to ensure that the principles set out in this Declaration are respected.”*

## **2. Biological Identity, Uniqueness, and Unrepeatable of Human Life**

### **Some interesting observations:**

1. The right for respect and dignity has to be applied to everyone.
2. This respect and dignity is connected to the genetic characteristics and not to the personhood status of human beings. Whatever the genetic characteristics of the subject are, as long as it is a human genetic characteristic, its dignity and rights must be respected.



## **2. Biological Identity, Uniqueness, and Unrepeatable of Human Life**

### **Some interesting observations:**

3. Declaration emphasized the uniqueness and diversity of the genetic characteristics.
4. The uniqueness and diversity of the genetic characteristics have to be respected.

### 3. Confusing Personal Identity

- Personal identity is the identity of a person as a whole. This is the identity which makes a person different from another person. It comprises the genotype (genetic constitution of an individual as determined by the particular set of genes it possesses), phenotype (the observable characteristic of an individual which result from interaction between the genes he possess and the environment), physical form, and personality.

### 3. Confusing Personal Identity

- It is true that the genomic identity is only part of the whole personal identity. The personal identity is broader than the genomic identity. The genomic identity is formed at fertilization while the personal identity is formed during the lifetime of the person through the interactions of the person with the external stimuli and through how the person processes those stimuli internally and gives responses to those stimuli.

### 3. Confusing Personal Identity

- It has to be noted attentively that many aspects of the personal identity depend on the genomic identity whether directly or indirectly.
- Now it is becoming more evident that some genes have big influences in human behavior.
- Even in many cases the personal identity is determined by the genomic identity. White or black people is depend on the genomic identity.

### 3. Confusing Personal Identity

- The real problem of personal identity in relation to human cloning is that there is a person who determines the personal genomic identity deliberately; he (the master) imposes upon another person (the cloned human) to receive his personal genomic identity which eventually becomes the personal identity of the cloned human being.

### 3. Confusing Personal Identity

- It is true that in the fertilization the parents also in a certain ways determine the personal identity of the children. But in cloning, there is one person who determines and imposes deliberately his personal genomic identity almost 100% while in fertilization nobody does. Even the genomic identity of the baby is totally new and unique.

### 3. Confusing Personal Identity

- This enforcement of personal genomic identity would make a tremendous impact on the psychological level. The continual comparison with the master who is his “*alter ego*” will impair his sense of self and give the feeling of already having lived. The confusion of personal identity will arise from the fact that the cloned human being may be the twin of his father or even his grandfather. It will give psychologically unbearable burdens. People are likely always to compare his performances in life with his master who is his alter ego.

### 3. Confusing Personal Identity

- This genetically identical make up of the cloned person will put burdens on him. On one side, he will discover that people love him and adore him not because of his good qualities as person but because he is the copy of the deceased person and has to follow in the footsteps of his deceased master. On the other side, he might know that people will hate and detest him, not because he does something wrong or because of his bad attitudes, but because he is the copy of a genotype that has already lived. This will lead to alienation from his personal identity. He will be a stranger to himself.



## 4. Limiting Freedom & Autonomy

- Although it is true that human being is multi dimensional and cannot be reduced to the genomic determinism but human genome plays an important role in determining human behavior.
- Imposing human genomic identity on another person creates a very big problem regarding freedom and the right of auto-determination of the person. The receiver (cloned human being) has no possibility to refuse or to choose another possibility.

## 4. Limiting Freedom & Autonomy

- Freedom and auto-determination are important predispositions allowing people to become themselves. If a person is forced to do something which is not his choice, he will be alienated from his actions (behaviors) and unable to take responsibility for his actions. In this case, he cannot become himself through his actions

## 4. Limiting Freedom & Autonomy

- Jürgen Habermas: When a person knows that his genome is pre-programmed by somebody else, he will change his auto-perception toward his physical and mental existence. His recognition of self as the product of a pre-programmed person will overlap or even replace his spontaneous being. The failure to make a distinction between spontaneous and artificial will engrave his existential modality. This changing of auto-perception happens in his brain and it will affect his way of regard his existence

## 5. Inequality among Human Beings

- In the natural fertilization, the formation of the child's genome is determined by a combination of nature and chance, not by human design. Father and mother cannot intervene in the formation of the new genome. It is like a lottery in which the players cannot do anything to determine the result except to wait, to see, and to accept the result
- But this “lottery by chance” proves to be a blessing. Each human child shares the common natural human species genotype; each child is genetically equally kin to each of the parents, yet each child is also genetically unique.

## 5. Inequality among Human Beings

- In human cloning, the equality between human beings cannot be guaranteed because there is a person (the master) who determines the others (cloned human beings). The master has a higher level because he has the power to determine and impose his personal genomic identity on his cloned human being.

## 5. Inequality among Human Beings

- So the real problem starts with the existence of the cloned human being and from the cloned human being himself: he/she will not be born equal to other human beings. The inequality is inherent in the nature of the cloned human being and not because other people treat him unequally. This is a serious violation of human rights.
- Universal Declaration of Human Rights states clearly, *“All human beings are born free and equal in dignity and rights.”*

## 6. Transgressing the Right not to Know the Future

- The natural twin is different from cloned twin. In the natural twin, they are contemporarily identical twins because they live at the same time. On the contrary, the master and the cloned human being are not contemporarily identical twins. They do not live at the same time but in a sequence of time: one after another.
- Although they begin their life with the same genome but they start with the same ignorance about their future. They do not know the fate of their future. With the course of time, they will enrich their lives according to their preferences & choices.



## 6. Transgressing the Right not to Know the Future

- Thus they remain free to choose a future like other individuals who do not have a twin. In this case, ignorance about their future is a preliminary condition of freedom
- Only in this way can a human being become himself. The ignorance of their future is necessary for the spontaneous, free, and authentic construction of a life and self. They will have exciting and interesting experiences each time because these experiences will be new for them. That is the reason, Jonas holds that every one of us has the right to ignorance, the right to not know his future



## 6. Transgressing the Right not to Know the Future

- Jonas concludes that in this case, knowing the future is harmful. It paralyzes the spontaneity to become oneself and endangers the sincerity of relations with other people with him.
- The cloned human being believes that he knows many things about himself because there was already a person who lived a life with his genome. It seems to him that his life has already been lived by another person so he feels that his fate is already determined. In this way, he will lose the spontaneity of authentically creating and becoming his own self. He will lose the sense of freedom to build his own future.

## 6. Transgressing the Right not to Know the Future

- If the master is a famous person, the case is even worse. Many people would expect to see all aspects of the master exhibited and present in his clone. Certainly, those who want to clone a famous figure may have very big expectations that the cloned human being will develop along the lines of the famous master. Those people will raise the cloned baby according to these expectations. This cloned person, who knows that he is a clone of a famous figure, does not have many choices other than following these expectations. In this way, the cloned person will lose his freedom to be himself and to build his life according to his own choices

## 7. Distortion of familial relationship

- Human cloning destroys the above familial relationship:
  - Human cloning is an asexual reproduction with only a single parent for the offspring. It is a radical departure from the natural human way of begetting children. The cloned human being is not the fruit of a reciprocal self-gift between husband and wife which is a manifestation of openness to begetting offspring. Thus it deprives the person from a sexual relationship which is the most intimate expression of a reciprocal self-gift and the natural way of begetting children. In human cloning, children are not the fruit of reciprocal self-giving but the fruit of desire and technique.

## 7. Distortion of familial relationship

- Secondly, cloning a human being creates a confusion regarding the normal understanding and relations of father, mother, sibling and son on and its moral relationship.
- A woman may give birth her biological grandfather or grandmother or grand children or even her self or any other person.
- If this happens, this creates much confusion. Is the cloned human being an offspring or a sibling or who? How does the cloned human being called the woman who gives birth to him? How does the cloned human being call the other members of the blood ties family? The lineages of biological blood ties identify rights and responsibilities

## 7. Distortion of familial relationship

- Third, cloning human being will confuse the parental responsibility. In the natural procreation, parent will receive their child as he is, whether their child is normal or abnormal. This attitude is based on the natural parental responsibility in which parents receive the fruit of their love. The problem is very different with cloning. Who has responsibility if the cloned human being has defect? Do the 'parents' want to take responsibility of the defect so that they will accept the cloned human being as he is? Or do we have to blame the clonner?

**CLONING TO CREATE  
THERAPEUTIC/RESEARCH  
MEANS**

# 1. Intrinsic Value of Human

- Intrinsic value means that things are desirable for their own sake. It is, therefore, affirmatively valued for its own sake, and it exists from the beginning of its existence. It is not a value that is added by someone else in the course of time but it is a value that exists since the existence of the thing and it will only cease to exist at the same time that the thing ceases to exist.



# 1. Intrinsic Value of Human

- So, if someone believes that the life of a human being begins to matter morally only after the 14 days, it means that he does not believe in the intrinsic value of human beings because the beginning of life is not at the same time as when life begins to matter morally. There is a span of time when the life of a human being does not have value.



# 1. Intrinsic Value of Human

- Human life is valuable not because somebody or a state or an institution gives value to it, but because human beings are human beings. Each life bears inestimable worth regardless of externally applied criteria and it also means that among many valuable things, human life must be considered to be the most important.

# 1. Life Is a Basic Human Right

- Human rights are the rights that are attributed or connected with a human being as human being. In other words, all human beings have these rights because they are human beings.
- Universal Declaration of Human Rights on December 10, 1948, Article No. 3 of this Declaration, it was stated that, *“Everyone has the right to life, liberty and security of person*

# 1. Life Is a Basic Human Right

- It is rightly stated that everyone has the right to life. What is not appropriate in the declaration is that it is placed in the same sequence with the right of liberty and security. It gives the impression that those rights are all on the same level and equal in value. In fact, that is not the case. The right to live must be placed as the basis or the foundation of all other rights because without life there is nothing. All human rights have a basic and constitutive assumption based on the life of human beings because all human rights are for those who are living and because there is life.

# 1. Life Is a Basic Human Right

- The basis of the right is the ownership of a thing. For example: I have the right of a computer because that computer is mine. So the basis for the right to live is the ownership of life itself. From the embryological point of view, the beginning of live of human being is right at the completion of fertilization. Zygote has the life of human being.

# 1. Life Is a Basic Human Right

- Since the right to life is the basic right of humanity, respect for this human life needs to be placed as the basis for all things and it has to be respected firmly. Human life is to be preserved precisely as a condition for other values and therefore insofar as these other values remain attainable. Human cloning – especially cloning to create therapeutic/research means does not respect human life so that it must be banned.

# 1. Life Is a Basic Human Right

- ***Those who are living, have the right to live because they have life.*** The right to live should not be connected to the status of embryo as a person but to the ownership of the life itself. The right to live has nothing to do with the personhood of embryo but has to be connected with the ownership of life.

## **2. Eugenics and Planned Killing**

- With the coming of human cloning, there will emerge a new form of eugenics. As is usual in the process of the production of goods, there is a strict quality control in order to maintain the good quality of the product. The goods which do not meet a certain degree of quality are destroyed. The same procedure will be applied to human cloning. The cloners will not allow the product of inferior quality to be on stage. The cloned human beings who do not match certain criteria of good genes will be destroyed (killed). In this way, human cloning will dehumanize human procreation because it transforms human procreation into a laboratory technique of reproduction. Sooner or later only those children who fulfill our wants will be fully acceptable.



## **2. Eugenics and Planned Killing**

- It means that people are condemned to die not because of their faults or mistakes or wrong doings but simply because they do not fulfill the criteria of possessing good genes. It is eugenics. It is even more tragic because the state of having “inferior genes” is not because of the mistakes or the faults of the cloned people but because of the mistakes of other people (the cloners). It means that people (cloned human beings) are condemned to die for something which is not their responsibility but which is the responsibility of other people (cloners).



## **2. Eugenics and Planned Killing**

- The other difficult questions to resolve are about the criteria: who are they who have the power to decide the criteria, and why those people have the authority to decide the criteria. The variety of the criteria can be imagined to be applied: profit is the leading element, or scientific pride in which the scientific achievement is the most important thing, or even the individualistic criteria in which like and dislike play the most important role.
- Do we let the scientists alone to decide the criteria or should other people be included? Or?

## **2. Eugenics and Planned Killing**

- The cloners deliberately create human beings and well-planned to destroy them deliberately. The killing of the human being is an integral part of the programs without which they cannot achieve their goals. The harvesting of the embryonic stem cells can be performed only by destroying the blastocyst by taking out its embryoblast. This destruction of the blastocyst is the same as killing.
- This is a preprogrammed and deliberate foreseen killing of an innocent human being. The innocent cloned people are destined to be killed soon after their existence in the world. This type of killing ethically cannot be justified at all.

**Those who are living,  
have the right to live  
because they have life**

**Dr. CB. Kusmaryanto**