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Daniel R. Heimbach

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CLONING HUMANS: DANGEROUS, UNJUSTIFIABLE, AND GENUINELY IMMORAL

DANIEL R. HEIMBACH*

I. INTRODUCTION

When Richard Seed of Chicago announced he was assembling a team to clone a human being, public alarm about the ethics of cloning humans ratcheted even higher than it had risen in the wake of Ian Wilmut's success with sheep in Scotland. The critical problem raised by cloning is the ethics of using the procedure to clone human beings. Mark Sauer, chief of reproductive endocrinology at Columbia-Presbyterian Medical Center in New York, stated the issue for many when he said: "There's little question that [cloning humans] can be done. The question is, should it be done and, if so, under what conditions?"¹

Most have reacted to the prospect of cloning humans with alarm. Governments have either banned, or have been strongly urged to ban, the cloning of humans, claiming it is "contrary to human dignity and thus constitutes a misuse of biology and medicine."² But, while a sense of alarm is shared by many, confidence about the immorality of human cloning is not shared by all. In her recently published book, Gina Kolata suggests that public alarm may be greater than warranted and world leaders are in danger of overreacting.³ While Kolata is careful to respect moral objections, others have been less cautious. An editorial in *Business Week* called readers to "embrace the biological revolution, not cringe from it,"⁴ and the International Academy of Humanists has issued a statement welcoming the prospect of human cloning and labeling opposition "the Luddite option."⁵

* Ph.D. [Law, Politics, and Christian Ethics], Drew University, 1988; Professor of Christian Ethics, Southeastern Baptist Theological Seminary, Wake Forest, North Carolina.

1. Rick Weiss, *Scientist Plans to Clone Humans; Anticipating Ban, Researcher Says He Has Assembled Doctors, Volunteers*, WASH. POST, Jan. 7, 1998, at A3.

2. This language was used to justify a treaty banning human cloning signed in Paris by 19 European nations on January 12, 1998. Joseph Schuman, *European Nations Reject Human Cloning*, NEWS & OBSERVER (Raleigh), Jan. 13, 1998, at A6.

3. GINA KOLATA, *CLONE: THE ROAD TO DOLLY, AND THE PATH AHEAD* (1998).

4. *Don't Be Afraid of Genetic Research*, BUS. WK., Mar. 10, 1997, at 126.

5. *Declaration in Defense of Cloning and the Integrity of Scientific Research*, FREE INQUIRY, June 22, 1997, at 11. The Luddite option "seeks to turn back the clock and limit or prohibit the application of already existing technologies." *Id.* at 12.

While opposition to human cloning has been strong in a visceral sense, reasoned arguments supporting opposition have not been expressed nearly as well. Indeed, Ezekiel K. Emanuel, who served as a member of the National Bioethics Advisory Commission, noted a mismatch. After observing how the content of testimony heard by the Commission had not seemed to match the emotional power expressed in statements of opposition, he nonetheless went on to say he thought a ban was warranted simply because "strong public reaction suggests [the existence of] a strong argument."⁶ In other words, absent reasoned arguments, strong feelings might be accepted to substitute. But, this cannot be right. Feelings, apart from reasoned justification, are never adequate to substantiate a moral position, however strong those feelings may be. If reasoned arguments against human cloning are either not found or are not well articulated, then feelings will be dismissed as irrelevant, and general opposition will subside. We have to ask whether initial alarm over human cloning is supported by anything other than feeling, and if defensible reasons do exist, we must identify what they are.

Ruth Macklin of Albert Einstein College of Medicine has called for more rational thinking, but in a somewhat different fashion. Macklin challenges anyone who, like the nineteen signatories of the European Treaty, thinks a ban prohibiting human cloning is warranted simply because it violates "human dignity."⁷ She observes that "dignity" is a notoriously "fuzzy concept," the meaning of which depends on moral principles more basic than itself.⁸ The term is not self-defining. Thus, unless we can say what "human dignity" is, or unless we can identify fundamental moral norms that give it meaning, Macklin questions how anyone can be sure it is violated by cloning. This is a fair challenge.

In order to address the need touched by Emanuel and Macklin, this Article will sort out and analyze the tangle of issues involved in opposing the cloning of human life. I will argue as a Christian theologian and ethicist that opposition is based on good reasons, reasons that can be arranged on a scale of ascending importance. Not only does cloning human life involve enormous dangers, these dangers are of a kind so significant that the risk is impossible to justify; and, not only is cloning humans impossible to justify, the attempt itself is categorically immoral.

6. KOLATA, *supra* note 3, at 229.

7. *Id.* at 20.

8. *Id.*

II. THE DANGERS OF CLONING HUMAN LIFE

Forays into the unknown easily generate anxieties that, upon examination, turn out to be baseless and irrational. Where such fears influence decision-making, they unnecessarily retard legitimate efforts to extend human knowledge and ability beyond familiar boundaries. Fears of timidity, because they are baseless and irrational, ought either to be quieted by rational analysis or simply overridden by courageous determination. But not all fears are unfounded and, where signs of obvious danger exist, reckless charges into uncharted territory are neither intelligent nor courageous. To the contrary, failure to heed signs of obvious danger is not only foolhardy and irresponsible, it deserves to be condemned as culpable negligence or outright idiocy.⁹ Many real dangers are associated with the prospect of cloning human life, and these dangers are not groundless. For the purpose of evaluation, we will sort these dangers into three categories according to the nature of risk involved: health risks, socio-political risks, and moral risks.

A. *Health Risks*

One category of obvious danger is the hazard that human cloning creates for human health and welfare. While this risk cannot be exactly measured in advance, that such dangers exist is surely beyond doubt. By reducing diversity in the human gene pool, cloning will weaken a natural barrier that helps protect human bodies from attack by infectious diseases (like malaria) which constantly mutate to find vulnerabilities in the host. As David Stipp puts it, "without sex, we'd soon be toast for germs."¹⁰ Stipp's expression may be exaggerated, but he identifies a serious issue. The risk to clones from mutating infectious diseases will grow over time. That is, a group of clones will be more likely to die out from a single disease than a comparable group of persons who possess a more random distribution of genes. This danger is even more significant when the corporate impact is added to the risk for individuals. Cloning will make the entire human race more vulnerable to mutating infectious diseases, and the size of this danger will grow exponentially in relation to the rate at which human cloning actually reduces diversity in the gene pool for the race as a whole. Other risks that cloning may pose to human health are raised by questions about cell aging and increased vulnerability to the possibility of birth defects. Many health risks, like the risk of cancer, increase with biological age. Will the genes

9. I use "idiocy" here in both the English and the underlying Greek meaning of the term. In common English, "idiocy" is a synonym for foolishness, but the Greek word from which the English derives refers to action that makes no objective sense because it is governed by groundless imaginations known only to the doer.

10. David Stipp, *The Real Biotech Revolution; Biotech's Real Power Lies in Reading the Book of Life, Not Blindly Copying It*, FORTUNE, Mar. 31, 1997, at 54.

of a clone continue on the same age trajectory as genes in the body from which they were taken? Or, will the genes of cloned cells behave in a regenerated manner despite the age of their DNA arrangement? If genes of cloned cells do not perform in a fully regenerated manner, a clonally generated baby may not have long to live and could suffer degenerative conditions prematurely. Human cloning could also increase the risk of birth defects if cloned individuals begin marrying nearly identical genetic relatives, a danger that will be hard to avoid in second and third generations.

Of course, it is important that we not overstate the case by exaggerating health risks associated with human cloning. The point here is not to raise alarm, but simply to recognize that legitimate reasons for concern do exist, and they are not insignificant. Even if risk to human health is the only danger associated with cloning human life, it would at least warrant delay until more can be learned from animal research. Alone, risk to human health may not be sufficient to warrant a permanent ban. But this is not the only danger.

B. Socio-Political Risks

A second danger posed by human cloning involves risks that are social or political in nature. These are risks having to do with misuse should human cloning ever fall into the wrong hands. Indeed, the danger of misuse is already well-publicized, since the idea of misused human cloning gripped the imagination of science-fiction writers long before it ever became scientifically possible. Crazy scientists could try to combine cloning technology with genetic engineering to generate humanoid monsters such as Mary Shelley's Frankenstein.¹¹ Criminals could create doppelgangers, or they could use cloning to produce duplications of themselves so exact they would be able to throw detectives off their trails by using cloned identities to establish a basis for plausible deniability.¹² Dictators could try to immortalize themselves or may try to raise an army of "terminators" with which to conquer the world.¹³ Finally, social engineers with maniacal dreams could seek total authoritarian control by using reproductive oppression and mass cloning on a scale similar to the brave new world Aldous Huxley imagined.¹⁴

11. MARY W. SHELLEY, *FRANKENSTEIN* (1818).

12. See, e.g., ERIC C. HIGGS, *DOPPELGANGER* (1987).

13. See, e.g., IRA LEVIN, *THE BOYS FROM BRAZIL* (1976). Levin has imagined someone with the ability to clone multiple copies of Hitler for the purpose of resurrecting a new, more powerful Third Reich. The novel was also the basis of a movie starring Gregory Peck and Laurence Olivier. *THE BOYS FROM BRAZIL* (CBS/Fox Video 1978).

14. ALDOUS HUXLEY, *BRAVE NEW WORLD* (1932).

Such dangers are not trivial just because they were first imagined by writers of science-fiction; and, now that Ian Wilmut has proven it is possible to clone adult mammals, they are no longer impossibly fictitious. More than any other danger associated with cloning humans, the danger of misuse should help us comprehend the importance of erecting reliable safeguards well before anyone ventures into such territory. Again, more than any other danger associated with cloning humans, the enormously negative consequences of misuse show where the burden of proof must lie when political and legal decisions are debated concerning the valuation of human cloning. In fact, the danger of misuse is so large and readily comprehended that no further explanation is needed to expose the foolishness of delaying decision on a ban. A ban is needed immediately, and the burden of proof must be on those who think it unnecessary, not on those satisfied with conditions already free of the dangers human cloning will introduce.

C. Moral Risks

A third danger, less well considered but perhaps most threatening of all, is the way cloning humans will provoke a variety of immoral consequences. I turn here to the danger of immoral effects likely to arise even if protections are in place to guard against the risk to human health and the danger of misuse. Immoral consequences provoked by human cloning can be divided into four subcategories: (1) trivialization of human worth and dignity; (2) erosion of human freedom; (3) new opportunity for invidious discrimination; and (4) commercialization of human life.

The first immoral consequence is the trivialization of human worth and dignity. Such trivializing is immoral because it involves attitudes that regard human beings as less significant, less meaningful, and therefore less worthy of respectful treatment than they are in fact due as human beings. Human cloning, if permitted, raises the specter of trivialized worth and dignity by diminishing the value we recognize in individuals and perhaps confusing (at least in perception) the meaning and significance of human selfhood. Both are pillars of moral valuation essential to a civilized social order.¹⁵ While some may argue that clonal production of human life will be no more hazardous to individuality and selfhood than the natural birth of identical twins, this issue focuses not on twins as they presently occur but on the impact a radical rise in the number of genetically identical persons will have on public thinking. It arises out of the heretofore unprecedented possibility of salting the human race with large numbers of people each genetically identical to persons who have lived before—persons with pre-established histories, reputations, and followings.

15. K.C. Cole, *In Our Own Image*, L.A. TIMES, Apr. 28, 1997, at A1.

Beyond the threat of identity confusion, human cloning will threaten to trivialize human worth and dignity in other, more ominous ways. Many already discuss the idea that cloning might offer parents grieving a lost child the possibility of “replacing” that child by producing a clone from a cell obtained from the deceased. Trivialized valuation of human life is also present in the idea that clones could be a source of replacement body parts when age or accident damages components of the human original. Interest in these ideas is ominous because it demonstrates a willingness to lower moral objections against treating human beings as means rather than ends. They reveal pressures that toleration of human cloning will inspire, pressures that will seek policies and laws allowing non-volitional, instrumental, and detrimental (hence immoral) use of one segment of the race for goals or desires set by or serving the benefit of persons other than themselves.

The second immoral consequence is the erosion of human freedom. Cloning technology will tempt scientists and politicians to manage or shape the human gene pool. Experts in human biology and political officials will be attracted to the possibility of breeding for the purpose of multiplying desired strains of human life. But the temptation to do so runs exactly contrary to, and hence threatens, basic human freedom.¹⁶ Even if it is never fully realized, just having the possibility within reach will make the idea of cloning humans “familiar.” Then it will begin to look more and more “reasonable.” Finally, scientists will try to persuade politicians that cloning without their expert control is “irresponsible,” so managing the gene pool will then look very “necessary.” Real dangers will be identified and used to direct attention away from opposing dangers caused by putting human reproduction under regulatory government control. Should this happen, it could not take place without overriding many moral principles, obligations, and rights that ought to be respected as inalienable—the individual freedom and personal obligations of self-reproduction; the sanctity and primacy of the family over the state in matters of human reproduction; the responsibility of begetter for the begotten; and the sanctity, independence, and privacy of reproductive decisions.

The third immoral consequence is new opportunity for invidious discrimination. Invidious discrimination is morally offensive because it entails the rendering of a morally significant value judgment about the worth or dignity of another human being, or class of human beings, on grounds that do not support moral judgment. Doing so is always wrong, and we are obligated not only to avoid making such judgments ourselves, but also to keep clear of

16. For an early discussion of this threat, see PAUL RAMSEY, *FABRICATED MAN: THE ETHICS OF GENETIC CONTROL* (1970). Ramsey, referring to the loss of human freedom involved, says: “If this design does not exceed human wisdom, it certainly falls below the morally permissible.” *Id.* at 74.

circumstances that might stir others to make such judgments. Human cloning, once permitted, will invite invidious discrimination in the form of valuing human life by whatever genetic features are thought especially desirable.

Of course, we can imagine a society that allows human cloning while making sure all its members refrain from judgments that value others based on a person's clonal or sexual origin, or how many preferred genetic features one person has compared to another. But it is likely to stay imaginary. Separating discriminatory social pressures from acceptance of human cloning will be hard. No, it will be impossible. Indeed, staying clear of invidious discrimination will grow less and less likely as the number of cloned individuals grows larger. The threat this poses was made all too real in a comment by Ruth Westheimer who, when asked what she thought about cloning human life, said: "I came out of Nazi Germany. If you could make people who were only Aryan, blond and blue-eyed, someone like me—Jewish and 4-foot 7—would not be here."¹⁷ Her point is sobering because it is accurate. Decisions about who gets cloned might be screened against invidious discrimination, and screening might work for a time. But, for how long? Pressures to discriminate will tend to grow, and the more they grow the more relentless they will become.

The fourth immoral consequence is the commercialization of human life—any traffic of human life, in part or in whole—for the purpose of economic gain. The immorality of this consequence is surely clear. Any traffic in human life can only be a shameful violation of human dignity, common human decency, the fair treatment of others, and the sanctity of human life itself. Accommodating such interests led to the tragic institution of slavery. Yet, barriers guarding against such odious immorality are now strained, if not already breached, by granting patent rights to specific finds in the human genome and by court decisions that recognize claims of ownership for the purpose of marketing human cell lines.¹⁸

If our legal system already accepts commercial ownership of human cells and creates economic rights to mere knowledge of genetic patterns that already exist in every cell of every living human being, how will it respond to commercial interests demanding a right to economic gain from controlling the production of cloned humans? If our courts continue on their present course, human cloning will raise many moral (if not yet legal) questions having to do

17. Carol M. Ostrom, *Why Cloning Changes Everything*, NEWS & OBSERVER (Raleigh), Mar. 2, 1997, at A21.

18. For a discussion of marketing rights to human cell lines, see *Moore v. Regents of the Univ. of Cal.*, 793 P.2d 479 (Cal. 1990). For a succinct debate on the morality of patent rights to human life, see Ted Peters, *Patenting Life: Yes*, FIRST THINGS, May 1996, at 18; Richard D. Land & C. Ben Mitchell, *Patenting Life: No*, FIRST THINGS, May 1996, at 20.

with commercial interests trying to secure economic claims over human life. Even if priority is given to an originating individual (the one from whom a genetic code is taken), would it be moral for such a person to benefit commercially from the marketing of his or her genetic code? Would that not have moral parallels to the offense of producing children for a slave market? If genetic code marketing is allowed, should originating individuals be allowed to continue a commercial claim on their code after new clonal persons are produced from that code? Should whole genetic codes be bought and sold to other parties? Should human organs produced by cloning human components be bought and sold? Such questions are odious precisely because they each to some degree accept the idea of owning human life for the purpose of economic gain.

The questions touched here are no longer purely imaginary. They anticipate reality and mark a threshold that must be addressed by any society that has honored human dignity by opposing practices involving commercial treatment of human life. Now that human cloning is possible, we must not ignore the specter of slavery as it emerges in another form. In fact, the economic possibilities are so enormous that pressures to capitalize on cloning humans are upon us already. Richard Seed's rush for cash is only a taste of what lies further down this path.¹⁹

III. UNJUSTIFIABLE RISKS

So far I have argued that human cloning will be dangerous for a range of good reasons. But how do these dangers compare to what might be achieved by cloning human life? Charting dangers has value, but it is not sufficient alone to justify either action or non-action. More is required. On their own, dangers may call us to prepare safeguards. They may call for a more vigilant and careful attitude. They may necessitate delay. But, a catalog of dangers cannot on its own tell us whether a ban on cloning should be thought a matter of responsible foresight or a failure of courage. For this, we must consider the stakes and weigh the value of human cloning as it compares to the value of what will be risked by taking on the dangers we have charted. When this comparison is made, we discover that all possible gains are so minimal, and the value of what is risked so significant, that human cloning is simply impossible to justify. It must be rejected because, aside from all else, any venture into cloning humans is grossly imprudent.

19. John Seed, a physician in New Jersey and brother of Richard Seed, has been quoted saying of his brother's controversial venture: "He's searching for a bit of fame and glory There are financial things too. He'd like to make a fast buck." Peter Kendall, *Image of Human Cloning Proponent: Odd and Mercurial*, CHI. TRIB., Jan. 11, 1998, at 6.

Ian Wilmut expressed this judgment at a hearing in Washington, D.C. when he told U.S. Senators that he could see no scenario under which it would be ethical to clone a human being.²⁰ Kolata minimizes Wilmut's view by observing, "Wilmut is not a professional ethicist or philosopher."²¹ Yet his judgment is not wrong for that reason, nor is he alone in making it. Many others are saying the same. Marie Antoinette Di Berardino, who has worked on cloning frogs since the 1950s, says she cannot imagine anything that could justify cloning a human being.²² Mark Sauer of the Columbia-Presbyterian Medical Center in New York, when reacting to Richard Seed's plan to clone a human being, said, "It's hard to think of a clinical scenario that's warranted other than doing [human cloning] for the sensational value."²³

So, what of Wilmut's judgment? Why should we rule out human cloning as a matter of prudence? I have noted many serious hazards that will be caused by cloning humans—hazards to human health, hazards that risk the future of the human race, hazards of misuse by criminal minds, mad dictators or crazed scientists, and hazards of immoral consequences that compromise human dignity and freedom and erode objection to invidious discrimination and commercial traffic in human life. How do these dangers and the value of what they put at risk compare to what might be gained by human cloning? Are the possibilities sufficient to make the risk "worth it"? Or, is any venture into cloning humans more foolhardy than courageous?

Taken objectively and without exaggeration, the dangers I have cataloged all hazard matters of immense value and importance. At the same time, every possible gain offered by proponents—every last one—is terribly minor by comparison. No human being now, or ever in human history, has suffered harm or genuine disadvantage from a lack of cloning. In fact, there is no actual need; there are only interests. Cloning would avert no crisis (present or future), right no wrong, remove no danger, achieve no duty, ease no hardship, and protect no right.

This does not mean gains have not been alleged, only that the potentialities offered in favor of cloning humans are few and unimpressive. One idea is that cloning could be used by grieving parents to reproduce a child lost to disease or accident. But thinking a clone actually reproduces a lost child is nothing more than an illusion, and it is a cruel one at that. It is cruel because the illusion

20. Senator Christopher "Kit" Bond, *Outlaw Human Cloning*, USA TODAY, Mar. 18, 1997, at 14A. See also Tim Friend, *Breakthrough with Sheep Could Herald Human Cloning*, USA TODAY, Feb. 24, 1997, at 1A.

21. KOLATA, *supra* note 3, at 228.

22. *Id.* at 36.

23. Weiss, *supra* note 1, at A3.

(where effective) would leave parents living a lie and would interfere with their ability to love and value their clone-child as a distinctly separate human being who deserves to be valued and loved in his or her own right.

Another suggestion has been that cloning could add to the number of options that might be offered to couples facing problems with infertility. But, a range of methods already exists for helping couples limited by infertility. For the most part, existing methods are affordable, readily available, and highly effective for those who try them. Very few people cannot be helped by existing methods of infertility treatment, and their lack, while sad, is not a tragedy. Couples who desire to conceive biological children and find they are unable, face real disappointment. Their disappointment can be profound, but only because it is sad, not because it is tragic.

Sad though childlessness may be, no one can rightly argue that biological reproduction is a moral right. Bearing biological children is a joy, a privilege, and a blessing. But it is not a moral entitlement, and it is certainly not a duty all members of the human race must fulfill artificially if natural methods fail to function. That no such duty exists is obvious when the issue is considered from a corporate perspective. One simply cannot say we have a duty to speed the growth of the human race beyond the rate at which it is already advancing by natural processes. Of course, we have a moral right to form families, and we have a moral right within family structures to employ the natural method by which human life is procreated. But these are rights of permission and privilege that do not transmogrify into a right of entitlement or duty to reproduce ourselves by anything other than natural means. Because this is true for all methods of artificial human reproduction, it cannot apply less to the idea of cloning as an option for the infertile. On this, Susan Jacoby has said,

If infertility is indeed a tragedy, it would be churlish to prohibit cloning. But when infertility is viewed simply as one misfortune on a scale of sorrows—less horrible, say, than mind-destroying diseases or mass starvation—the ethical balance looks quite different. . . .

No one has the right to jeopardize the precious uniqueness of all members of the human race in order to assuage individual heartbreak and gratify individual desires.²⁴

A third sort of possible gain from cloning has to do with reducing risks related to random gene combinations arising from sexual generation. Some raise this in terms of eliminating the uncertainty of sexual generation. Others are

24. Susan Jacoby, *Entitled to the Embryo?*, N.Y. TIMES, Nov. 3, 1993, at A19.

attracted by the idea of avoiding the production of children who are genetically diseased or deformed. The sort of gain offered by these potentialities is at best ambiguous. On one hand, the uncertainty of random DNA recombinations that result from sexual generation is valuable to human health and welfare because it protects the race against mutating diseases. Compared to this obvious value, simple uncertainty (not having advanced knowledge about specific gene combinations) is only a problem of perception, and a very minor one at that. On the other hand, cloning a carrier of some gene-based disease can be a way to avoid having an overtly deformed child. But the result does not correct a malady, and it only postpones the risk of overt manifestation by passing it on intact to the next generation. Although sexual generation sometimes produces an overtly defective child (and that certainly is tragic), where it occurs, the genetic deficiency generally does not get passed to future generations. What seems a benefit to individuals in one generation can over time hazard the well-being of the human race.

What we have considered here are potential gains that might result from human cloning, and their value is dubious at best. What value they may entail is terribly minor compared to what cloning puts at risk. I purposely have not considered the merit of alleged "benefits" that are actually immoral. Among these are possibilities that would reduce human beings to laboratory specimens, value human beings only as a source of parts for others, take human reproductive decisions away from individuals and assign them to experts, or treat human life as a marketable commodity. Any possibility associated with human cloning that runs afoul of these categories does not merit consideration and ought not to have any weight in calculations about justifying the procedure. This means many benefits that rightly serve to justify cloning animals—benefits such as rapid duplication of high-volume milk cows or sheep with thicker wool, the exploration of new breeding strategies, and more efficient production of certain drugs—simply do not apply to evaluations concerned with the morality of cloning humans.

As a final matter relating to comparative evaluation, we must not ignore the way human nature affects the dangers raised by cloning human life. The ancient Hebrew prophets knew something of human nature and cannot be faulted for being less than clear about its compromised virtue. They told us all people are sinners tempted like sheep to go astray, each in his own way.²⁵ We humans are experts at self-deception, drawn by pride and sensual desire to excuse what ought to be condemned. With this in mind, Jeremiah warned that "[t]he heart [of man] is deceitful above all things, and desperately wicked."²⁶ Every

25. *Isaiah* 53:6.

26. *Jeremiah* 17:9 (King James).

member of the human race—not just those who accept the Hebrew Scriptures—after honest self-reflection and examination of human experience, must arrive at the same or nearly the same conclusion.

When human nature is included in calculations touching justification, the most critical aspect relevant to cloning humans lies in the way it affects options for political regulation. Should human cloning ever be allowed, only two possibilities for political regulation exist, and neither is attractive. One option is the free market approach that would allow volitional, yet foolish, “consumer eugenics.” The other option is politically controlled social engineering featuring non-volitional and supremely perilous “elitist eugenics.” Lest any be tempted, no one should think there is hope in combining these approaches, for doing so can only produce a combination of distasteful aspects (a little foolishness with a little peril) while failing to eliminate any. A combined approach will also bring new crises produced at their intersection.²⁷

Should political regulation of human cloning take a free market approach, what sort of choices would people make? Whom would people most desire to clone? A realistic assessment of human nature as reflected in movements of popular sentiment can only mean that free market cloning will produce many more Madonnas than Mother Teresas, many more Donald Trumps than Billy Grahams, many more Michael Jacksons than Colin Powells, and many more Arnold Schwarzeneggers than George Washingtons. Combine with this the fact that cloning will always have more attraction for self-admiring egomaniacs than for the selfless and unpretentious, and it becomes clear that free market cloning will quickly spell disaster for our race. On this, Richard McCormick of the University of Notre Dame observes: “The very person who says I want a lot of me’s out there is the very person you wouldn’t want to be cloned.”²⁸

But, if free market cloning spells disaster, what is the alternative? There is only one, that being some form of control by an elite who either represents, or is backed by, the state. The decisions that controllers make about cloning—decisions about who, when, why, and how many—will have a shaping effect on future generations. To make these decisions, they will need goals. What features should be emphasized? What specimens of humanity are so exceptional as to qualify for repetition by cloning? Who must be rejected and for what reasons? No doubt all decisions will be “well intended,” and they will be based on the “best” available information. These will be judgments of value, but their impact will not be volitional with respect to those most affected by

27. For example, there would be no end to questions such as: who will be privileged to take a consumer approach, who will be restrained by the social engineers, and who will have a say in deciding?

28. Carol M. Ostrom, *The Ethics of Cloning Ourselves*, SEATTLE TIMES, Feb. 25, 1997, at A1.

their decisions—the vast body of individual men and women who constitute rank and file members of the human race. In short, a controlled social engineering approach to human cloning is unavoidably both eugenic and elitist, a combination the horrors of which were vividly etched by Aldous Huxley in his 1932 best-seller, *Brave New World*.

In Huxley's book, the horror of government controlled human cloning is all well intended and justified in the minds of those in control of the operation:

[O]ne of the students was fool enough to ask where the advantage lay.

"My good boy!" The Director wheeled sharply round on him. "Can't you see? Can't you see?" . . . "[Cloning] is one of the major instruments of social stability!"

Standard men and women; in uniform batches.²⁹

Here is a statement of non-malicious good intention—the assurance of social stability without "mistakes." Is this not good? Why should elite control of human cloning, backed by government, and for "magnanimous" purposes, be so horrific? It is horrific, not because it lacks good intention in the minds of those in control, but because it is oppressive, because it is totalitarian, and because it imposes an ideal selected by a few who in dignity and worth rank equal (and no more than equal) with those over whom they exercise control. Otherwise stated, the prospect is horrific because it violates human freedom in a way that reduces human beings to the level of animals. It is horrific because it fails to respect each man as an end in himself—as a center of personal dignity equal in worth to every other.³⁰

The case for freedom that sets human reproduction apart from animal breeding is maintained only by defending the fact that human dignity and worth rise above utilitarian regard for the bodies we inhabit because the dignity and worth of human life both inhere in something Christians know as the *Imago Dei*—the reflection each individual human being equally bears of our transcendent Creator.³¹ It is precisely because human dignity rises above the utilitarian and mundane, and because it does so equally for each, that any merely utilitarian or mundane treatment, and any unequal valuation of human life, is

29. HUXLEY, *supra* note 14, at 6.

30. This parallels part of Ramsey's case against human cloning. Cf. Paul Ramsey, *Moral and Religious Implications of Genetic Control*, in *GENETICS AND THE FUTURE OF MAN* 107-69 (John D. Roslansky ed., 1966).

31. For a more in depth development of this point, see R. Albert Mohler, Jr., *The Brave New World of Cloning: A Christian Worldview Perspective*, in *HUMAN CLONING: RELIGIOUS RESPONSES* 91-105 (Ronald Cole-Turner ed., 1997).

rightly abhorred. Moreover, the horror of such treatment is not reduced by biological age or the physical condition of our bodies.

In this Section, I have argued not only that dangers are raised by human cloning, but that engaging these dangers cannot be justified. When the value or significance of what might be gained is compared to what must be risked, there simply is no comparison. The venture is "not worth it." Not only is a venture into cloning humans unjustified under present circumstances, it will never be justified, and the permanence of this conclusion is established most clearly when human nature is matched with options for social regulation. Human cloning is not only unjustified, it is unjustifiable.

If categorical certainty seems strange, we have only to note that our judgment here does not wait on what scientists might learn about cloning in the future. Rather, it depends entirely on what we know, or should know, about ourselves already. The sort of knowledge upon which the certainty of our judgment rests has to do with aspects of human self-awareness that no accumulation of biological information or advancement in technology can possibly alter. It has to do with the indelible streak of perversity that lies in every human heart. When this is taken into account, any venture into cloning humans must be judged forever foolhardy and never heroic.

IV. HUMAN CLONING—A GENUINELY IMMORAL EFFORT

But, not only should we judge human cloning to be dangerous, and not only ought we to conclude it is unjustifiable. The effort itself is immoral. This final claim takes us to the most profound level of moral analysis. It says that cloning humans is itself a morally wrong thing to do. The actions and intentions involved in cloning human life (however they may be safeguarded, and however the relative merits are weighed) are themselves inherently and unalterably immoral. While proving this may seem difficult, the arguments to which we now turn provide the strongest reasons of all for opposing human cloning. A convincing case can be made, and is made in three ways. Human cloning involves immoral processes, the action is itself inherently immoral, and it is driven by immoral desires.

A. *Human Cloning Involves Immoral Processes*

What is required to clone mammalian life successfully involves processes that must be judged immoral if applied to human beings. Two techniques have been developed: cloning by "twin fission" caused by splitting blastomeres, and cloning by nuclear transfer from the cell of an adult into the casing of an egg cell. The first technique produces individuals who are both genetically identical and the same age. Thus, they are the same as natural twins except that their

division was intended and artificially achieved. The second technique produces an individual genetically identical to a pre-existing other, one already born and separated in age by an indefinite length of time.

Of these cloning procedures, the first, because it parallels the formation of natural twins, might seem less problematic than the second. But, applied to human life, we still have cause for moral objection. Some may be concerned about its artificiality, and these to be consistent must not only oppose cloning but must also oppose all other methods by which it is now possible to conceive human life under artificial conditions. However this may be, the most telling moral objection to cloning human life by "twin fission" is that it hazards innocent human life without moral justification (such as saving the life of another). Indeed, it does so without any intention of good in favor of the one whose life is endangered by the procedure. Anticipating this issue a generation ago, Paul Ramsey explained the reason for moral objection in a manner that cannot be said more clearly, three decades later, now that the possibility of cloning humans is actually upon us:

Because we ought not to choose for a child—whose procreation we are contemplating—the injury he may bear, there is no way by which we can *morally* get to know whether many things now planned are technically feasible or not. We need not ask whether we should clone a man or not . . . , since we can *begin* to perfect these techniques in no other way than by subjecting another human being to risks to which he cannot consent as our coadventurer in promoting medical or scientific "progress." The putative volition of the child we are trying to learn how to manufacture must, anyway, be said to be *negative*.³²

The second cloning procedure, while unobjectionable if limited to animals, must not only be judged immoral for use on humans but, in this connection, raises moral objection at a higher level than the first. While the first cannot be done without unjustified hazard to innocent human life, the second cannot be done without sacrificing it. Cloning by nuclear transfer would not, of course, hazard innocent human life in the process of extracting nuclei from differentiated cells and fusing them into the casings of egg cells. This could not occur because, until the transfer process is complete, the parts of cells involved are only parts, not selves. Although living, these cells and parts of cells are not distinctly new and separate human beings. It is what happens after fusion is complete that causes serious moral objection to the prospect of cloning human life by nuclear transfer.

32. RAMSEY, *supra* note 16, at 134.

Working to clone sheep, scientists at the Roslin Institute produced 277 new sheep lives before a single one survived to a healthy birth. Moreover, these researchers did so reserving—as humans working with animals—moral authority to destroy embryos that seemed defective, useless, or in some other way undesirable. Because human life is sacred in a way animal life is not, or at least because researchers would be handling human life with inherent worth and dignity equal and not subordinate to their own, any treatment of human life approaching what was done to clone sheep must be judged grossly immoral. Speaking to a secular audience, Arthur Caplan, director of the Center for Bioethics at the University of Pennsylvania, summarized the immorality of cloning human life by nuclear transfer, saying, “To do this [cloning sheep] they killed 300 [sic] embryos and made deformed sheep . . . That would make doing anything in humans beyond unethical—it would be criminal.”³³

Theological analysis, which ascribes transcendent worth to each human individual because no one is his own creation and because every member of the human race derives inherent and equal value from God our Creator, certainly will not lessen the force of Caplan’s objection. If any distinction needs to be made, then theological concerns call us to object more strongly still. Theologically, the most significant reason for moral objection transcends mere species loyalty, and even transcends a self-interested awe for life itself. Rather, it depends directly on reverence for God and derived reverence for the worth and dignity of the one being in all creation set apart by God to bear his image.

B. The Action Is Itself Inherently Immoral

I have argued that human cloning is unalterably immoral because it involves immoral processes. But this is not the only way to argue the immorality of cloning humans. Still more important (at least in matters of moral argument) is the fact that cloning human life in any manner, under any circumstance, and for any reason is itself an inherently immoral act. No one can possibly deny that cloning alters the fundamental nature of human reproduction. Because it does so and does so unavoidably, the cloning of human life cannot but affect negatively (i.e., for evil) all institutions and qualities of human existence that hedge and define the morality of this critically important dimension of life—marriage, parenthood, family, sex (both love-making and life-giving), human sexuality, and even the continued existence of the human race as given. In connection with these institutions and qualities, any act of human cloning is inherently immoral and must be judged immoral for at least seven reasons: (1) it is an act of species suicide; (2) it violates the moral institution of parenthood; (3) it violates the moral institution of marriage; (4) it denies and violates the

33. Ostrom, *supra* note 28, at A1.

moral meaning of procreating children; (5) it rejects the moral meaning and significance of human sexuality; (6) it de-humanizes human reproduction by severing it from life-giving love; and (7) it misappropriates ownership of the design rights to human life.

1. Cloning Is an Act of Species Suicide

First, human cloning is inherently immoral because it is an act of species suicide. The issue here is not that cloning humans, once allowed, will immediately cause the human race to cease existing. Nor does it mean that cloning will in the end terminate all succession of human life. At issue is the fact that, however gradual, the self-modifying effect of cloning must inevitably produce changes so radical that their accumulation can only be classified as species suicide. This concern was argued by Ramsey who explained that terminating life succession is not the only form of species suicide. Replacement of a species "by a species of life deemed more desirable" falls in the same moral category because it entails "the inner motive and action of any suicide."³⁴ What clonal self-production would produce over time cannot be the human race we have. At least, it cannot be the sort of human race we have been from creation (or however inception of our race is conceived) until now. Rather, it would be a biologically modified successor to our race, a differently made-up human race—different, not just in time, size, and individual membership, but different in biological constitution. Because clonal reproduction directs the human race toward species replacement, the clonal reproduction of human beings is a form of species suicide, and, because it is a form of suicide, it is immoral for all the reasons that render any act of self-murder immoral.

For Christians, any intentional effort to terminate innocent human life is a violation of God's Sixth Commandment: "You shall not murder."³⁵ This moral prohibition protects the sanctity of human life, and while it is limited to murder, it is broad as to time and circumstance. It invalidates the morality of any action meant to end human life apart from culpability. Species suicide of the form that terminates the human race by self-modification may not end the process of life-succession. Yet it is, as to its nature, an act of suicidal murder nonetheless, for it seeks to replace our species with something else. Human cloning is inherently immoral because, however done, the act itself violates the sanctity of human life apart from any notion of culpability.

34. RAMSEY, *supra* note 16, at 152.

35. *Exodus* 20:13 (NIV).

2. Cloning Violates the Moral Institution of Parenthood

Second, human cloning is inherently immoral because it violates the moral institution of parenthood. Cloning is by definition a process that produces life without parents. Whatever else is said, it is obvious that human cloning is an act the nature of which severs generation of human life from the moral institution of parenthood. Because human cloning takes the production of human life outside the institution of parenthood, the nature of the act itself rejects the moral institution of parenthood and is hence immoral. No intention to the contrary will undo the fundamentally immoral nature of this rejection. Neither will it be changed by assigning cloned children (as we surely hope they would) to adults charged with the legal rights and moral responsibilities of "parents." Nor would it be altered by raising clones alongside procreated children in families that are otherwise normally constituted.

Theologically, this aspect means that clonal production of human beings, whatever the circumstances, is a violation of the sanctity of parenthood. In the Fifth Commandment (the only commandment that comes with a promise of blessing), God mandates the honoring of parents and parenthood: "Honor your father and your mother, so that you may live long" ³⁶ However it is safeguarded, clonal production of human life violates the Fifth Commandment. By severing the generation of human life from parenthood, it necessarily dishonors the moral (sacred) institution of parenthood even if it never dishonors any specific individual or pair of individuals engaged in parenting responsibilities.

3. Cloning Violates the Moral Institution of Marriage

Third, human cloning is inherently immoral because it violates the moral institution of marriage. Morally speaking, marriage is more than a civil institution. It is more than an economic institution. It is even more than a social institution. It is all these to be sure. But marriage is most deeply and essentially a moral institution that binds a man and a woman in a covenant relationship, the meaning of which rises above the significance of their individuality, above the dimension of mere sentiment and emotion, and above what is subject to nothing but the arbitrary choices of autonomous individuals. In other words, the meaning and significance of marriage is more than utilitarian (either corporate or individual) because it is a deeply human institution, and what is essentially human always transcends utilitarian calculation. Human cloning is inherently immoral because it both trivializes and violates the covenantal nature of marriage as a moral institution.

36. *Exodus* 20:12 (NIV).

It trivializes the significance of marriage by making the institution irrelevant to the generation of human life—not only as to honor and respect, but also as to relevance. Cloning is an act the nature of which makes commitment to any sort of on-going family relationship between adults unnecessary. It requires no fidelity to a spouse because no spouse is anywhere included in the process by which clonal-life is generated. Indeed, cloning takes production of human life entirely outside the realm of meaning within which fidelity in relationships of sexual generation has any application. To the degree that the moral concept of fidelity has any meaningful connection with the non-sexual clonal production of human life, it is entirely limited to self and the degree to which the generating self may respect obligations to what the generating self has cloned. But not only does cloning trivialize the moral significance of marriage, it also of necessity violates the moral boundaries of the marriage institution. This means cloning human life is also immoral because it is adulterous. Adultery is immoral because it violates the moral integrity of marriage and does so on two levels. Any adulterous action not only violates a particular marital relationship, it also violates the moral meaning (or sanctity) of marriage as a moral institution.

For Christians, adultery is clearly prohibited by the Seventh Commandment where without equivocation or qualification, God requires total fidelity in marriage: “You shall not commit adultery.”³⁷ Human cloning does not simply threaten marriage by making it trivial; the act itself is essentially and unavoidably adulterous because it takes generation of human life outside marriage altogether. No spouse either present or future is part of the act. He or she may consent. He or she may desire, plan, or even arrange the cloning process. But these elements, if present, do not alter the biological reality. In whatever sense a marriage partner may be legally or morally bound to an originator of clonal life, that partner is certifiably not part of the life-generating act itself. He or she is not needed. If present at all, the spouse of a clonal originator is no more than an observer. Because cloning human life takes life-giving outside the institution of marriage, it is adulterous, and because it is adulterous, it is unalterably and unavoidably immoral.

4. Cloning Denies and Violates the Moral Meaning of Procreating Children

Fourth, human cloning is inherently immoral because it denies and violates the moral meaning of procreating children.³⁸ Cooperative participation in the

37. *Exodus* 20:14 (NIV).

38. Gilbert Meilaender made this the focus of his presentation to the National Bioethics Advisory Commission on March 13, 1997. Gilbert Meilaender, *Remarks on Human Cloning to the Natural Bioethics Advisory Commission*, BIOLAW, June 1997, at 114-17. See also Gilbert Meilaender, *Cloning in Protestant Perspective*, 32 VAL. U. L. REV. 707 (1998); Gilbert Meilaender, *Religious-Based Perspectives on Cloning of Humans I: Protestantism* (visited Apr. 21, 1998)

wonder of begetting life that is of-us-but-not-us is replaced by a production process that, not only is artificial, but actually severs life-giving from sexual union. Cloning changes children into products of technology and leaves sexual union little more than entertainment. Clonal children, albeit human, will be children set apart from the rest of us by identities shaped by the fact that they were generated by non-sexual, impersonal means. They will be fabrications of human design crafted to suit goals preselected by genetic artisans. No longer gifts of procreation each with a natural mother and father from whom their being originates in relational union, clonal production turns children into laboratory specimens who owe their physical origin and biological construction to technicians and scientists, not parents. Human cloning is inherently immoral because it touches the meaning of children and does so in a way that is morally and philosophically (if not also biologically) contrary to the good of anyone who begins life as a human craft project—the result of bio-technology and human design rather than welcomed as the offspring of human parents.

But not only is cloning immoral because it will make children (at least clonal children) into products, cloning humans is inherently immoral because the flip side of commodification (making children into products) is rejection of at least half the moral meaning—the procreational significance—of sexual intercourse. Cloning denies the goodness of life-giving sex. Theologically, this means cloning applied to human life runs contrary to the sanctity of human sexual union. In Scripture, God not only assigns the first man and woman the responsibility of stewardship over the rest of creation, he also pronounces blessing—a statement of moral meaning and value—upon the procreation of human life through sexual union.³⁹ Acts of human cloning, should they occur, must inevitably be statements of preference having moral as well as biological significance. By circumventing procreational sexual union, cloning is inherently immoral because it is, however intended by those who pursue it, an act of preference that rejects the moral goodness of procreational sexual union in favor of something else. It is immoral because it rejects the moral goodness of enjoying God's blessing, God's way.

5. Cloning Rejects the Moral Meaning and Significance of Human Sexuality

Fifth, human cloning is inherently immoral because it rejects the moral meaning and significance of human sexuality. Ursula Goodenough of Washington University in St. Louis joked that with cloning, "there'd be no need

<<http://www.all.org/nbac/970313a.htm>>. Meilaender's discussion picks up on points elaborated earlier by Oliver O'Donovan. See OLIVER O'DONOVAN, *BEGOTTEN OR MADE?* (1984).

39. *Genesis* 1:28.

for men."⁴⁰ Then, Lisa Cahill of Boston College, when addressing the National Bioethics Advisory Commission, mentioned the same idea and admitted it was attractive to her feminist instincts.⁴¹ But, what these women meant in jest should not be dismissed lightly. Indeed, it signals a matter of great significance.

Human cloning not only circumvents procreational sexual union, it challenges the moral meaning of human sexuality per se. It not only violates the sanctity of sex (a matter of human conduct), it also rejects the deeply moral and sacred significance of human sexuality (a matter of human identity). The act of cloning human life is opposed to sexual being, a feature at the core of human design and purpose, a feature the moral significance of which transcends biological function, a feature that separates all human beings into male or female. Because human sexuality is morally (not just biologically) good, and because the moral good of human sexuality is not only a good of moral permission (simply OK) but is also a moral ideal (a goal we ought to pursue), any act that opposes the goodness of human sexuality is not morally neutral. It has to be immoral. Human cloning opposes the moral goodness of human sexuality and is inherently immoral for that reason.

One could respond that cloning still requires gestation and so does not completely eliminate all need for the female side of human sexuality. But the idea of clonal generation does not rest at opposing the goodness of male sexuality while preserving a still necessary role for female sexuality. Cloning opposes female sexuality as well, but does so in a fashion that is temporally limited and only to a slightly less degree. Gestation after all is not integral to what cloning is about. Human wombs will also be eliminated when alternatives (either animal or artificial) become available. If or when that happens, cloning will render female sexuality every bit as insignificant as male sexuality would be made at the start.

While the moral value of human sexuality should be obvious to everyone, Christians understand that human sexuality (not just sexual function) is sacred in a way that does not apply to animals. That is, human sexuality is something given—a gift of God—the meaning of which is connected not only to his design for human life, but to his purposes for it as well. God's design is not

40. *With Cloning of a Sheep, Ethical Ground Shifts*, NEWS & OBSERVER (Raleigh), Feb. 24, 1997, at A1.

41. Lisa Sowle Cahill, *Hearings on Cloning: Religion-Based Perspectives*, BIOLAW, June 1997, at 100-03; see also Lisa Cahill, *Religion-Based Perspectives on Cloning of Humans I: Roman Catholicism* (visited Apr. 21, 1998) <<http://www.all.org/nbac/970313a.htm>> (testimony presented before the National Bioethics Advisory Commission, Washington, D.C., Mar. 13, 1997).

arbitrary—it is intentional: “male and female he created them.”⁴² And this intentionality was demonstrated by distinctly separate acts of creation that together, yet distinct, gave unique significance to human sexual identity and placed it above the merely biological significance of animal sexuality. Moreover, it was through acceptance, celebration, and responsible use of sexual being that the human race (male and female) was ordered to realize the morally good purposes of becoming “fruitful” (life-giving),⁴³ and fully “united” (love-making)—a dimension of relational unity involving every level of being.⁴⁴ All this, God pronounced, not just “good,” but “very good.”⁴⁵ By contrast, human cloning denies the goodness of human sexuality to its core and issues a statement (intended or not) that directly contradicts the divine pronouncement.

6. Cloning De-humanizes Human Reproduction by Severing It from Life-giving Love

Sixth, human cloning is inherently immoral because it de-humanizes human reproduction by severing it from life-giving love. Clonal production may generate life and that life may be fully human. But however human it may be, a clone will be someone produced by an act of laboratory fabrication—an act of technical skill—not by an act of love expressed in self-releasing, self-giving union. Clonal production is inherently non-relational, and because it is non-relational, it is also impersonal. What cloning does may result in personal being, but it will be a person whose coming-to-be is not the fruit of love. Human life-giving must be relational and personal, or it is de-humanizing, and what is de-humanizing (what violates the personal value and significance of human life) is immoral. Because human cloning is life-giving without love, and because life-giving without love is immoral, human cloning must be immoral.

Christianity, along with most other religious traditions, teaches the moral importance of neighbor-love and abhors the immorality of selfishness because it places satisfaction of self over and against the good of others. Jesus taught that we should each love our neighbors as ourselves,⁴⁶ and clonal self-reproduction falls short of this mark. That is, human cloning does not love the neighbor. At least it does not love the nearest other involved in the act of generation—the clone. Instead, it severs love-making from life-giving and, in the place of love-making, joins life-giving to inordinate self-love (self-love that goes beyond what it ought to the detriment of others). It is in fact profoundly ironic that cloning humans is not, and can never be, an act of self-giving

42. *Genesis* 1:27 (NIV).

43. *Genesis* 1:28.

44. *Genesis* 2:24 (NIV).

45. *Genesis* 1:31.

46. *Cf. Matthew* 22:39.

(selfless, other regarding) love even though it is an act of biological self-repetition. The act fails self-giving love because cloning (biological self-repetition) is neither other-regarding nor selfless. By severing love-making from life-giving, human cloning can and will only be an act of unadulterated selfishness.

7. Cloning Misappropriates Ownership of the Design Rights to Human Life

Seventh, human cloning is inherently immoral because it misappropriates ownership of the design rights to human life. It is larcenous because an act of clonal generation of human life presumes ownership of something to which no human being can rightly claim title—the design and purpose of human life itself. In other words, cloning humans violates humanity (a quality we all share) by misappropriating an owner's right to reshape and so redefine "humanity." At the very least, we should argue that no individual (be he scientist, politician, or Supreme Court Justice), and no elite group of human beings (be it legislature, court, panel, committee, or commission), has any more title to the design of human life than any other member of the race. Whatever our position, education, or intent, each of us shares equally in humanity. Each of us has an equal stake in the moral significance of the design and purpose of human life. For this reason, it must always be immoral for any stake holder to touch the design of human life apart from the unanimous support of all other stake holders. Of course, given the size of the human race, any hope of obtaining such support is actually impossible.

But theological concerns that make human cloning larcenous go farther than equal participation by every man, woman, and child in the general design and purpose of human life. Theologically, human cloning is larcenous because it claims an ownership right to the image of God, when in fact that image remains God's, not ours, even though it is carried by each member of the human race.⁴⁷ Thus, to the degree human cloning misappropriates the *Imago Dei*, it is contrary to the Eighth Commandment: "You shall not steal."⁴⁸ Misappropriating the Creator's ownership title remains an issue even though the image of God in man goes beyond the physical. It is true that our bodies are not all we are. But, it is also true that we are not what we are as humans apart

47. *Genesis* 1:27.

48. *Exodus* 20:15 (NIV).

from embodiment. Furthermore, the immorality involved is not affected by whether or not cloning humans can ever actually change the *Imago Dei* in anyone (I think it cannot). Just manipulating, or attempting to manipulate, the design and purpose of human life is sufficient to render cloning humans a matter of misappropriation, for it is either "attempted robbery," or it is tampering with a design we have no authority to change.

Just as the owner of a car is offended by a valet who uses it for a taxi after the car is entrusted to his care, or just as a patent owner's title is violated when another attempts to use it for the purpose of design modification, so cloning human life touches the image of God in man in a manner that fails to honor proper ownership. In as much as humanity is uniquely dignified, having been set above all other forms of created life because we alone are privileged to bear the image of God, the final reason cloning humans (the act itself) is inherently immoral is because the design and purpose of human life is not, never has been, and never will be, ours to change.

C. Cloning Is Driven by Immoral Desires

At the most profound level of moral analysis, which is to say the theological level,⁴⁹ there remains at least one more way to argue that human cloning is unalterably immoral. Arguments in this category should not be treated less seriously in a pluralistic context just because they are theological. Rather, these issues are relevant to a pluralistic society if only because failure to treat them seriously will tend to undermine general respect as civil government (secular, pluralistic, or otherwise) passes laws, makes policies, or sets standards contrary to moral convictions that frame life and thought for large portions of the population.

To those who follow the moral tradition of the Hebrew Scriptures and who find in them the moral authority of God, cloning human life must be immoral not only because it involves immoral processes, and not only because the nature of the act is inherently immoral, but also because it is driven by and in turn provokes three kinds of immoral desire—the desire to reach immortality on our own terms without God, the desire to preempt God by assuming his place, and

49. Whether acknowledged explicitly or not, every frame of moral analysis depends on presuppositional starting points or commitments of faith that set, coordinate, and justify particular judgments of moral value. Because moral thinking cannot begin without such starting points, there is no system of moral analysis that is not at least phenomenologically religious, nor can moral judgments be made that are religiously neutral. When it comes to moral evaluation and judgment, the most one can do in a pluralistic culture is hope for reasoned persuasion and fairness.

the desire to worship human beings (either self or another) in the place of God.⁵⁰ This is not the place for lengthy exposition, but a quick review of each is in order.

For many, though not all, one of the great attractions of clonal reproduction is that it looks like a step in the direction of human immortality—an immortality that if successful could be controlled entirely on our own terms. Although a clone will always be temporally and positionally other than the generational self, the nature of its being (to say nothing of its physical appearance) promises to be so nearly the same as its generational self as to invite self-delusion in the minds of those tempted to clone themselves. Yet, delusions aside, cloning also suggests the future possibility of generating perfectly compatible replacement parts, which carried far enough will tempt some to pursue immortality by perpetual replacement. According to Scripture, it is not wrong for humans to desire immortality, but it is profoundly wrong to seek immortality on our own terms apart from God. Mortality entered the world when our first parents disobeyed God,⁵¹ and they were banned from Eden lest they reach out their hands “and take also from the tree of life and eat, and live forever.”⁵² God has promised eternal life,⁵³ but only on his terms; and, he plans to restore access to the tree of life, but only when his agenda for human history is complete.⁵⁴

A second attraction that drives interest in human cloning is the idea that through cloning the human race could start to control its own evolution. It provokes the question: “Why should we be satisfied with staying mere progenitors, when we can become the creators of future humanity?” This desire to be creators of our race can easily masquerade as a perfectly legitimate thirst for greater knowledge and ability. But what sort of ability is in view? Why should anyone aspire to take charge of human evolution? What gives the temptation real power is the prospect it offers for taking over the role of Creator for the future of our race. It is the prospect of playing God, preempting God, or becoming God for ourselves. For those who revere Scripture, such desire repeats the original temptation: “you will be like God.”⁵⁵ And, to all who in pride or delusions of selfish-grandeur aspire to deity in their own right, the God

50. Inordinate desire is what makes reading pornographic literature immoral even apart from any overt action to satisfy the desires it provokes. Jesus taught that wrong desire apart from outward conduct is sufficient to make one guilty of violating God’s moral law against adultery. *Matthew* 5:27-28.

51. *Genesis* 2:17; 3:3; and 3:19.

52. *Genesis* 3:22 (NIV).

53. *John* 3:16.

54. *Revelation* 22:2.

55. *Genesis* 3:5 (NIV).

of Scripture warns that “you will die like mere men; you will fall like every other ruler.”⁵⁶

A third desire lurking behind the attraction of cloning ourselves, a desire that for many is or will be provoked (even aggravated) by the prospect of clonal self-repetition, is the idolatrous worship of self, either in ourselves or in other human selves. One is the idolatrous vanity of self-worship. The other is the vain idolization of another human like ourselves. The first arises when one is tempted to think: “I’m so grand; there should be a lot more me’s around.” The same temptation would be provoked by competition when others are tempted to ask: “Why should there be more of him or her than of me?” The second sort arises in thinking: “I want for myself a copy of that celebrity” or “a repeat of that particular child.” Of course, genuine love of others is not immoral. But the moral becomes immoral when natural affection escalates into worship, and love becomes worship when devotion requires the devotee to sacrifice others, or when valuation of a loved one (or thing) is set above all other values in the life of the devotee (i.e., is made a god). Devotion of this sort is immoral because it makes a god of a thing or being who is not God. In the Hebrew Scriptures, distorted devotion violates God’s first two commandments: “You shall have no other gods before me,”⁵⁷ and “You shall not make for yourself an idol in the form of anything in heaven above or on the earth beneath or in the waters below.”⁵⁸

V. CONCLUSION

In this Article, I have argued that human cloning involves enormous dangers and these dangers involve risks so significant that human cloning can never be justified. Furthermore, I have argued, not only is cloning humans unjustifiable, but the attempt is categorically immoral because it requires unavoidably immoral processes, the act of cloning humans is itself inherently immoral, and it is driven by or must provoke immoral desires. In framing these arguments, I have relied on different reasons, many of which are practical or generally philosophical in nature. But I have also discussed reasons for opposing human cloning that are unapologetically theological and Christian. That is, they require a particular set of religious beliefs.

Arguments based on practical and generally philosophical reasons are, on their own, more than adequate to warrant banning the clonal production of humans, and to do so on a permanent basis. Any society, government, or court of law—however independent of particular religious authorities—ought to oppose

56. *Psalm* 82:7 (NIV).

57. *Exodus* 20:3 (NIV).

58. *Exodus* 20:4 (NIV).

human cloning out of sober and realistic experience with human nature, out of respect for human dignity, and in order to affirm, protect, and uphold the integrity of essential human institutions such as marriage, parenthood, and childhood. Should these not be enough, a secular government ought to be persuaded by appeals made on the basis of its duty to ensure species survival and its obligation to safeguard the goodness of human sexuality and sexual procreation.

But, because all moral reasoning arises out of religious conviction (whether consciously or unconsciously), and because no moral analysis is possible that does not first begin with convictions of faith, the most profound level of moral reasoning will always be theological. When momentous moral issues are at stake, consideration of religious convictions underlying moral analysis (on all sides) not only is appropriate, but is in fact needed for clarity, wisdom, and fairness. However persuasive practical and generally philosophical reasons for banning human cloning may be, the most persuasive (because most important) are those that come from the theological level of moral analysis. Thus, all else aside, human cloning should be banned simply because we ought to join Paul Ramsey who warned against cloning humans because “[m]an cannot endure if there is no creation beneath him, assumed in his being, on which he ought not to lay his indefinitely tampering hands.”⁵⁹ We should also heed the warning Jesus gave about staying clear of inordinate aspirations: “What good will it be for a man if he gains the whole world, yet forfeits his soul?”⁶⁰

59. RAMSEY, *supra* note 16, at 125.

60. *Matthew* 16:26 (NIV). The Greek text can just as well be translated to focus on collective rather than individual human identity. (Hence: “What good will it be for the human race if it gains the whole world, but . . .”). Jesus did not exclude either rendering.

