

8 February, 2000

The Secretary
House of Representatives
Standing Committee on Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Pro-Life Victoria

Submission to Inquiry into the Scientific, Ethical and Regulatory Aspects of Human Cloning

Contents		Page
Regulation within The Context of Public Opinion		2
Terminology - A Fallacy		4
Biological Beginning of A New Human Life		5
Research Involving Experimentation on ‘Whole Human Beings’		5
Cloning Human Beings		6
Cloning Human Embryos for Transplantation		8
Cloning To Produce Surviving Children		10
Human Identity		10
Conclusion		13

Pro-Life Victoria

Submission to Inquiry into the Scientific, Ethical and Regulatory Aspects of Human Cloning

Regulation within The Context of Public Opinion

We appreciate the opportunity to prepare a submission to this Inquiry which correctly focuses on the moral and ethical concerns raised by the range of possible research proposals. We believe it is also important that Parliamentary representatives are informed of the climate of public opinion, the levels of awareness and the extent of public debate.

Therefore, we wish to make preliminary comments on our own experience with the Australian public's attitudes and level of awareness and comprehension of the issues raised by research on the human genome and embryo experimentation.

There ought not be a rush to pursue all possible areas of research prior to a high degree of public consensus that further research is ethically acceptable. Objectives should then be pursued after considering alternatives.

In 1986, Pro-Life Victoria participated in the collection of an astounding 132,000 signatures petitioning the Senate to ban all destructive experimentation. The Senate Committee Inquiry which followed was the most thorough national Inquiry this country has seen in this area. It recommended a ban on non-therapeutic embryo experimentation.

In Victoria in 1988, the Minister for Health, Mrs Hogg put into place a limited moratorium on embryo experimentation. It was widely reported at the time that the moratorium was in place only to defuse the issue during an approaching by-election. Within the State electorate of Greensborough, we circulated a petition seeking a ban on embryo experimentation. Our press release following the success of the petition was quoted widely. The following quotation from the press release relates to the experience provided by the petition in shopping centres over the two weekends prior to the Greensborough by-election.

“In the by-election atmosphere, we are surprised ourselves at the high level support from local people within the electorate. Our target number of signatures has been frequently raised. We now are heading for 3,000 and given time we think 10,000 collected inside this electorate would be possible. Community concern on this issue is running very high. A solid majority of those who stop to listen to what the petition is about are willing to sign. Many in a hurry return to sign after reading our leaflet. We see the public snub the people handing out ‘how to vote’ pamphlets, but we hear their encouraging comments as they sign our petition.”

For over a decade, our own members have continued to make their own small contributions to awareness of the issues raised by embryo experimentation. Throughout the world, research proposals have continually moved a step ahead of legislation and regulatory frameworks, leaving moral and ethical issues unaddressed.

Disbelief is the typical public reaction to the revelation that the Federal Parliament has a Committee inquiring into human cloning. There is disbelief from some that any Australian scientists would clone a human being and there is wider disbelief that our law makers would consider permitting any cloning of human beings. However, our scientists ought not be left with responsibility for moral and ethical concerns. These must be dealt with after consideration by the Parliament of an appropriate and effective regulatory framework.

Terminology - A Fallacy

We believe that all instances of cloning of a whole human being (by nuclear replacement, embryo splitting or any other means in future) must be considered as 'reproductive cloning'. This is distinct from any cloning of human tissue which does not represent a whole human being.

The Australian Academy of Science has advocated that some reproductive cloning be known as 'therapeutic cloning'. "Therapeutic" is universally reserved in the context of experimentation for procedures which are "therapeutic ' for the subject. the proposed 'therapeutic cloning' in reality involves reproductive cloning and also involves the destruction of the cloned embryo - hardly therapeutic.

Biological Beginning of A New Human Life

Whether a human life is developing from the union of ovum and sperm, or from the use of cloning technology, the DNA molecule in the progenitor cell contains a definite human genetic constitution. This genetic constitution is incomprehensibly complex, set out in

terms of one of the four nucleotides A, T, C or G occupying each of the three thousand million positions along its metre long helical backbone.

Not only does the new human life contain the blueprint for its own process of development. In addition, it is already in the process of unraveling all this unique human genetic information and using it to grow to maturity as an adult.

A 'whole human entity' is necessarily a human being and morally and ethically, the 'whole human entity' must be treated as a human being with human rights.

Research Involving Experimentation on 'Whole Human Beings'

Ethically, we must distinguish between research with parts of human beings (e.g. growth of living tissue) and research involving whole human beings. A living whole human being is in a process of development which can only end with the death of that human being. Given its natural environment or a suitable proxy, the development proceeds through different stages to a child and an adult. The human being is the same one throughout the development process.

The value of human life and fundamental human rights are violated if human life is used in experiments and then destroyed.

It is most disturbing that plans are being made to produce, use and then eliminate human beings. If human beings are created for the purpose of experimentation and then

destruction, this creation is itself most objectionable and shows flagrant disregard for human rights and the value of human life.

The European Convention on Human Rights and Biomedicine prohibits the production of embryos for experimental purposes. Our laws and regulations should prohibit the clinical use of the life of a fellow human being who is brought into being only to be used as biological material. To ensure consistency with the Universal Declaration of Human Rights (Article 30), no procedure, treatment or experiment on a human being should be permitted if it is not in the best interests of that human being or if it will violate that human being's fundamental human rights especially the right to life.

Cloning Human Beings

IVF programs have won a degree of public support following the news media's focus on sensational successes - the means by which success is achieved and the disappointment for the majority receives little attention. Nonetheless, destructive experimentation on human embryos is an abuse of the IVF programs and this engenders an instinctive sense of repugnance in very many people. Research on 'spare' embryos is a grave abuse, however, the embryos are created.

As already discussed, cloning human beings purely for experimentation and then destruction involves an absolute devaluation of the life created and denial of human rights in a discriminatory manner. However, the cloning of human beings for the purpose of research raises a range of additional moral and ethical objections apart from the matter of non-therapeutic research on human beings.

In considering proposals to clone human beings it is necessary to consider what will be the impact on the nature of our society and how we value human life. The acceptance of human cloning would impact on this in various ways. Cloning makes possible the replacement of any human being with a genetically identical replacement.

The uniqueness of each human being has underpinned the way in which our society values human life. Cloning means that the cloned human beings lack this uniqueness. It also means that we all are potentially no longer unique.

Whereas existing IVF embryos have parents, cloned embryos may not have identifiable parents in the sense of having gamete providers. They would therefore have less protection.

As knowledge of the human genome grows, there will be increasing pressure to permit the abuse of human embryos. If cloning is permitted initially subject to some arbitrary constraints, then it is difficult to envisage any enduring limits being placed on the cloning in terms of the range of applications to which it may be applied. The applications will be ever-changing and always beyond any consistent regulation. There should be no naivety in believing that human cloning can be permitted for limited purposes - 'the genie will be out of the bottle'.

Ethics must not be subverted by the scientific imperative which demands for the sake of 'science', anything that can be done will be done. If our society is ruled by this scientific

imperative, cloning and genetic engineering will take our society down paths determined without any reference to ethics or morality.

We share the worldwide well-documented fear of the development of a system of eugenics/eugenic engineering.

Cloning Human Embryos for Transplantation

The ethical concerns already raised with regard to destructive human embryo experimentation as well as those specific to cloning make it reprehensible to consider creating human beings purely to be ‘cannabalised’ for organ extraction and transplantation.

However, as the Inquiry has been asked to identify potential benefits of cloning human beings, a careful evaluation of the full range of options for further research into organ transplantation will be required. In this regard, this submission will make only a few comments.

Medical science has come a long way in organ transplantation without the need to dissect living human beings for organ extraction.

The cloning of a sheep has raised the possibility of cloning human beings and then making them available for organ extraction. However, this cloning in animal species also demonstrates that the total potentiality of the genome exists in adult cell nuclei. It is

theoretically possible that these same adult nuclei may be induced to differentiate into different tissues/organs.

Master control genes for morphogenesis have been identified. Within the next few years, the means to switch on and off these master control genes may permit the production of organs to be stimulated from tissue culture. Current and ethically acceptable molecular genetics techniques may lead to the production of new organs without any unethical experimentation or procedures involving the destruction of living whole human beings. In this regard the United States National Bioethics Advisory Commission has identified procedures (for obtaining cells to be used in transplantation) which it sees as morally preferable to the use of human embryos.

Cloning To Produce Surviving Children

The possibility of cloning human beings and permitting development to proceed to birth may appear to overcome the major objections relating to the destruction of human beings and the creation of human beings with no intention to permit development. However, if the cloning of human beings to produce surviving children is permitted, it will inevitably occur only after large number of human embryos have been sacrificed in non-therapeutic experiments.

If a cloned human being is permitted to develop to birth, a range of further serious concerns arise. These relate to the interests of the cloned child and adult as well as to the impact on our society of taking a path in which cloning is an acceptable reproductive option.

Human Identity

A cloned human being is deliberately created to be identical genetically to another human being. The lack of individual genetic identity sets such a person apart. As a result of being identical genetically and also as a result of being deliberately created to be so, a child may face confusion and bewilderment about obvious resemblance to the person cloned. Confusion may be a further problem for the child given the lack of any genetic links to parents.

If identical twins are brought up in ways which do not sufficiently recognize separate identities, psychological problems can be experienced. As the cloned person is created deliberately to resemble the person cloned, the problems could be considerably more serious and more likely to occur.

As age difference between the 'clone' and the person cloned would mean the 'clone' may see the older person develop particular features. This may generate tension, self consciousness and psychological problems relating to individual identity and incompleteness. The means of cloning is akin to a production process which adds to the unavoidable perception that 'clones' are being treated like manufactured products. 'Clones' are likely to be treated as interchangeable by some people with whom they deal and being viewed as interchangeable, they may be valued less.

Parents of cloned human beings may be more inclined to value children according to how they meet the parental expectations visibly demonstrated in the person cloned. Parents

may tend to seek excessive control over their children's characteristics and choices. Cloning itself provides unwarranted parental control even before the cloned child is born.

Cloned children would lack genetic parents in the sense that we all have genetic parents. Cloning is asexual in a more radical sense than IVF. Two people of different sexes are not needed so that a single woman could have a child using only her own genetic material or a lesbian couple could have a child using the cell nucleus from one woman and an enucleated oocyte from the other. A child would then be deprived of both a social and a genetic father. A child produced from a single woman would also entirely miss one side of a family in genetic make up.

The 'production process' mentality is already inherent in IVF procedures. Embryos are mass produced, screened and discarded. Many thousands of surplus embryos are placed in storage without their future being considered. Some are used in experiments. Embryos are treated as products or possessions under adult control. Cloning will hand control of embryos over to scientists as they may be created without parents. Some of the proposed uses of cloned human beings themselves demonstrate the moral problem of embryos being treated as products - non therapeutic and destructive research, uses in organ transplantation.

Cloning will also be proposed to provide a means of avoiding disease in children. Increasingly, parents would be encouraged to accept children conditionally and in line with parental expectations.

An IVF child may have his/her different means of conception downplayed and the child may not be reminded in daily life. In contrast, a cloned child would face parental expectations which are focused on specific characteristics at different ages.

Conclusion

We urge the Committee to pursue a regulatory framework for Australia which prevents any cloning of 'whole human beings'.

In all areas of medical research, experimentation proceeds with animal species - in relative terms, experience to date with cloning research involving animals is very limited. Why should the ethics and human rights which have gained international recognition now be abandoned? On the contrary, 'cloning' rings so many more alarm bells than other lines of medical research. In addition, much more will be learnt about the human genome within the next few years and there is great scope for medical research to achieve breakthroughs without resorting to cloning.

Bans on human embryo experimentation and embryo destruction have already been avoided when parts of embryos can be imported following experiments overseas. Embryos have also been exported from Australia for procedures banned here. The regulatory framework needs to consistently address this situation relating to importing and exporting in the context of both 'human cloning' and embryo experimentation.

Peter Beriman

President, Pro-Life Victoria