

**SUBMISSION TO THE HOUSE OF REPRESENTATIVES STANDING  
COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS INQUIRY INTO THE  
SCIENTIFIC, ETHICAL AND REGULATORY ASPECTS OF HUMAN CLONING.**

From  
Social Responsibilities Committee  
Anglican Diocese of Melbourne

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## **1. INTRODUCTION**

- 1.1 This Submission is from the Social Responsibilities Committee of the Anglican Diocese of Melbourne. It is made in response to the House of Representatives Standing Committee on Legal and Constitutional Affairs Inquiry into the scientific, ethical and regulatory aspects of human cloning.
- 1.2 This matter was referred to the Standing Committee by the Minister for Health, the Hon Michael Wooldridge MP, on 12 August 1999. The terms of reference for this enquiry set out by the House of Representatives are:-
- 1.3 "The Committee shall review the report of the Australian Health Ethics Committee of the National Health and Medical Research Council entitled *Scientific, Ethical and Regulatory Considerations Relevant to Cloning of Human Beings* dated 16 December 1998."
- 1.4 It should be noted that the range of issues covered by the report is wide-ranging and the Terms of Reference are vague. It is not clear what aspects of cloning are of interest to the Committee or which raise concern for the Parliament. In the light of this, while some aspects of the Report will be discussed in detail, much of this Submission addresses general concerns within the area of cloning and particularly to those outlined in the Report.
- 1.5 The Submission will address the basic assumptions of the Anglican Church that are generally held by members and taught in that Church and which are relevant to this area. It is to be noted that the members of the Anglican Church in Australia vary from being highly committed to nominal. Members are diverse in their thinking and not all members of the Church may agree with every statement. In putting forward its view on this topic the Social Responsibilities Committee is aware of this range of commitment and for this reason attempts to frame its recommendations so that they might reflect the outlook of those with a highly developed religious sense and those who are on the periphery of the Church. The SRC acknowledges the pluralism of values and world views within Australian Society. Nevertheless it believes that it has the responsibility to identify the critical moral issues arising from such adventurous research into human determinants. It also believes that many people outside the Christian Church look to the Church to give leadership on such matters and the Committee should take this viewpoint seriously, since so many of Australian society's moral attitudes, ethical principles, values and laws are based on the Judeo-Christian tradition.

## **2 WORK IN THE ANGLICAN CHURCH OF AUSTRALIA**

- 2.1 This submission has been prepared at the invitation of the Anglican Archbishop of Melbourne, the Most Rev'd Dr Keith Rayner, by the Diocese of Melbourne Social Responsibilities Committee with the Rev'd Dr Christopher Pullin as its principal author<sup>1</sup>

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<sup>1</sup>The Archbishop of Melbourne is the senior Archbishop and Primate of The Anglican Church of Australia and the Chairman of the General Synod of the Church.

- 2.2 The Anglican Church has an ongoing interest in questions of bioethics with work being done at a national and diocesan level since the 1970's. In 1981 the Social Responsibilities Commission of the General Synod of the Anglican Church of Australia called for the development of clear ethical guidelines to be established by law within which all biomedical experiments should proceed. It identified the major underlying issue as the question of when human life begins. While much of the early work addressed the questions of reproductive technology and surrounding issues, the issues of research and uses of embryos and of cloning were also addressed. In 1982 The General Synod Social Responsibilities Commission issued a statement which said "Experimentation beyond IVF and ET (In Vitro Fertilisation and Embryo Transfer to achieve pregnancy in infertile couples) should not be permitted with human embryos; specifically cloning, genetic engineering, artificial placentae, surrogate motherhood, human - animal hybrids and embryo freezing"<sup>2</sup>. This policy was affirmed by a motion at the 1985 session of General Synod<sup>3</sup>
- 2.3 Vigorous and ongoing debate at both a national and local level has been promoted by General Synod Social Responsibilities Commission setting up a life issues group, debates on motions in Diocesan Synods, distribution of educational materials, publications, submissions to government enquiries and membership of State government bodies.

### **3 GENERAL ISSUES**

- 3.1 A programme of scientific research usually raises questions of a moral, ethical, legal and social nature. This is true particularly of research that involves the basis of human life and which has the potential to replicate human beings as well as replace damaged organs and tissues and products that are made in human cells to regulate life. These areas of research raise major questions of what life is and what are the rights and responsibilities of human beings in both the alteration and use of life processes and also life itself.
- 3.2 The ethical dilemmas raised by the major advances in biology and biotechnology during this century have been the subject of intense study and reflection in recent years.
- 3.3 They have brought a paradoxical mixture of enormous benefits in the alleviation of individual human suffering and improvement of human life as well as creating potentially enormous human problems by their use. The ability to apply scientific research to fundamentally reshape humankind and to manipulate life to our own ends is an event beyond any in human history. It has a potential far beyond the

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The Social Responsibilities Committee (SRC) of the Diocese of Melbourne is one of a number of Committees established by the Synod of the Diocese which is the governing body of the Anglican Church of Australia in the Diocese of Melbourne (The Social Responsibilities Act 1985, Serial No 124). The SRC's functions include being "a resource on social issues for the Archbishop, the Diocese and the community", "identifying and formulating responses to social issues" and "to undertake research and prepare materials related to social issues". The Committee comprises persons from all parts of the Diocese who are considered to have expertise in various areas of social questions. It is chaired by Canon Ray Cleary. The SRC is empowered to make submissions to inquiries and otherwise publish its views. Its stance does not, however formally bind the Anglican Church of Australia.

<sup>2</sup>Statement by the Social Responsibilities Commission on In Vitro Fertilisation, May 1982, General Synod Office, Sydney.

<sup>3</sup>General Synod of the Anglican Church of Australia, 1985 Session, Motion 72/85

immediate medical goals in that it will alter our view of life and the relationship of humanity to the whole of creation. This in turn has the potential to further alter the way we relate to each other and through this to alter our social fabric and whole existence.

- 3.4 The Anglican Church welcomes the opportunity through this submission to reflect on, comment on, and address these questions in the context of the Report which is the subject of this enquiry.
- 3.5 This Submission will briefly outline the relevant scientific issues raised by the Report, the needs and processes in moving forward, a critique of the Report, and the underlying values and insights from the Christian understanding of human beings. It will then outline the ethical questions arising in cloning of DNA, Body Chemicals and Cells, cloning of individuals and cloning of body tissues and organs before listing general recommendations and specific responses to the recommendations of the Report.

#### **4 SCIENTIFIC ISSUES AND RENEWED RECENT INTEREST IN CLONING**

- 4.1 A number of recent major advances have come together to make interest in cloning a frontier issue in bioethics.
- 4.2 In recent years there have been great scientific advances in DNA sequencing, cell culture, embryology, genetics and reproductive technology. International scientific co-operation has led to the Human Genome Project. Legislative changes<sup>4,5</sup> protecting the commercial application of discoveries have produced industrial capital for basic and applied research and consequent commercial production and marketing of materials derived from humans. Advances in animal husbandry ( particularly the development of prize cattle, sheep and racehorses) using advanced reproductive technology and cloning has also renewed interest in human cloning and has given it impetus.

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<sup>4</sup>In the 1980's the potential for commercial gain in this area grew as a consequence of legislative measures enacted to encourage the commercial development of research, particularly in the United States. These initiatives allowed universities and non-profit research institutions to apply for patents on government funded research and provided tax incentives to companies investing in academic research. At the same time changes in patent law turned commercial attention towards genetic research. A landmark US Supreme Court decision in 1980 granted a patent on a life form - a bacterium which could digest crude oil— setting the scene for the patenting of human genes<sup>5</sup>. In the mid 1980's the US patent office began granting patent rights for human genes. It has since received over 5000 patent applications for human genes and has granted over 1500 including patents for bone and brain tissue and DNA coding for human proteins. While Europe and Great Britain are moving to stop patenting of human genes and products, a US Company recently announced it will seek patents for 6500 of its products from the human genome for commercial exploitation. The US patent Office has received up to 10000 applications for patents in this area.

<sup>5</sup>This bacterium, a form of *Pseudomonas* was engineered by Ananda Chakrabarty while working at General Electric. He used recombinant DNA techniques to combine genes from a number of naturally occurring oil digesting bacteria, each of which could digest part of the crude oil. The original patent application was rejected on the basis that Patent Statutes did not allow bacterium to be patented. This was reversed on appeal and again rejected after further appeal by the Patent office. The company and Chakrabarty appealed to the US Supreme Court who ruled that such an organism, which did not occur in nature, was covered by the Patent Law's definition of "manufacture" of inventions or discoveries. See *Diamond v. Chakrabarty*, 447 US. 303, Annas, G J, At Law: Of monkeys, man, and oysters, *Hastings Center Report*, 17(4), 1987 and Anderson, J K. Recombinant DNA Research in *Genetic Engineering*, Zondervan Grand Rapids, Michigan, 1982, p77-100 And particularly 91-95

- 4.3 While much of the present interest is in work with animals and plants the recent announcement of the birth of Dolly, a sheep that was cloned from an adult udder cell<sup>6</sup>, has again raised the possibility of cloning human beings. Two aspects of this achievement have major implications. One is that somatic tissue from an adult has been used to produce a live animal. This has rewritten one of the laws of biology that cells, once differentiated cannot go back to being undifferentiated. The second is that a large mammal can be cloned from the cells of an adult of the species.
- 4.4 The nuclear transfer technique applied to produce Dolly could in theory be applied to humans. This suggests that the idea that people could one day replicate human beings asexually, just by copying material from human cells is a reality. More measured scientific assessments have generally regarded this as something remote and would need a great deal of further research. But the demonstration that nuclear transfer cloning is possible not only in sheep but cattle and mice suggests that the technique could be generally applicable in mammals, and thus potentially more likely in humans.
- 4.5 Media speculation on such possibilities has fuelled public debate on the cloning of human beings, readily available replacement organs and tissues and the treatment or elimination of a wide range of genetic and other diseases. There is intense public interest, debate and concern about these possibilities, against a background of the technical possibility of human cloning. Even the scientific literature has made claims for proposed medical benefits which are probably unachievable at least in the short to medium term. A major interest is the scientific curiosity and the thirst for knowledge. Scientifically it would be a big, difficult and highly dangerous leap from cloning a sheep to cloning humans, organs or tissues. It is premature to discuss this as if it was available or inevitably going to happen. But this urge means that at least the question, "What if?". has got to be asked.

## **5 NEED FOR ANSWERS.**

- 5.1 Despite their difficulties, the many questions raised by the possibility of advances in cloning must be answered at a philosophical as well as a practical level. These answers must be based on soundly enunciated ethical principles and be logically consistent with those principles. The answers must then be implemented in laws, public policies, protocols and in the provision of resources for appropriate research. These answers will have profound consequences for the future of society and the whole human race.
- 5.2 The way in which we deal with differences in values and beliefs in our pluralistic society is also a major consideration. It is more responsible not to seek the lowest standard that the community will reasonably accept but rather the best solution which provides the most good and that can be implemented having regard to the needs, rights and interests of as wide a range as possible of members of society without offending the beliefs and sensibilities of other citizens.

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<sup>6</sup>Wilmut, I et al, Viable Offspring derived from foetal and adult mammalian cells. *Nature*, **385**, 27th February, 1997, 810-13, and Campbell, K H S, et al, Sheep cloned by nuclear transfer from a cultured cell line, *Nature* **380**, 7th March, 1966, 64-66

- 5.3 The answers developed will not be limited to the immediate questions but could also provide the basis to answer future questions which will emerge. The development and applications of such basic principles and laws derived from them should be related to basic ethical reasoning which takes into account the short and long term consequences for the individuals involved, the advancement of scientific knowledge, the underlying philosophical questions and the welfare of society as a whole.

## **6 THE CURRENT AHEC REPORT**

- 6.1 The Report commissioned by the Minister of Health had wide-ranging terms of reference and attempts to cover scientific, ethical and legislative issues. The Report produced responds to these terms of reference but fails to recognise the assumptions and omissions behind them. It assumes that cloning is an acceptable form of research and treatment and fails to ask the basic questions of whether our society should proceed with this area of technology and research. The Report also fails to apply ethical analysis to its recommendations and accepts present practice as ethically acceptable without further comment or investigation.
- 6.2 A further assumption within the terms of reference and the report is that while cloning of whole persons would not be acceptable the cloning of organs and tissues would be. There is a failure to address the issue of the advances in scientific knowledge and research techniques to be gained from studies in this area. While the report 'draws a distinction between the cloning of human 'wholes' and cloning of the component 'parts' of a human being' the discussion of this distinction and the ethical consequences from it are not explored.<sup>7</sup> This confusion is amply demonstrated in section 3.8-3.21 where discussion to justify cloning includes development of human understanding, assistance in human reproduction programs to give those who are unable or unwilling to use their own gametes, development of transplantable organs, to produce valuable proteins and pharmaceuticals and to copy human beings. These ethical points fail to differentiate between the various applications of cloning despite the report's claim that different ethical analysis should be made for each scenario.
- 6.3 The Report is also deeply flawed by its lack of ethical reflection and analysis beyond a limited discussion of the ends and means of cloning experiments and social and legal consequences of legislation regarding cloning. It only briefly addresses the question of whether cloning should take place. It points out that most discussion is 'focused on the ethical issues associated with various proposals to use cloning techniques in ways that use human embryos.' Since at this time most of the work would proceed through use of human embryonic material or produce the equivalent of a human embryo as part of the experiment, the question of experimentation on embryonic material must be one of the major moral issues in cloning.
- 6.4 Of major concern to this SRC is the Report's failure to recognise the major issues arising from embryo experimentation. A number of methods suggested for organ cloning include modifying the development of the embryo.<sup>8</sup> Such a utilitarian use

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<sup>7</sup>Report 3.4-3.7, p 24

<sup>8</sup>Report 2:34, p19

of human embryos where an entity is made in order to deliberately change the direction of development from that of a living human being to that of a body part for another is totally ethically unacceptable. Such processes violate the being of the embryo and are morally wrong. Any material made using ethically unacceptable methods is still ethically unacceptable no matter what the proposed usage. The good end does not justify the wrong means of reaching the ends. Suggestions of ex-utero development by in-vitro growth or perfusion of aborted fetuses are likewise not ethically acceptable.<sup>9</sup>

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<sup>9</sup>Report 2.43-2.44



## **7 BASIC PRINCIPLES FOR ETHICAL JUDGEMENTS IN THIS AREA.**

7.0.1 This submission is based on the following Christian principles which will be briefly outlined. These provide the framework on which answers to questions and proposals in this area are based and provide a clear and logical basis from which other questions in this area can be assessed.

7.0.2 While these principles have been developed within a Christian context they are widely held by people of other faiths and by many who do not claim to be of any religious outlook. They are enshrined in Australian laws and are part of the common Judeo-Christian heritage which has shaped so much of our society for two millennia.

7.0.3 The major relevant principles are:-

- The sanctity of human life.
- What it means to be human.
- The status of the human embryo and the beginnings of human life at conception.
- The dignity of humanity ("imago dei") with our role as stewards of creation and our God given ability to investigate and use knowledge.
- The legitimacy of scientific enquiry and the limits and boundaries of our knowledge.
- The accountability of science to society and its use for the good of all.
- The need to ensure justice for those who are vulnerable and therefore advocacy for the rights of the embryo.
- The role and function of the family in society.

### **7.1. THE SANCTITY OF HUMAN LIFE.**

7.1.1 Christian belief in the sanctity of human life is derived from the doctrine of God as creator. God made human beings in his own image with the ability, *inter alia*, to reason and to choose. Each individual is infinitely precious to God and made for an eternal destiny. Thus the Christian attitude to human life is one of reverence which is extended to every individual from the moment of conception to the moment that life ceases. The right to life, grounded in divine origin is the basis of other rights and the basis of civilised society. Human worth to God implies the duty of nurturing and preserving human life, and applying all moral means for the relief of suffering and the eradication of disease. It implies a proper regard for the human body itself and a refusal to willingly accept or to willingly inflict any physical mutilation or manipulation that is not necessary for the health of the whole organism. This respect for life and physical integrity sets the limits for the mode and extent of experimentation on human beings. Since all persons derive their right to life and their essential personal value from God, their value as persons is constant, whether they be rich or poor, strong or weak, disabled or normal, socially "useless" or socially "useful", wanted or unwanted. Therefore neither life nor well-being can rightly be sacrificed to the wishes, convenience or economic requirements of either another individual or of society. While in some rare circumstances the life of a person could be lost in attempting

to save another, deliberately to terminate or use the life of an innocent person for any reason is an evil.

## 7.2. WHAT IT MEANS TO BE HUMAN.

- 7.2.1 Christians believe<sup>10</sup> that humanity is God's creation so that humans are not self made, completely autonomous beings. Humans are distinct from God the creator but yet there is a closeness between them. Humans have been created by God in freedom and love with a possibility of freedom and love in return. Humanity has been made an integral part of the whole creation with a special role and responsibility within it. The human being is wholly God's creation and there is no part of human life that is uncreated. This is reinforced by human participation in the created world through our bodies with our reliance on food, shelter for our survival, through community for our full development as persons as well as through bodily sexual union for reproduction. Indeed the created body defines and identifies humans and they are their bodies. The context of humanness is the whole of creation. Humanity, while unique, has a necessary involvement in the created world and has within it a special role to play.
- 7.2.2 Humans are created to live as beings that are paradoxically individual and social. Interaction with other human beings and social involvement are fundamental to human existence, and are in accord with our creation
- 7.2.3 Each human has been given the right and responsibility of free will within a measure of determinism. It is clear that each person is determined to a significant degree by his/her genetic makeup and environment. No one has any choice regarding parental identity, or regarding the place, time or culture into which he or she is born. This element of determinism, the extent and implications of which is open to debate and concern, and which affects personalities, development and outlooks does not mean humans lack freedom to be moral agents and make moral choices that affect not only our selves but our families and the whole of creation. Human beings have the unique freedom to look beyond the limitations of the immediate setting and to alter their environment in significant ways.
- 7.2.4 Sadly humanity is not perfect and does not always choose what is good, either for individuals or for the society. We are compelled to recognise that humanity, although created in God's image shows its 'fallenness'<sup>11</sup> by committing acts and actively, or passively, consenting to acts, that are evil on a large or small scale. Humans must also bear moral responsibility for the decisions that are made and their ongoing consequences.
- 7.2.5 Issues such as cloning force us to confront the issues of who we are, the value of each individual, the moral nature of our decisions and the relationships

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<sup>10</sup>See Rodgers, M and Thomas, M .(eds),*A Theology of the Human Person*, Anglican Church of Australia Doctrine Commission, Collins Dove, North Ringwood, 1992 ISBN 1 86371 1155 for a summary of this area.

<sup>11</sup> Christian doctrine holds that while humans were created in harmony with God that they are estranged from God by their choice to act apart from God. This is illustrated in the story of the Garden of Eden where Adam and Eve made a deliberate choice to break God's law and eat of the forbidden fruit. This trait leading humans to rebel against God is part of human nature which humans must continually seek to overcome.

of individuals to society if we are to develop solutions which are not merely expedient ad hoc solutions but rather responses which are in the best interests of all humanity and creation

### **7.3. THE STATUS OF THE HUMAN EMBRYO AND THE BEGINNINGS OF HUMAN LIFE AT CONCEPTION.**

- 7.3.1 The question of when human life begins and the status of the human embryo are basic to discussion in this area. Such a question will determine when and what rights and privileges are assigned to the embryo, and determine what treatments and uses society should make of embryonic material. This question is one of a philosophical and theological nature which, while drawing on the knowledge of biology, cannot be answered by that discipline. The SRC is aware this question is much disputed. Most arguments advanced for use and experimentation on embryonic material proceed from an implicit position about embryonic status.
- 7.3.2 Various biological positions such as syngamy, implantation, 14 days, emergence of the primitive streak and other physiological events are proposed for the beginning of human life but all are problematic. The Church's position is that the moment of fertilisation should be considered as the unique human beginning. A new entity capable of unique human development has not arisen prior to fertilisation of the egg with the sperm, therefore neither the egg nor the sperm has any special significance in regard to becoming a unique human being. From the time of fertilisation the genetic makeup of a new being is determined and development of a unique human being is a continuous process which occurs unless interrupted. At fertilisation the unique genome is determined when the ovum and sperm combine and this would seem to be the logical point at which a new human life begins. In the whole human life cycle there is no moment comparable in significance to this in determining who we are and in defining a new human being. It must be recognised that in a small number of cases the embryo may split to form two or more embryos who will develop into separate individuals who have identical genomes and mitochondrial DNA. This does not alter the fact that it is at the moment of fertilisation that genetic identity is determined. Therefore the Church accepts human status begins at conception
- 7.3.3 Some say that the existence of "identical" twins means that there should be no ethical difficulty over cloning, or that to object to cloning implies that twins are abnormal. Suggestions have also been made that this fact negates the understanding of the embryo being human from conception. This argument is not valid. Biologically, identical human multiple pregnancies are not the norm, but the unusual manner of their creation does not make them any less human. We recognise that each is a uniquely valuable individual. There are two fundamental differences between cloning and twinning, however. Twinning is a random, unpredictable event, involving the duplicating of a genetic composition which has never existed before and which at that point is unknown. Cloning is a deliberate act to produce humans with identical genomes. Cloning would choose the genetic composition of some existing person and make another individual with the same genes that is allowed to develop in different environments at different times. It is an intentional, controlled action to produce a specific known end. In terms of ethics, choosing to clone from a known

individual, and the unpredictable creation in the womb of twins of unknown genetic nature belong to categories of a different moral order as the method of obtaining them as well as the motives for doing so are vastly different. (Cf. a natural death and murder are entirely different acts although both result in death.) The mere existence of natural "identical" twins cannot be cited to justify the practice of cloning or to prove that embryos are not human from conception.

- 7.3.4 Other critical events in human development such as implantation, development of the primitive streak, quickening and birth are subsidiary in meaning to the moment of fertilisation and could not occur without it. The embryo formed deserves to be treated with the greatest care and respect and accorded rights and protections in accord with this unique status.
- 7.3.5 When a cell is cloned by any technique and an embryo is formed one must question whether the creation of this embryo by a deliberate act with the intention of forming a new human being or a precursor to an organ or group of cells for therapeutic use is legitimate or whether it is an unacceptable manipulation of a human embryo. The Church has seen this as the latter from the early seventies when the question was first raised.
- 7.3.6 This being so, the rights of the embryo must be acknowledged in law and upheld in practice from the beginning and underpin all work with embryonic material and with embryos. Indeed most legislative practice in our society would dictate that this most conservative position should be adopted and those who wish to adopt a less conservative, less prudent position should produce evidence to support the change. Thus while it is within the power of Parliament to decide what rights may be conferred on the embryo it should uphold the inherent rights of the embryo including the right to live without manipulation or use by others, even in the face of adverse public opinion. To fail to do so would represent a major divergence from the principles on which our democracy is founded and would be likely to have dire consequences for the Law itself.
- 7.3.7 This view of the embryo has a number of implications for the practical protocols of experiments on cloning.
- 7.3.8 Cloning should not involve either the creation of embryos or of their manipulation and use. Any process which envisages the transfer of an embryo in a way which frustrates the process 'which commands respect because the thrust is towards the further development of biological individuated member of the human species<sup>12</sup>' or which treats the loss or destruction of an embryo as anything other than the tragic loss of human life, should be rejected totally.

#### **7.4. THE DIGNITY OF HUMANITY ('IMAGO DEI') WITH OUR ROLE AS STEWARDS OF CREATION AND OUR GOD GIVEN ABILITY TO INVESTIGATE AND USE KNOWLEDGE AND THE LIMITS AND BOUNDARIES OF OUR KNOWLEDGE.**

- 7.4.1 The Christian view of the dignity of humanity holds that human beings are created in the image of God, after God's likeness and have a unique relationship

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<sup>12</sup>*Human Embryo Experimentation in Australia*, Senate Select Committee on the Human Embryo Experimentation Bill 1985, Commonwealth of Australia, Canberra, Sept 1986, ISBN 0 644 05310 0 Paras 3.7 and 6 pxiv

to God. This is stated in the book of Genesis<sup>13</sup> and this clearly has implications for the way human beings are to be treated. This section of scripture outlines a limited correspondence between humans and God with limitations placed on humans. We have no claim to be God, and have no means of making ourselves God. But at the same time humans have been given the responsibility of responsible stewardship over all creation and the responsibility, in co-operation with the creator, to work, to use and care for the creation for the good of all humankind.

- 7.4.2 Humankind has been endowed with freedom of choice; yet is not God. Humans are the creature not the creator. Humans are given the divine gift of intelligence. It is at the heart of this that view that people have immense dignity and responsibility and yet are not ends in themselves. This view of human nature has immense consequences and has powerfully influenced not only the history of ideas but also the history of humankind. It is one of the archetypal principles on which Western civilisation is grounded. Scientific enterprise owes much to the belief that humankind is called to exercise responsible dominion over the earth and the ideas of justice may be traced to the same doctrine.
- 7.4.3 This doctrine of humankind guards us against two opposite errors. The first of these is to dwell on human insignificance, seeing the individual as unimportant, powerless, meaningless. This error leads to hopelessness and despair and a utilitarian view of people. The opposite error is the idolisation of people. This is the temptation for people to make themselves God, to see themselves as the end of all things. The creature wants to be the creator. This view leads to loss of reverence for others and concern for the natural order. When that happens people become manipulators, handling other creatures for their own purposes, ruthlessly exploiting the earth and using other human beings for their own ends no matter what the cost.
- 7.4.4 This doctrine also clearly differentiates between humanity and the rest of creation. Animals are clearly different from human beings and must be treated as such and different sets of rules apply. While humans are in a biological sense another species of animal, to be made in the image of God makes them an entirely different class of beings. They have a different relationship with God and with the creation made by Him. As part of human creation, humans are given the responsibility to care for, and use the rest of creation for their own well-being and this includes the use of animals. This means that experiments using animals have fewer boundaries and restrictions than those on human beings and that experiments and techniques that are acceptable in animals are not necessarily acceptable with human beings and embryos without further ethical accountability and justification. What is acceptable for animals is not automatically acceptable for humans. Thus while the cloning of animals is less ethically problematic there are many who hold reservations about this work<sup>14</sup>. Be that as it may even greater reservations are held about cloning in humans.

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<sup>13</sup>This part of scripture is held in common by all three monotheistic religions (Judaism, Islam and Christianity)

<sup>14</sup>See Church of Scotland Science, Religion and Technology Project web pages *Should we clone animals* (<http://dSPACE.dial.pipex.com/srtscot/clonan3.htm>) and *Cloning, Ethics and Animal Welfare* (<http://dSPACE.dial.pipex.com/srtscot/clonan4.htm>)

- 7.4.5 While some would now argue a radical distinction between human and non-human is not defensible, either biologically or ethically, this view is based on a limited biological and mechanistic view of humans and animals. While asserting the notion that animals, as God's creatures, have intrinsic worth, and have capacities more similar to humans than we had perhaps realised, to remove the ethical distinction would not be accepted by many leading ethical authorities, both within and outside the churches.
- 7.4.6 Indeed, cloning itself provides one of the clearest examples, where many official reports from around the world draw a radical distinction between humans and animals. To clone humans, according to many ethical authorities and international reports on human cloning would be an unacceptable, instrumental use of fellow humans or an inadmissible act of control. Corresponding animal cloning is not necessarily unacceptable because we accept a measure of instrumental use and control of animals. This clear distinction needs to be protected. Removing the view of animals as ethically radically different from humans runs the risk of beginning to treat certain classes of humans like animals.

## **7.5. THE ACCOUNTABILITY OF SCIENCE TO THE COMMUNITY AND SOCIETY AND ITS USE FOR THE GOOD OF ALL.**

- 7.5.1 This view of humanity has a number of important consequences. It affirms the rightness of scientific investigation. Far from condemning researchers whose work has opened the way for cloning it affirms their efforts to uncover facets of God's creation. Humankind's dominion over the earth is properly expressed by the search for truth. However such truth is not an end in itself or morally neutral. Truth forms an important background for moral choices while ethics forms a basis for decisions in science. There are some areas of science where, because of possible consequences and basic ethical objections, investigators should not go. Furthermore scientific endeavour and technology based on it always works within political and economic systems; it gives more power to those who already have power and makes urgent the need for a society which participates and directs its use to serve the society's goals and justice. Society must accept responsibility for the use and direction of science, scientific truth and discovery. The application of that truth in society is not inevitable. Just because an avenue of enquiry is exciting, satisfies intellectual curiosity, profitable or seems appropriate or because suitable materials are available is no justification for the pursuit of a particular goal or truth. The research must continually be measured against the moral standards of the society and be ethically justified. The discoveries made and the decisions required are not the province of any individual or group and the discoveries must be available to be used by all humankind and not just a selected group. Scientists, doctors and private companies, working from the basis of their knowledge must not be those who decide the important questions of the future of mankind. Scientific progress is not inevitable and the accountability of science and technology to the community must be developed in order to allow it to serve the good of all humankind now and for succeeding generations rather than being dominated by a technology which has such promise and threat.
- 7.5.2 The present control mechanisms where decisions with scientific investigation of such major importance are made under NHMRC Guidelines by local Ethics Committees and where there are also different approaches under different State Legislation fail to meet the criteria for accountability to society or oversight by society. For questions such as cloning national Legislation and a national control and licensing structure must be introduced. This could be implemented using the Commonwealth Powers based on the Commonwealth Government endorsement of the UNESCO *Declaration on the Human Genome and Human Rights*.

## **7.6. THE NEED FOR JUSTICE FOR THOSE WHO ARE DISADVANTAGED AND IN PARTICULAR A STRONG ADVOCACY FOR THE RIGHTS OF THE EMBRYO**

- 7.6.1 This view of human dignity and hence the equality of all persons is also the basis of the Christian concept of justice. Currently, the quest for social justice has been a major ethical concern. All Christians have the right and duty to uphold justice and to align themselves with those who are victims of injustice or who are unable to speak for themselves. Christians recognise a criterion of justice that is something more than just a general righteousness or moral excellence. It is a notion of fairness or balancing of the rights and claims of

those in any situation especially those who are vulnerable and powerless. Justice must be maintained in the face of any threat of injustice.

- 7.6.2 This notion is to be applied when considering the social impact and worth of scientific enquiry as well as questions of the societal and scientific resource allocation to programs of particular enquiry.
- 7.6.3 This Christian view of justice and the dignity of all humans underlies advocacy of the rights and protection of the embryo. In conjunction with the view of the embryo as human, this position provides answers to questions of who should own, make decisions for and control the embryo. No one can own another person and no one has the right to use or manipulate others. Of course decisions have to be made about the embryo and the primary concern of these decisions will always be the well-being of the new life that has begun and the fostering of its development to its unique potential. Everything possible must be done to ensure its safety and its healthy development to maturity. Decisions that are made in this area must guard against the danger of being made in the interests of the party making the decisions for its own ends. Such decisions are not private. The notion of informed consent which arises from this view of justice and human dignity is problematic for those who are unable to give that consent and the presumed consent for experimentation and destruction delegated to parents or scientists must be given the closest public scrutiny. A disturbing trend readily identified in the areas of reproductive medicine is the growing assumption that the will and power of the adult world shall be the determining factor in all decisions made even to the giving and taking of human life.

#### **7.7. THE ROLE AND FUNCTION OF THE FAMILY IN SOCIETY AND IMBALANCE CAUSED BY CLONING.**

- 7.7.1 Marriage is the public announcement of the formation of a new family unit. As such, marriage regulates relations between the men and women in society and governs the status of children within the community. While marriage has much to do with the relationship between individuals this relationship is expressed in sexual love and is physically expressed in the children of the relationship. A widely held view in our society is that marriage and the family provide the appropriate place to meet the fundamental needs of children.<sup>15</sup> This view underlies the Commonwealth Marriage Act. We recognise that the ideal of marriage is not always realised. Many people choose or are forced to live in some other unit but in general our society considers the major way in which parenting is exercised is within family structure.
- 7.7.2 The meaning of parenthood arises from this concept of marriage. The unitive, sexually exclusive aspect of marriage provides the necessary background for the procreation and education of children. What is at stake is not merely the contribution of sperm, ova or uterus but also the existence of a

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<sup>15</sup>The Commonwealth Family Law Act places great stress on the fact that marriage and family life have been basic to the strength of our society. Section 43 requires courts, when dealing with any legal proceedings under the Act to have regard to:-

- a. The need to preserve and protect the institution of marriage as the union of a man and a woman to the exclusion of all others voluntarily entered into for life.
  - b. The need to give the widest possible protection and assistance to the family as the natural and fundamental group unit of society, particularly while it is responsible for the care and education of dependent children; and
- the need to protect the rights of the children and their welfare



committed relationship within which care, love and nurture is provided for a new organism. The ongoing process of nurturing is primarily a social process involving the family group. The building of relationships in families mirrors the process of relationship with God. This view of marriage and parenthood does not provide any basis for a right to have children. Children are seen as a blessing of God. In marriage parents are part of a complex series of relationships that does not necessarily include children, either by choice or biological limitation by disease or gender.<sup>16</sup>

7.7.3 Cloning appears to undermine this structure of the family. Cloning allows the separation of the sex act from the intimacy of the relationship, and brings a genetic difference from other humans who have genetic contribution from two parents. Only one partner would be necessary and this would undermine the basis of the genetic mixture that occurs naturally. Such a change has the potential to distort the relationship and the child could feel that even his or her genetic makeup was not their own. This technology would permit males and females to have children without reference to partners and for people in same sex relationships to reproduce from either their own or a selected person as well as helping infertile couples. Issues of surrogacy are also raised as a third party may be required for the birth process.

7.7.4 The family is also seen as a place where offspring can experience unconditional belonging and acceptance. Whilst spouses may choose their partners and the time when they seek to have children, they have no direct control over their children's qualities. This aspect of family can be debased by cloning where children may be cloned for certain desirable characteristics. Children could thus be subject to conditional belonging.

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<sup>16</sup> *Marriage, divorce and the Church: The Report of a Commission appointed by the Archbishop of Canterbury to prepare a statement on the Christian Doctrine of Marriage*, S.P.C.K., London, 1971

## **8 MAJOR ETHICAL QUESTIONS IN CLONING.**

8.0 This Submission will address three areas of work in cloning raised by the NHMRC Paper

### **8.1. CLONING OF DNA, BODY CHEMICALS AND CELLS.**

- 8.1.1 This area was addressed briefly by the Report. While the Report indicated that this was established and acceptable practice it raises major concerns with the present system of ownership, control and patenting of material derived from human sources.
- 8.1.2 There are still many ethical issues to deal with in this area. Many are related to the present structures for ownership, control and patenting of such materials and the increasing privatisation of scientific knowledge by a small number of multinational companies who manufacture and market the drugs used in treating disease. The direction and funding of research is totally under company control and companies are using these developments to maximise total profits, protect investments and reinforce monopolistic practices. If these trends continue a few companies will own the majority of the world genetic knowledge and there will be increased financial dependency on them particularly in third world countries.
- 8.1.3 As Christians we believe that the responsibility for development and use of knowledge and scientific enquiry belongs to the whole of society. Society must consider the benefits and costs of any advance in science technology as well as the moral implications. Much thought and debate will be required to assess these issues in cloning. Science and technology must be accountable and responsive to the needs of all humans and not merely to the owners or financiers who support their research. **The Government must develop mechanisms whereby the ongoing research, development, introduction and patenting of the technology to reproduce human materials and cell lines of human origin will be made publicly accountable and responsive to the needs of the community by regulation and licensing.**

### **8.2. WHOLE BODY CLONING OR CLONING OF INDIVIDUALS**

- 8.2.1 As the Report notes there is nearly universal opposition to the notion of cloning of human beings and it recommends that it should be banned. There is a general public impression that to clone human beings would be ethically unacceptable as a matter of principle since to replicate any human technologically is something which goes against the basic dignity of the uniqueness of each human being in God's sight. Christians would see this as a violation of the uniqueness of a human life, which God has given to each of us and to no one else. The arguments presented for human cloning in the Report are restricted in scope and rely heavily on the benefits that will arise for individuals generated by the technology.
- 8.2.2 There are many other arguments which from a philosophical and religious viewpoint are of great significance than a benefit/cost analysis and the achieving of benefits for the individual. These include:

#### **8.2.3 CONTROLLING SOMEONE ELSE'S GENETIC MAKEUP;**

8.2.3.1 It is not the genetic identity but the human act of control that is the crucial point in this argument regarding the unacceptability of cloning. It is this act of deliberate control which makes us morally responsible for the decision which we have made. While there are many ethical arguments against the replication of the human gene for other purposes and the creation of human embryos for nontherapeutic research and use, it is the element of control which provides a fundamental ethical case against human cloning. The biblical picture of humanity implies that we are far more than just our genes, or even our genes plus environmental influences. There is also our spiritual dimension, made in God's image, constituting a holistic notion of being, in which the relational element is as important as the individual. To be a person is to be in relationship. Hence it is vital that the relational implications of technology are considered alongside the ontological. This view is widely held in our society, not only by Christians. It is against this picture that most would see it ethically unacceptable to clone human beings as a matter of principle. In so far as genes are a fundamental part of our make up, to choose to replicate the genetic part of human make up technologically is a violation of a vital aspect of the basic dignity and uniqueness of each human. By definition, to clone is to exercise unprecedented control over the genetic dimension of another individual. This is quite different from the control parents exert in bringing up children. Whatever the parents do or do not do, it is inevitable that they have a profound effect on their children. No one exerts the level of control involved in preselecting a child's entire genetic make up. Moreover, a child can reject any aspect of learned behaviour, but it can never reject the genes and their expression that were chosen for it. Such control by one human over another is incompatible with the ethical notion of human freedom, in the sense that each individual's genetic identity should be inherently unpredictable and unplanned.

#### **8.2.4 INSTRUMENTALITY**

8.2.4.1 Cloning also raises consequences, of instrumentality and risk. To replicate any human being technologically is a fundamentally instrumental act towards two unique individuals - the one from whom the clone is taken and the clone itself. In nearly all the speculative ideas for cloning, a human would use the clone as a means towards someone else's end. They would be created as clones for the primary benefit not of the individuals themselves but of some third party. This would be the case for cloning a dying child or parent to help those bereaved cope with the loss, or cloning an infant with a predisposition to leukaemia, as a source of bone marrow which would suffer less tissue rejection problems. These violate a basic ethical principle, that of creating another human being other than primarily for their own sake. There is an important distinction in Christian theology, which admits an instrumental role for animals, to a limited degree, but prohibits it in humans. To clone a child with leukaemia to provide compatible bone marrow would treat the cloned sibling to that extent as a means to an end, for the benefit of a third party, rather than for their own sake, and without their consent.

#### **8.2.5 INFERTILITY - AN EXCEPTION TO INSTRUMENTALITY**

8.2.5.1 An exception to this objection would be the idea of producing a child from an infertile couple by cloning one of them. This raises other problems. Instead of being the unique genetic product of both parents, the child is a copy of one of

them. For many Christians this would be a denial of a basic relational aspect of reproduction, just as in the case of surrogacy. For an infertile couple to have a child by cloning one of them would not normally be thought of as an instrumental act, and might at first sight sound like a compassionate option to offer to childless couples. There could be serious ethical problems, notwithstanding the anguish which childlessness brings to many couples. It would not be the biological child of both parents in the normal sense. For many this might be seen as taking the technological harnessing of the desire for a child one step too far, a means which is not justified by the end. There is an increasing tendency to demand parenthood as a right, as though it were some moral absolute. This denies the Christian understanding of children as a gift, not a right which can be claimed on demand.

#### **8.2.6 PSYCHOLOGICAL EFFECTS - IDENTITY AND RELATIONSHIP**

8.2.6.1 There are a number of reasons why human cloning might be ruled out for the psychological dangers involved. No one knows what would be the effects on human identity and relationships of creating someone who is the twin of their father or mother, but born in a different generation and environment. Would the clone feel that he or she was just a copy of someone else and not really themselves? Are they really someone else but put into a different womb? What is their relationship to the one they were cloned from? No one can predict with any degree of assurance what the response would be. Presumably they would vary from person to person. There are sufficient uncertainties for applying the precautionary principle. Even though one could not be sure how many people would suffer in this way, it would be wrong knowingly to inflict that risk on someone.

#### **8.2.7 PHYSICAL RISK**

8.2.7.1 Researchers took 277 attempts and nearly 30 failed pregnancies to successfully clone Dolly the sheep. Other animal experiments have led to the production of deformed offspring. To repeat the same thing on humans would be giving both the mother and the potential foetus an unacceptably high risk of damage. The basic science of fusing the cytoplasm and nucleus and reactivating the cell is very poorly understood. There are sufficient unknowns about physical problems in pregnancy with cloned sheep and cattle to suggest that human cloning experiments would violate normal medical ethics. There is no experiment that could be done to prove the safety of human cloning without causing serious risk to humans created in the process. There are also unknown factors of ageing. Is Dolly her age since her birth, or her age since birth plus the age of the tissue from which she was taken? No one knows the effect of nuclear transfer on ageing processes.

#### **8.2.8 SOCIAL RISK;**

8.2.8.1 Human cloning would bring grave risks of abuses to human dignity and exploitation by unscrupulous people. It has already been reported that cloning services have been offered for large sums of money, when there is currently no reasonable prospect of delivery, and apparently regardless of the risks involved or the rule of law. It is also an open door for abuse if another individual, a group in society or even the state could exert undue control over an individual. If anyone ever did unfortunately clone humans, it is important to counter the

suggestion from science fiction that they would be subhuman androids with human bodies but no souls. While there is no evidence that a cloned child would be any less human than another child born through natural processes there would need to be considerable safeguards to avoid the risk of stigmatisation. It would be foolish to imagine that abuses could not occur.

8.2.8.2 There are a number of other possible social risks. There will inevitably be an increase in state and medical control over matters of reproduction and a breakdown of the concept of the right to make choices about having children and raising them. Cloning could also blur the principle of personal responsibility because the cloned being is, being made to a preset pattern, in a sense programmed to react in a predetermined way.

8.2.9 Many other questions are raised by the technology itself such as

- a Who is to decide who to clone?
- b. Who should be responsible for the mishaps, and people with abnormalities who might be produced during the development of the technology?
- c How will the society licence and control the use of such technology and what is the role of the Law, Legislation and societal control mechanisms?

**In the light of the above the Anglican Social Responsibilities Committee of the Diocese of Melbourne strongly endorses the Recommendation to ban all cloning of whole persons in Australia**

### **8.3. CLONING OF ORGANS AND BODY PARTS**

8.3.1 This envisaged use for cloning suggests using somatic cell nuclear transfer and embryonic stem cells or other techniques with the intention of producing transplantable tissue or body parts. As noted above there is a fundamental ethical difference between this work and the cloning of human beings. It should be noted that there is some overlap between these areas i.e. proposals for whole body cloning in order to harvest organs for transplant which raises the issue that in some cases the methodology used to achieve this end must be closely examined to see whether it raises the issues involved in whole body cloning. This prospect shows an ethical confusion between cloning or replication of human DNA and cell products with cloning of cells and of humans. There seems to be an underlying assumption that there is no real ethical objection to cloning of body parts as it is comparable to cloning cell parts, cell lines or chemicals derived from cells.

8.3.2 As already submitted a major concern in cloning is the question of embryo experimentation. Many scientists claim that cloning research, particularly that related to organ replacement and basic research into cell structure and function is not research on embryos even though it uses material derived from them. They argue that this work should not be bound by restrictions on embryo research, since its end is not production of embryos, and should be given some assurance that it can continue.

8.3.3 The central ethical issue in cloning is the widely accepted moral principal that human beings may never be treated merely as a means to an end, but only as an end. Many of the suggested reasons for reproductive cloning that might be employed have a strongly instrumental character to them, for they contemplate bringing a person into existence for reasons outside the persons

themselves. Examples would be the replacement of a lost relative or the making available of compatible tissue for transplanting into another. It would be morally demeaning and psychologically damaging for someone to learn that the primary reason for their existence lay not in their own value, but in their utility for another purpose, as the substitute for someone else or for the benefit of someone else. Moreover, in the case of attempted 'replacement', the action would be based upon the fallacious equation of a person with their genes.<sup>17</sup>

- 8.3.4 These non-reproductive applications are far more controversial. There could be many welcome uses of cloning in medical research, but some potential uses of the technology discussed in the report raise serious ethical problems - especially its intention to open the door for the use of cloning to produce embryos to produce human cells as replacements for damaged tissue in certain serious medical conditions. For many inside and outside the churches this would represent an unacceptable dispensing with something that has the potential to become a full human being. Moreover if we agree that it is wrong to create cloned people, how can it be ethical to create a cloned embryo, knowing full well it must be destroyed to avoid ever growing to become a human being? This appears to be an ethical negation of the previous position.
- 8.3.5 What is envisaged is an entirely new way of using the human embryo, as the source material for spare tissues, a use never previously considered or addressed. There is a dearth of published ethical work in this area and there is ethical confusion about the issues involved. The import of these changes inevitably opens up afresh the status of the human embryo and what we may do with it. This is a completely new area in which most of the thinking has been done in the context of reproductive technology with the implicit assumption that the embryos are to be implanted and will be given a chance for further development towards life<sup>18</sup>. The existing Government policies, controls and legislation are based on the conditions for reproductive technology. There is an error in taking for granted the status of the embryo assumed in the area of reproductive technology when the new developments give a completely different context for the question from what was originally envisaged, and given how controversial this whole area has remained throughout the world in attempts to legislate for appropriate behaviour.
- 8.3.6 The language used in this area and particularly the language used to discuss work with stem cells serves to mask the reality that the tissues used are of ethically contentious origin. In order to obtain embryonic stem cells either the earliest form of the embryo, the blastocyst must be destroyed or primordial germ cells from aborted fetuses must be collected. These practices both raise the issue of whether human life begins from conception and therefore should be treated as any other human life.
- 8.3.7 In cloning of humans the recent work on the isolation and cultivation of human embryonic stem cells has created great scientific interest with the nuclear transplantation process much more achievable and technically simpler.

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<sup>17</sup>G Perry, Cloning paper, presented at the March SRC Meeting

<sup>18</sup>A wide range of Government and other enquiries in the 1980's including the Senate enquiry into Human Embryo Experimentation Bill did not address this notion in any philosophical depth but used utilitarian definitions to allow experimentation before implantation,

This involves the use of embryonic stem cells as host cells for the transplanted DNA in place of oocytes which are difficult to obtain. These cells, while probably not totipotent (able to grow into an embryo) are pluripotent (able to promote cell growth) There are two sources for these cells:-

- a. Blastocysts from unwanted fertilised oocytes are replicated on tissue feeder until a number of structures emerge, the cells which would develop into a foetus and the blastocyst wall cells are removed, and the remaining cells grown and used as host cells. Since the host cells used cannot develop into an embryo the scientists argue that this is not technically embryo research and should not be subject to restrictions.
- b. The second source of host cells is primordial stem cells (those which would develop into the ovaries and testes) obtained from foetuses aborted at 6-7 weeks.

8.3.8 Both these sources of host cells have some difficult ethical questions associated with them. To obtain the blastocyst cells an embryo is destroyed (embryo experimentation). Even if these cells are grown as a cell line which is 'immortal' and the destruction of the embryos is not repeated this is not ethically permissible. In the case of the tissue from aborted foetuses a range of questions arise about the use of foetal tissues and whether it is a spontaneous or deliberate abortion<sup>19</sup> These questions must be addressed as part of the whole question of the ethical acceptability of nuclear transplantation for cloning.

8.3.9 Similarly the fact that both tissue sources may come from 'spare' embryos or unwanted tissues does not alter the ethical status of that tissue. If a tissue exists or we have access to it we do not have a moral obligation to use it and there is no ethical imperative to ignore the source of tissue to achieve the ends desired.

8.3.10 This area is relatively new and it has not been widely discussed by the community or debated in the published literature. **In view of the major ethical questions raised by cloning of body parts there should be a moratorium on the cloning of human body parts and tissues and the use of human embryonic stem cells for the present with a review of this area in a fixed period such as 5 years. This moratorium should be accompanied by a public awareness campaign and involvement of the public in the debate.**

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<sup>19</sup>The Roman Catholic Church has said use of such tissue may be morally acceptable if the abortion is spontaneous and not procured. This view is not necessarily acceptable as the basic question is whether this is an acceptable use of this tissue and whether it constitutes an unethical use of human cells and material from an otherwise non-existent human who has never been brought to birth and who would never be able to give consent for these activities.

## 9 THE AHEC REPORT AND ITS RECOMMENDATIONS

- 9.1 The AHEC Report has 4 major recommendations to Government and 2 resolutions applying to AHEC. These include the reaffirmation of support for the UNESCO *Declaration on the Human Genome and Human Rights*, and that the Minister encourage the States to legislate for limitation of research using human embryos and provide for regulation of embryo research. The fourth recommendation is to "encourage and promote informed community discussion on the potential therapeutic benefits and possible risks of the development of cloning techniques."
- 9.2 The recommendations for AHEC are to collect information about this research and to provide with the NHMRC an expert advisory panel to assist IECs to seek advice on the scientific aspects of research projects using cloning techniques for human embryos.
- 9.3 These recommendations are based on the present model of the States responsibility for this area of research and guidelines developed largely by the professions involved which are implemented at a local level by an Institutional Ethics Committee.
- 9.4 This SRC welcomes the AHEC Report and endorses the Report's recommendations in principle. The SRC further believes that national oversight and control is required in this area with direct accountability to the community. The current model of NHMRC guidelines and local ethics committees is inadequate to deal with such a fast moving, wide-ranging and complex issue with its implications for the whole of society.
- 9.5 The AHEC Recommendations should be extended so that there is a central regulatory authority responsible to control and monitor this work in Australia and to move to tighter control than is possible under the present system. This would mean that the recommendations would be rephrased in particular details as outlined here:-
  - 9.5.1 To establish common approaches and positions throughout Australia and to bring all work under the direct scrutiny of the community by federal legislation and not only through the NHMRC guidelines and monitoring. The Committee should address the need of uniform Australian regulation via Commonwealth legislation.
  - 9.5.2 The AHEC Recommendations for legislation in each state to regulate embryo research and prohibit the cloning of human beings should be encouraged. This legislation should be designed to complement the Commonwealth Government's introduction of Federal legislation to cover all work in this area in Australia under the *Universal Declaration of the Human Genome and Human Rights*.
  - 9.5.3 The Commonwealth Government should work towards a world-wide ban on cloning of human beings and experimentation on embryos.
  - 9.5.4 As well as establishing Statutory authorities in all states the Commonwealth should implement a national Authority to licence, approve and regulate all work in the area of cloning and embryo research. Attention should be given to the control of this research in other jurisdictions by Australians who, if they are



refused permission to carry out the work in Australia, move overseas to complete it.

- 9.5.5 Commonwealth funding should be provided to facilitate community discussion about cloning; its benefits and risks; its desirability within our society, the ethical issues it raises and the current and potential procedures and processes in cloning technology.

## **10 GENERAL RECOMMENDATIONS**

The SRC of the Anglican Diocese of Melbourne further recommends:-

- 10.1. That the recommendations of the Report of the Australian Health Ethics Committee on “Scientific, Ethical and Regulatory Considerations relevant to Cloning of Human Beings” be supported and be extended and changed with suggestions made elsewhere in this submission.
- 10.2. That the Committee recognises the reverence in which the human person and the human body as constituent parts are held from a variety of religious and secular perspectives, and adopts social policy and legislation which reflects the sacredness and inviolability of the human person.
- 10.3. That the cloning of human beings and embryos be prohibited as well as experimentation with the intent to produce two or more genetically identical individuals, including development of human embryonic stem cell lines with the aim of producing a clone of individuals. Whole body cloning is to be prohibited under all circumstances.
- 10.4. That the Commonwealth Government should work towards a ban on cloning persons not only in Australia but throughout the world.
- 10.5. That any legislation introduced apply to all Australian citizens and sanctions exercised over those who carry on work prohibited in Australia in overseas jurisdictions.
- 10.6. That human embryos must only be used in research of a therapeutic nature (i.e. of benefit to the particular embryo) and all non-therapeutic experimentation with the destruction of embryos is to be prohibited.
- 10.7. That in light of the major ethical questions raised by cloning of body parts there should be a moratorium on the cloning of human body parts and tissues and the use of human embryonic stem cells, and that this be reviewed in five years following extensive public discussion to address the ethical uncertainty over their development and use.
- 10.8. That a period of public awareness raising, education and discussion be promoted by the Government to address the ethical confusion surrounding the issues of cloning of human parts and organs before an ethical and acceptable solution is developed. The wider use of the technology in areas such as lengthening life span and the major social implications of implementation of cloning should be examined. There should be an informed discussion on issues such as use of stem cells and a realistic assessment of the possibilities and limitations of the technology
- 10.9. That the legitimacy of research into development of parts of humans which does not involve the use of human embryonic material and which proceeds by ethically acceptable pathways is affirmed.

- 10.10. That the relevant United Nations declarations and instruments which recognise diversity and the inalienable dignity to be accorded to the human person be endorsed and used as a basis for federal legislation covering research in the area of cloning and embryo experimentation.
- 10.11. That the present control mechanisms where decisions with scientific investigation of such major importance are made under NHMRC Guidelines by local Ethics Committees and where there are also different approaches under different State Legislation is inadequate and national Legislation and a national control and licensing structure must be introduced for all work using embryonic material and cloning. (This could be implemented using the Commonwealth powers under the support for the UNESCO *Declaration on the Human Genome and Human Rights*.)
- 10.12. That, in view of the increasingly commercial control and direction of cloning research and the possibility of cloning of materials of human origin, the Commonwealth Government review all legislation in the areas of privacy, patenting and company law to ensure that discoveries made by science in these areas remain under public ownership and control and in the public domain.
- 10.13. That the significant issues associated with privately funded operators/bodies who are not in receipt of NHMRC funding and research which is privately funded be addressed so that all work on cloning in Australia be under Federal Government regulation.
- 10.14. That in its discussions of regulation, the Committee clearly differentiate between cloning of whole persons, cloning of tissues, cloning of organs and body parts and other relevant areas and develop detailed ethical analysis of each area and the desirability or undesirability of allowing such techniques to be implemented in our society.
- 10.15. That the Government develop mechanisms whereby the ongoing research, development, introduction and patenting of the technology to reproduce human materials and cell lines of human origin will be made publicly accountable and responsive to the needs of the community by regulation and licensing.
- 10.16. That the Anglican Social Responsibilities Committee of the Diocese of Melbourne strongly endorses the Recommendation to ban all cloning of whole persons in Australia

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