

In that document the Academy adopted a distinction between ‘therapeutic cloning’⁴ and ‘reproductive cloning’ which implied that the most important ethical issue concerns the objective for which cloning techniques might be employed. In the view of AHEC, whether or not a proposed research project will involve destructive experimentation on human embryos is an important ethical and legal issue which ought not be glossed over.

Since that time, AHEC is aware that considerable public debate has been conducted on these types of cloning and although its views as to the relative importance of ethical considerations, as stated in the quotation has not changed, **it may be helpful to the LRC to note the nature of the ethical elements of that debate.**

Arguments in favour of what is referred to as “*therapeutic cloning*” rest on the value of the research that this practice will make possible through the derivation of embryonic stem cells from the cloned entities. **The argument is characteristically referred to as utilitarian or consequentialist, in that the merit of the proposal lies in the worth of the outcomes and results.** On the other hand, in stating that the destruction of human embryos remains an important ethical issue, **AHEC relies on an argument of a deontological kind:** one that rests its merit on conformity to accepted ethical principle or value. The opposition of such arguments is recurrent in ethics and especially in medical ethics, where the promise of future benefit can only be bought at the price of some present compromise of principle or value. The opposition of such arguments usually also mirrors divisions in community opinion, whether intuitive or deliberated. In such circumstances of community difference, of which this issue is a prime example, it has been AHEC’s view that the preferred advice is that which reflects enduring ethical traditions of thought and belief and which has clear, if not overwhelming, community support.

For these reasons, AHEC continues to hold the view on this issue that is expressed in the above quotation.

Has the prohibition of payment beyond reasonable expenses (valuable consideration) for gametes and embryos affected access to these items? (p.14)

Although AHEC is not aware of statistics on which an answer to this specific question could be based, the issues have important ethical dimensions that AHEC wishes to draw to the attention of the LRC.

Consent to treatment and research and to the donation of tissue for either purpose is a well established ethical requirement. That such consent be free and adequately informed is entailed in the requirement.

Consent that results from a desire to receive a payment or other benefit does not meet that entailed requirement. Where the consequences of such consent include long term responsibilities, such as the obligation to provide identifying details that can be followed well into the future by recipients of donated gametes, the ethical significance of the free and informed quality of that consent is higher.

AHEC accordingly considers that payments for the donation of gametes ought clearly to be confined to those that meet expenses and conveniences, and not include any component of reward.

⁴ At a forum conducted by the Australian Academy of Science on 16 September 1999, Professor Martyn Evans, one of the first scientists to isolate embryonic stem cells, argued that instead of coining a term (“therapeutic cloning”) to make cloning sound more acceptable, researchers ought to say: cloning ought to be permitted in some circumstances and the public should be educated to accept that.