



# Knights of the Southern Cross (Australia) Inc

## Office of the National President

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

Dear Secretary,

Submission to Inquiry into scientific, ethical and regulatory aspects of human cloning

We endorse the Australian Health Ethics Committee's Report recommendation that the Minister "urge the remaining States and territories (other than Victoria, South Australia and Western Australia) which have not legislated in this area to introduce legislation prohibiting the application of techniques to clone a new human individual."

Our principle concern is the device of terminology introduced by the Australian Academy of Science attempting to draw a distinction between "therapeutic" and "reproductive" cloning for the purpose of supporting the cloning of human embryos for research purposes. Our view is that there is no distinction between these "purposes" of cloning in the principle on which the widespread and authoritative rejection to cloning of human life (referred to in the AHEC Report) is based. Given the established rejection of the cloning of human life (what the Academy seeks to compartmentalise as "reproductive") we have sought material for this submission which addresses the "therapeutic" aspect of the discussion on human cloning.

The clearest exposition of our views have been prepared by the Centre for Bioethics of the Catholic University of the Sacred Heart, Milan and presented in an English translation in *l'Osservatore Romano* whose editor has given permission for us to use the material. We respectfully include with our submission for your consideration the article "Can human cloning be 'therapeutic'?" (see Appendix 1) as the reasoned basis of our rejection of "therapeutic" human cloning.

In summary, our rejection of any form of human cloning is based primarily on the premise, "The value of human life, a source of equality among human beings, forbids any purely instrumental use of the life of a fellow creature who is brought into being only to be used as biological material."

If you would like to discuss this submission, please telephone me on (02) 6291 6194

Yours faithfully

Mike Cassidy  
National President

09 March 2000

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## **Can human cloning be 'therapeutic'?**

*Document of the Centre for Bioethics of the Catholic University of the Sacred Heart, Milan*

The century now drawing to a close has been described as the "biotechnological century": in fact, information about the development of new techniques for intervening in plant, animal and human life assaults public opinion almost daily, provoking reactions and often excited and conflicting evaluations.

There can be a risk of making incomplete and emotional judgements, sometimes based on incomplete and poorly understood information, or of falling into the habit of sensational announcements, without trying to form a precise idea of the human and cultural implications of what is happening.

What is needed, then, is a calm, objective and documented reflection to be offered as a necessary contribution to informing especially those who are unfamiliar with this field, in order to heighten awareness of the scientific and biotechnical developments which mark our time.

### **What has been done**

After the cloning of the sheep Dolly had been announced in the early months of 1997 (it will be recalled, it was precisely a question of the cloning by fusion of an enucleated egg cell with a somatic cell taken from the udder of a six-year-old adult ewe and cultivated in the laboratory), the alarm immediately focused on the possibility of transferring this procedure to human beings. There were numerous moral condemnations of this possibility: many sides, while deferring judgement on the use of this procedure with animals to a prudent, qualified evaluation, called for clear, definitive legal norms on human cloning.

From the start, in the various press releases issued by the international organizations (UNESCO, the European Parliament, the Council of Europe, WHO, etc), differing reactions and nuances were noted, but they all stressed a general condemnation of human cloning, a condemnation which was sometimes the result of agreement between different anthropological and ethical concepts, or was sometimes based solely on the possible consequences of such procedures.

In this regard, hypotheses and comments were widely publicized, describing particular procedures for producing cells and tissue for subsequent use in experimental and clinical medicine, especially in the area of therapeutic transplants. Mention was made of the production of multipotent cell lines from embryonic stem cells (to be precise, cells from the internal cellular mass of blastocysts), derived from human embryos produced by cloning.

For reasons of communication and out of a desire to win approval of the practice more easily, public opinion was led to believe that cells and tissue could be produced by cloning other cells and tissue, without realizing, instead, that this procedure would necessarily imply the generation of human embryos, if only at the blastocyst stage, which were not meant to be transferred to a maternal body for subsequent development, but to be used for their cells alone and then to be destroyed. This "misunderstanding" led many to think that these procedures should be judged positively, since they had a very important therapeutic purpose in the treatment of particular diseases and would not harm the integrity of the human individual.

In the meantime, it was announced that the same centre in Scotland which had cloned Dolly was willing to collaborate with a U.S. firm to produce human cells and tissue through cloning procedures and to establish banks of this precious human material.

Should it prove necessary, an opinion was requested from the Licensing Authority of the United Kingdom, which answered positively in early December 1998, giving the go-ahead for this procedure, that is, it was favourable to cloning for therapeutic purposes, considered as a sort of fruit of biotechnology “with a human face”.

Thus a dilemma was created, as often happens in these situations: either give the go-ahead for this “beneficial” production, or prevent science from marching to victory over degenerative diseases (such as Parkinson's), metabolic diseases (such as insulin dependent diabetes mellitus) or oncological diseases (such as leukaemia).

At this point it has become urgently necessary to clarify the terms of the debate and to examine closely the relevance of this dilemma.

### **What should be done**

In fact, what the biotechnical industry intends to achieve with this type of therapeutically-oriented technology seems to be the true and proper cloning of human individuals: it is not a question of reproducing identical cells from one parent cell as currently happens in the area of cell culture, nor is it simply a matter of using the technique of cell proliferation *in vitro* to produce tissue intended for implantation (for example, skin, bone or cartilage tissue) according to “tissue engineering” procedures. This technique uses cells taken from a human or animal body, which can then multiply and generate tissue in the laboratory, to replace the impaired tissue in a patient's body, for example, in the case of serious burns. If it were in fact a question of cell reproduction or interventions of tissue engineering, there would be no ethical problem in admitting the lawfulness of these procedures.

Instead, it is a question — and researchers know this very well — of producing cells and tissue *from cloned human embryos*, that is, from human beings the interruption of whose growth is planned so that they can be used as a source of “valuable” biological material to “repair” the deteriorated tissue or organs of an adult.

Indeed, we know that the embryo's cells before implantation in the uterus and the pluripotent stem cells found in the human organism even in its later phases of growth have an extensive capacity for self-renewal and differentiation; the desire is to exploit this potential for the variety of therapeutic purposes mentioned above.

As for the pluripotent stem cells, they are known to be found in various other tissues as well as in that of the early embryo. In fact among other places they are present in the yolk sac, liver and bone marrow of the foetus, as well as in the blood of the umbilical cord at the moment of birth. When stem cells are taken from spontaneously aborted embryos or foetuses or from the umbilical cord during birth, there are no particular ethical problems. However, these cells would not lead to that variety of cellular differentiations which can be had from stem cells taken from embryos and so do not seem to satisfy the requirements of the biotechnologist who is looking for numerous and vital cells selected according to clinical requirements. This is why the production through cloning of a human organism at the embryonic stage of development is considered a preferable source and supply for future use through the freezing of the embryo itself. Moreover, the tissue thus obtained would be compatible with that of the nucleus donor, the patient himself; this would make it possible to overcome the problem of the rejection of transplants made with tissue “foreign” to the patient.

This use of cloning would thus make it possible to have a specific and “abundant” product to fuel the hopes of a flourishing bioindustrial business. Furthermore, it only takes a moment's

reflection to realize that, in effect, the pressure for research in “therapeutic cloning” comes precisely from the biotechnical industry. The U.S. firm itself, for example, has shown great interest — announcing it on the Internet — in the possibility of patenting products for the treatment of degenerative diseases associated with ageing, for which it has said it is willing to fund research which will lead to the production of stem cells as well as to the identification of the factors of cellular differentiation for the purpose of genetic engineering or for use in transplants.

### **Bioethical evaluation**

The bioethical repercussions of these procedures, despite the “humanistic” intentions of those who predict resounding cures from the cloning industry, are so momentous as to require a calm but firm evaluation which shows the serious moral implications of this project and justifies its unequivocal condemnation.

It should first be said that the humanistic goal referred to is not morally consistent with the means used: the manipulation of a human being in his first stages of life in order to take from him the biological material needed for experimentation with new treatments, thus killing this same human being, obviously contradicts the value connected with saving the lives (or treating the illnesses) of other human beings. The value of human life, a source of equality among human beings, forbids any purely instrumental use of the life of a fellow creature who is brought into being only to be used as biological material.

Secondly, this practice distorts the human meaning of procreation, which is no longer considered or practised for reproductive reasons but programmed for medical and experimental (and therefore commercial) purposes.

This project is encouraged by the progressive depersonalization of the generative act (introduced by the practice of extracorporeal fertilization), which becomes a technological process making the human being an object to be used by anyone who can reproduce him in the laboratory.

In human cloning for therapeutic or commercial purposes, the role of the “parent” is distorted, reduced to that of a donor of biological material for producing a child/twin intended to be used as a source of spare organs and tissues.

This practice is also contrary to the European Convention on “Human Rights and Biomedicine”, which, although permitting the use of surplus embryos obtained through artificial fertilization procedures — a decision we consider disgraceful and morally impermissible — nevertheless prohibits their production for experimental purposes (Art 18b). The fact that the United Kingdom has not yet signed this convention is not a sufficient reason for minimizing the principle expressed in the European Convention, which confirms every human being’s right not to be begotten for purposes other than reproduction itself.

Moreover, in the case being examined here, we are not dealing with the criteria for experimentation, however risky it may be, but with a principle that would allow a use of human beings which involves their destruction.

However, such a practice is in obvious contrast with human rights, since it would allow a living human being to be used as a source of cells or tissue, although for the well-being of another individual, even when this means the death of the human being used.

The principle actually being introduced in the name of health and well-being sanctions a true and proper discrimination according to the extent of development (thus an embryo is worth less than a foetus, a foetus less than a child, a child less than an adult), reversing the moral imperative which imposes instead the greatest protection and respect for those who are not in a condition to defend or express their intrinsic dignity.

Western civilization, which has emancipated itself from racial discrimination and has confirmed the right of every human being to be treated as a member of the human family, regardless of his health, age or social status, now is in danger of ushering in a new barbarism with the help of technology.

The project of human cloning for therapeutic/commercial purposes represents the return of that social Darwinism which was at the root of the pseudoscientific racism of the late 19th century.

**No therapeutic purposes can ever justify human cloning**

Even the discussions on the individual and personal identity of embryos programmatically obtained in the laboratory can in no way justify the cloning procedure, since it is a question of new human beings who are intrinsically ordered to growth and complete individual development, which would take place were it not scientifically prevented. Therefore, to cite the fact that these human beings at the embryonic stage, destined to supply cells and tissue, are unable to feel pain is totally irrelevant: the absence of pain does not justify the suppression of a human being — the killing of a person under anaesthesia would still be murder.

It is all too obvious that this appeal to the criterion of health is counting on the complicity of collective selfishness: the linguistic ploy used to blunt the moral significance of human cloning (the reason why today the term “embryoid body” has been invented for an embryo grown *in vitro* by means of cloning and intended to be deliberately destroyed) expresses the basic unease in knowing that plans are being made to produce, use and eliminate some of us.

We must have the courage instead to look through the electron microscope and recognize that this is not any ordinary cell, not amorphous genetic material, but a human being who is beginning his journey of life. Therapeutic purposes, even when true and not the hypothetical kind that mask real crimes, never justify the programmatic killing of one’s fellow man or his serial production.

The logic governing this project is connected to the biotechnical market and has nothing to do with the cognitive role of science. We cannot forget that we reached this point with the start of artificial procreation, when the moment and reality of procreation were separated from the expression of personal and conjugal love: this fact has consigned the embryo to biotechnical and commercial exploitation.

Science has discovered and, we believe, can discover new ways to treat genetic or degenerative diseases with other procedures such as the use of stem cells taken from the maternal blood or from spontaneous abortions, thus by continuing research in the field of genetic therapy and returning to the study of animals: if hypothetically the only possible way were in fact human cloning, it would then be necessary to have the intellectual and moral integrity to abandon it, since to bring a fellow human to life and then put him to death for the sake of one's own health would be an act of injustice undermining the foundations of our dignity and our civilization.