
A Ban on Reproductive Cloning: Does it have any Teeth?

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Abstract

One thing the President's bioethics panel agreed on in the contradictory reports they filed Thursday was that cloning for reproductive purposes should be banned outright. This rejection of cloning as assisted reproductive technology has come to be the bottom line mantra of scientists and scholars alike. It seems noble to clone in an attempt to get much needed stem cells, but not to meet the desires of the thousands of infertile couples. Why is this so?

Perhaps some history could help. On July 25, 1978 the first baby conceived outside the human body, a "test tube baby", was born in Great Britain. Her birth brought with it a storm of protest about tampering with nature. Many in the scientific community expressed fears that the brief amount of time the egg that was to become Louise Brown was outside of her mother's body could be detrimental to her health and development. Indeed, Louise Brown became one of the most carefully monitored infants in history as essentially the whole world watched to see if she would suffer ill effects from her unorthodox conception.

Time quickly proved that neither Louise Brown nor the first American test-tube baby, Elizabeth Jordan Carr born in 1981, experienced any abnormality in growth or development. Twenty-one years later there have been over 45,000 American infants born who were conceived outside the body. The field of in vitro fertilization has taken off with every day bringing news of new techniques. All of these techniques involve manipulation of the human embryo. The same arguments of going against nature that are made against reproductive cloning today were made as vigorously against in vitro fertilization and, earlier, artificial insemination. The concerns that Louise Brown would be a monster or less than human were just as real twenty years ago as the concerns about reproductive cloning today.

At root, the problem is that infertility research is, by a quirk of federal law based on avoiding issues of abortion, completely unregulated. Since no federal money can be used to do embryo research, there is no federal over-sight. It is at best unclear how any kind of cloning ban can be enforced in the private sector. Much of the research done so far has been by for-profit biotechnology companies and fee for service infertility centers.

Where does this leave ethical oversight? As a legal matter, a presidential ban on cloning will have no effect on scientists pursuing this technology. A new technique to combat acne has more federal scrutiny than any infertility research.

Therefore, the problem is not just cloning but rather the whole question of how infertility research is regulated in the United States. By washing its hands of all embryo research, the federal government has reneged its moral and ethical responsibilities to oversee any embryo research. As a practical matter, the science of cloning a human has not developed to the stage that allowed for the first successful in vitro fertilization. Are we better off, though, to drive further research to unregulated laboratories rather than recognize its existence and provide federal oversight? Is there any reason to think that our doubts about cloning will, in twenty years, look as misplaced as our doubts about in vitro fertilization? On the other-hand, will we confront the parade of horrors predicted by opponents to reproductive cloning include monstrous creatures that are somehow less than human based on the facts of their conception. This is an area where the Federal Government should do more than advise. The current call to ban reproductive cloning has no teeth and ignores the much larger issue of unregulated technology to combat infertility.

References

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