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Replication and Repugnance
Leon Kass on Human Cloning

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Replication and Repugnance: Leon Kass on Human Cloning

The twentieth century showed us, if nothing else, that our definition and perception of humanity is indissolubly linked to our subsequent treatment of one another. Since the issues surrounding birth and death uniquely affect our views of humanity, these issues are rightly at the center of many of our most heated public policy debates. Since Dolly, a new reproductive technique has left the realm of science fiction and entered those of near possibility and (thereby) intense debate: human cloning. Unfortunately, our intellectual and ethical leaders offer us nothing remotely approaching consensus on the matter; a tremendous rift separates those who favor human cloning (whom I will call “Advocates”) from those who wish to see it banned (“Opponents”). The former consider cloning an innocuous act under the protection of reproductive rights, and the latter as technology’s latest and most vicious attempt to objectify what is held most intimately dear. This latter group finds its most articulate spokesman in Leon Kass. His well-known article, “The Wisdom of Repugnance,” breaks out of contemporary philosophical orthodoxy by arguing not primarily on the basis of utility or rights, but on humanity’s widespread intuition that human cloning would be “repugnant” as evidence of its intrinsic evil. Although it is difficult to express precisely what is at stake in an issue so fundamental, Kass attempts to do so by describing why embodied and engendered sexuality is fundamental in human procreation and for the well-being of the resulting children. I will examine Kass’s Repugnance Argument against human cloning (excluding slippery-slope matters) and argue that he establishes a compelling case that is never sufficiently answered by his critics’ often exaggerated and equivocal claims.
I. The Repugnance of Human Cloning

Kass states explicitly that repugnance is not an argument, but that “in crucial cases” it can be “the emotional expression of deep wisdom, beyond reason’s power fully to articulate it” (WR 20). Thus, although sometimes misleading, the very fact of widespread - indeed, almost universal - feelings of repugnance regarding cloning constitute prima facie evidence of its foulness, and therefore shifts the burden of proof to the Advocate who would explain them all away (WR 22). Kass then tightens this noose by giving reasons why repugnance is appropriate in this particular case, arguing that sexual procreation is fundamental to humanity, and that its bypassing and trivialization through cloning would be dehumanizing and seriously damaging for children. So even if human reason will never fully have the capacity to probe the depths of what is at stake here, it can nonetheless give strong justification for our moral outrage and give principled answers to the Advocates’ claims.

A. Profundity in Body and Gender

Kass argues that cloning would constitute a decided step in the wrong direction because it would violate the inherent teleology of human sexuality that is exemplified in the bodily union of complementary genders. The marks of the mysterious and profound here are such that invoking technological replacements would be essentially dehumanizing, no matter how compelling the reasons may seem in particular cases (WR 26).

Of course, in many ways, cloning does not confront us with anything new. Sex has been separated from procreation since the advent of birth control pills, and procreation was soon thereafter separated from sex through artificial insemination and in vitro fertilization (WR 15). Fifteen years ago, Kass had no objections to these practices in themselves (within the context of marriage), but he did fear that they might trivialize our beliefs in the importance of bodily union and thereby open us up to far more depersonalizing practices like cloning. The white-gowned doctor with the test tube stands in
stark contrast with bodily sexuality, which involves the coming together of two individuals bodily, erotically, personally and spiritually. The former is a picture of the autonomous will of an individual; the latter of transcending one's experience and tacitly surrendering to the unknown (WR 24). It is the union of bodies, not raw volition and scientific technique, that is necessary to ramify purely sexual drives into the affection and loyalty of two individuals, invaluable to a community of sacrifice and love for a third. 

The loss of bodily union as a necessary component of procreation is questionable, but something all but the most conservative are willing to sacrifice for the sake of some infertile couples. With human cloning, however, we lose not only bodily union but the entire notion of engendered reproduction (TNS 113). This would be a bizarre return to the reproductive method of the lowest forms of life; the richness and diversity that sexuality offers makes its correlation with complexity more than incidental. At the top of this continuum we find man - both nature's “sexiest” animal and its most social, driven and intelligent. Man's sexual drives also hint at a sort of sexual teleology: people depend on and long for a union with a complementary other, even for the completion of their own nature (TNS 291). This union finds its initial fulfillment in coitus, and later more deeply in the child, who is “the parents' own commingled being externalized” (WR 25). Kass expresses the importance of sexuality for procreation here: “Is there possibly some wisdom in the mystery of nature that joins the pleasure of sex, the inarticulate longing for union, the communion of live, and the deep and partly articulate desire for children in the very activity by which we continue the chain of human existence?” (TNS 72).

It is difficult to say exactly why the loss of human procreation as recognizably human would be so tragic - Gilbert Meilaender writes of the essential difficulty of giving more fundamental reasons than this “basic form of humanity” itself, which already touches us as deeply as possible (WR 17).
the very least, we know we are tampering with what has been at the center of human relationships for our entire history (TNS 74), and that the changes we invoke will substantially and permanently affect many lives - even entire generations. It is evidence of the Advocates' human impoverishment and "Frankensteinian hubris" that they can belittle what is "unspeakably profound" without the slightest sense of deference to our ancestors or caution for the sake of our descendants: "Enchanted and enslaved by the glamour of technology, we have lost our awe and wonder before the deep mysteries of nature and of life" (WR 16).

B. The Wrongful Birth

What is suspicious in somewhat vague ways in the bypassing of sexuality finds its clear fulfillment in the harms incurred on children. Here, Kass cuts to the heart of the repugnance of human cloning by depicting the harms it would bring to children through their technological objectification, being stripped of anything resembling a human family, and being deliberately deprived of an original genotype.

First, human cloning represents a decided step toward transforming procreation into manufacture (WR 24). Human nature would then join the rest of nonhuman nature in succumbing to the technological project, which turns "all of nature into raw material at human disposal" (WR 29). Considering Man's history of conquest, it is a grossly naive idea that he can maintain his sense of dignity and splendor when reduced to the level of scientific product (TNS 78). The scientist, as well, stands in superiority to his creation, in contrast with the sexual formation of another being "exactly as we were, by what we are" (WR 29). Commodification in all forms is also a necessary accompaniment. Man's manufacture by technology will therefore inevitably numb the mystery of life and the gift of the child, even if limited to single and seemingly justified cases. As a result, we develop
an impoverished anthropology that leads to an impoverished morality – “if we come to see ourselves as meat, then meat we shall become” (TNS 77).

Second, the child is unlikely to fare well amidst unprecedented familial confusion. Having one’s father or mother double as a twin brother or sister would clearly confound all lines of kinship (TNS 101). Also, since technology eliminates the sexual act, we may now place our stamp of approval on the fruits of incest - being parent to one’s sibling. Further, the usually sad and damaging situation of the single parent child will here be planned often and remorselessly, condoned politically and, what follows, socially (WR 29). Of course, since many Advocates double as familial deconstructionists, these objections will mean little to them - but perhaps this is all the reason necessary for the majority of Americans to jump off their innovative bandwagon.

And finally, children would be harmed by lacking an original genotype, being made in the exact image of their mother or father. Here Meilaender contrasts the spontaneity and open acceptance of the child as an unknown gift that follows from the sexual act, with the fully known, controlled, and commercially demanded process of cloning. In the former, the child replicates neither father nor mother and is truly unique - at once a foreshadowing of and impetus toward the individual identity that the parents must eventually allow him or her to have. The latter, by contrast, produces a child whose genotype has already lived, exacerbating the already too dangerous parental drive to determine the child’s destiny. For these reasons, Kass concludes that expectations put on a clone contradict one of the fundamental attributes of healthy parenting: its openness and vision toward the future, not the past (WR 31).

The objection that genes are not determinative of personhood is true but ultimately insufficient. If genes do not significantly shape personhood, it is difficult to see what legitimate motivations could exist for cloning in the first place. But, truth to tell, genetic influence is clearly
significant, and all parties involved would be strongly and continually tempted to compare the clone's
development and performance with that of his alter ego (TNS 68). Further, as Kass notes, it is only
due to the close connection of genes and human identity that Advocates like Ruth Macklin could
possibly justify the need for consent to be cloned (WR 27).

Comparing cloning to the existence of natural twins is also of little use. Far from the
linchpin argument for cloning, what we see in natural twins actually constitutes positive evidence
against it. Understanding the immanent identity problems that natural twins have, Ramsey writes that
“we are altogether too familiar with the problems this would exponentially make more difficult” (in
TNS 67). The problems would be so much worse, of course, because the natural twin, although
without a completely unique genotype, has still been endowed with a completely original one—both
sets of the twins’ genes have yet to unfold their potential. And further, there is a tremendous moral
difference between the acts of nature and the deliberate determinations of man - Dan Brock likens it to
the difference between being hit by lightning and being beaten on the head.

II. A Few Objections

Among the most common of the Advocates’ objections are that Opposition is based on
unfounded speculation or an indiscriminate, reactionary “yuck factor”; that moral objections do not
outweigh the political presumption of liberty; and that Kass is bound to a religiously-tainted
anthropology. I answer that the Advocates’ accusations of speculation are equivocal and poorly
founded; that the reaction of repugnance is justified here if anywhere at all; that Advocates act
inconsistently with the spirit of Liberalism; and that Naturalism is not assuredly true and its a priori
assumption often biases clear thinking on this issue.
A. On Speculation

Advocates such as Ruth Macklin often argue that Opponents' arguments regarding human dignity and harms to children are vague and hopelessly speculative. In her words, “Evidence, not surmise, is required to conclude that the psychological burdens of knowing that one was cloned would be of such significant magnitude that they would outweigh the benefits of life itself.” She argues further that last-ditch appeals to dignity are often used as fuzzy substitutes for this real, empirical evidence.

This argument is a bewildering mixture of equivocation and inconsistency. Her equivocation is in the use of “speculative”: here such an objection is either empty or clearly false. It is the former if she is objecting that we have no conclusive social science data that show cloning damages children - that's just the real, empirical condition of evaluating acts that have not yet occurred. Her claim is clearly false if what she means by “speculative” is “an unlikely prediction.” Although many slippery-slope arguments may fall into this category, Kaas has made it eminently clear that cloning constitutes a substantial revamping of embodied, engendered sexual union, and the child's status in the family, in regard to genes, and in being unprecedentedly objectified. Surely such factors are significant enough that the Advocate cannot merely argue-by-insult and cry speculation. The onus of proof must be on her to show that substantial harm would not be done to the child in spite of these radical changes. Further, if the matter is really so murky and speculation-laden as she makes it appear, then we should remember those who lack sufficient wisdom in doing are wise simply not to do (TNS 78).

She is inconsistent in her assumption of John Robertson's “Interest in Living” argument - one of the most notoriously speculative on the market - in the very sentence that she condemns Kaas's speculation. Indeed, as Cynthia Cohen argues, Robertson's argument is not only speculative but fallacious. Arguing that the child's life would surely not be so full of suffering that she would wish to
die, Robertson confuses non-existence after life (death) with non-existence before life (in which no harm is done at all). But, since we are attempting to look forward and decipher whether such births should occur in the first place, the standards for a wrongful birth (especially in reference to the essential outcomes of an unnecessary technology) should not be placed nearly so extremely high as Robertson and Macklin maintain.\textsuperscript{21}

B. The 'Yuck Factor'

Richard Dawkins is typical in warning his readers to beware of “a reflex and unthinking antipathy, or ‘yuck reaction’ to everything ‘unnatural.’”\textsuperscript{22} The basic idea is that repugnance is too sensitive a test and far too often slavishly determined by custom. The day after Kass presented his Repugnance argument to the NBAC, Macklin objected, “While it is certainly true that repugnance may be the bearer of wisdom, it may also be the bearer of simple and thoughtless prejudice.” On this basis she concludes that repugnance constitutes a “flimsy basis” for the federal ban Kass called for.\textsuperscript{23} I find this accusation unjustified since Kass's Repugnance Argument is limited to a very specific case and for principled reasons.

Kass does not blindly adhere to nature as an infallible moral guide (WWB 81); he would agree that nature “sickens, cripples, and kills us,”\textsuperscript{24} and that science is appropriately called on to alleviate the harms it induces. Since we know that even in 1985 Kass had no objections to the new reproductive technologies in themselves, it is unfair to accuse him of an unthinking allegiance to everything natural. In reality, he is showing allegiance to that single aspect of the natural that he sees as truly unique and fundamental to our experience. So note the clever rhetorical device that Dawkins and Macklin employ here: they accuse Opponents of an unthinking repulsion to everything unnatural, while in reality Kass is presenting a principled allegiance to the very last vestige of the natural. It is, in fact, most Advocates who have the unthinking allegiance that clouds their vision here—belief in the essential goodness of all
things technological. But of course, one proselytizes far more effectively by appearing as moderate and rational, and making his opponents look like the naive absolutists - no matter how misleading such a picture might be.

B. Liberals' Rights and Judicial Sentiment

By far the most pervasive argument in the literature is that even though there is some moral reason to object to human cloning, those reasons are not nearly weighty enough to balance the political presumption we have in favor of individual liberty. I will argue that these rights are dubious and fundamentally inconsistent with the spirit of Liberalism because they ignore the concept of Judicial Sentiment.

The claim that there is a right to clone oneself, if taken as some sort of natural right, is equivocal and unfounded. First, whatever plausibility such a claim may initially have finds its source in a negative freedom such as protection from compulsory sterilization, surely not as a positive “tort claim against nature” - the right to make good, by any and all remotely feasible means, whatever one is dissatisfied with in the natural scheme (WR 32). Additionally, whatever is “natural” about the desire to have one's own biological children surely loses this status somewhere along the trek from procreation to replication. General utility also stands opposed to this right, as we find its invention at the very time it becomes increasingly evident that fertility needs to be more limited, it would require an immense investment of resources, and it ignores the needs of already existing children in need of qualified parents (TNS 44, 79).

The idea that procreative liberty is a contractually-based political right has some basis, but is of disputable application here. Every reproductive freedom won in this country has followed bitter political campaigns, many of which continue to be hotly debated today. Polygamy and incest remain illegal even between consenting adults (WR 36). Precedent thus makes it eminently clear that so-called
procreative liberty is fully within the jurisdiction of the legislature (TNS 142). In other words, procreative liberty, positively defined, is a right precisely in so far as the political process and the Supreme Court define it. And there is little doubt, considering all the objections voiced to previous emanations of this liberty, that the public will have sufficient reason and numbers (at least at first) to cease paying homage to procreative liberty when it ventures into the realm of replicative liberty. For these reasons, it is more likely that first-rate intellectuals who assert the nearly absolute status of procreative liberties with the vigor of the Hebrew prophets do so more for rhetorical purposes than on the basis of solid reasoning - they hope these confident and indignant assertions become self-fulfilling prophecies, politically creating rights where none were before.

Be the political process as it may, I maintain that granting such rights would be deeply inconsistent with the true spirit of Liberalism, a tradition that has stood effectively against the bent in man to exploit and violate those with no recourse. Often times, the conscience of the exploiter is virtually silent-weakness, not conviction, often leads people to make that all-too-human exception in one's own case (IPD 618). Theologians contrast this compromising conscience with the uncompromising “Judicial Sentiment,” that feeling of indignance that arises when one has been morally wronged. Liberals understood this notion and formulated a system of legally defended rights based on this stringent moral standard. Rights cannot be based on whether the violator feels guilty about his act, but on whether his victim has a rationally-based sense that he has been wronged. This moral sense is the basis for the notion of self-evidence in the Declaration of Independence, and it is no surprise that Lincoln constantly referred to it in his appeals to abolish slavery: “As I would not be a slave, so I would not be a master.”

And it is precisely this principle that the Advocates egregiously ignore regarding human cloning. By focusing almost exclusively on the desires of certain individuals, they obscure the interest
of the child and thereby fulfill the predictions of everyone from Plato to Mao who condemn democracy’s heedless overemphasis on political freedom. It is no use maintaining that these Liberal principles were not intended to apply to the conception of children: J.S. Mill, one of our most outspoken advocates of individual freedom, gives the government authority to prevent children from being born into harmful environments clearly placing the liberty of those yet to be born ahead of the whims of prospective parents (and thereby also placing the negative freedom not to be harmed ahead of the positive freedom to do what one desires). By contrast, Advocates in a Liberal garb simply shrug their shoulders at the likely harms to children in order to protect their absolutization of human autonomy - completely ignoring the fundamental tension at the heart of any serious talk of rights. Further, they ignore the unique need for protection intrinsic to the parent-child relationship by forcing it into their atomistic political framework. R.C. Lewontin, for example, replies to the objection that cloning would objectify humans by saying that using human beings as mere instruments of deliberative ends is not all that repugnant, since it happens all the time: “That’s what I do when I call in the plumber.” Even the most superficial attention to Judicial Sentiment would prevent such callousness and force liberals to take all the rights involved seriously; in place of Robertson’s mere avoidance of “devastating harm,” we would have Hans Jonas’s “utter helplessness demands utter protection.” For these reasons, I maintain that the true Liberal position here is not Lewontin’s or Robertson’s, but Ramsey’s: that the complex and widely unknown issues here prevent us from ever getting to know whether cloning would bring substantial harm, since our ignorance would risk them too greatly and thereby violate their rights (TNS 66).
III. Conclusion

Thus we find that Kass has formulated quite a compelling argument against cloning due to its emphatic and unique departure from embodied, engendered sexuality, and its extreme likelihood of harming children by objectifying them, placing them into an utterly novel familiar situation, and deliberately depriving them of an original genotype. The almost universal sense of extreme repugnance people have had in facing this problem is therefore backed up by solid reasoning. The rejection of cloning is neither vague nor reactionary, and, far from violating liberty, in fact asserts it in its most robust historical and moral forms. Hans Jonas described the task of Advocate-type innovators in a similar context: “[They] must justify the infringement of a primary inviolability, which needs no justification itself; and the justification of its infringement must be by values and needs of a dignity commensurate with those to be sacrificed.” 39 Quite clearly, Kass has demonstrated that human dignity would be greatly endangered by permitting human cloning, and it is equally clear that few significant values and needs would be sacrificed if no human were ever cloned. A few dubious liberties and universally unfettered scientific progress notwithstanding, we must acknowledge the priceless capital of human dignity by taking a stand against Advocate pressure, the tendency toward political compromise, and Lord knows what else by unilaterally and permanently banning human cloning.
NOTES

1 Kass began his migration from science to bioethics in 1967, when he was disturbed by Nobel Laureate Joshua Lederburg’s amoral treatment of human cloning and responded in the Washington Post. The article caught the attention of Paul Ramsey, and the resulting correspondence contributed to Kass’s increasing concern with philosophical matters (WR 17; Kolata, 90).

2 I will not discuss the slippery-slope dangers of eugenics or multiple reproduction, or the obvious harms that would come to children from physical deformity, since they are not components of what I am calling the Repugnance Argument, which applies to the morality of ever cloning any human being - even its most benign forms.

3 Elshtain, TCN 181.

4 WR 22-23. He alludes to Pascal, #423: “The heart has its reasons of which reason knows nothing; we know this in countless ways.” I find #44 helpful here as well: “Justice and truth are two points so fine that our instruments are too blunt to touch them exactly.”

5 Also see Meilaender, BC 41.

6 Berry, 142. See also, 117-25, 133-44, 163-68, for an excellent exposition of the profundity and centrality of sex to personhood and community life.

7 Kass notes that part of Man’s unique sexual complexity is demonstrated by the fact that its females do not go into heat and its males must therefore have greater sexual energy and appetite to reproduce successfully (WR 125).

8 Meilaender, BC 41.

9 Similarly, “Shallow are the souls that have forgotten how to shudder” (WR 20-21). Begetting is Hebrew which regards the transmission of life, Genesis is Greek meaning “to come into being,” and Pro-creation is English regarding one’s participation in the work of the Creator. Words that pre-modern man used to describe the formation of a new human life illustrate their senses of astonishment, awe, and almost super-human mystery. The distance we have traveled from this notion is reflected in our linguistic turn to the metaphor of the factory: “reproduction.” Impressed with our own capacities to produce new life, we have now proposed the technological extrication of this mystery in individual cases, assuming its insignificance generally (TNS 48).

10 Fifty years ago C.S. Lewis described this sort of conquest as “the abolition of Man” (AM 70, 74).

11 It is also hypocritical in many cases, as we often find the same voices advocating this technological imperialism while treating that of nature as the ultimate horror (Meilaender, PC 21).

12 Elshtain, 184-85.

13 Meilaender, BC 42-43; Kass, WR 16, 27-30; TNS 69. Also see the difference between “making and begetting” in Meilaender, BC; and Kass, WR 29.

14 Contra Brock, 151-55, and almost every other Advocate, especially Lewontin.

15 Contra Lewontin, 132-33.

16 Brock, 152; contra Hull, 19.
17 Macklin, 64; Robertson, 96-97.

19 Quoted in Kolata, 20.

19 But see Kass, WR 32-34; TNS 31, 59-61.

20 See Robertson, 89-91; Dawkins, 60.

21 Cohen, 689.

22 Dawkins, 59.

23 NBAC report, 719.

24 Daniel Callahan, 7.

25 See Hull, who objects that politicians have no business regulating science since they are not dedicated to “the rational advance” of science as their prime mission (19); and D. Callahan, 7. For critiques of “technocracy,” see TNS 28, 47, 126-27, 293; WR 16-17; and Meilaender, Bc 44.

26 Robertson, 96-97; Dawkins, 60, 66.

27 Robert Wicker, head of the Cloning Rights United Front of New York, writes thus: “My decision to clone myself should not be the government’s business, or Cardinal O’Connor’s, any more than a woman’s decision to have an abortion is. Cloning is hugely significant. It’s part of the reproductive rights of every human being” (quoted in Sunstein, 207).

28 Cf Aristotle’s picture of intemperance, the gourmand who prayed to the gods that his throat might become larger, desperately gratifying his insatiable desires by any and all means (III.10, p.74). Lewis explains that the vice-driven desire to conform reality to one’s desires, rather than conform one’s desires to reality, is at the center of the technocratic project (AM 83-84). So the means has changed from the gods to the laboratory, but the spirit remains the same.

29 See Sunstein, 215-17; Elshtain, TCN 187.

30 In addition, Elshtain writes of the misery and identity failure that couples go through as a result of technology’s intrusion and increased pressure on couples to reproduce their own child, though seldom keeping its promises (TCN 187-89).

31 See Berry, 144-58.

32 The distinction is St. Paul’s from Romans 2:1-3 (Judicial Sentiment) and 2:14-17 (Conscience). One of its finest expositions is Lewis, MC, 17-21.

33 He continues: “This expresses my idea of democracy. Whatever differs from this, to the extent of the difference, is no democracy” (Elshtain, LLB, 45).

34 Mill, OL 126. Specifically, he writes that the state has the right to prevent people who do not have sufficient means to provide for children from getting married. This is not a utilitarian argument, but based implicitly on Mill’s concept of “what it means to be a person, an autonomous agent” (see Dworkin, 406). I say “yet to be born” in answer to those who draw parallels with abortion, a practice only admissible because, presumably, no humans are being violated.
Of course, one may object that I am confusing Classical Liberalism with Modern Liberalism, and thereby an emphasis on Liberty with that on Egality. Perhaps so, but clearly “liberals” would have a difficult time justifying such a significant risk of another’s well-being on the basis of equality.

Lewontin, 135. Also see Dawkins on the “pure curiosity” that attracts him to cloning (55).

Cohen, 687; Jonas, 506.

Mill admits the principle that risks of direct harms must be taken into account in OL 105.

Jonas, 500.
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---. TCN—“To Clone or Not to Clone.” In Nussbaum, 181-89.


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