

Crossing the Nuremberg Line *On Cloning and Human Dignity*

ON FEBRUARY 13, 2002 the principal author of the new report on cloning from the National Academy of Science (NAS) told the President's Bioethics Advisory Council that it was impermissible (at least at the moment) to proceed with what he called "reproductive cloning," i.e., cloning that brings the clone to birth, but that it was okay to proceed with "therapeutic cloning," i.e., cloning that kills the clone by experimenting on it. By what standard did Professor Irving L. Weissman and his NAS colleagues judge reproductive cloning to be impermissible and the other kind okay?

Reproductive cloning, they maintained, was simply too dangerous—at present. The risk to the cloned subject was too great. The actual cloning process is difficult to manage: Most clones in animal trials are defective, or indeed die. Ian Wilmut, the scientist who cloned Dolly the sheep, says that only one to five percent of embryos eventually result in the live birth of animals, and those that are born are plagued with obesity, lung and kidney problems, immune system failure, and so on.

But why does that make cloning impermissible? Sure, the risks are significant. But how did Weissman know that this degree of risk is an *impermissible* risk? His standard is the Nuremberg Code. The Nuremberg Code sums up the ethical tradition of Western civilization and provides an excellent guide to what constitutes ethical scientific research involving human beings. As Weissman

himself noted, the fifth article of that code states: "No experiment should be conducted where there is an *a priori* reason to believe that death or disabling injury will occur." (It continued: "except, perhaps, in those experiments where the experimental physicians also serve as subjects.")

The Nuremberg Code was created by the Nuremberg Tribunal, convened to judge the Nazi leadership and their allies for the atrocities they committed in World War II. It was born, if one may use that term, from the outrage of the civilized world at the genocide, and other crimes against humanity, committed by the Nazi regime. As such, it is the almost universally acknowledged standard today for medical experimentation on human beings.

The Nazis killed six to nine million people in their concentration or "death" camps, most of them Jews. Nazi laws had already defined Jews and other "undesirables" as non-persons. Eventually these "non-persons" were herded into the camps for extermination. But before the death camps were even constructed, the Nazis had engaged in an extensive campaign of euthanasia against the sick and handicapped.

The crucial work justifying this was a book published in 1920, called *The Permission to Destroy Life Unworthy of Life*. As made clear by Robert Jay Lifton in his book, *The Nazi Doctors*, the incurably ill, the mentally ill and feeble-minded, and retarded or deformed children were all regarded as "lives unworthy of life." The Nazis "medicalized" the idea, maintaining that the destruction of unworthy lives was a "healing treatment."

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The first “Children’s Specialty Department” was established in 1940 after Hitler came to power, under which “all therapeutic possibilities will be administered according to the latest scientific knowledge.” A network of 30 killing areas within existing institutions was set up throughout Germany, Austria, and Poland.

In the extermination camps, Nazi doctors engaged in inexplicably cruel experiments on Jews, Gypsies, Poles, and others. They exposed them to extreme cold to see at what temperature death would occur. They injected them with poisons to see how quickly certain elements moved through the circulatory system. They took twins and subjected them to all manner of terrible conditions to see how genetically identical persons reacted to different conditions.

I called these experiments “inexplicable.” But were they? After all, some of the experiments were designed to preserve life—albeit not the subjects’ lives, but the lives of others, such as pilots, for example, who had to parachute into freezing waters. The ultimate aim of the experiment was to yield a human good, to gain knowledge that would preserve human life. There was, from the Nazi’s point of view, a “greater good” involved.

VIOLATING THE CODE

Professor Weissman undoubtedly does not believe his views have anything in common with those of the Nazis. But do they? If embryos are human beings, then stem-cell research on them (during which their stem cells are extracted and they are killed) violates the Nuremberg Code. If, through therapeutic cloning, embryos are created to be used in experiments that would, likewise, be lethal to them, that too violates the Nuremberg Code.

Would it change our judgment of the act if the extravagant claims of cloning and embryonic stem-cell research advocates—that it will bring cures for every human disease and every human ailment—could be realized? I will answer that question with a question. Would it have affected our judgment of the Nazis if they had found such cures? I do not think so, and more importantly, I am sure Professor Weissman does not think so, and

that he believes that the imperative to conduct scientific research to “help people” must yield to the fundamental moral norm expressed in the Nuremberg Code.

The only way, then, that Professor Weissman can attempt to distinguish between Nazi research and “therapeutic cloning” is to maintain that therapeutic cloning does not involve human beings. Is that a persuasive, or even a plausible, distinction?

In a word, no. It does not take an advanced science degree to know when human life begins. It begins normally upon conception, or the fertilization of a female egg cell by a male sperm. It begins abnormally, or asexually, upon the activation by an electrical charge of an egg cell from which the original nucleus has been replaced with one taken from a “somatic” or body cell. In either case, from that moment forward, we have a new human organism. From that first moment, armed with its complete set of chromosomes, the new single-cell organism directs its own integral functioning and development. It proceeds, unless death intervenes, through every stage of human development.

It will change in appearance, but it will never undergo a change in its nature. It will never grow up to be a cow or a fish. It is a human being from the first moment of its existence. As the great ethicist Paul Ramsey noted, “The embryo’s subsequent development may be described as a process of becoming what he already is from the moment of conception.” Or from the moment of “therapeutic” cloning.

However, cloning proponents and many others are engaged in an enterprise to obscure the fact that every human being begins as a single-cell zygote, grows through the embryonic stage, then the fetal stage, is born, and grows through the infant state, through childhood, and through adulthood, until death. The human being is the same human being at every stage, though it looks different at each stage. Change is the very essence of life.

As the Christian bioethicist John Harvey has noted, “a human being is unchangeable and complete only at the moment of death.” Think of your own baby pictures—you do not still look like that, do you? We have all aged, but we are each the same person we were in our baby pictures. We

were not less the person we are now when we were a single-cell zygote.

This is the fundamental truth—the fundamental scientific truth—upon which all our moral analysis must be built. If we obscure this fact, it is simply impossible to think clearly about these issues. The Nuremberg Code applies only to human beings. If the cloned embryo is something else, then the ethical prohibition against killing human beings does not apply to it.

But it is not something else. It is a human being, a *he* or a *she*. Every human being was once a zygote. Jesus Christ, God made man, was once a zygote. Human life begins at that first moment, and when human life begins, it is stamped with the immortal image of God, the *Imago Dei* (Gen. 1:26). Nevertheless, cloning proponents pretend that before the embryo is implanted in the mother's womb, he is somehow fundamentally different, different in his very nature from what he will be after implantation.

THE FIRST STEP

The first open step in denying what everyone really knows was taken in 1970 when *California Medicine*, then the journal of the California Medical Association, invited its members to play a new game that its editors called “semantic gymnastics.” The rules of this new game were, they wrote, the “avoidance of the scientific fact, which everyone really knows, that human life begins at conception and is continuous—whether intra- or extra-uterine—until death.” The purpose of this new game was to replace “the traditional Western ethic” respecting “the intrinsic worth and equal value of every human life, regardless of its state or condition” with “a new ethic for medicine and society” in order “to separate the idea of abortion from the idea of killing.”

Then, later in the 1970s, the linguistic dehumanization of the unborn was taken a step further. Jesuit Richard McCormick and others promoted the idea of the “pre-embryo.” The term referred to the embryo before it was implanted in the womb. True, it was a “pre-embryo” in the sense of being “pre-implantation.” But so what? Does implantation effect a change in the nature of the thing that

implants? No reputable scientist believes that it does. The renowned authority on embryology, Ronan O’Rahilly, of the School of Medicine at the University of California, Davis, says in his 2001 textbook on embryology:

The term “pre-embryo” is not used here for the following reasons...it may convey the erroneous idea that a new human organism is formed at only some considerable time after fertilization...and...it was introduced in 1986 largely for public policy reasons.

What reasons, you ask? Writing in *Remaking Eden*, the celebrated Princeton biology professor and fearless savant Lee Silver clues us in:

I’ll let you in on a secret. The term pre-embryo has been embraced wholeheartedly by IVF [in vitro fertilization] practitioners for reasons that are political, not scientific. The new term is used to provide the illusion that there is something profoundly different between a six-day-old embryo and a 16-day-old embryo. The term is useful in the political arena—where decisions are made about whether to allow early embryo experimentation—as well as in the confines of a doctor’s office where it can be used to allay moral concerns that might be expressed by IVF patients.

So the term “pre-embryo” was developed to avoid something everyone really knows: that life is continuous from the moment of conception (whether through fertilization or cloning) until death.

Though the term “pre-embryo” has largely been rejected, the central idea behind it—to dehumanize the early embryo—still lives in other guises. We find it today in the cloning debate, and we saw it a while ago in the debate on embryonic stem-cell research.

A GAMBLE

In the cloning debate, the desire to “deny what everyone really knows” by finding a term that would hide the facts about human life has led to such convoluted thinking that it would be amusing if lives were not at stake. First, a distinction

between “reproductive cloning” and “therapeutic cloning” was advanced.

That was fairly easily rebutted, for once you have a living human zygote the reproduction of a member of the human species has occurred, regardless of the purpose (birth or experiment) for which the clone was created. Nor can “therapeutic cloning” be therapeutic. For a treatment to be therapeutic, it must be so for the subject. Therapeutic cloning, however, kills the subject (the embryo) every time in order to get stem cells. Thus, it is in fact non-therapeutic and anti-therapeutic. Even the press, which has played a pernicious role in obscuring the truth in the stem-cell and cloning debates, seems willing to abandon “therapeutic cloning” in favor of “research cloning.”

Finally, after opinion polls revealed that Americans did not like any kind of cloning, the biotech industry took a breathtakingly bold gamble—they decided to call it something else. Instead of “cloning,” the act would now be called “somatic cell nuclear transfer” or “nuclear transplantation to produce stem cells.” Breathtakingly simple—for both phrases are simply the definition of cloning itself.

In other words, when one speaks about cloning, one is speaking about a laboratory procedure in which the nucleus from a “somatic” (body) cell is “transferred” or “transplanted” into an egg cell from which the original nucleus has been removed. That’s what “cloning” means.

Even worse, with the phrase “nuclear transplantation to produce stem cells,” cloning advocates obscured the fact that the procedure does not produce stem cells but produces an embryo who is later killed so his stem cells can be “harvested.” Would we describe the murder of inmates in the Nazi camps as “experiments to preserve the lives of pilots who crash into freezing water”?

These “semantic gymnastics” are, in reality, not a new game but an old game, a game in which human lives are sacrificed for the sake of ideology, while everyone purports not to know what is really going on. In his essay “Politics and the English Language,” the author of *1984* and *Animal Farm* observed the game being played in his day. “In our time,” George Orwell noted,

political speech and writing are largely the defense of the indefensible....Political language has to consist largely of euphemism, question-begging, and sheer cloudy vagueness...People are imprisoned for years without trial, or shot in the back of the neck, or sent to die of scurvy in Arctic lumber camps: this is called elimination of unreliable elements. Such phraseology is needed if one wants to name things without calling up mental pictures of them.

The prophet thunders, “Woe to those who call evil good and good evil, who put darkness for light and light for darkness” (Is. 5:20). Woe to us, indeed, if we do not call things by their proper names. Yet cloning advocates echo the Nazis in calling killing “therapeutic.” They imitate them by pretending that an embryo created by cloning is an “activated egg.”

FUNDAMENTAL ERROR

While the failure to tell the truth about the human embryo is one error the proponents of cloning make, they make another that is perhaps even more fundamental. By adhering to the Nuremberg Code in word, while being unable to analyze their own actions in its light, Weissman and other advocates of cloning (and of stem-cell research) appear to believe the code applies to some “others”—Nazis, presumably, and other bad persons—but not to themselves.

They seem to think the world is divided into two types of people, “bad” people like Nazis and “good” people like themselves. Because of the enormity of their crimes, it is easy to think of the Nazis as evil by nature, as demonic and fundamentally different from ourselves. It is easy, but it is wrong. It misses the one essential point. As Alexander Solzhenitsyn reminded us, “The line between good and evil is not between peoples. The line runs through every human heart, and it shifts back and forth.”

As Christians, this is a truth we know. In the midst of the debate about cloning and the human embryo, when so many lies are being told so well, it is our job to remind our culture of this truth. □

—William L. Saunders