

**STUD BULLS, HUMAN EMBRYOS
AND POLITICALLY INCORRECT PEOPLE:
REFLECTIONS ON AN ETHICAL SOCIETY**

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Recently, I answered the phone and a reporter, who often contacts me, exclaimed, “You won’t believe what they’ve done now!” (they being the scientists). I said, “Oh my God, they’ve cloned a child and it’s just been announced”. The reporter said, “No. No, they’ve cloned Starbuck”, Starbuck being the prize Canadian bull who died in 1998 at age 20, whose semen has been used to produce over 200,000 progeny around the world. In fact, it is said that most of the prize cattle in the world are now related to him. She said, “We’ve just seen Starbuck II, this cute little one-month-old calf, who’s in a special facility in the veterinary school at St. Hyacinth, Quebec. He’s been genetically tested and it has been confirmed that he is indeed the clone of Starbuck. He was created from cells taken from Starbuck just before he died”.

The reporter asked for my thoughts about this cloning event, and, as so often happens when we discuss the use of the new reproductive and genetic technologies in animals, we quickly moved to humans. This is no accident. If we look at the history of the use of reproductic technologies, they have always been developed first in animals and then transferred to humans. Professor Alan Trounson, the scientist involved in producing Louise Brown, the world’s first “test-tube” baby who was born in England in 1975, is a veterinarian. He long ago told me that if we want to know what reproductive technologies are coming down the line for

humans in the next five years, just look at what the veterinarians are doing with animals. The reporter and I “blue sky-ed” about which man we would want to have cloned as a human superstud. We thought of Sylvester Stallone and Arnold Swartzeneger. I guess we were focusing more on the “stud” part of the equation, than on other desirable attributes.

Why is this story relevant to our conference today? What messages might it have for us in reflecting on where we are, and where we are going in terms of being or becoming an ethical society?

The new science has placed unprecedented powers in the palm of our collective human hand. With great power, comes great responsibility. Our powers include the power to alter the very essence of life, itself, including human life, and the nature of its transmission. No other humans have ever had such a power. In the past, we spoke of respect for life and, in relation to humans, meant by this that we ought not to kill each other. Today we are faced with the issue of whether it is right to transmit human life asexually through replicating a living human. The science of human reproductive cloning makes this possible. Is it ethical to pass on human life other than through sexual reproduction? Or, is it right to use human embryos to develop therapeutic products that will benefit the rest of us? Is it ethical

to establish “human embryo manufacturing plants”, that is, to undertake human therapeutic cloning? And what about designing our children, and not just them but all their descendants? This is possible through intervening on what is called the human germ cell line — the genes that are passed on from generation to generation. What ethics should govern this and how do we go about deciding that? Should we, as some American scientists believe we should, just leave this to the so-called ethics of the market place? The basis of this theory of ethics is that consumers are ethical and will not buy unethical products, which, therefore, will not be commercially viable. Recently, I heard some of these same scientists also argue that genetic enhancement of embryos makes good economic sense for future parents. It will cost much less, they said, to use genetic enhancement to improve your future children’s intelligence, give them a photographic memory, make them good at sports or music, than to pay for private schools and tutors, sports coaching and music lessons.

As is almost always true, great power that promises great benefits also carries great risks and harms. Such is the case with the new science. We might have had an early warning signal — dare I say, encountered an ethical canary — in this respect, in terms of our relatively recent recognition of the irreversible harm that we have done to the environment and the Earth’s ecosystems through approaches that were

inadequately cautious. We have seen the emergence of the precautionary ethical principle, in environmental ethics. If we generalize this principle to the entire realm of science, it means that those who would use the powers the new science makes available have the burden of proving that they will not do serious harm in doing so.

The late 20th century was a time of enormous change for us as individuals and societies. Many of these changes are linked. As well as the emergence of the new science, we have seen a decline in the use of organized religion as a way to find consensus on societal values and the rise of a widespread search for ethics. We have also seen the development of intense individualism. (Intense individualism means that our main or even only concern is what individuals want. This, in turn, means that we fail to give adequate weight to the impact of some of these individual choices on the community and the common good.)

Intense individualism can be linked with an approach to ethics called “situational ethics”. Situational ethics is based on a premise that what is right or wrong cannot be stated as absolutes, rather it all depends on the situation. Under this approach, a very important factor in deciding whether a certain action is ethical, is to balance its risks and harms against its benefits and potential benefits. If the benefits and

potential benefits outweigh the risks and harms, then the action is ethically justified. In other words, “doing good” is a justification for the risks and harms involved. We can see a very strong example of this situational ethics approach and “doing good” justification in President Clinton’s and Prime Minister Tony Blair’s recent approaches to human embryo stem cell research.

This research involves taking stem cells from human embryos, which means they are killed. These stem cells offer the potential for breakthrough scientific research that could result in great benefits such as repairing severed spinal cords, finding a cure for Alzheimer’s disease or multiple sclerosis, or new treatments for cancer. President Clinton and Prime Minister Blair believe that this potential for good justifies using the human embryos.

The other approach to doing ethics, which contrasts starkly in one very important respect with the situational ethics approach just outlined, is a principled-based approach. People who take this approach believe that some things are inherently wrong and, therefore, must never be done no matter how much good could result from them. In other words, “doing good” is never a justification for undertaking an inherently wrong act. To return to the example of human embryo research. If we see creating human embryos for no other reason than to use them as the

subjects of research or for the manufacture of therapeutic products, or we regard killing them (as we will do in pursuing these aims) as inherently wrong, then no matter how much good can result from this, we must not do it. People who believe that human embryo research is inherently wrong, view the human embryo as having a moral status that requires it to be deeply respected and that using it in this way would contravene the requirements of such respect.

In the past, many people found the matters which they believed to be inherently wrong through the dictates of religion or an ultimate authority such as a sovereign monarch. Can we, today, in a secular society, without recourse to such an external moral authority, still agree that some things are inherently wrong and, therefore, we should never do them no matter how much good could result? I believe that we can on the basis of two values. The values I propose are: a profound respect for all life, in particular, human life (note that I do not restrict this respect just to human life, but see that as a special category of life that requires additional respect within an overall context of respect for life); and deep respect for the human spirit. By the human spirit I mean that intangible, unmeasurable, invisible, non-material reality which we need in order to live fully human lives. It is the sense of relatedness and connectedness to others, to our world and to our universe – a sense of belonging to something larger than ourselves — that we use to find meaning in life. Having a

sense of the human spirit does not require any religious belief or belief in the supernatural, although it is not antithetical to such beliefs. To find a sense of the human spirit, in the sense I propose here, requires creating a structure that is broad, deep, flexible and nuanced enough to hold all of us and the wide range of principles, values, attitudes and beliefs that we find in a multi-cultural, pluralistic, multi-religious, secular society such as Canada.

Recognizing our need for a sense of the human spirit can lead to a concept of what I call the “secular sacred”. This concept involves recognizing that there are some things that we should not do because to do them would contravene the deep respect that we owe to life or to the human spirit. We can regard those things which are protected by that which we should not do, as “secular sacred”. To return, once again, to human embryo research and cloning, the questions concerning these procedures then become: Should human embryos be regarded as secular sacred? Should the sexual transmission of human life be seen as secular sacred? Does it contravene respect for life, or respect for the human spirit to produce a child through cloning? I believe that it does and I think the reason why is captured beautifully by the words of the philosopher Hans Jonas: “Every person has a right to live their lives as a surprise to themselves”. Put another way, everybody has a

right to their own unique ticket in the great genetic lottery — the mystery — of the passing on of human life. Human cloning cancels this ticket.

Because of the nature of our societies, it is very difficult to find consensus on most values issues. But one matter where most of us do agree, is that it is unethical to impose serious physical risks on others. Consequently, much of our ethical analysis of the new science focuses on what its physical risks are and whether we are justified in creating those risks. Such an assessment is important, because good facts are essential for good ethics and, very often, the facts about physical risks are crucial facts in deciding on the ethics of what we plan to do. The problem is that looking simply at the physical risks is not sufficient for a full ethical analysis. We also have to look at the risks to our non-material realities — to our human spirit realities — and try to take into account the risks to that of certain uses of the new science. But for many reasons, we are much less likely to take account of the risks and harms to our non-physical human reality, than those to our physical world. The first step towards remedying this omission is, however, to recognize that it exists.

I wish to turn, now, to another topic, and that is the danger of inhibiting or shutting down “ethics talk” through an excessive concern for political correctness. This

topic is connected with the ones we have just discussed, because some views about the ethics of the new science, especially in the area of rerogenetic technologies, can be labeled as politically incorrect and, as a consequence, regarded as not being open for consideration or even articulation in the societal debates to which they are relevant. I believe that this phenomenon is one of the serious dangers we face in relation to creating an ethical society. One reason that the threat is so grave, is that this way of shutting down the debate that should occur, comes garbed in a cloak of doing good, which can make its dangers difficult to recognize. Another reason is that, almost always, those people who seek to suppress such discussion are acting in good faith and argue that to engage in it shows disrespect and intolerance for them, their lifestyle, or beliefs and values. Sometimes they characterize the posing of questions to which they object, as a breach of their human rights.

The development of concepts of human rights in the last half of the 20th century has been a force for enormous good. The wrongness of discrimination and the suffering it causes is one of the many wrongs that human rights has brought to our individual and collective consciousness. And we have rightly tried to eliminate discrimination. But, recently, some claims to rights against discrimination have been used to inhibit people from asking questions on the grounds that *these questions are politically incorrect*. The questions are suppressed by negatively

labeling — often stigmatizing — the person who asks them. There is a grave danger in this phenomenon, not least because inappropriate or over-use of a claim of discrimination could discredit those claims that must be heeded. We must be free to ask, in good faith, questions such as:

- Is abortion always ethical?
without being labeled sexist or anti-feminist
 - Should women past the normal age for child bearing have access to reproductive technologies?
without being labeled as ageist or ultra-conservative reactionaries
 - Does a child need both a mother and a father? Should we refuse to extend marriage to same-sex couples? And should we prohibit creating a child from two sperm or from two ova?
without being labeled homophobic
 - Should we circumcise baby boys?
without being labeled anti-Semitic or anti- Muslim
 - Is euthanasia wrong?
without being labeled a religious fanatic
 - Are we treating animals ethically?
without being labeled an extremist
- and
- Should science be limited on the basis of ethics?
without being labeled a neo-Luddite or anti-science

It is often not easy to ask such questions, because they raise controversy. The questioner also runs a serious risk of hurting and offending others, and can be the

subject of intense scorn or worse. We must take care not to inflict harm or offense where it is avoidable. But we must also have the courage to ask questions such as those listed above, and the courage to debate them even when we profoundly disagree with one or more of the premises on which they are based.

Recently, I was talking to one of my law school colleagues, who is much younger than I am. Our discussion wandered to the constitutional validity of the exclusion of same-sex couples from marriage. My own view on this is that same-sex couples should have access to a legal union with the financial benefits and security that a married couple receive from the legal recognition of marriage, but that marriage should remain restricted to opposite-sex couples. He said, "I agree with you, but I would never say so publicly." I expressed surprise and asked, "Why not?" He said, "I would be slaughtered. You have tenure and can afford to say what you believe, I can't". If this kind of inhibition is widespread in our universities, it provides a striking example of a sick ethical canary. We are, indeed, in danger if one of the main institutions that should be at the heart of ethical reflection in a secular society, the university, has been silenced in certain important respects.

Political correctness is not, however, the only silencer we should be concerned about in universities. New funding arrangements, for example, can also have this

effect. Research partnerships between academia, business and government must be very carefully and ethically managed, if we in academia are to reflect as broadly, deeply and fully as we should, on what constitutes an ethical society at the beginning of the 21st century, especially with respect to what we sometimes *must*, often *may*, and occasionally *must not* do with the new science. Let me be clear here. I support the new tri-partite (academic, government and industry) approach to research. But it is a “mixed system” and “mixed systems” are difficult to govern ethically, because the ethical safeguards that are built into each component often cannot operate in the other components. For instance, keeping research results secret to obtain a commercial advantage might be good business ethics, but it may not be acceptable in academia with its ethos of the sharing of knowledge, and could contravene governmental obligations, for example, to protect the health of the public.

And it is not only beliefs about political correctness, but also people’s religious beliefs that can cause questioning to be shut down. Margaret Wentz in her column in *The Globe and Mail* (Margaret Wentz, “Day, Darwin, darkness,” *The Globe and Mail*, November 2, 2000, A17) reports that Ontario schools do not teach the theory of evolution (except to a small number of biology students in Grade 12) because the topic “is way too hot to handle” in light of Evangelical Christian parents’

beliefs in creationism. Wente says that “Ontario has designed its curriculum to be as value neutral and inoffensive as humanly possible”. It is not always ethical to avoid controversy.

To conclude: The new science has moved us from chance to choice. In making the extraordinary and unprecedented choices that it has opened up, we must take into account that not only our physical environment, but also our human spirit, can be destroyed, unless we act wisely, courageously, with integrity and, sometimes, with restraint. And these same qualities must also govern our conduct, especially our use of the power of rhetoric and labeling, when we engage, as we must, in “ethics talk” with those people with whom we profoundly disagree.