

HUMAN REPRODUCTIVE CLONING: A CONFLICT OF LIBERTIES

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ABSTRACT

Proponents of human reproductive cloning do not dispute that cloning may lead to violations of clones' right to self-determination, or that these violations could cause psychological harms. But they proceed with their endorsement of human reproductive cloning by dismissing these psychological harms, mainly in two ways. The first tactic is to point out that to commit the genetic fallacy is indeed a mistake; the second is to invoke Parfit's non-identity problem. The argument of this paper is that neither approach succeeds in removing our moral responsibility to consider and to prevent psychological harms to cloned individuals. In fact, the same commitment to personal liberty that generates the right to reproduce by means of cloning also creates the need to limit that right appropriately. Discussion of human reproductive cloning ought to involve a careful and balanced consideration of both the relevant aspects of personal liberty – the parents' right to reproductive freedom and the cloned child's right to self-determination.

In principle, it is often argued, human reproductive cloning ought to be permitted based on one of the most fundamental elements of personal liberty, the right to reproductive freedom. The argument tends to go something like this: individuals have a right to reproduce as they choose, as long as in doing so they do not violate other rights or moral injunctions. Some individuals may want to reproduce by means of human reproductive cloning. Although there are many objections to human reproductive cloning on the grounds that it violates a right or constitutes an ethical wrong, each of these objections can be dismissed via reasoned argument. Therefore, assuming that the science gets to the point where it would be safe and reasonable to attempt human reproductive cloning, it ought to be allowed, given the right to reproductive freedom.¹

I would like to examine a particular objection to human reproductive cloning, and the arguments often used to dismiss that objection. The objection I have in mind is the threat of psychological harms to cloned individuals. In the case of cloning, psychological harms could result if cloned individuals were forced to recapitulate the personalities and lives of those they were cloned from, excessively violating their right to self-determination.

Contemporary Issues in Biomedical Ethics. T.L. Beauchamp & L. Walters, eds. Belmont, CA: Wadsworth–Thomas Learning: 593–602; R. Gillon. 2003. Human Reproductive Cloning: A Look at the Arguments against It and a Rejection of Most of Them. In *Contemporary Issues in Biomedical Ethics*. T.L. Beauchamp & L. Walters, eds. Belmont, CA: Wadsworth – Thomas Learning: 621–632; J. Harris. 2005. The Poverty of Objections to Human Reproductive Cloning. In *Contemporary Debates in Applied Ethics*. A.I. Cohen & C.H. Wellman, eds. Malden, MA: Blackwell Publishing: 145–158; M. Tooley. 2006. The Moral Status of the Cloning of Humans. In *Bioethics*. H. Kuhse & P. Singer, eds. Malden, MA: Blackwell Publishing: 162–177.

¹ For examples of this position, see: D.W. Brock. 2003. Cloning Human Beings: An Assessment of the Ethical Issues Pro and Con. In

Hans Jonas is usually credited with first formulating this problem, which he saw as infringing on what he termed an individual's right to ignorance.² The idea is that a cloned person, by knowing about the life of whomever they were cloned from, will know too much about themselves. Joel Fienberg discussed a similar concern with the right to an open future.³

Proponents of human reproductive cloning do not dispute that its practice may lead to violations of the right to self-determination. They even acknowledge that these violations could cause psychological harms to clones. But they often proceed with their endorsement of human reproductive cloning by dismissing these psychological harms in two ways. The first tactic is to point out that it is a mistake to think that those with identical genomes are also identical persons. This is to commit what is commonly called the genetic fallacy. The second approach is to invoke Derek Parfit's non-identity problem.⁴

I will argue that neither tactic succeeds in removing our moral responsibility to consider and to prevent psychological harms to cloned individuals. In fact, the same commitment to autonomy that motivates defense of the right to reproduce by means of cloning creates an obligation to limit that right appropriately. Evaluation of the morality of human reproductive cloning ought to involve a careful and balanced consideration of both aspects of personal liberty – the parents' right to reproductive freedom and the cloned child's right to self-determination.

THE RIGHT TO REPRODUCTIVE FREEDOM

Human reproductive cloning concerns that 'which would aim to produce a human person with the same genes as some other human being.'⁵ So, discussion of the ethics of human reproductive cloning is restricted to cases in which whole, individual, sentient humans are made from genetic

cloning rather than recombination, and created by artifice rather than nature.⁶ Although there are some significant scientific obstacles likely to continue hampering the development of human cloning, assuming that these problems are eventually solved, there are various reasons why individuals might want to produce offspring through cloning technology rather than the more conventional methods. For example, if a husband were to die before a couple had any children, the wife might wish to clone the deceased in order to have a child with her husband's genes. Of course, if the deceased member of the couple was the wife instead, producing the clone would require an egg as well as a surrogate carrier. Cloning might also be a desirable option for infertile couples or for same-sex couples if either party does not wish to have offspring to whom an independent third party has contributed any nuclear DNA.⁷ In general, the right to such options would be part of what is commonly referred to as the individual's right to reproductive freedom.

Several philosophers argue for the acceptability, in principle, of human reproductive cloning on the basis of the right to reproductive freedom. Dan Brock defines this right:

A right to reproductive freedom is properly understood to include the right to use various assisted reproductive technologies (ARTs), such as in vitro fertilization (IVF), oocyte donation, and so forth.⁸

This right is part of the right to procreative autonomy, which Ronald Dworkin derives from the American political tradition of personal freedom. There is a history of judicial decisions that presuppose a principle of procreative autonomy, presumably because of a commitment to personal liberty and human dignity as well as the belief that procreative decisions are fundamental to both. Integrity requires that this principle, applied to cases regarding issues such as abortion and contraception, be applied to other kinds of procreative decisions as well.

² H. Jonas. 1974. *Philosophical Essays: From Ancient Creed to Technological Man*. Englewood Cliffs, NJ: Prentice Hall.

³ J. Feinberg. 1980. The Child's Right to an Open Future. In *Whose Child? Children's Rights, Parental Authority, and State Power*. W. Aiken & H. LaFollette, eds. Totawa, NJ: Rowman & Littlefield: 124–153.

⁴ Parfit discusses the general non-identity problem in various places. The most extensive discussions are in: D. Parfit. 1984. *Reasons and Persons*. Oxford: Oxford University Press; D. Parfit. *Future Generations: Further Problems*. *Philos Public Aff* 1982; 11: 113–172. For a brief but thorough examination, please see: D. Parfit. 2005. *Energy Policy and the Further Future: The Identity Problem*. In *Environmental Ethics: readings in theory and application*. L.P. Pojman, ed. Belmont, CA: Wadsworth–Thomson Learning: 337–345.

⁵ Gillon, *op. cit.* note 1, p. 622.

⁶ This avoids, for example, the issue of creating mindless human 'organ banks', because they lack sentience. For a discussion of this issue, please see Tooley, *op. cit.* note 1. It also sidesteps the discussion about creating embryonic clones from which stem cells could be harvested in order to grow particular, genetically matched organs for individuals in need of a transplant, since neither a cluster of stem cells nor an isolated organ qualifies as a 'whole, individual, sentient human'. Clearly these are both issues worthy of ethical examination, but that will not be attempted here.

⁷ For an excellent discussion of the merits of some of these scenarios, discussed in much greater detail, please see P. Kitcher. *Whose Self Is It, Anyway?* *Sciences (New York)* 1997; 37: 58–62.

⁸ Brock, *op. cit.* note 1, p. 594.

The constitutional basis for this generalized principle creates the right to procreative autonomy.⁹

Despite its American heritage, and because of its derivation from a commitment to personal liberty and human dignity, Dworkin argues that ‘the principle of procreative autonomy, in a broad sense, is embedded in any genuinely democratic culture.’¹⁰ It is a negative right that incurs a duty of non-interference, so any imposition on an individual’s procreative decision-making constitutes an infringement of their right. As a result, barring any other morally relevant impediments, individuals have a right to pursue their own procreative choices, although it is not the case that anyone is obligated to provide them with the object of their choices.

Accepting that individuals have a right to procreative liberty, along with classifying the decision to employ ARTs as a procreative decision, generates the right to reproductive freedom. Accepting that individuals have a right to reproductive freedom, and classifying human reproductive cloning as an ART, makes reproducing by means of cloning an option that individuals have a right to pursue. Although human reproductive cloning may initially seem like a ridiculous thing to pursue, John Harris points out that it is important to many individuals to have offspring that are related to them and only them. There are several kinds of cases where individuals may be unable to accomplish this except by means of human reproductive cloning. As a result, Harris states that

... freedom to clone one’s own genes might also be defended as a dimension of procreative autonomy because so many people and agencies have been attracted by the idea of the special nature of genes and have linked the procreative imperative to the genetic imperative.¹¹

Perhaps it becomes easier to accept the ‘cloning imperative’ when it is understood as an expression of the ‘genetic imperative’.

But regardless of the motivation behind the desire to pursue human reproductive cloning, Brock, Harris and others argue that in the absence of other relevant moral impediments, individuals ought to be permitted to reproduce by means of cloning. The argument goes something like this: given the right to procreative autonomy and therefore the right to reproductive freedom, and recognizing that human reproductive cloning counts as a kind of ART protected by these rights, then as long as this

kind of cloning is not prohibited by some other appropriate moral code, it is a violation of rights to prevent individuals from choosing to reproduce by means of cloning.¹² The question then arises as to whether choosing to employ human reproductive cloning violates any other viable ethical principles. In particular, I will examine the potential for psychological harms resulting from violations of the right to self-determination.

THE RIGHT TO SELF-DETERMINATION

The right to self-determination is the right that all persons have to determine, at least to some extent, their own self. Feinberg describes the right to self-determination in an essay entitled ‘The Child’s Right to an Open Future’. He writes:

... the mature adult that the child will become, like all free citizens, has a *right of self-determination*, and that right is violated in advance if certain crucial and irrevocable decisions determining the course of his life are made by anyone else before he has the *capacity of self-determination* himself.¹³

This right is, like both the right to procreative autonomy and the right to reproductive freedom, a negative right. Individuals are not to be prevented from developing into the kind of person that they wish to be. The right to self-determination is also satisfied to a degree, rather than as a simple presence or absence. Obviously, all parents influence their children’s development – some more so than others. The idea is that there is an amount of excessive interference which constitutes a violation of the right to self-determination, and that cloning someone and forcing the clone to assume that person’s identity is an example of an inappropriately extreme case. This is where the concern with potential psychological harms to cloned children arises.

Although clones should not be unduly hindered by the fact that they share a genome with another person, they may be harmed by the expectation of similarity with the people they have been cloned from. If the parent of a cloned child were to attempt to direct the child’s personality, abilities, and interests to mimic whomever it is a genetic replica of, then this would constitute a violation of the cloned child’s right to self-determination. And here is where the objection to human reproductive cloning

⁹ R. Dworkin. 1993. *Life’s Dominion*. New York, NY: Alfred A. Knopf.

¹⁰ *Ibid*: 167.

¹¹ Harris, *op. cit.* note 1, p. 358.

¹² For a provocative examination of the limitations of this style of argument, please see: M. Häyry. Philosophical Arguments For and Against Human Reproductive Cloning. *Bioethics* 2003; 17: 447–459.

¹³ Feinberg, *op. cit.* note 3, p. 143.

arises. Actually, it applies to all individuals with a shared genome, whether they are naturally produced identical twins or genetically engineered human clones. The claim is that, based on the right of individuals to self-determination, it is wrong to force a shared identity on any two individuals based on a shared genome. But many authors dismiss this objection.

DISMISSING PSYCHOLOGICAL HARMS

There are typically two responses to the threat of the genetic fallacy leading to violations of rights resulting in psychological harms. The first is to point out that the genetic fallacy is, in fact, a fallacy. Authors in favor of human reproductive cloning argue that we need not consider this potential consequence because it would be a mistake for people to assume that a clone will have the same identity as the original person and treat them accordingly. The problem arises from ignorance. Because genetic clones look similar, people tend to assume that they are similar in personality. To commit the fallacy of genetic determinism is to indulge in the 'pervasive error that confuses the genetic state of an organism with its total physical and psychic nature as a human being.'¹⁴ It assumes that genetic identity is equivalent with personal identity, but this is patently false. Identical twins have the same genetic identity and yet are different persons. Clones will have different identities and be different people, just as entitled to their right to ignorance, an open future, and self-determination as naturally created identical twins are.

Unfortunately, people do commit this fallacy and make this assumption. And some might seek to create a genetic clone in order to try and replicate a loved one's personal identity. Someone who desires to recreate another person may be expecting the clone to be similar to the cloned. Someone who is cloning a past person is potentially, by the very act of seeking to clone it, attempting to recreate that identity. But to attempt to replicate people by replicating their genomes is ethically troublesome. It is this tendency, a human predilection for this motivation for cloning, that must be considered when one examines the morality of the practice.

I conclude that the psychological harms that may be done to a clone whose parents commit the fallacy of genetic determinism ought to be considered even though it is a mistake to think that genetic identity and personal

identity are the same. This is because although it is a mistake to commit the genetic fallacy, some may still commit that mistake, resulting in psychological harms. These harms are morally relevant despite that they result from a misunderstanding of the relationship between genetics and identity. Simply pointing out that to commit the genetic fallacy is, in fact, to commit a fallacy is not sufficient to address the threat of psychological harms to clones.

Several authors employ a second strategy in order to override concerns with a cloned individual's rights. Brock, Harris, and others each contemplate the difficulties raised by Feinberg and Jonas. They each examine the possibility of harm done to a clone by violating its right to self-determination. Then they dismiss the concern by utilizing a very particular argument, Parfit's non-identity problem. Parfit's non-identity problem explores the difficulty in talking about actions that determine both the existence and quality of life of future persons. He points out that our choices today often have two types of effects: quality of life effects (ones that affect the experiences of potential future persons) and reproductive effects (ones that affect who are the actual future persons). When we talk about choices that have an effect on who is born, there is a problem with discussing an additional effect on their quality of life because they would not exist were we to do otherwise. Parfit states that it is inappropriate to talk about a future person being harmed by a choice that negatively affects his quality of life, but without which he would not exist. Because of this he concludes that in cases with reproductive effects we cannot talk about harm to future persons in person-affecting terms.

The decision to allow or prohibit human reproductive cloning obviously has a reproductive effect. The non-identity problem reveals that it is inappropriate to appeal to potential psychological harms as grounds for prohibiting it. This is because although the decision to clone a child may indeed lead to its right to self-determination being violated, unless this goes so far as to make the clone's life not worth living, the decision did not actually harm the child, since it would not exist otherwise. Brock explains this claim: 'the later twin is not harmed by being given a life even with these psychological burdens, since the alternative of never existing at all is arguably worse'.¹⁵ Raanan Gillon asks, 'What is preferable for that child? To exist but to have those problems, or not to exist at all?'¹⁶

¹⁴ R. Lewontin. 2001. The Confusion Over Cloning. In *It Ain't Necessarily So: The Dream of the Human Genome and Other Illusions*. R. Lewontin, ed. New York: New York Review of Books: 283–301: 287.

¹⁵ Brock, *op. cit.* note 1, p. 599.

¹⁶ Gillon, *op. cit.* note 1, p. 629.

THE NON-IDENTITY PROBLEM

I think there are some very important points to be made about using the non-identity problem to dismiss the possibility of psychological harms. First, I would like to point out that despite his non-identity problem, Parfit still thinks that we can morally object to choices that have both negative quality of life and reproductive effects. He explains:

Many writers claim that, in causing such effects, we would be acting against the interests of future people. Given the point about personal identity, this is not true. But I was inclined to think that this made no moral difference. The objection to these . . . choices seemed to me just as strong.¹⁷

Parfit's main point is that these objections appeal to an uncertain and unfamiliar principle that we have yet to articulate. He writes that 'we will need some wider claim to cover these. Call this claim (X). I am not sure what (X) should be.'¹⁸ But he very specifically states that 'I would not *want* people to conclude that we can be less concerned about the more remote effects of our social policies.'¹⁹ So Parfit himself would not want his non-identity problem to be used to dismiss concern over the potential psychological harms that cloning could incur on future children.

Second, it ought to be noted that Parfit has merely demonstrated that our usual way of talking about moral responsibilities – in terms of harm to another – fails to represent our concern for the welfare of future persons in these cases. Parfit's non-identity problem does not prove that we have no moral responsibilities in these cases, or that our concern is misplaced. In Parfit's terms, we usually 'appeal to the interests of those whom our acts affect.'²⁰ He describes this principle as: '*The Person-Affecting Principle, or PAP*: It is bad if people are affected for the worse'.²¹ But just because the PAP fails to apply to cases with reproductive effects and negative quality of life effects does not mean that there is no appropriate principle that does. It would be fallacious to conclude that because the PAP fails, there is no (X).

Third, we can still engage in a discussion of what precautionary principles we might employ should any actual cloned children come into existence. In other words, even if Parfit's non-identity problem voids appeals to the interests of future children as an argument for prohibiting

cloning, it does not apply to appeals to the interests of actual cloned children. Since we are aware that this may become a problem for any children who are cloned, we should be prepared to protect their right to self-determination. Having a complete and healthy ethical discussion now may ensure that suitable policies are ready at the appropriate time, should it ever become necessary. Then, once there are actual cloned children, we will have the normal grounds for applying the PAP and can immediately act to protect them by putting the previously discussed policies into place. The PAP alone can still provide us with the usual reasons for why, given that they have been born, we ought to monitor cloned children for potential psychological harms and safeguard their right to self-determination, which may be more prone to violation than usual.

So, Parfit's non-identity problem shows that it is not quite right to talk about a child being harmed by the act of cloning, because it would not exist otherwise. Parfit thinks that this indicates the need for a different principle than usual – (X) instead of the PAP – but that the moral objection to psychological harming of cloned children remains strong. Certainly, Parfit's non-identity problem does not refute the possibility of an appropriate principle (X) – it only shows that our usual one, the PAP, fails to apply in these cases. Finally, even appealing only to the PAP, Parfit's non-identity problem does not allow for a cursory dismissal of all concern with psychological harms. We still have a responsibility to protect the interests of actual future children who are cloned and may be mistreated.

PRINCIPLE (X)

I would also like to suggest that (X) is not as obscure as it may seem. I agree with Parfit in thinking that we ought to consider the quality of life that our actions may create for future persons, even if those particular persons would not exist were we to do otherwise. And although I am uncertain as to how precisely one might articulate (X), it does seem to me that there are other cases with both reproductive and quality of life effects, in which we appeal to (X) instead of the PAP.

Imagine the case of potential grandparents who consider starting a trust fund for their future grandchildren. When they inform several of their own children and their spouses what they are considering, these couples reveal that they have been planning on having children in a few years, after they feel they are more financially stable. But if a trust fund is started, they don't feel as if they will have to wait. Perhaps they will try and conceive immediately.

¹⁷ Parfit, *Energy Policy and the Further Future: The Identity Problem*, *op. cit.* note 2, p. 343.

¹⁸ *Ibid.*: 344.

¹⁹ *Ibid.*: 343.

²⁰ *Ibid.*: 344.

²¹ *Ibid.*

If this is the case then, given Parfit's point, we ought to say that it is not true that by creating a trust fund the potential grandparents are benefiting their future grandchildren. This is because it will benefit different future grandchildren.

But it seems obvious that starting the trust fund will benefit their future grandchildren anyway, and this isn't a controversial or unfamiliar assumption. Because of the similarities in structure, I think that this example must appeal to the same kind of principle, concerning benefit, as is applied in the cases of future generations, concerning harm – the elusive principle (X). Examining the shared features of these two cases, I notice that both cases concern future individuals that are related to present agents by some process of descent that picks out these individuals for special consideration. It does not pick out specific individuals, but rather those individuals who are related in the appropriate way. And although there is a biological relation in both these cases, I doubt that the relevant relation has to be biological. It is simply that the concern for these future individuals is in virtue of some particular kind of relation rather than with a particular identity. I think that this begins to explain the difference between the PAP and (X).

The PAP covers cases where particular people are affected for the worse. Perhaps (X) covers cases where nonspecific persons related to us in particular ways are affected for the worse. In the case of the grandparents and the trust fund, we could apply a version of (X) that covers both harm and benefit to explain that the future grandchildren would be worse off without the financial security of the trust fund, and better off with it. The hope is that this avoids Parfit's non-identity problem because what is relevant to the comparison is the relation that each group bears (as grandchildren) rather than the particular identity that the members of each group have (as persons that will or will not exist). In the case of future generations, we could apply (X) to explain that future generations (those persons who come after us as a result of our choices and actions) are better or worse off depending on what policies we choose. Again, what is relevant to the comparison is the relation that each group bears (as future generations) rather than the particular identity that the members of each group have (as actual or merely potential future persons). Finally, we can consider the case of human reproductive cloning. We can now appeal to (X) to express our concern for how children who are related to others by means of genomic duplication are treated. We can compare the group of cloned children whose right to self-determination is violated with the group whose right to self-determination is protected. We can appeal to (X) to capture our worry

that cloned individuals might be harmed if precautions are not taken, and the idea that they might be benefited by taking such precautions.

In each of these examples, the relations between agents and those affected hold despite the fact that particular identity changes. Since the moral concern is a product of the relation to those affected rather than the particular identity of those affected, we can compare the circumstances of those in the appropriate relations and justify our actions and choices on the basis of producing the best possible circumstances for whoever exists in the appropriate relation. This avoids the non-identity problem since it sidesteps particular identity, and helps to explain what underlies (X): concern not with particular persons as such, but with persons (whoever they happen to be) related to us in some important and consideration-producing way. This concern, although perhaps not as common and familiar as the intuition underlying the PAP, is still intuitive, since it captures our concern for our descendants.

BALANCING PRINCIPLES IN PRACTICE

I hope that this discussion has shown that there are two distinct claims on liberty in the case of human reproductive cloning: the parents' right to reproductive freedom, and the clones' right to self-determination. Some have tried to dismiss the threat of psychological harms to clones on the grounds that to mistake genetic identity for personal identity is to commit a fallacy and that calling such violations harm incurs Parfit's non-identity problem. But neither claim justifies neglecting the clones' rights in favor of their parents'. In no case is it acceptable to ignore potential harms simply because they result from a mistake in reasoning. And although one could certainly reject my suggestion for (X), or the intuition that the moral objection to choices susceptible to the non-identity problem is just as strong, the point that the non-identity problem only applies to prohibiting human reproductive cloning nevertheless holds. If cloning were to occur, there would be actual children with the right to self-determination that ought to be protected as arduously as this right is protected in children produced in the more usual ways. The terms and extent of this protection are morally relevant to the discussion of human reproductive cloning and ought to be explored rather than ignored.

It is relevant to note that this right to self-determination is protected in children who are not produced by means of human reproductive cloning. Feinberg's discussion of a child's right to an open future includes an examination of the ethical tension between

the Amish way of life and their children's right to a certain amount of education. In several court cases, Amish communities and/or parents have objected to the practice of requiring that their children receive a certain amount of accredited education on the grounds that it threatens their constitutional right to practise their religion. State courts have upheld the state's obligation to protect the child's right to self-determination by providing them with an education that will allow them to be sufficiently responsible for their own choices in life.²² This is based on the state's obligation, as *parens patriae*, to act as a guardian of children's future interests by making sure that they have sufficient opportunity to make their own choices and determine their own selves as they mature and become capable of doing so. The Supreme Court of the United States has also overturned these decisions in favor of the parents' right to free practice of their religion.²³

Obviously there is a trade-off here between protecting the rights of the parents and those of the children. This case is nicely analogous to the difficulty in cases of human reproductive cloning. On the one hand, there is the parents' right to reproductive freedom. On the other is the responsibility to protect children from having their choices severely limited, to the extent that their right to self-determination is violated. Parents who clone their children must not progress too far beyond what every parent naturally does to shape and influence their children's development. Trying to force someone to completely recreate someone else's identity obviously goes too far and clones ought to be protected from that.

In conclusion, I hope that this provides substantive philosophical grounds for consideration and discussion of public policy restrictions on human reproductive cloning. This could be done while allowing parents to exercise their right to reproductive choice by cloning. Perhaps it is the case that simply explaining the fallacy of genetic determinism would be enough for many people.²⁴ Applying the PAP, one could appeal to the interests of parents in making a fully informed decision to clone and argue that a protocol for reviewing cases of desired cloning ought to be developed. A review board could be put into place by the FDA. Couples desiring to create a clone could apply and specify their motivations for doing so. They could be appropriately informed of the circumstances of cloning and of the mistake of the genetic fallacy. Once parents understood that a clone is not the

same person, just as identical twins do not have the same personality, hopefully they would refrain from committing the fallacy. And after the birth of actual cloned children, there could be occasional monitoring to ensure that no drastic violations of the right to self-determination occurred. In cases of severe violation, as with other cases of *parens patriae*, the state might be required to intervene and protect the cloned child's rights.

Human reproductive cloning is a way for some individuals to exercise their right to reproductive freedom. A commitment to liberty secures this right and the more general right to procreative autonomy. However, that same commitment to liberty requires that one also respect the individual's right to self-determination. Tension arises because human reproductive cloning is both a way for parents to exercise reproductive freedom and a possible source of infringement on children's right to self-determination. The prospect of human reproductive cloning presents an important opportunity to implement a complex ethical appreciation of personal liberty. Individuals do have a right to liberty in the form of reproductive choice, one that they ought to be able to exercise by cloning. However, other individuals, including cloned persons, also have a right to liberty in the form of self-determination. These individuals ought to be free to pursue this right by not having their opportunities drastically limited, as would happen if parents forced them to assume another's identity instead of allowing them to create their own. Admittedly, in some cases of human reproductive cloning there could be a conflict between these two moral objectives. But hopefully, by appreciating the validity of both claims, we can begin to ensure the balancing of these principles in practice.

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²² For example: Kansas, 1966. *State v. Barber*.

²³ Supreme Court of the United States, 1972. *Wisconsin v. Yoder*.

²⁴ This has been suggested in the form of 'preconception counselling' by: C. Strong. Reproductive cloning combined with genetic modification. *J Med Ethics* 2005; 31: 654–658: 656.