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MORAL THEORIES AND CLONING IN KAZUO ISHIGURO'S *NEVER LET ME GO*

By: Stephanie Petrillo

In this paper I will consider the ethics of cloning as it occurs in Kazuo Ishiguro's dystopian novel *Never Let Me Go* from the standpoint of a number of moral theories: consequentialism, natural law theory, Kantian moral theory, rights based theory, and virtue ethics. In light of these moral theories, I will develop an analysis for why cloning for biomedical research as outlined in the 2002 document *Human Cloning and Human Dignity* by the President's Council on Bioethics is morally permissible, while the cloning-based donation program in the novel is morally impermissible.

I. Introduction

With the birth of the first cloned mammal, Dolly the British sheep in 1997, came the onset of debate on the topic of cloning. Since Dolly lived and died, numerous non-human mammals have been cloned, though the process is unrefined and frequently fails as the cloned organism dies soon after its construction. The process that created Dolly and enabled potential human cloning involves “somatic cell nuclear transfer,” wherein the nuclear material of a somatic cell from the donor is inserted in place of the receiving egg cell’s nucleus.¹ The development of in vitro fertilization, which involves creating numerous fertilized eggs outside the body for implantation inside a woman’s uterus, has led to the use of embryos for biomedical research. The embryos not implanted are effectively “excess” and are donated for research purposes. Such research on human embryos has and could play a revolutionary role in regenerative medicine, like the growth of organs or tissues for replacement in adult humans.² Regenerative medicine like organ replacement is the key component of Kazuo Ishiguro’s dystopian novel, *Never Let Me Go*. In this paper I will analyze various moral theories for the purpose of evaluating whether the cloning that occurs in *Never Let Me Go* is ethical. I will use the theories discussed to refute the arguments against cloning for biomedical research that are employed in a document published by the 2002 United States President’s Council on Bioethics.

II. The Donation Program

The most pressing question that must be addressed in Kazuo Ishiguro’s *Never Let Me Go* is whether or not Kathy H. and her fellow clones are human. The three friends are part of the “donation program” that is common practice in their society. They are clones and were created for the sole purpose of eventually donating their organs to non-clones to allow for the latter’s continued existence. In the novel, it is evident that Kathy H., Ruth, Tommy D., and all the other cloned beings are not considered human by the society that they inhabit, namely, England of the late 20th and early 21st century. In order for the donation program to persist as it does, it must be the case that the society either does not consider the clones human, or does not consider them “human enough” to be granted the same rights as non-cloned humans.

As readers, we are given only Kathy’s perspective, which makes it difficult to know the history of the society, and how the donation program began. Since our understanding is temporally dependent on Kathy’s viewpoint, so it is not revealed that Hailsham is a school created to segregate the parentless, cloned children from society until Kathy learns this herself. Kathy herself does not explicitly question her origin, but rather notes and accepts the mysteriousness of it: “There was an unspoken agreement to allow for a mysterious dimension.”³ Much of Kathy’s life as a child in Hailsham is marked by a vague awareness that she does not know the full story about herself and her friends. Nonetheless, she only tiptoes around asking questions and communicating

1 United States of America. The President’s Council on Bioethics. Washington, D.C. *Human Cloning and Human Dignity: An Ethical Inquiry*. By Elizabeth H. Blackburn, Rebecca S. Dresser, Daniel W. Foster, Michael S. Gazzaniga, Robert P. George, William B. Hurlbut, Charles Krauthammer, Paul McHugh, William F. May, Gilbert C. Meilaender, Janet D. Rowley, Michael J. Sandel, and James Q. Wilson. N.p., July 2002. Web. Nov.-Dec. 2013. <<http://bioethics.georgetown.edu/pcbe/reports/cloningreport/>>.

2 *Human Cloning and Human Dignity*. 27.

3 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 123. Print.

her sense of being kept in the dark. We do learn that cloning technology was developed sometime in the 1900's and that it was employed for the purpose of providing people with new organs. In the novel, the directors of Hailsham scrutinize the donation program because of the question of the clones' humanity, but ultimately the people who support the program are unwilling to abandon it, regardless of the question of its ethics:

However uncomfortable people were about your existence, their overwhelming concern was that their own children, their spouses, their parents, their friends, did not die from cancer, motor neuron disease, heart disease... You were kept in the shadows, and people did their best not to think about you. And if they did, they tried to convince themselves you weren't really like us. That you were less than human, so it didn't matter.⁴

By constructing a society that is essentially indifferent to the subjects from whom vital organs are harvested, Ishiguro demonstrates that humans are perpetually self-interested, to the detriment of other beings. By using the terms "they" and "their," the Hailsham director Miss Emily implies that she and the directors are detached from the majority sentiment of people in their society who deny the clones' humanity. But even if Miss Emily believes the children are fully human, she ultimately gives up on their cause, which renders her belief meaningless. The head directors of Hailsham, Miss Emily and Madame, suggest that the school was a special project to offer the clones more comfortable lives as they waited for their organs to be harvested. But the self-proclaimed "benevolent" directors never admit to opposing the practice of harvesting organs from clones; they only aim to provide a "more humane and better way of doing things."⁵ Indeed, Madame and Miss Emily never refer to Kathy and the children as "humans." Madame repeatedly calls them "creatures," and harbors a fear of the clones that is evident to the children when they surround her at Hailsham. Nonetheless, the directors consider the ability to produce artwork as possible proof of the children's humanity, and therefore collect a "gallery" of their drawings as evidence. The purpose of this paper is to clarify the clones' status as human.

III. Defining "Human"

Except for the production of artwork, *Never Let Me Go* does not provide an answer to the question of what it means to be human. Even if the ability to produce artwork is a partial answer to the question, it is not adequate to prevent the death of clones in the novel. In order to determine whether harvesting the organs of mature human clones is morally permissible, we must first define what it means to be human. Beyond the biological definition of a human as genetically belonging to the *Homo sapiens* species, human beings are considered distinct from non-human species in part because of their personhood.

The United States Constitution uses the term "person," but never the term "human"—a distinction that allows for the possibility of a nonhuman person, as well as a non-person human. Depending on the definition of "person," a sentient adult chimpanzee may qualify as a non-human person. Similarly, an embryo may genetically qualify as a human, but fail to satisfy the requirements for personhood. The definition of personhood that I support and will use throughout this paper is based on conditions noted by David DeGrazia in his article "Great Apes, Dolphins, and the

4 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 263. Print.

5 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 258. Print.

Concept of Personhood.” DeGrazia asserts that conditions of personhood include “agency (the capacity for intentional action), autonomy, self-awareness, rationality, moral agency, sociability, and language.”⁶ It is necessary to modify this definition to include only intentional action and self-awareness. While an organism’s capacity for sociability, language, morality, autonomy, and rationality are strong indicators of personhood, these are not necessary components. I contend that if an entity possesses only intentional action and self-awareness, then that entity qualifies as a person. Rationality is a problematic term when applied to the definition of personhood because rational action is frequently subjective. Two people might have opposite beliefs about whether any given action is rational. Rationality is generally defined as an action not influenced by emotions, but because the absence of rationality does not abolish one’s personhood, rationality is excluded from my conception of personhood. Sociability, language, and morality are all differently defined among cultures, so they cannot contribute to a universal definition. Contrarily, intentional action and self-awareness take the same form across populations and species. Therefore, personhood is hereby established as belonging to any living entity that possesses intentional action and self-awareness.

“Intentional action” refers to an individual’s will or decision to act in a certain way, while understanding the possibility of acting in a different way. For example, Kathy acts intentionally when she becomes Tommy’s care-giver because she can conceive of not becoming his care-giver. In contrast, if a canine possesses the will to act in such a way that will result in its being fed, but it does not have the capacity to consider or weigh actions, then its actions are not intentional, but instinctual. The second condition of personhood involves self-awareness. For the purposes of this paper, the definition of self-awareness will align with “social self-awareness” and “introspective awareness” as DeGrazia defines:

Social self-awareness: an awareness of how they fit into a social group, the expectations that attach to their position in the group, the likely consequences of acting against those expectations, how to work towards desired goals within those expectations, and the like... There is also introspective awareness, awareness of one’s own mental states and processes.⁷

Based on this definition of personhood and its components of intentional action and self-awareness, Kathy H. is indubitably a person. Kathy immediately displays self-awareness consistent with the definition of personhood: “My name is Kathy H. I’m thirty-one years old, and I’ve been a [care-giver] now for over eleven years.”⁸ Kathy is conscious of herself as an individual being, existing in relation to other beings. She conveys her introspective awareness, or awareness of her own mental states and processes, when sharing her success as a care-giver: “My donors have always tended to do much better than expected... maybe I am boasting now. But it means a lot to me, being able to do my work well.”⁹ Kathy is evidently proud of herself and is conscious of that pride, which proves her capacity for introspective awareness.

Since Kathy narrates the novel in her first person perspective, we as readers have access to her consciousness in a way that allows us to confirm her personhood. We could apply the

6 DeGrazia, David. “Great Apes, Dolphins, and the Concept of Personhood.” *Southern Journal of Philosophy* 35.3 (1997): 304. ProQuest. Web. 18 Dec. 2013.

7 DeGrazia, David. “Great Apes, Dolphins, and the Concept of Personhood.” *Southern Journal of Philosophy* 35.3 (1997): 305. ProQuest. Web. 18 Dec. 2013.

8 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 3. Print.

9 Ibid.

conditions for personhood to Tommy and Ruth based on the interactions Kathy has with them, but our access to them is limited because what they do and say is filtered through Kathy's account. However, if Kathy's friends were to also meet the conditions for personhood, then the donation program would be morally impermissible because it harms and ultimately kills people who are indistinguishable from non-clones. Having proven Kathy's personhood, we can claim she is "fully" human in biological as well as psychological terms. We can determine that she is biologically human, because her organs and the organs of the other donors are presumably compatible with the bodies of the *Homo sapiens* to whom they donate. In order to establish whether it would be morally permissible to harvest the organs of nonconsensual human persons like Kathy H., we must assess the case of Kathy in light of various moral theories—consequentialism, natural law theory, Kantian moral theory, rights-based theory, and virtue ethics—and compare the results.

IV. Aims of Moral Theory

The purpose of moral theory in the context of this paper is to determine whether cloning for organ harvesting or biomedical research is morally right or morally wrong. The action of cloning and its subsequent effects could be morally right in the most compelling sense, which would make it an obligatory action: in that case, to fail or refuse to clone would be to commit a moral wrong. Cloning could also be thought of as right only insofar as it is not wrong; that would not compel civilization to clone, but would imply that if we did employ cloning, it would not be wrong. In other words, there is a crucial difference between what is and is not morally obligatory. If a certain action were morally obligatory, then a person would be at fault if she does *not* take that action. Cloning could be considered morally obligatory only if *not* cloning were morally wrong, or cloning could have a weaker moral status, wherein it is neither morally wrong to clone, or to not clone. A further possibility would be that the cloning and organ harvesting of *Never Let Me Go* may be deemed morally impermissible, in the sense that they are actions that one cannot take without committing a moral wrong.

Moral theory aims to illuminate the nature of a certain action, whether it is a right action or a wrong action, and why we can say so. Moral theories can either be value-based or duty-based. The two can be distinguished by understanding the distinction between "right" and "good":

A theory of the good is a claim about what it means for a human life to be going well or about what sort of events and developments in their lives human beings have strongest reason to desire or approve. A theory of the right makes a claim about what an actor in a particular situation—it could be a judge having to decide a case—ought to do, all things considered, in view of some controlling theory of the good.¹⁰

Whether something is good or bad has to do with both its inherent value and whether an action produces more overall happiness than an alternative action. Happiness is considered inherently good because it is valuable in and of itself. Material goods are not inherently good because they are only valuable in relation to something else, like a person's use of them. Material goods are merely means to the end that is happiness. A value-based moral theory is concerned with determining the worth of an action based on whether it is inherently good. A duty-based

¹⁰ Harvard. "Moral Theory." Cyber.law.harvard.edu. Harvard Law, n.d. Web. 18 Dec. 2013. <<http://cyber.law.harvard.edu/bridge/Philosophy/essay3.txt.htm>>

moral theory is concerned with ascribing worth to an action based on whether we are morally obligated to proceed with the action, or whether it is a right action, in light of what is morally good. Value-based moral theories will aim to determine whether cloning is good based on how much happiness it produces, while deontological or duty-based moral theories will aim to determine whether cloning is morally right or wrong, and whether we have a duty not to proceed with cloning.¹¹

V. Consequentialism

Consequentialism is concerned with the happiness that is produced as a result of an action, which makes it a value-based theory. When evaluated through the lens of consequentialism, an action is right or wrong based on the consequences of that action:

Right action is to be understood entirely in terms of the overall intrinsic value of the consequences of the action compared to the overall intrinsic value of the consequences associated with alternative actions an agent might perform instead. An action is right because its consequences would be at least as good as the consequences of any alternative action.¹²

In consequentialism, actions are considered right when compared to other actions that produce less good. The type of consequentialism I seek to evaluate is utilitarianism. The utilitarian philosophy of Jeremy Bentham (1748-1832)¹³ and John Stuart Mill (1806-1873)¹⁴ can ultimately be reduced to the claim that “an act is morally right if and only if that act causes the greatest happiness for the greatest number.”¹⁵ If all persons are granted equal value, then we can determine that a certain action is morally permissible if more people benefit rather than suffer from said action, or if the cumulative benefit outweighs the cumulative suffering. In the case of *Never Let Me Go*, if the society that employed the donation program consists of a larger population than the population of clones possessing personhood, and the number of people who benefit in the society exceeds the number of suffering clones, then the donation program is morally right. If the regenerative medicine of Kathy’s world has developed no other alternatives than the donation program, and the program produces happiness in the form of extended life for a larger number of people than the number of clones, then utilitarian consequentialism affirms organ harvesting is the right action:

If some procedure produces a greater sum of happiness made up of the enjoyments experienced separately by B and C and D and so on than the happiness that this procedure takes away from A – or a sum greater than that needed to balance the misery that this procedure imposes on A – then, at least on a simple utilitarian view, that

11 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 5. Print.

12 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 7. Print.

13 Driver, Julia. “The History of Utilitarianism.” Stanford University. Stanford University, 27 Mar. 2009. Web.

14 Driver, Julia. “The History of Utilitarianism.” *Stanford University*. Stanford University, 27 Mar. 2009. Web.

15 Sinnott-Armstrong, Walter. “Consequentialism.” Stanford University. Stanford University, 20 May 2003. Web. 17 Dec. 2013. <<http://plato.stanford.edu/entries/consequentialism/>>.

procedure is to be followed.¹⁶

Accordingly, if a group of firemen are simultaneously called to respond to (1) a fire in a school auditorium with 100 students trapped inside, and (2) a house with five students trapped inside, the firemen are morally obligated to attend to the school auditorium, even at the cost of leaving all five students to their deaths. Under utilitarianism, the consequence of saving 100 students will result in greater net happiness than would saving the five students, because all persons have an individual net value of 1. For utilitarian moral theory, forcing Tommy to donate four organs to four different people at the cost of his own life is morally permissible, because Tommy's suffering and the shortening of his life are outweighed by the combined happiness of four people, since all persons are given an individual net value of 1.

Utilitarianism becomes less concrete if people are not considered to have equal worth. What is morally right is more difficult to determine if we consider a case where either three terminally ill people must die or a young child must die. The problem can be solved if we consider how many people the three dying individuals as a unit will affect relative to the child in the case of their respective deaths. Hypothetically, if the child grows up to be a cardiovascular surgeon and saves hundreds of lives, then it would be morally right to save the child even though his isolated net worth is less than that of the three terminally ill patients. In this case, the child's extended or potential net worth is much greater than his isolated net worth. But we cannot determine ahead of time whether the child will grow up to become a surgeon, so it seems less problematic to consider each person for only his or her isolated net worth. Using clones is less problematic than using non-cloned human people as sacrificial organ donors because clones, being born and grown in a laboratory and genetically altered to be unable to conceive, have no parents or children to tangentially increase their net worth. In light of this conception of utilitarian consequentialism, the donation program that Kathy and her friends are fated to enter is morally right because it benefits many more people than it harms. So long as the benefitting population outnumbers the despondent population, and no alternatives that produce at least as much happiness have been developed, then the donation program ought to continue.

VI. Natural Law Theory

The fundamental belief of natural law theory is that any action can be either "natural" or "unnatural." Not surprisingly, acts that are natural are considered good, while acts that are unnatural are considered morally wrong. As a value-based theory of ethics, natural law theory aims to measure actions by their inherent value. The major proponent of natural law theory, St. Thomas Aquinas (1225-1274)¹⁷, posited four items that ought to be considered naturally and objectively good: human life, human procreation, human knowledge, and human sociability.¹⁸ Aquinas asserts that natural law is "the way that the human being participates in the eternal law," which is God's law.¹⁹ In natural law theory, objectivity is founded on religious texts and aligns with God's will.

16 Mackie, J. L. "Can There Be A Rights-Based Moral Theory?" *Midwest Studies in Philosophy* 3 (1978): 353. ProQuest. Web. 18 Dec. 2013.

17 McNerny, Ralph. "Saint Thomas Aquinas." Stanford University. Stanford University, 12 July 1999. Web.

18 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011.12. Print.

19 Murphy, Mark. "The Natural Law Tradition in Ethics." Stanford University. Stanford University, 23 Sept. 2002. Web. 17 Dec. 2013. <<http://plato.stanford.edu/entries/natural-law-ethics/>>.

For Aquinas, any action that directly violates one of the four intrinsic goods violates God's will and is a morally evil and impermissible action. By using the term "human" rather than "person," Aquinas immediately eliminates non-human persons from his doctrine, effectively giving them no moral status.

In order to apply natural law theory to the clones of *Never Let Me Go*, the clones can only be human at the chromosomal level, unless Aquinas intended for personhood to be inherently included in the definition of human. Although the distinction between "human" and "person" is of significant importance in this paper, it nevertheless seems unlikely that Aquinas would have conceived of a category of humans not possessing personhood. If Kathy and the other clones are not human, then natural law would present no objection to society using them for organ harvesting. It would be a morally neutral act to mutilate or murder a clone in any stage of its development if it is not human. Assuming that Kathy is a human, however, raises a number of moral problems for natural law theory. In the novel, Kathy reveals to the reader that she and the other children of Hailsham are biologically unable to have children of their own:

That was why it was so important to us, this question of who did it with whom. And even though, as we knew, it was completely impossible for any of us to have babies, out there, we had to behave like them. We had to respect the rules and treat sex as something pretty special.²⁰

It is never made clear how or why it is that the Hailsham the children will never be able to reproduce, but it is likely that in the society's process of developing clones, scientists were able to remove their faculties of reproduction. Assuming that children of Hailsham are clones, but nonetheless human, society has directly violated an intrinsic good of natural law theory by rendering them unable to conceive.

To deny the clones the possibility of procreation would be enough in itself to condemn the donation program as morally impermissible, but the system violates the other natural goods as well. A recurrent theme throughout *Never Let Me Go* is the lack of knowledge the students have of their situation; they are "told but not told."²¹ Tommy reflects at some length on the topic of information being withheld from the clones: "Tommy thought it was possible the guardians had, throughout all our years at Hailsham, timed very carefully and deliberately everything they told us, so that we were always just too young to understand properly the latest piece of information."²² By intentionally presenting information in a confusing way, the directors of Hailsham obstruct children's access to knowledge. Tommy's suspicion is confirmed when he and Kathy reconnect with Miss Emily and Madame:

She was a nice enough girl, Lucy Wainright. But after she'd been with us for a while, she began to have these ideas. She thought you students had to be made more aware. More aware of what lay ahead of you, who you were, and what you were for. She believed you should be given as full a picture as possible. That to do anything less would be somehow to cheat you. We considered her view and concluded she was mistaken.²³

20 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 83. Print.

21 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 82. Print.

22 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 82. Print.

23 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 267. Print.

Natural law theory would consider Lucy Wainright an agent of moral good, since she believes children should have knowledge of their identities; it would judge the other directs to be morally evil because they violated the intrinsic good of human knowledge. Natural law theory would regard keeping the clones from full comprehension as a morally wrong action. Natural law theory would also regard the society that allows the donation program to take place as simultaneously violating the good of human sociability and the good of human life. The relationships and friendships formed among the clones are thwarted and devastated, as each person begins to donate organs until he or she dies. Subjecting the clones to a procedure that will ultimately result in their death – in conjunction with the loss of friendship and social bonds that results from the process of donating until dying – makes the donation program morally wrong under natural law theory and makes proponents of the program morally malevolent. Once again, however, these judgments depend on an assumption that the clones are in fact human. Whether or not Aquinas would have shared this assumption, it is clear that English society as depicted in Ishiguro's novel does not—or at any rate, that it chooses to avoid debating or even facing the question of the clones' humanity.

VII. Kantian Moral Theory

German philosopher Immanuel Kant (1724-1804)²⁴ developed the categorical imperative as a test to evaluate whether a given action is morally wrong or morally right. The categorical imperative is a moral principle upon which all moral duties are based.²⁵ Kantian moral theory falls under the category of duty-based, because it aims to determine whether actions are morally obligatory or morally impermissible. The foundation of the categorical imperative is reason, rather than belief, which is why the categorical imperative is considered universal. The categorical imperative consists of several tests or conditions that must be applied to an action to determine whether that action is morally permissible. The imperative is based on Kant's "Humanity Formulation," which states: "An action is right if and only if the action treats persons as ends in themselves and not as mere means."²⁶ To treat a person as mere means is to regard him or her as solely an instrument for one's own devices, which would be to overlook that person's dignity or wholeness of self. In this paper, personhood is defined as belonging to any living entity that possesses both intentional action and self-awareness, so we will consider Kantian moral theory using this definition. The categorical imperative consists of the Universal Law Formation, which is divided into two tests for right action:

The Universal Law formulation expresses a test whereby we can determine whether our actions are right or wrong. An action is right if and only if one can both (a) consistently conceive of everyone adopting and acting on the general policy of one's action, and also (b) consistently will that everyone act on that maxim.²⁷

Kant specifies that in order to be a universal law, and thus morally right, one must be able

24 Rohlf, Michael. "Immanuel Kant." *Stanford University*. Stanford University, 20 May 2010. Web.

25 Johnson, Robert. "Kant's Moral Philosophy." *Stanford University*. Stanford University, 23 Feb. 2004. Web. 15 Dec. 2013. <<http://plato.stanford.edu/entries/kant-moral/>>.

26 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 16. Print.

27 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 17. Print.

to consistently conceive of an action being appropriate for everyone. Under Kant's Universal Law Formation, a person must act in a certain way under certain circumstances in every instance and also contend that it would be appropriate for everyone else to act in the same way under those circumstances. In the case of cloning in Kathy's society, social actors are operating under the maxim: "I will subject clones to nonconsensual organ harvesting whenever doing so helps my family or me persist in our own lives." The members of Kathy's society must consistently conceive of such a world wherein everyone subjects clones to nonconsensual organ harvesting whenever doing so helps their families or their own ends. While this world may be conceivable, and indeed exists for Kathy, Tommy, and Ruth, it fails Kant's Humanity Formation. To treat clones, which we have established as persons, as mere means to an end is morally impermissible.²⁸ The clones of Kathy's world exist for the sole purpose of donating their organs to other people:

None of you will go to America, none of you will be film stars. And none of you will be working in supermarkets as I heard some of you planning the other day. Your lives are set out for you. You'll become adults, then before you're old, before you're even middle-aged, you'll start to donate your vital organs. That's what each of you was created to do. You were brought into this world for a purpose, and your futures, all of them, have been decided.²⁹

Miss Lucy clarifies to the children of Hailsham that they will be used as mere means to other people's ends, that that is the point of the children's existence. If the clones did not possess personhood, then it would be permissible under Kantian moral theory for them to be used as mere means, since it is only persons who ought to be regarded as ends in and of themselves. Although this already establishes that cloning under the circumstances of Kathy's world is morally impermissible, the categorical imperative calls for one further test to determine an action's moral status.

In his *Groundwork of the Metaphysics of Morals*, Kant says that a maxim can only be morally right if it also achieves the condition whereby one can "act as if the maxim of thy action were to become by thy will a universal law of nature."³⁰ Given the maxim one forms—in this case that clones are subjected to nonconsensual organ harvesting whenever doing so contributes to a social actor's own end—one must then be able to will for such a world to exist where the maxim is universally employed. Only if one can intentionally will for a world where the maxim always and universally exists can the maxim be morally permissible. If there is even a single person who should not be allowed to act on and adopt the maxim of harvesting a clone's organs for their own purposes, then the maxim cannot be morally right. For example, we would have to will that an oppressive dictator harvest the organs from all the clones in order to achieve his own end. Such a world may involve forcing other non-cloned persons to submit to indentured servitude under the false promise of receiving the organs for their own children and families after a certain amount of labor is completed. If we cannot will this be the case, then we do not will that *everyone* ought to be able to harvest clones' organs for their own ends, and we contradict our original maxim, rendering it morally impermissible. Under the premise of personhood, wherein an entity must possess self-awareness and intentional action, Kathy and her fellow clones are persons. Given that they are persons, the society uses them as a mere means to an end by creating the clones

28 If one takes the crucial step of identifying the clones as fellow humans, then the simple golden rule suffices to establish that what goes on in *Never Let Me Go* is wrong. Whereas, if one takes the equally crucial step of denying their humanity, then it becomes rather difficult to pronounce the treatment of the clones in this book immoral.

29 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 81. Print.

30 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 51. Print.

solely to later harvest their organs, cloning in the world of *Never Let Me Go* is morally wrong in Kantian terms.

VIII. Rights-Based Moral Theory

A rights-based moral theory consists of moral arguments that appeal to rights as fundamental and inherent. The term “right” shifts from an adjective to a noun when discussing rights-based moral theory. A right becomes a thing that is inherently granted to an individual or group, rather than being a way of describing certain actions as appropriate or inappropriate. While treating people with respect to their rights may be a morally right way of acting, the aim of rights-based moral theory is not so much to evaluate what is morally permissible as to engage in a discourse for determining morally permissible actions using rights as a point of departure. In this way, as a duty-based theory, rights moral theory is concerned with rights of person being more basic and fundamental in moral discourse than duty, or tangential implications of rights. Rights-based theory aims to determine laws and moral action in light of the fundamental rights of human beings. In other words, moral actions stem from the right itself, rather than certain moral duties inform what rights one may have:

What is primary [in rights-based theory] is A's having this right in a sense indicated by the prescription “Let A be able to do X if he chooses,” and the duty of others not to interfere follow from this (as does the absence of a duty for A not to do X). Here we have one way in which duties (and the negations of duties) may be derived from rights.³¹

A right is considered an entitlement to be free either from something, or to possess something. American citizens are granted the right to be free from having their speech or practice of religion restricted, so long as their activity in either realm does not inhibit another person's rights. Since discourse on rights-based theory often extends to how individuals must interact in order to respect one other's equal rights, many governments and laws are embedded with rights speech. A major problem with rights-based moral theory is the question of where rights come from, or whether rights are an objective truth. Philosopher J.L. Mackie argues that there is not an objective doctrine of rights that exists independently of humanity:

It is true that rights are not plausible candidates for objective existence. A belief in objective prescriptivity has flourished within the tradition of moral thinking, but it cannot in the end be defended. So we are not looking for objective truth or reality in a moral system. Moral entities—values or standards whatever they may be—belong within human thinking and practice: they are either explicitly or implicitly posited, adopted, or laid down.³²

More than the other moral theories this paper considers, rights-based moral theory relies on an objective truth from which rights can be derived. One direction people turn to find

³¹ Mackie, J. L. “Can There Be A Rights-Based Moral Theory?” *Midwest Studies in Philosophy* 3 (1978): 352. ProQuest. Web. 18 Dec. 2013.

³² Mackie, J. L. “Can There Be A Rights-Based Moral Theory?” *Midwest Studies in Philosophy* 3 (1978): 353. ProQuest. Web. 18 Dec. 2013.

objective truth is religion, and often rights that are outlined in religious texts are taken as objective truth and law by believers. But there are disagreements between religions on the matter of which rights belong to whom, as indeed on many other matters, so religion is an unreliable source of objectivity. As humans, we have yet to figure a way to evaluate the world independently of our minds. We cannot evaluate the world without it passing through the sieve that is our perception, so we cannot access any objective truth that exists independently of us.

The proponents of rights-based theory prescribe rights based on the mysterious notion of “nature.” Rights moral theory is distinct from natural law theory because, in its original formation, the latter was based on religious texts and formed a specific doctrine of enumerated human “goods.” Rights-based moral theory simply considers certain rights fundamental to human beings: the right to life, the right to liberty, and the right to self-preservation. Secular natural-law theory in the 17th century treated self-preservation as the most fundamental and binding obligation, a “law” of nature which all creatures are bound to obey—even when it conflicts with other laws, e.g. against stealing, or against cannibalism, when people are starving. The Declaration of Independence incorporates rights-based theory in Jefferson’s declaration of persons’ “right to life, liberty, and the pursuit of happiness.”³³ Many laws established by the United Nations are based on the idea that human beings have “fundamental” human rights. The implication, however, is that the rights people possess are in practice those that their government says they do or ought to have. Civilization could have easily developed while assuming that humans have no natural rights and that everyone should accept whatever rights they might be granted by the reigning power or authority. On this view, people’s rights depend upon the values and belief-systems of their government; and on such a view the donation program in *Never Let Me Go* is morally permissible, because that society has simply withheld all rights from clones like Kathy.

Indeed, the most ominous, dystopian undertone within the novel has to do with the government or authority in power, about which we learn almost nothing. The society to which Kathy belongs has evidently made some law declaring that clones are not humans or persons, and that their organs can be harvested for use by others, even though this is never made explicit. Rights are only as valuable as a government says they are, because it is the government that will or will not offer protection of those rights, or prosecution of those who violate rights. The rights granted to American citizens by way of the Constitution are extensive when compared to other forms of government internationally. The lack of universal agreement about rights, let alone about their protection, demonstrates the absence of an objective truth regarding rights. According to rights-based moral theory, an individual’s rights are those recognized and protected by whatever government is in power. In Kathy’s society, the shadowy government does not grant rights to clones. Therefore, according to rights-based moral theory the donation program must be deemed morally permissible, since no officially recognized rights are being violated.

IX. Virtue Ethics Moral Theory

Virtue ethics, founded by Aristotle (384-322 B.C.)³⁴, tell us little about right and wrong actions, making it a value-based moral theory. Rather, virtue ethics tell us about what makes someone a good or bad person. In *Nicomachean Ethics*, Aristotle asserts that virtue is not a feeling or

33 Mackie, J. L. “Can There Be A Rights-Based Moral Theory?” *Midwest Studies in Philosophy* 3 (1978): 357. ProQuest. Web. 18 Dec. 2013.

34 Shields, Christopher. “Aristotle.” Stanford University. Stanford University, 25 Sept. 2008. Web.

capacity for something, but is a state of being.³⁵ The virtue of something is essentially its greatest value or use, and a state of virtue is achieved when that value or use is achieved. Aristotle uses the example of eyes, saying the virtue of eyes is sight; so to possess sight is to possess the virtue of eyes. For human beings, the “virtuous state” makes the human good and able to perform the human function to reason well. Aristotle says that reason enables us to see that the mean or most intermediate action is the most virtuous: “...virtue is the mean between two vices, one of excess and one of deficiency.”³⁶ The way to be virtuous is to practice virtuous character traits, like honesty and generosity. Aristotle writes, “Virtue comes about, not by a process of nature, but by habituation... the virtues arise in us neither by nature nor against nature, but we are by nature able to acquire them, and reach our complete perfection through habit.”³⁷ Virtue theory maintains that to be virtuous, one must act piously, and to act piously one must practice certain moral goods.

There are many problems with virtue ethics, but one particularly important problem is that of relativity. What is honest to one person might not be the same to another. Virtue theory also seems to present particular virtues and then circularly define them as being virtues because they are virtuous, a criticism Rosalind Hursthouse aims to refute:

The theory is not trivially circular; it does not specify right action in terms of the virtuous agent and then immediately specify the virtuous agent in terms of right action. Rather, it specifies the virtuous agent in terms of the virtues, and then specifies these, nor merely as dispositions to right action, but as the character traits required for eudemonia.³⁸

One route to virtuosity is to have the qualities of a virtuoso. However, it takes many instances of acting honestly or kindly in order to become an honest or kind person, according to virtue theory. While the exact definition and manifestation of particular virtues may be unclear, virtue theory does tell us that there are some actions that have no temperate ideal, because the actions themselves are erroneous: “There are some actions we cannot do well or not well – e.g., by committing adultery with the right woman at the right time in the right way; on the contrary, it is true unconditionally that to do any of them to be in error.”³⁹ Murder, theft, and spite are among the vices that Aristotle stipulates cannot be done well. Eudemonia, one of the aims of living virtuously, is “...a moralized, or “value-laden” concept of happiness, something like “true” or “real” happiness or “the sort of happiness worth seeking or having.”⁴⁰ In effect, Hursthouse argues that virtue theory does tell us how to achieve eudemonia – the highest degree of virtue and happiness – since the theory explicitly outlines how virtuous people might act.

While virtue ethics moral theory mainly illustrates how to be a good person, we can attempt to apply the theory to *Never Let Me Go*. If we consider self-preservation a virtue, we could say that to be deficient in self-preservation would be to allow oneself to starve or be continuously thirsty, while to be excessive in self-preservation would be to take food or water from others when you are not hungry or thirsty. The intermediate state of self-preservation is a state of acting to satisfy

35 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 63. Print.

36 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 64. Print.

37 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 61. Print.

38 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 412. Print.

39 Timmons, Mark. *Disputed Moral Issues: A Reader*. New York: Oxford UP, 2011. 64. Print.

40 Hursthouse, Rosalind. “Virtue Ethics.” Stanford University, 18 July 2003. Web. 16 Dec. 2013. <<http://plato.stanford.edu/entries/ethics-virtue/>>.

the body's needs for sustenance, while not harming others in the process of doing so. The society that supports the donation program could be said to be acting intemperately, given that their aim to self-preserve has come at the cost of others, namely, Kathy and the other clones. If the society Kathy inhabits is acting intemperately regarding the virtue of self-preservation, then it would be consistent with virtue ethics to deem that society an immoral one. A reader of *Never Let Me Go* might be inclined to posit that on the score of self-preservation, Kathy herself is deficient. She does not take action to preserve herself in the face of death from involuntary organ donation. However, according to Aristotelian virtue ethics, Kathy can be said to act with the virtuous will to survive when she and Tommy reach out to the directors in an attempt to defer their organ donations. Further, Kathy observes Tommy's survival instinct as they prepare to visit the directors to ask for a deferral: "I could see, he was showing me he hadn't forgotten, even though we'd hardly discussed anything openly, he was telling me he wasn't complacent, and that he was busy getting on with his part of the preparations."⁴¹ Kathy and Tommy eventually attempt to protest their fate to die as organ donors, so they take action in the spirit of self-preservation. Thus, the society that enforces the donation program is more intemperate than the clones.

Unlike Kantian ethics or utilitarianism, virtue ethics does not prescribe in specific rules for action. Virtue theory tells us that Kathy's England is a place of collective selfishness, which renders the society morally flawed in at least one way. Since the donation program carries the virtue of self-preservation to an extreme, it is not morally good.

X. Bioethics and the United States Government

Amidst these longstanding and ongoing differences of opinion among eminent philosophers and moralists, there have been other recent attempts to address ethically problematic issues in enlightened and socially responsible ways. Contemporary society's method for enforcing moral thought is by means of legislation. The President's Council on Bioethics, created as a tool of reference for legislators in crafting statutes, published its first document discussing the lengthy and controversial topic of cloning in 2002.

The Council created a 340-page document entitled *Human Cloning and Human Dignity*.⁴² The document aimed to (1) make a recommendation to the President that cloning to produce children ought to be permanently banned, (2) reported the majority opinion that cloning for biomedical research ought to be permanently banned or at least banned for a period of time, and the minority opinion that such research be permitted under strict regulation. The ban on cloning to produce children was divided into two forms: the first flatly banning the cloning of embryos, and the second to potentially allowing the cloning of embryos, but banning "the initiation of a pregnancy [through the] transfer of a cloned embryo into the woman's uterus (or other gestational environment)."⁴³ A number of policy options were generated, but of most interest for this paper is the debate on cloning for biomedical research.

41 Ishiguro, Kazuo. *Never Let Me Go*. New York: Vintage, 2006. 241. Print.

42 United States of America. The President's Council on Bioethics. Washington, D.C. *Human Cloning and Human Dignity: An Ethical Inquiry*. By Elizabeth H. Blackburn, Rebecca S. Dresser, Daniel W. Foster, Michael S. Gazzaniga, Robert P. George, William B. Hurlbut, Charles Krauthammer, Paul McHugh, William F. May, Gilbert C. Meilaender, Janet D. Rowley, Michael J. Sandel, and James Q. Wilson. N.p., July 2002. Web. Nov.-Dec. 2013. <<http://bioethics.georgetown.edu/pcbe/reports/cloningreport/>>.

43 *Human Cloning and Human Dignity*. 241.

Cloning for biomedical research would necessitate the production of embryonic clones in significant numbers, and since cloning to produce children would be banned, the embryos would be destroyed once their research purpose had been served. Cloning “could yield numerous identical embryos, could provide for the study of stem cells derived from individuals known to possess genetic diseases, and might eventually yield transplantable tissues for regenerative medicine that would escape immune rejection.”⁴⁴ The potential benefits of cloning for biomedical research are extraordinary, and stem cell research and embryonic cloning seem to be the next logical step in the biomedical world. The proposed cloning for biomedical research would be “strictly limited to the first fourteen days of development – a point near when the primitive streak is formed and before organ differentiation occurs.”⁴⁵ Proponents of such cloning ascribe no special moral status to the early staged cloned embryo, and “believe it should be treated essentially like all other human cells, and that the moral issues involved in this research are no different from those that accompany any biomedical research.”⁴⁶ The opposition to such cloning for research holds that the human embryo should be regarded as possessing moral status, and “its seeming insignificance should awaken in us a sense of shared humanity and a special obligation to protect it.”⁴⁷ Opponents are also wary of what may happen if cloning for biomedical research were made legal; particularly, they fear “opening the door to other moral hazards, such as cloning to produce children or research on later-stage human embryos and fetuses.”⁴⁸ Those against such biomedical research believe a moral limit will be passed, and a “Brave New World” will be just around the corner.

It is necessary to return to the definition of personhood for the purposes of this paper. Personhood is established as belonging to any living entity that possesses intentional action and self-awareness. In light of evidence showing that a human embryo, in its first fourteen days after union between a sperm and an egg, lacks the nervous system and cell differentiation necessary for self-awareness, a human embryo – at least in the first fourteen days – fails the conditions of personhood. The laws of the United States Constitution and those passed down by the Supreme Court protect persons, not non-persons. It would be self-contradictory to ascribe certain moral rights to something with the intellectual faculties of a human embryo, and not ascribe such rights to a sentient being such as an adult chimpanzee, dolphin, or elephant – all of which have demonstrated the self-awareness and intentional action that a fetus has not. The moral theories presented in this paper have the greatest force when applied to personhood. Kant’s categorical imperative and Bentham’s utilitarianism apply to persons, because persons possess self-awareness and intentional action. The majority members’ arguments in the 2002 President’s Council on Bioethics are weak. Repeatedly, they maintain that the potential risk of an outcome is a reason for not doing something: “We are concerned not only with the fate of the cloned embryos but also with where this research will lead our society, so we think prudence requires us not to engage in this research.”⁴⁹ The majority uses the term “prudence” as if it is a virtue aligned with virtue ethics. Even if “prudence” (whose definition is undefined in the document and not objectively implied) is a virtue, the Council is acting intemperately to completely disengage in something, merely because of a possible outcome. It is logically fallacious to engage in a slippery slope argument, because the outcome cannot be proven. For example, it is illogical to conclude that if getting out of bed puts one at risk of getting caught in a rainstorm, and getting caught in a rainstorm

44 *Human Cloning and Human Dignity*. 54.

45 *Human Cloning and Human Dignity*. 32.

46 *Human Cloning and Human Dignity*. 33.

47 *Human Cloning and Human Dignity*. 34.

48 *Human Cloning and Human Dignity*. 35.

49 *Human Cloning and Human Dignity*. 35.

puts one at risk of being crushed by a swerving vehicle, which could potentially cause brain damage, one ought to stay in bed in order to prevent brain damage. But there may be other, better reasons for getting out of bed. Such faulty logic is not useful for any individual to live by, and it is absolutely unreasonable for scientists and researchers to refrain from their work because of a potential outcome whose likelihood is slim.

Human beings ought to be responsible and rational enough to handle the consequences of their actions, like building the atomic bomb and subsequently inventing nuclear warfare, rather than avoiding such activity altogether. From the consequentialist point of view, society is morally obligated to proceed with cloning for biomedical research, because the projected increase in happiness would outweigh the projected increase in unhappiness, given the number of people who would benefit from developments in regenerative medicine. The majority of the President's Council on Bioethics also argues that such research would "effectively be endorsing the complete transformation of nascent human life into nothing more than a resource or a tool," and "to treat what are in fact seeds of the next generation as mere raw materials for satisfying the needs of our own."⁵⁰ Indeed, treating persons as mere means to an end is morally impermissible under Kant's categorical imperative, but, as previously demonstrated, human embryos are not persons, so the imperative the Council majority employs is inapplicable. Even if it were morally wrong to treat anything at all, person or not, as a mere means, cloning for biomedical research would not be doing this, as the Council minority clarify: "These embryos would not be 'created for destruction,' but for use in the service of life and medicine. They would be destroyed in the service of a great good, and this should not be obscured."⁵¹ It would be impossible to treat embryos as a mere means, because much of the research would be in the service of embryos themselves.

Further, cloning for biomedical research does not violate any human good under natural law theory, unless anything containing human DNA is considered a person. If "human" equals "person," then anything containing human DNA is a person. Such logic would force us to regard the clippings of our toenails as having personhood. The only argument the President's Council majority makes that approaches validity is the concern that cloning for biomedical research will increase the chances of a cloned embryo being implanted in a woman's uterus. This would make it possible for a cloned human child to be born. But to have such concern is to have little confidence in the very government for whom the President's Council members are employed. For President George W. Bush to enact a law banning stem-cell research out of fear that biomedical research could lead to cloned children implies that the government is incapable of full and efficient regulation.

In order to have any laws we must clarify what it means to be a person. If personhood means "a living entity that possesses self-awareness and intentional action," then an embryo cannot be a person, and cloning for biomedical research cannot be morally wrong on these grounds. The numerous arguments presented by the Council majority fail or weaken under the moral theories outlined in this paper.

XI. Conclusion

In applying the five relevant moral theories – consequentialism, natural law theory, Kantian moral theory, rights-based theory, and virtue ethics – to the case of cloning for organ harvesting in *Never Let Me Go*, it is evident that whether the donation program is morally permissible depends on

50 *Human Cloning and Human Dignity*. 34.

51 *Human Cloning and Human Dignity*. 32.

which moral theory applied. However, my own preference is to adopt a version of Kant's categorical imperative, with the stipulation that personhood applies to any living entity that possesses both self-awareness and intentional action. Under this doctrine, Kathy and the other clones are persons, and harvesting their organs is morally impermissible. Also under this doctrine, human embryos in the first fourteen days of existence are not persons, unlike chimpanzees who are currently undergoing involuntary medical experimentation.

The 2002 President's Council on Bioethics recommended a preemptive ban on research that could lead to a method of cloning to produce children, in order to prevent such a world as Kathy's. While the fear of such a world is not misplaced, it is crucial that we, as people, use reason to make such monumental decisions like whether or not to pursue cloning for biomedical research. Such a dystopian world will not happen without humans playing an active role in making it happen. In order to partake in right and moral action, I contend that the United States Government should reallocate funds towards scientific research and engineering that would potentially allow us to stop testing on animals that have already been proven to possess self-awareness and intentional action, rather than spending time obstructing research that could help presently living, breathing, feeling persons. For the reasons outlined in this paper, the cloning that occurs in Ishiguro's *Never Let Me Go* is morally impermissible, while cloning for biomedical research on embryos less than two weeks old is morally permissible.

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