

## STATE OF THE ART

*A SURVEY OF TECHNOLOGY AND SOCIETY, BY THE EDITORS*

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### *The Embryo Wars*

The U.N., Mitt Romney, and California Corruption

Slowly and quietly, the momentum of the public debate over human embryo research may be shifting. For the past four years, opponents of research involving the destruction of human embryos have been stuck in a political rut. They argued *ad nauseam* against the destruction of nascent human life for scientific research, and for a ban on all human cloning—both the creation and destruction of cloned embryos for research, and the manufacture of cloned human children. But public opinion seemed to slip away from them, as research proponents clouded important ethical issues and promised “cures now” for many dreaded diseases. Efforts to limit cloning were stuck in the Senate and in the United Nations; the president’s policy of limited federal funding was used as a battering ram

against him in the recent presidential election; and states like New Jersey and California publicly endorsed embryo research and research cloning and provided taxpayer funds to support it.

But this past winter, a subtle change began to make itself felt. In February, to the surprise of even the keenest U.N. observers, the previously deadlocked effort to condemn or limit human cloning at the United Nations produced a fairly strong declaration of principle: “Member States are called upon to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life.”

This is hardly an unmistakable clarification call, of course. The peculiar construction “inasmuch as” can either mean “because” or “to the degree that,”

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and that little ambiguity makes all the difference in this context. And of course, this is only a toothless declaration of the U.N., not a binding convention or treaty. But as ever in diplomacy, what matters is not what *is* but what is *perceived*. And the U.N. declaration, approved by the General Assembly on March 8 by a vote of 84 to 34, was perceived as a win for opponents of all human cloning.

In large part, this was because those nations that had sought to separate the cloning of embryos for research from the cloning of embryos for producing children publicly described the declaration as a loss. Richard Gardner, chairman of Britain's Royal Society working group on stem cell research and cloning, expressed the common view among embryo research supporters in an interview with *Nature*, calling the decision "frustrating and disappointing."

Rather than cut their losses and declare victory—as the anti-cloning side did—the Brits and others ignored the ambiguity of the language, and declared defeat. The press then followed suit, and the vague and hazy declaration became a clear-cut win for opponents of embryo destruction. After three years of frustration, it was a sweet and rare tactical victory.

And it came in the midst of another surprising turn in the embryo wars, this one in Massachusetts, home of Harvard's embryonic stem cell program and of the pioneering embryo research firm Advanced Cell Technology. On February 9, Massa-

chusetts governor Mitt Romney announced that he would seek legislation to outlaw the creation of new human embryos specifically for research.

Romney's approach would still permit (but not endorse or fund) the use of embryos left over from reproductive IVF procedures, but not the creation of new human embryos (either by cloning or IVF) simply to destroy them for their cells. The Romney initiative was a direct challenge to Harvard, which already engages in the creation of embryos for research and destruction and stands poised to approve research cloning. "Some of the practices that Harvard and probably other institutions in Massachusetts are engaged in cross the line of ethical conduct," Romney told the *New York Times*. "My wife has multiple sclerosis," he added, "and we would love for there to be a cure for her disease and for the diseases of others. But there is an ethical boundary that should not be crossed."

Laws outlawing cloning and other kinds of embryo research have been proposed, and also passed, in more conservative states in recent years—including Arkansas, Iowa, and the Dakotas. But no such laws have been advanced by such a high-ranking elected official in a state so blue and so research-friendly as Massachusetts. The importance of Romney's move is not in its practical implications—he is very unlikely to pass the prohibition, and he may not even have the votes to sustain a promised veto on a bill that would specifically endorse human

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cloning for research. But his move signals that embryo research is not a sacred cow, even in the most liberal states in the country, and that advocacy of clear moral limits may be a winning strategy for politicians with national (read: presidential) aspirations.

Moreover, Romney's focus on all creation of embryos solely for research, rather than merely on the technique of human cloning, clarifies and expands the public debate in ways that might give a political advantage to defenders of embryonic human life. With great cunning and frequent dishonesty, some high-profile supporters of embryo research have managed to confound the cloning fight in disputes over semantics and seemingly arcane scientific detail. The fact of embryo destruction is hidden behind acronyms like "SCNT," and the cloned embryos that would be made and destroyed are described out of existence as simply "unfertilized eggs." But the moral issue is plain: Do we want to create human life as a research material, destined only for intentional destruction? Romney has put this public question very plainly, and his move stands a chance of pressing research advocates precisely where they have furthest exceeded the bounds of public conscience.

In other blue states, zealous overreaching by research advocates may be stirring up trouble. California, which after passing a \$3 billion stem cell research referendum would seem to be the Mecca of embryo research, has

been rocked in recent months by charges of corruption and conflict of interest in the design of the new Institute for Regenerative Medicine, and a backlash may now be forming.

On February 22, two lawsuits were filed by California advocacy groups seeking to invalidate the referendum approved by voters last November. The first, filed by the National Tax Limitation Foundation and a California group called People's Advocate, argues that the new Institute for Regenerative Medicine violates state law because it doles out taxpayer money but is not run by the state government or managed by elected officials. The second suit, filed by a new group called Californians for Public Accountability and Ethical Science, argues that it is illegal to exempt members of the Institute from state conflict of interest laws, as the referendum does.

This has made for some very bad press for the new institution, and a repeal effort in an upcoming election is by no means out of the question.

Of course, not all the news is good for opponents of embryo-destructive research—indeed, far from it. Several states, including New York, Connecticut, and Maryland, are contemplating state funding measures that would emulate the California proposition, albeit on a smaller scale. And at this point, no federal limits of any kind exist to prevent embryo destruction, while the effort to ban all human cloning does not seem to have the necessary votes in the Senate. But

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if the trend is what matters, then critics of embryo research may have some limited cause for hope, especially if they are willing—as those fighting the

fight in Massachusetts, California, and the U.N. have been—to retool, rethink, and try bold new moves that break beyond the same familiar strategy.