



The Naked Clone: How Cloning Bans Threaten Our Personal Rights

By John Charles Kunich

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Banning therapeutic and reproductive cloning jeopardizes more than cloning itself. The constitutional principles intertwined with cloning embrace such vital liberties as personal autonomy, privacy, reproduction, and freedom of expression. Properly understood, cloning is essentially the same as other forms of assisted reproduction. Procrustean bans on cloning implicate and indirectly threaten numerous key personal interests, including abortion, in vitro fertilization, same-sex adoption, and surrogacy. A government allowed to preemptively isolate and censor medico-scientific research into cloning may be emboldened to shut down other forms of disfavored inquiry and expression as well.

Much of the animosity toward cloning is based on unfounded fear, science-fiction fantasy, moralistic bias, and slippery slope predictions, most of which is scientifically untenable or already illegal. Yet when people are cloned, they will in fact be less similar than identical twins; genetics aren't everything. Differing environments produce differing people, and human clones?distinct individuals?will be entitled to the same human rights and legal protections that have protected individuals for centuries. Kunich establishes the pressing need to evaluate cloning in a rational scientific and legal manner, before the extreme opposition sprouting from fear and misunderstanding, which has already led to several state laws, results in an unconstitutional federal ban.

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Editorial Review

Review

"[T]he reader is provided with an understanding of how legislation banning or restricting cloning may affect constitutional rights....[t]his book is an excellent challenge to understand the legal issues underlying the cloning debate. Kunich addresses First Amendment protection for cloning research itself, as well as research as a necessary precursor to protected speech. Additionally, he addresses how reproductive cloning should be protected as a procreative liberty, and analyzed with abortion and contraception cases in mind. The Naked Clone will be most valuable to the reader who is trying to understand the possible constitutional crisis created by anti-cloning legislation in its current form."-Journal of Law & Family Studies

"Kunich leaves his readers with a keener understanding of the cloning debate, allowing them to grasp the core concepts while maintaining their interest and focus with his straightforward explanations."-Journal of Legislation and Public Policy

"[J]ohn C. Kunich's well-written and very accessible The Naked Clone provides an honest and refreshing advocacy for reproductive cloning....[K]unich has articulated a cogent, comprehensively researched argument that is a good primer for those who might otherwise not consider the legal issues surrounding reproductive cloning."-Harvard Journal of Law & Technology

"[T]he Naked Clone is a valuable work for anyone interested in the collision of politics and cutting-edge science. It is one of the few books that make a bold, impassioned plea for moralistic politicians to cease standing athwart science, yelling, "Stop!" Such a commonsense viewpoint deserves to be more widely heard. In fact, one could say that it deserves to be cloned."-Libertarian Party Online

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"John Kunich has written an astoundingly fascinating, important, and compelling book that every civilized person must read." -Harvey A. Silvergate Partner, Silvergate & Good, Attorneys, Boston co-author, *The Shadow University: The Betrayal of Liberty on America's Campuses* (HarperPerennial, 1999)

"The Naked Clone not only provides a systematic introduction to this vital topic, but more importantly, makes a cogent argument against ill-considered bans on cloning. Professor Kunich brings insightful analysis to a topic usually swamped by emotion and prejudice." -Daniel A. Farber McKnight Presidential Professor of Public Law, Henry J. Fletcher Professor of Law, and Associate Dean for Faculty Research University of Minnesota

"An interesting and provocative book discussing not only the scientific background of human cloning but also proposed legislation to ban or limit human cloning as well as constitutional challenges to such legislation. Anyone interested in this timely legal issue will want to know John Kunich's analysis and argument as to why he believes that the modern case law may place important limits on efforts to ban cloning." -Ronald D. Rotunda George Mason University Foundation Professor of Law George Mason University

About the Author

JOHN CHARLES KUNICH is Associate Professor of Law, Appalachian School of Law, Virginia.

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