

Development of contemporary genetics and human dignity (1st part) - Human uniqueness

Marko Bošnjak, LL.D., Research Assistant, Institute of Criminology at the Faculty of Law, Poljanski nasip 2, 1000 Ljubljana, Slovenia

The paper deals with criminological and criminal aspects of certain dubious conducts in the area of contemporary genetics, above all cloning and genetic therapy of germ cells. The author wants to offer an alternative to apriori rejection or indignation and ignorance in the style of "laissez faire" as the two opposing and yet instinctively primary responses to these conducts; for this reason, he seeks a guideline for legal regulation and restrictions in this field. According to the author, this guideline is human dignity, and within this context, human uniqueness. He rejects cloning of human beings in entirety, regardless of whether it is a question of therapeutic or reproductive cloning. In the case of reproductive cloning, a person created in this way, becomes only the object of satisfaction of other people objectives. Therapeutic cloning of human beings is unacceptable in any way, since it is not likely that the restriction on the use of the free development of technology for therapeutic purposes solely will be sustained; in addition, it is difficult to justify the creation of embryos and their use for exclusively instrumental purposes, although therapeutic. With regard to the present situation of biomedicine, the author also rejects genetic manipulation of germ cells, which could become in time and under very strict conditions (listed in the paper) admissible. By making a comparison between the French and Slovene legal order, the author points to the need for the formulation of criminal law norms connected with cloning and genetic therapy of germ cells and suggests some possible solutions.

Keywords: biomedicine, human dignity, punishment, cloning, genetic therapy

UDC: 575: 17