Interview: Father Maurice Dooley

Can a bioethics treaty define a moral foundation for research?

The first international treaty on bioethics is being prepared by the Steering Committee on Bioethics of the Council of Europe in Strasbourg, France. The intention is to harmonize medical practice and biological research throughout the member countries of the Council of Europe, now numbering 31, and even more widely if other countries choose to adopt the convention being prepared. Since 1978, several significant resolutions and recommendations have been made by the Council of Europe on subjects including transplantation of human substances, genetic engineering, the use of human embryos and fetuses for scientific, therapeutic, and commercial purposes, as well as reports on human artificial procreation and on genetic testing and screening for health-care purposes. Profound moral issues are raised by the possibilities now offered in these fields.

Father Dooley is the observer for the Holy See at the Committee on Bioethics in Strasbourg. Catherine Brannan of the Schiller Institute interviewed him on Sept. 7.

Q: Father Dooley, why this worry about bioethics? Can't we trust the scientists to get on with it and use their skills to achieve what is best for us?

Dooley: The reason for the demand for a Bioethics Convention is public unease, even fear, that some unprincipled scientists may go beyond the acceptable. Which poses the question: What are the principles which are acceptable and beyond which the scientist must not go?

Every advance in science poses new questions on these limits. The increasing power of the scientist to tamper with and even control the genesis of human life gives rise to the very fundamental questions with which bioethics deals.

Q: Recently in the London *Times* I read an article suggesting that apes should have rights on a par with human rights, and almost simultaneously an article suggesting that sick children in famine-stricken Africa should be allowed to die, the idea being that there is no great advantage in applying advanced medicine to cure them of illnesses when they were going to die of starvation anyway!

Dooley: Yes, that is a good example of a utilitarian approach (how much does it cost?) versus a principled approach (human life is invaluable so we must try to save it). But this divergence between the merely utilitarian and the moral or principled approach extends much wider than simply questions of cost. Your reference to the rights of apes reminds me of an extreme example. Would it be all right, if we could do it, to cross-breed humans and apes? Maybe we could breed a sub-human species who would relieve us of various forms of drudgery and who could be disposed of when they ceased to serve our purpose?

The first instinctive reaction of most people to such a suggestion is horror. This instinctive reaction is based on the principle that human life is sacred in a way that animal life is not. But a utilitarian approach could overcome this instinctive reaction by considering the considerable advantages of the proposal.

This is not as far-fetched as it might seem, as the question of cross-breeding humans and animals has already come up in bioethical discussions within the Council of Europe. When the question of trans-species fertilization, i.e., the mixing of human and animal sperm and ova, was raised, the initial reaction was to exclaim, "No, we should never do that!" but it was soon pointed out that this practice already existed in the "hamster fertility test," where human sperm are added to hamster ova to test the fertility of the sperm.

The utilitarian approach would say: We're already doing this and we're going to continue doing it, and we must therefore find (or bend) a principle to justify our doing it. Whereas a more moral or principled approach would say that on principle we should not cross-breed humans and animals and therefore we must ban it totally with no exceptions. You will find the permissive approach, allowing the hamster fertility test, in Recommendation 1046 (1986) of the Parliamentary Assembly of the Council of Europe and also in the 1989 Report on Human Artificial Procreation produced by the Council of Europe Committee on Bioethics (then called CAHBI). The

latter would impose a strict condition that the development of the resulting hybrid must end at the two-cell stage.

Essentially this is saying that we are doing this test, and we will not stop doing it, but it is all right because the subsequent hybrid dies off very rapidly anyway. If you ask what would happen if you were to cross-breed a human, not with a laboratory rat but with one of the higher primates, an orangutan or a chimpanzee, where the hybrid might live much longer, you get the very chilling answer from a utilitarian that "we don't know, and we won't know until we try it!" So maybe we should welcome the movement to establish a charter of rights for apes!

In many countries today there is much more concern for animal rights than for human rights of certain categories of people, especially babies in the womb.

The article in the *Times,* "Should Children Be Allowed to Die?" would seem to be another example of utilitarianism: "Why bother wasting money to cure children in famine-stricken Africa? Since the famine exists, let's just adapt to it." Maybe we could call this the new one-world utilitarian economics.

Well, in fact, this has been going on for a long, long time, this idea that you should subordinate human rights to economic matters. I remember a fine example of this in a report of a Joint Economic Committee of the United States Congress in 1976 which gave serious consideration to a suggestion that people should need a license in order to have children (see box). Because children could be so expensive for the state, it was proposed that the existing population was sufficient and so fertility should be controlled to maintain zero population growth (ZPG).

The proposal was quite ingenious. Because about 10% of couples are naturally infertile, it transpires that the optimum number of children to maintain ZPG is 2.2 children per family. Now because it is rather difficult, even with modern technology, to have 0.2 of a child, it was planned to give each woman 2.2 licenses or licenses for 22 "deci-child units." To have a third child, a woman would need to acquire an extra 8 deci-child units, 10 more for a fourth child, and so on. To the objection that this was discrimination in favor of the rich, who could afford to buy in the necessary deci-child units, and against the poor, who might be forced to sell them, the very utilitarian answer was given: "From the point of view of the children, there is something to be said for increasing the probability that they will be born richer rather than poorer." This report aroused such negative reactions that the committee vice-chairman practically disowned it. But remember that there are countries which impose their population policies by law or by force. And the fact that an official government committee would give serious consideration to such a proposal remains a good example of economic utilitarianism being proposed as a reason for overriding normal human rights.

U.S. Congress reviewed plan for 'birth licenses'

The following are excerpts from a Dec. 2, 1976 study prepared for the Joint Economic Committee of the U.S. Congress, titled "U.S. Economic Growth from 1976 to 1986: Prospects, Problems, and Patterns. Vol. 5—The Steady State Economy."

Transferrable Birth Licenses. This idea was first put forward by Kenneth Boulding (1964). Hardly anyone has taken it seriously, as Boulding knew would be the case. Nevertheless it remains the best plan yet offered, if the goal is to attain aggregate stability with a minimum sacrifice of individual freedom and variability. It combines macro stability with micro variability. Since 1964 we have experienced a great increase in public awareness of the population explosion, an energy crisis, and are now experiencing the failures of the great "technical fixes" (Green Revolution, Nuclear Power, and Space). This has led at least one respected demographer to take the plan seriously, and more will probably follow (Heer, 1975).

The plan is simply to issue equally to every person (or perhaps only to every woman, since the female is the limitative factor in reproduction, and since maternity is more demonstrable than paternity) an amount of reproduction licenses that corresponds to replacement fertility. Thus each woman would receive 2.2 licenses. The licenses would be divisible in units of one-tenth, which Boulding playfully calls the "deci-child." Possession of ten deci-child units confers the legal right to one birth. The licenses are freely transferrable by sale or gift. . . .

What to do with law-breaking parents and their illegal children? What do we do with illegal children today? One possibility is to put the children up for adoption and encourage adoption by paying the adopting parents the market value, plus subsidy if need be, for their license, thus retiring a license from circulation to compensate for the child born without a license. . . .

Indeed, certain "high people in high places" seem to have had the idea of creating a master-race based on wealth or merit for quite a long time now. Julian Huxley, founder of the United Nations education organization Unesco, was himself an embryologist and quite in favor of the famous

caste theory developed by his brother Aldous Huxley in *Brave New World.* And H.G. Wells showed in *The First Men on the Moon* how it was possible to develop different parts of the fetus according to the type of job he would be conditioned for. And this was in 1902!

The Greeks had a word for this: *hubris,* man's prideful effort to do things which are proper to the divine. There is a certain amount of that inherent in many of the activities with which bioethics is concerned, and this, of course, is why the Council of Europe has set up a special committee in order to set standards which will encourage the good which biomedicine can do while discouraging or prohibiting the bad.

Take the dangerous area of eugenics, for example, the use of science to weed out weaker strains in order to breed better animals or humans. As you are probably aware, the whole area of human eugenics, the breeding of a "superrace," a *Herrenvolk,* started over a century ago and became very prominent in the early years of the Nazi regime when it was put into practice.

You always find a kind of progression in these movements. First of all you soften up public opinion by discussion and support from prominent people, and next you advocate the introduction of the new ideas on a voluntary basis, e.g., voluntary sterilization and voluntary euthanasia. Then you select particular groups on whom you might like to practice these measures involuntarily, e.g., involuntary sterilization of the mentally unfit to prevent them from breeding. (And remember that this was accepted not only in Nazi Germany, but in many of the progressive states of the world, including many of the United States of America.) So you proceed from voluntary sterilization to involuntary sterilization, voluntary euthanasia to involuntary euthanasia, and finally you describe as "unfit" anyone you do not like, and so you can proceed to the Holocaust, as it happened in Nazi Germany, where the elimination of the unfit was extended not only to the Jews, but to many others who were regarded as socially or politically undesirable.

Q: Are you saying that this long process which led to the Holocaust in Nazi Germany, is happening, once again, at a world level?

Dooley: I would see this as a danger, unless ethical principles are accepted and followed by all scientists. This is the danger of which the Council of Europe is very conscious and that is why in the Committee of Bioethics we are trying to develop certain principles which would prevent excesses like this.

Q: Is the new Bioethics Convention vague or precise?

Dooley: It is intended to have general principles (such as the inherent dignity of the human being) in a Framework Convention, with more precise applications of these principles to particular areas (such as how to protect human dignity in organ transplantation, in medical research, in handling embryonic life, etc.) in what are called "Protocols" to the Framework Convention.

Some of the work already done in the Council of Europe is quite precise and will be used in framing the Convention. For example, its first intervention on genetic engineering stated the right of every human being to inherit a genetic heritage which had not been tampered with, and would ban any form of genetic engineering which would violate that right. But that was back in the early 1980s and things have advanced scientifically a lot since then, raising new problems and concerns.

One of the major scientific projects in the world at present is the Human Genome Project, whose purpose is to identify the exact sequence of elements in the human genome, with the idea of identifying which particular sections of DNA control which particular human characteristic. If we can identify these sequences, maybe we could modify those leading to undesired characteristics.

Therapeutic use of genetic engineering is well accepted. It is done all the time with plants and animals. You try to engineer a better rice, a better breed of animal, or whatever. Theoretically you can apply the same skills to tamper with the genetic structure of an apple or of a human being. But what are the limits?

For example, let us suppose that the human genome has been totally analyzed and you can identify which particular segments of DNA control height and predisposition to cancer. To use genetic engineering to eliminate cancer would be laudable in the opinion of most people. But if you are a fan of basketball, would it be all right to genetically engineer your children to be 10 feet tall? Most people would say no.

We come back to the problem of limits. At what stage do you decide that a particular feature of humanity is a disease rather than part of the diversity of human nature, and choose to eliminate it? It is obvious that if you can identify the DNA sequences responsible for life-threatening or debilitating diseases, such as cancer or heart disease, it would be of benefit to mankind to eliminate them. But what of color-blindness? What of skin color? What of sexual orientation?

We are back to the old arguments of eugenics. The breeding of better stock is well accepted in animal husbandry and in plant life. But if you are talking about human life, then you do have to decide on the question of limits and the reasons for setting these limits. Designing a "better" human being is not a practical proposition for the moment. The Human Genome Project is just started. But it is not inconceivable that there will be real problems to face in 10, 15 or 20 years' time.

And so it is very timely that the United States, the European Community, and the Council of Europe, as well as individual states, should all be interested in human genetics, the human genome, and what ethical limits, if any, should be put on tampering with it.