Bioethics can be the grand utopia of the 21st century

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This solemn act was the epilogue to a long process of reflection and debate by the European Council’s Bioethics Committee, in pursuance of Recommendation 1160 of the Parliamentary Assembly, enacted in 1991 and set in motion forthwith by the Council of Ministers.

Six years may seem a long time but, having accompanied the entire process as representative of the Portuguese State, I think it was the necessary time to achieve a level of consensus that was not limited to vague, generalised statements of intent leading to no positive and efficacious results.

What are the aims of the Convention – this European Bioethics Convention?

Its full title makes it explicit that it aims at the protection of human rights and the dignity of the human being with regard to the application of Biology and Medicine, which is considered to be potentially damaging to such rights and dignity.

The Preamble states – and I quote: “Conscious of the accelerating developments in Biology and Medicine;

“Convinced of the need to respect the human being both as an individual and as a member of the human species, and recognising the importance of ensuring the dignity of the human being;

“Conscious that the misuse of Biology and Medicine may lead to acts endangering human dignity;
"Affirming that progress in Biology and Medicine should be used for the benefit of present and future generations;"

- which clearly indicates the objectives of the Convention, and bodes difficulties in finding a platform of consensus over the concepts of the human dignity and the human being, as well as over the desirable balance between individual and social values, that is to say, between the individual and society.

A critical reading of the text of the Convention shall enable us to find out how these difficult questions were solved.

*There is no definition of the human being or of the human person, but Article 1 introduces a subtle distinction when it states that "Parties to this Convention shall protect the dignity and identity of all human beings and guarantee everyone, respect for their integrity and other rights".*

This wording, being the final outcome of difficult negotiations, guarantees the integrity of the person (toute personne, in the French version) but not that of the human being, insofar as it guarantees only the protection of his or her dignity and identity.

In those countries where the human being, as from conception, is already a human person, his or her integrity is immediately guaranteed, too - wherefore an abortion without medical justification, for example, cannot be admitted legally. On the other hand, those countries which allow in their internal Law for abortion without medical justification, up to a predetermined stage of pregnancy, could also sign the Convention, deeming that up to such stage there is no human person but only a human being. From the utilitarian ethical perspective, which holds the consensus or the majority of opinion in those countries, an abortion by decision of the mother does not constitute non-protection of the dignity and integrity of that human being, for it is not a human person.

Article 2 enunciates a general principle of the utmost importance for the present and the future:

"The interests and welfare of the human being shall prevail over the sole interest of society or science."

Faced with this equally controversial issue, the CDBI - and later the European Council itself - did not hesitate in taking a stand, a personalist stand at that, asserting that the person has precedence over society and science. The practical consequences of this assertion are immense. The Convention itself reveals, in other Articles, how far the supremacy of the person will alter the ethics of the relationship between medical doctors and biological scientists, on the one hand, and actual persons on the other.

Article 5 establishes as a general rule that:
"An intervention in the health field may only be carried out after the person concerned has given free and informed consent to it.

"This person shall beforehand be given appropriate information as to the purpose and nature of the intervention as well as on its consequences and risks.

"The person concerned may freely withdraw consent at any time."

This Article upholds the evolution of medical practise in many countries, directed at the diminishment or even outright elimination of the paternalist attitude by MD's or other health professionals in their relationship with persons who seek their technical and professional help. The doctrine expressed in this Article obliges the doctor to achieve the just balance between respect for the freedom and autonomy of the person who has sought him and ethical respect for the principles of beneficence and non-maleficence – which is far from being simple and demands personal virtue from those who practise medical care.

As regards Genetics, the Convention is quite clear:

"Any form of discrimination against a person on grounds of his or her genetic heritage is prohibited." (Article 11)

As regards interventions on the human genome, it sets down in Article 13:

"An intervention seeking to modify the human genome may only be undertaken for preventive, diagnostic or therapeutic purposes and only if its aim is not to introduce any modification in the genome of any descendants."

The protection of persons undergoing research shall be guaranteed adequately by the restrictive dispositions of Articles 16 and 17. And Article 18, regarding the sensitive field of research on embryos in vitro sets down the following:

"1. Where the law allows the research on embryos in vitro, it shall ensure adequate protection of the embryo.

"2. The creation of human embryos for research purposes is prohibited."

The contents of this Article are to be developed and clarified further in an additional Protocol, presently being prepared by a specific Work Group under my co-ordination.

The provisions regarding the collection of organs for transplants – which, likewise, will be the object of an additional Protocol, as will be the experimentation on human beings – are encompassed by the following general principle:

"Article 21 – The human body and its parts shall not, as such, give rise to financial gain."
To round off this brief critical reading of the most important stipulations of the Convention, I must refer Article 27 (Wider Protection). Acknowledging that, in some issues, compromises had been the only option to achieve minimal consensus, and so that none of the countries subscribing the Convention should have any doubt that these are but minimums, the Article clarifies:

"None of the provisions of this Convention shall be interpreted as limiting or otherwise affecting the possibility for a Party to grant a wider measure of protection with regard to the application of Biology and Medicine than is stipulated in this Convention."

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In my opinion, the signing of this Convention is an historical landmark, opening the way for Bioethics to become the grand utopia of the 21st century.

And a healthy one it is, too. The great salvation ideologies of the past mostly had to do with dominance and always led to a bloody scramble for ideological, political and military hegemony – with the chosen pitted against the reprobates and aliens, the faithful against the infidel, the sophisticated against the barbarians. Contrary to this, the ideal of Bioethics asserts the absolute equality of all human beings, who are all of one race, as well as the absolute respect due to human dignity, which is present in all people in all circumstances, as the mark of their identity and of their belonging to the one great human family.

Bioethics, as it shall be developed in the 21st century, is not anthropocentric, because the highest value is life itself, present alike in plants, in animals and in humans. The aim is not to put a new face on yesterday's Vitalism. It is instead to persuade the men and women of the 21st century that Bioethics, properly understood as the theoretical support of the respect for life, is a strategy devised by human intelligence to guarantee the survival of the human species.

This conceptual perspective, which owes much to the doctrinaire writings of van Rensselaer Potter, presumes that, if humans did not exist, animal and plant natural life would preserve itself by the exercise of its adaptive capacity of response to natural external stimuli, this being a characteristic of life. This capacity was discovered by Darwin, though he formulated its negative reverse, calling it natural selection.

This plant and animal universe anterior to the appearance of intelligent humans did not exist, for it had never been represented or known. Non-existence was the guarantee of its natural tranquillity and safety.

With the onset of intelligence came the capacity for symbolic representation. The world – minerals, plants and animals – becomes, it begins to exist within
individual cognitive conscience. This knowledge enabled appropriation, soon followed by rationalisation and then utilisation. When humans began to utilise the world, transforming it in pursuance of rational decisions – in other words, creating symbolic cultural objects – they became its owners. Over the past few hundred thousand years, humans have shown that they are, as owners, rather careless, unwise, and unaware.

The utilisation of the world by human intelligence, particularly the domestication of plants and animals and the transformation of natural resources – we could highlight iron (which was already essential to biological survival, enabling the fixation and transport of oxygen) – ultimately determined the triumphant success of the species. Humans occupied every kind of niche on Earth and survived through adaptation.

Without underrating human scientific knowledge, which is, after all, the root of the species’ success, Bioethics alerts us to the necessity of turning knowledge into wisdom. Van Potter defines wisdom as “the knowledge of how to use knowledge for human survival and for improvement of the human condition.”

These are the major objectives of Bioethics – putting to work scientific knowledge, especially in the field of Biology, not to exploit the world but instead to ensure the survival of humankind in the world; and, as far as possible, using it to improve the human condition, reducing the suffering that still weighs upon the life of so much people.

Bioethics, therefore, is not reducible to medical ethics or health care ethics. This particular aspect of Bioethics, nevertheless, serves well to exemplify the more encompassing aim: which is, above all, to uphold the respect for human life and for the dignity that appertains to it; this entails respect for animal and plant life, as well as for the mineral world, Mother-Earth, whence life sprang forth hundreds of millions of years ago.

Bioethics is the cross-roads of scientific knowledge about life (bios) and cultural knowledge about the relationships among the living (ethos). Here, scientists and humanists must meet unhampered by prejudice or reduccionist views.

In the domain of science it is easier to construct a homogeneous conceptualisation of life and of human life, using strict scientific criteria which do not attempt to go beyond objective data. In the domain of the humanities, the task is rather more difficult. At the very dawn of the reflection about humankind, Aristotelian thought and Socratic-Platonic thought built up two divergent doctrines. Over the 2,500 years since then, profound reflection has gone on, sometimes bolstered by theological arguments drawn either from revealed religions or the so-called rationalist religions.
That has led the great German teologist Hans Kung, a Catholic, to declare that a global Ethics can only be elaborated when peace among the different religions can be arrived at, when the great religions of the world recognise what they have in common for the benefit of humankind and proffer a platform of consensus as the basis for a global Bioethics.

The recent decision by the UNESCO International Bioethics Committee, to extend the opportunity to all countries to subscribe a Universal Declaration stating that the human genome is the common patrimony of humankind, is already a spin-off from the global Bioethics perspective.

The International Bioethics Committee (IBC), of which I am a full-fledged member, shares the conviction (in my view, justified) that any person in any country, whatever his or her religion, ideological leaning, or political affiliation, cannot accept that the human genome - wherein is archived as a codified memory the entire biological history of humankind - be modified and that such modification be transmitted to future generations, altering the identity of the human being.

The final text of this proposal for a Universal Declaration is to be approved in a meeting in Paris next July, in which I will take part.

Should that final text be ratified by the UN member countries, as expected, the world will have taken a giant step towards a Global Bioethics, and 1997 will stand as the year when Bioethics took off as the grand utopia of the 21st century, the utopia of universal peace among all humans.

Scientific organisations must become acquainted with the Bioethics movement in all its facets and acknowledge that it is no longer feasible now - and ever less so in the future - to carry out scientific research without pondering its ethical aspects. Bioethics invites all knowledge to turn to wisdom, to its application in the survival of humankind and the improvement of the human condition - not only within each organisation's country but all over the world.

Science is global, wherefore its ethical responsibility is global, too.