# Bioethics
## Between the Plausible and the Thinkable

*Françoise Héritier*

This issue of *Diogenes* is devoted to questions of bioethics. This subject was chosen not because bioethics is fashionable but rather because the purpose of this journal is to explore the timely and timeless questions of our era in order to understand what is at stake and to share this knowledge with our readers.

I have chosen to call my piece "Bioethics: Between the Plausible and the Thinkable" to highlight at least three themes that are taken up either directly or indirectly in the articles that follow.

As Noëlle Lenoir writes, ethics and bioethics express values that seek absolute status, in a collective project of civilization; however, this search for invariant guiding principles is expressed within a local context that depends on individual nations and peoples, on the historical moment and the advance of knowledge, in a necessarily provisional equilibrium. This is why it is necessary to think *hic et nunc*, in the course of a debate over ideas.

It is the progress of scientific knowledge in regard to human life and the interactions that lead to the appearance and persistence of life that raises questions of an ethical order, within the practical dimension of what Sélim Abou calls intersubjective dialogue. The most incisive and up-to-date kind of research, which touches on the animal and vegetable kingdoms and whose aim is to isolate genes and molecules, to identify their composition, their aptitudes and capacities, and to localize and then transplant them from one locus to another within the same organism, or into a different organism of the same species, or even from one species to another, can be carried out in two different ways: either an attempt is made to isolate a substance that is already known by its effects, or, more painstakingly, the research is carried out "ran-

domly," as nature does, according to Pierre Laszlo, producing potential chemical combinations that are of equal probability. These automated syntheses are performed using a vast number of different molecules, the effects of which the researcher knows nothing *a priori*. Their potential activity is determined only later. This is the case with substances derived from the vegetable kingdom and isolated by means of chemical libraries; it is also the way that the deciphering of human and animal genomes is being carried out, as well as the transgenetic transplants that follow. If in the first case, searching for an already known molecule or for a protein that codes a particular gene, we can say that we are working in the realm of the plausible, then in the second we are entering into an exploration of the possible, whose configurations and operations are by definition unknown.

Finally, it is impossible to predict the societal ramifications not only of scientific discoveries or technical advances (for example, we are all well aware of the ethical problems raised by the discovery of atomic energy) but, more insidiously, of the potential combination of scientific theories considered as true when emerging, each of which may be innocuous in itself, but whose juxtaposition can prove to be profoundly explosive, perverse, and harmful to humanity. A notable example of this phenomenon can be seen in the construction of the Nazi ideology, where the unthinkable became the thinkable.

Bioethics has a tendency to become ethics itself, and this is only natural when life and the consciousness of life become the measure of all things. From the classical point of view, which links ethics to morality, ethics, as Sélim Abou points out, is regarded as "the aim of a full life" and implies a dialogue among subjects in a world in which morality imposes prescriptions and moral constraints on the subject. This is the context within which bioethics becomes the totality of rules adapted to potentially new modes of behavior arising from possibilities offered by scientific discoveries in the field of life: it is the "totality of rules intended to guide human actions when confronted with choices created by advances in biology and genetics" (N. Lenoir), and whose result is new responsibilities to humanity, to other species, and to the world. Although the ultimate horizon of bioethics is the creation of an

absolute and timeless definition of human rights as a collective value, and the acknowledgment of the absolute nature of the principle of human dignity (the primacy of the human person, respect for the human being, the inviolability and absence of a patrimonial right over the elements and products of the human body, the integrity of the species), which implies that "every human is all humanity," national legislation, as well as collective behavior and attitudes, continue to express a multiplicity of principles and imperatives depending not only on the values but local necessities of the society in question. For example, the laws regarding limits on medically-assisted procreation vary in Great Britain, Spain, France, and Germany, in function of the degree of primacy accorded to the principle of individual (or the couple's) choice.

Given the ultimate horizon of human rights, and of the respect for human dignity and also for the environment, we cannot hope to give a single exhaustive answer to the multitude of questions which humanity has faced from time immemorial or in a new way, such as euthanasia or the right of filiation. A draft bill on adoption recently proposed in France, implies a modification of several codes. Without infringing on current statutes regarding third-party procreation, this law proposes that all future children who are given up and adopted in this manner should have the right to "non-identifying information" concerning the mother or the two parents: a kind of photograph without a name. This is an attempt to partly satisfy the child's legitimate desire to know its origins. However, this judgment of Solomon nevertheless implies that a choice between competing rights has been made: between the rights of the adults to dispose freely of their generative acts, of the children to know their origins and the history of their biological family, and of the adoptive parents to protect their own parental rights.

These are ethical choices tmade within a single national legislative decision. Unfortunately, what is desirable, or even required, in one place may be neither desirable nor even possible in another. Let us look at two telling examples from the field of AIDS. The first concerns an opinion expressed by the World Health Organization, stating that, given the increased risk of contamination for the baby, HIV-positive mothers should abstain from breast-feeding their babies. However, this opinion is of little value in certain

countries in the "Third World" where the mortality risks associated with bottle-feeding are higher than the risks of contamination. Moreover, this is more a matter of a hygienic measure than of an ethical question in the strict sense. Still, there is at bottom here an implicit idea of the relative value of life.

As for the principles of confidentiality and the protection of medical secrets: these principles have been known and accepted since the time of Hippocrates. The problem has been in applying them. Strictly speaking, confidentiality does not exist in many "Third World" – and other – countries; this is because confidentiality is often seen as a luxury in the context of extreme urgency within which many people live; and it is also because of a different concept of individual rights (Dominique Kerouedan, in an article entitled "Les Africaines ont le droit de savoir," published in the newspaper *Le Monde*, [1 December 1995] writes: "Many Africans suffer from discrimination not because they revealed their condition to others, but because their situation was revealed to others without their knowledge or consent, either through family members or co-workers"); nor is it without relevance to note that individual rights can vary on the basis of sex.

If these extreme cases result in less respect for medical-ethical norms and for less concern for the respect of the intimacy and dignity of the human person (particularly the human female), we know that other interests can come into play as well: it is not the least merit of this issue of *Diogenes* to explore how commercial and economic interests interact with concerns of an ethical order, whether we are talking about the realm of organ transplants (A.M. Moulin), genetic and chemical engineering of vegetable substances (Beachy, Schell, and Schell; Laszlo) or, more broadly, the desire by employers and underwriters to know everything about potential employees or those seeking insurance. Recently, the French *Comité National Consultatif d'Éthique* has recommended that the release of predictive genetic information to employers and insurers – who would use this information to maximize the profitability of their businesses – be made illegal. Potentially grave conflicts of interests can thus be foreseen where economic interests threaten to gain the upper hand over the ethical principle of the respect for the dignity of the human person. In fact, this conflict

can already be observed in the market for organs and transplants from living being to living being, and from deceased to living being, notwithstanding the principle of the non-patrimonial nature of the human body and, in some countries, the principle that such organs can only be given, never sold.

Let us now turn to another example of a conflict of rights which ethics finds itself hard-pressed to resolve. Given the advances in treatment, AIDS in some ways is taking on the characteristics of a chronic illness. However, it remains a fatal one in the sense that no vaccine nor miracle cure has yet been discovered. In response to this, groups of HIV-positive and AIDS sufferers have banded together to demand the right to have immediate access to new substances that may have some positive properties, thereby circumventing the usual tests and clinical trials that are required before new medications can be distributed to the general public. In particular, these groups oppose double-blind tests, in which HIV-positive and AIDS sufferers are divided into two or more groups, with one group receiving the medication while the other receives a placebo without the patient or even doctors knowing who is receiving which product. Double-blind tests, which are run in order to determine the effectiveness and profitability of new medications, are as a rule required before any new substance can be put on the market. However, when dealing with an effective product, those receiving the real thing have an enormous advantage over those receiving the placebo. The question then is: no matter what the expected result, how is it to be decided in advance who will be the winners and who the losers? The groups representing the AIDS patients argue that once a person has given informed and free consent to have his or her body made the object of an experiment – a consent that is an ethical prerequisite to all human experimentation – , then this patient is immediately entitled to receive the real product, i.e., the one with the potentially beneficial effect. However, it is obvious that this principle conflicts with and violates the very experimental protocols which alone can measure the potentially beneficial effects of a drug not only for those suffering now but for all future sufferers from the disease. These ethical choices, which will have to be made on a case by case basis, oppose different rights: the right of the individual to health,

the same right for future individuals, and the need for maximum scientific certainty or at least the minimum of uncertainty. Beyond these concerns, there are also the exigencies associated with the commercial potential of the medication.

Finally, in the article written by R. Beachy, E. Schell-Frederick and J. Schell, we once again observe the difficulty of harmonizing the search for general principles in the field of human rights, that is to say the search for invariant principles, with concrete practices in which there is a conflict between individual and collective rights. In the case in question we are talking about the possibility of *a priori* knowledge of what constitutes ethical behavior. Much promising work has recently been done in the area of plant biotechnology in the service of human health. Some of this work envisages the treatment of large-scale human pathologies through the consumption of vegetable matter which can be a catalyst for transformations of a genetic nature by procedures that can now be controlled. The result is something like a vaccination or treatment. Here, obviously, a potentially vast field of possibilities opens up; possibilities that will be of benefit to all humanity and in particular to poor countries, to the extent that once these procedures are perfected their cost will be low and access to them should be relatively easy. However, it is equally possible to make use of these same vegetable products, such as the banana, which is eaten raw, lasts long and can be easily transported and stored, to purposes of large-scale contraception. In this case there is clearly a change of ethical dimension. Who has the right, and by what criteria, to decide which areas of the world, when, and which populations will be subjected, voluntarily or not, to these contraceptive practices? There is an enormous difference between an individual's free access to a low-cost procedure whose effects are reversible, and a large-scale application of the same procedure by a government on its nationals, or by a hegemonic power on subject peoples.

This possibility, which should not be rejected out of hand, leads us to the third opposition between the plausible and the thinkable that is addressed in this issue of *Diogenes*. Here we are talking about the potential perversion of groups of theories, or of individual theories, that are dominant at a given moment of history. The classic example of this phenomenon is the "progressive but radi-

cal perversion of the anthropological and juridical sciences" that served as a foundation for the racial thinking of Nazism. A recent book by Édouard Conte and Cornelia Essner tries to make sense of "the multiplicity of images of identity ... to which the Nazi regime resorted in order to prepare for and legitimate the exclusion, and then the annihilation, of millions of beings." In their book Conte and Essner[1] minutely trace the variegated sources and convergences of Nazi thinking – sources that stretch from archaic and ancient to classical ideas as well as to more recent theories.

Many of these old and classical ideas can be found to have worked harmlessly in a variety of the world's cognitive systems, beginning in the West with Galenic medicine, which was based on the principles of repulsion and attraction (according to Nazi logic, the attraction of likes was what needed to be promoted), but also in the classically expressed idea, found in the anthropology of the germinative substance of ancestors, of an ancestral stock (French *souche*).

Or more recent ideas: that of the theory of impregnation, which postulates that the female organism retains some of the male sperm received in sexual intercourse, and that this residual substance can influence the nature of children brought into the world at a later date; this theory was used to forbid all relations between Jews and Aryan women, even without procreation. In the same way certain theorists, using the theory that there exists a hierarchy of lives deserving of life, and coupling this theory to the perfectly ethical idea of the necessity of altruism, of a clearly-conceived compassion and foresight for the future, claimed that it was ethically desirable that certain human beings either be forbidden to reproduce or be subjected to planned extermination, since it would be "barbarous" to continue their existence.

Other modern ideas, in the wake of Mendel: that of the potential for the creation of pure genetic lines, by adroitly pairing couples of pure Nordic blood, "by the systematic arrangement of marriages uniting the healthy lines of heredity of a nation"[2], the State can hope to reverse the process of degeneration that is the result of the toleration by "civilized peoples" (*Kulturvölker*) of the continued existence of "genetically inferior stock" (a toleration that P. Tort has shown to be part of the essence of Darwinism: natural selection selects civilization, which is opposed to natural selection).

It was indeed the juxtapositioin of these kinds of ideas, along with various scientific theories, that led to the Nazi logic of race and to the politics of extermination. Although it is clear that the resurgence of this type of thinking is always possible, we do not have the same certainty as to what exact combination of new theories will give rise to it.

We must thus strive resolutely to make ethical choices, and in as full knowledge of their consequences as possible. For instance, O. Abel and A.M. Moulin show that the decision not to perform a transplant can be as ethically justifiable and valuable as the decision to do so. It is equally important that these choices be clearly understood, freely made, and open. The reader will note that the authors in this issue of *Diogenes* express a variety of opinions on these matters, which is only natural given that the subject under discussion is the choice of values. Sélim Abou denies that there exists a purely natural foundation for ethics, that is to say that human beings are endowed with a natural inclination toward social or moral life. Thus for him, the question remains open: why is it that humans must always develop values? The universal regulatory principle can be none other than the necessity that liberty and equality be oriented toward the common good or the Kantian imperative of duty, which embodies the ultimate desire of each human being to be accepted as a human by others. Human rights, conceived as the "equality of reasonable and free beings" is thus a middle term between natural right, seen as universal and immutable, and positive rights, which are always concrete and changeable. In this way, subjective natural right becomes "the minimum obligatory measure for any ethical research based on the principle of reason."

As Patrick Tort sees it, biology and theology have opportunistically assumed the adaptive role of rescuer of spiritual values. This was made possible thanks to a certain number commonly held notions that function in a comprehensible manner, such as the desire not to see any assignable connection between science and morality, science being viewed as ethically neutral. However, as Tort logically argues, if there were no inner connections between biology and ethics, then the former could not offend the latter, nor the latter defend itself against this offense. The problem here is

based on the aporia of dualism and the separation, mechanistically established, between scientifico-technological materialism and commercial production on the one hand, and "values" and "conscience" on the other, an opposition that threatens to be confused with the opposition between innovation and conservatism. Moreover, by the way these ideas are handled within ethical committees, a further problem arises: by consulting "sages" instead of confronting one form of expertise with another, we get a barren consensus that is really nothing more than "a half-baked ideology that implicitly accepts the idea of the transcendence of ethics." It cannot be said that these criticisms are false. They are a result, Tort says, of the incoherent relations between two fields of knowledge that do not seek to come together in the exploration of their respective horizons. The age-old debates that oppose nature and culture, the innate and the acquired, avoid the ethical disarray produced by the assertion of inequality: because if this inequality were found to be "natural," whether individually or collectively, then the obligation to do something about it would no longer exist. Disagreeing with the conclusions of Sélim Abou, Tort shows, on the basis his analysis of Darwin – whom Tort finds to be innocent of the accusation that his ethics are based on the principle of selective elimination in the social universe – that "the gradual emergence of morality appears ... to be a phenomenon indissociable from evolution." Natural selection selects civilization, and civilization opposes natural selection, a process that can be conceptualized in the image of the Möbius strip, which because of its torsion can pass without rupture from an initial state to one distinctly opposed to it. With the birth of civilization as an object of selection, comes the duty of giving assistance, of mobilizing knowledge and technology, and of engaging in acts of re-equilibration. Darwin himself admitted that love has the ability to impede the simple efficacy of selection. Thus, because of the ethical imperative felt by the human subject, morality cannot be reduced to any form of determinism.

In the final analysis, beyond the different perspectives presented by the authors, it seems to me that there exists a certain consensus of opinion that has nothing vague or defective about it. I am speaking of the common perception of the necessity of understanding, and if possible controlling and predicting, the

effects of advances in knowledge and our ever-growing technology, on the individual, the human person in society, and on the world in which he or she must live.

## Notes

1. *La Quête de la race. Une anthropologie du nazisme*, Paris, 1995.
2. Ibid., p. 69.



https://doi.org/10.1177/039219219504317201 Published online by Cambridge University Press