

The REMEDIE (Regenerative Medicine in Europe) project John Harris

*Interview made by Iñigo De Miguel,
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John Harris, Sir David Alliance Professor of Bioethics in The University of Manchester, participated in a workshop organized by the Chair of Law and the Human Genome in Bilbao in November 2009. Iñigo de Miguel, member of the Chair took advantage of the moment to interview him regarding his work on Project REMEDiE (Regenerative Medicine in Europe), founded by the EU Commission and directed by Professor Andrew Webster, from the University of York (<http://www.york.ac.uk/res/remedie/index.htm>).

I.M.- I am currently taking part in a European Commission founded project called REMEDiE. One of its aims consists of describing the different trends in bioethics. However, I think it is difficult even to determine the meaning of the expression "trend in bioethics."

J.H.- I think we can have trends in interests – what people are interested in. You can have trends in topics – regenerative medicine, genetics, whatever. You can have trends in methodologies and in ideologies.

- Let us focus on last kind of trends. In Spain it is quite easy to discern two different trends, a conservative one, quite strongly connected with the Catholic Church, and another one, formed by people who are much more open-minded. Do you think that is quite general?

- I think that if we are looking at this sort of trend, a trend in ideologies or approaches, I would discern two trends indeed but not quite the same you mentioned. One is the utilitarian one. There are a lot of influential people like Julian (Savulescu) for example, like myself, who are broadly utilitarian. And then there is the sort of anti-utilitarian trends, which come from a number of traditions. They come from virtue ethics, for example, and they come often from religious ethics of various sorts. People who are anti-utilitarian think of utilitarianism as a dominant ideology but of course it is not. Thinking in European terms it is considerably in the minority. If you think of the dominant ideology in Spain, in Italy, in France, in Germany, these are religious ideologies in bioethics. They are not utilitarian. So you have the dominant Catholic ideology and opposite to that is not necessarily utilitarian, it's liberal which may not at all be utilitarian but may be just a, if you like a more 'open' rather than 'open-minded' approach.

- I have a personal curiosity about your start in bioethics. I think that when bioethics was born -let's say around the beginning of the 70s- you were still, if

not a student, maybe a PhD student or maybe a promising young researcher. If I am not mistaken at that time most philosophers were not interested in these kinds of problems. Something that was really relevant was, for example, Davidson's philosophy and related issues but you decided to get involved with these topics. Why did you make that decision?

- As a matter of fact, when I went to Oxford as a graduate student in 1969, most people were interested in Davidson's philosophy or in Wittgenstein, and I very nearly did a thesis on Wittgenstein, which I was very interested in as an undergraduate. But I had come also from a background of political activism. In the early 60s I was very active in what came to be known as the peace movement. I started with the campaign for nuclear disarmament. I went on many demonstrations and marches. I was on three marches for four days from the nuclear establishment to London.

So I came from a background in a political activism on the left. When I was doing academic philosophy, I was only doing it with half of my mind. The other half of my mind remained very committed to a political agenda which was completely different from interests in philosophy. Then I decided, while I was in Oxford, that I wanted to work on something that was politically relevant and I decided to change to a PhD which was connected with this in 1970.

I was very interested in political violence as a tool, as a method of demonstrating, and the legitimacy of violent protest as opposed to peaceful protest, because everybody insisted on the same thing: you must be peaceful, you must not be violent. We were not killing people of course but we were breaking fences. We were involved in direct action but not particularly violent, so I was interested in exploring that. Therefore, I proposed a thesis on violence and I found it very difficult to get it accepted by the faculty of philosophy in Oxford because they did not think it was a proper topic. It was only accepted when I chose eventually Ronald Dworkin as my supervisor. As he had just come to Oxford, he was fresh and very influential and he managed to persuade them that it was a good topic and I could do it. After that topic on political violence actually grew my interest in bioethics -so this is a long answer- but I just want to add something else. My thesis eventually was called "Violence and Responsibility." It was my first book and I used in that book an example for which I became notorious for - this was the survival lottery, which imagines using transplants in particular ways. I just used it as an example in modern and political philosophy, just as an illustration, but it was also a sort of taking off in a very unconscious way. I started to get invitations from medical audiences saying, "I hear you are interested in the issue of organ transplantations"... Well I wasn't interested in that as a medical issue. I was interested in it as a different illustration in my thesis, but I replied "Well I am not sure if I am but tell me what interests you" and they would start to tell me their medical dilemmas and I said "Well I have not really thought about that but I am willing to come and talk about it." So I actually got sucked into bioethics... by accident.

- *And we were lucky to have you writing on these topics.*

- I was lucky because it suited me and I became interested. If you look at what actually most professional philosophers even today work on, these are trivial issues compared to bioethics.

- *However, we have been discussing the same topics in bioethics for years. Do you think that we have reached any kind of agreement on some of them or we are still more or less in the same place?*

- Well I think that you have to realize that all ethics, not just bioethics, even metaethics are very likely to be what we call "intractable" – that is to say not resolvable because people have different value systems, which they are very reluctant to change or even consider critically. However, I think one of the changes that I have observed is that certain problems in bioethics or medical ethics are no longer problems and that is not because they have been finally resolved, but because all of the arguments are now available and people know the nature of the debate.

A very good example of this is the issue of consent. Consent remains an issue and a very interesting question that is alive today about consent is whether the consent of dead people is relevant to what happens to their bodies after death. For consent to be genuine it has to be informed, it has to be specifically determined what sort of knowledge must provide the answer to this problem. I encourage students not to work on consent. In a way, there is nothing new to say but that does not mean what is already been said does not come up in a new context. For example I think I am almost unique, but not quite, in thinking that the issue of consent is quite irrelevant to what happens after your death because there is nobody to ask for consent from. And everybody thinks that you have to get authorization for the use of the body. I think this is nonsense.

- *But it may happen that even if for the dead it makes no difference, it may change the way we live our lives to know whether our decisions or what it will...*

- Oh yes, I am not saying the opposite, but it is not an issue of consent.

I give this example always and people sometimes think that a definitive answer to this question is the issue of necrophilia – sex with the dead. Many people think it should be a crime but, what crime might it be? Well I can tell you the one crime it is not anywhere in the world is rape. Why is it not rape? Because the dead have no consent to give or withdraw and therefore if you want to make necrophilia a crime you can do so, I am not saying necrophilia is not an issue, but it is not an issue of consent. We have to deal with it in some other way. It has to do with the happiness of the rest of the people who are alive.

There are a lot of similar cultural values, but it is not an issue related to consent.

- *It is really not a question of consent, that is true. However, there are topics, such as abortion, which have been debated for a long time, and still we have not arrived at definitive answers. Do you think it is possible to discuss them rationally?*

- Yes, I think, abortion can and should be rationally discussed and I think it is probably true that actually women are much more liberal on abortion than men. There are notable women who are implacably opposed to abortion, but by and large the women's experience is such that they are led away from a hard line on abortion because they know how easy it is to be accidentally pregnant and how disastrous in terms of their life and their life-plans that might be for them, and I think it is that sort of understanding that needs to be brought to the ethics of abortion..

- *Do you think bioethics may be in the future a useful tool to make some kind of arrangements between people? Because if I have understood you well, maybe the aim of bioethics should be just to give the arguments to people and let them decide individually what to decide. It should not even be our aim to try to reach a kind of artificial consensus.*

- Well... Of course everybody thinks that they are right about ethics and I certainly wish to convince people that my arguments are good, but there is a difference between being confident that we are right and having a right in a different sense, in the sense of possessing the legal right to enforce that morality against others. I detect a very disappointing trend in European bioethics and that is where bioethics is used as an instrument of repression. Basically people set up bioethics committees in order to have a further justification for denying people the liberty of choice in biological matters, in what they do with their bodies, etc. I think this is a very retrograde step. Although I think there are right answers in bioethics, I think it is very important that there is no attempt to enforce these answers on people. Perhaps the most disturbing trend in bioethics is that conservatives and reactionaries have seized upon bioethics as a way of enforcing morality on the community - the morality that the community is disinclined to accept and I think this is a wholly wicked development.

- *But you have brought something to my mind. Changes really happen in argumentation. There was time when someone would tell you you should not do something because it went against the will of God, now they say you should not do that same thing because it goes against human dignity.*

- Exactly, and like the will of God, human dignity is entirely opaque. Nobody knows what it is. There is no authoritative source of the interpretation of human dignity just as there is no authoritative source of the will of God, assuming that there is a God.

You know there are some people who use these kinds of concepts in order to try to make you think and act the way they want you to. It is just a translation of the religious party to a supposedly ethical party which is the same. Well, what is interesting is that, as you rightly say, people used to appeal to the will of God in a context that by and large the people they were appealing to shared the same religion and probably went to the same church and therefore the interpretation of the will of God would be pretty much accepted in a small community, however controversial it might be in the larger communities. So a Protestant church will have conclusions which were controversial to Catholics and vice versa and there are so many Christian circles, so many sects and other religions, by and large in a local community the appeal would be understandable and generally accepted. Now we are mostly in Europe living, if not in a multicultural society, at least in societies which are officially secular - in other words that the religious law is not enforced and what you have is civil law. And the civil law is supposed to be mutual between religions and no religions. Therefore we now have appealed to bioethics as delivering the sort of communally accepted answers that used to be delivered from the pulpit in the local church. Keeping all this answer in mind you will understand why I am very opposed to national ethics committees.

- *There is something quite related to your answer that I would like to ask you. I think that we usually focus on the bioethical problems following the patterns designed by*

ethical paradigms. However, I guess that sometimes it may happen that a scientific development may affect a whole paradigm and it is very important that people such as Peter Singer or you highlight these facts. What do you think about this?

- Well that is a complicated question. I think that paradigms operate in a different way and what has happened in bioethics and what people like me have tried to influence is a move from the paradigms of particular conclusions in bioethics like abortion is wrong; sex outside marriage is wrong etc. to paradigms of principles like 'respect for persons' or 'respect for human rights', let us say. These principles are susceptible of interpretation in a way that the conclusions are not. So one can legitimately ask, if we respect the value of life, does this mean that we have to oppose or that actually we have to propose abortion? So we have a principle but we can discuss the valid interpretations of that principle and I think it is a healthy move that we now appeal to principles which require interpretation rather than to conclusions which are not open to interpretation. We have to think about the larger question of how are attitudes to something like abortion or to capital punishment or to killing in war, fit in with a principle of respect for human life.

- Yes, I think it is. Let us talk now about a debate you know well about, a debate which I think reflects quite well how the conflicts between different trends may work. I will bring here the example of the creation of human-animal embryos, usually called cybrids, in the UK. There were a lot of people opposed to it because they considered cybrids as human embryos. However you and some others – mostly scientists supporting a liberal position – in the end made it possible to go on with this technology. How do you remember this episode?

- It is in fact a very interesting episode of our recent history. It is true that there was a very active group of scientists broadly connected with this issue. I am not a person with a scientific background. I am someone who met regularly with them and tried to feed information constantly into the public debate, someone who constantly corrected the lies that were being told about what the scientists were proposing or about what an interspecies embryo might be or even about what experiments on embryos actually involved.

I almost could not believe it when we won the debate and a relatively liberal but I think entirely ethical law was approved. It was a very interesting and encouraging example of how, with appropriate information, the majority of the British public came to accept that further research on embryos – including so called hybrid embryos – was legitimate and how the politicians stopped being frightened that they would lose voters, if they supported it. It was very uplifting, a very noble experience of having confidence in the people of Great Britain - in the electorate, in the voters – and having that confidence vindicated, upheld by public opinion.

- That was great. I mean a really emotive moment. But who were the ones opposing it? Do you think they were organized among themselves? Or it was something like a lot of different people opposing to it due to very different reasons.

There are always a lot of people for different reasons. Of course there was the usual group of the very highly motivated religious groups, particularly Catholics, but others as well. But the United Kingdom is a very liberal society and it is partly liberal because most people are not very religious. They will normally call themselves Christians or Jews or Muslims, but in fact they are not particularly

religious. What is more, we also have a strong suspicion of organized religion in the UK – even among religious people, because we have had various – as everywhere in Europe has – really serious religious conflicts. Traditionally between Catholics and Protestants, but also of other sorts and we have learned to be suspicious of them and I think this is a very fortunate accident of British history – that even religious people are suspicious of organized religion and inclined to be able to separate their personal morality from the religious doctrine, of even religious doctrine that they support.

- That is quite curious because, in my opinion, usually people who are conservative are much better organized than people who are liberal, especially because they have got usually a strong sense of obedience and hierarchy.

In my opinion, we – the liberals – if that is how one can put it, did not win because we were better organized than the conservatives. We won because people supported us and we would not have won had they not. We won because they saw the force of the argument and they saw the force of the evidence. If you have a population which is prepared to consider the evidence of the argument that is the best guarantee of freedom.

- Yes, that is true but in order to break the gap between intellectual discussions and lay people, you need to have a kind of an organization. You need to exercise some kind of influence through mass media, you need to have something which makes your message reach the masses. For example the Catholic Church has got an extremely good way of doing things. You have to go to mass every Sunday and that moment is perfect for communicating to you what to think. I think that liberals have nothing that can be compared to this.

I think what we do have and I think elsewhere in Europe too but I can speak best, of course, for the UK: there, we have a society which is anti-authoritarian. I was talking just before about suspicion of organized religion. We have a suspicion of authority, actually. We do not like to be told what to think.

What the scientific group, with which I was involved, was trying to do was not to tell people what to think, but simply to present the facts as we saw them, and the arguments relating to that side, and let the people decide. I think the mistake that, if I may put it this way, the religious right made was to continue to tell people what to think. And British people, as I am sure Spanish people do, do not like that.

- It sometimes happens, sometimes in any society, but I do not think we could say the same in the case of the USA.

Maybe not. I do not know the USA well enough to know.

- To sum up: what do you think may happen in the next years in regenerative medicine? Do you think that as soon as these technologies start to improve our therapies the ethical-based opposition to their use will disappear? Or do you think that it may still remain any kind of ideological opposition?

I think that the people, the citizens, are very good at understanding what is in their personal interests and I think the best antidote to prejudice is, of course, some form of success. So I think all of the arguments about the legitimacy of using embryonic stem cells will disappear if embryonic stem cells proved to be necessary for a particularly effective therapy. That will just transform opinion overnight.

However, until that happens, and perhaps it will never happen, people will remain divided. But once there is a powerful self-interested reason, people will change their minds, they will see the importance and the benefits.

There is a very interesting parallel here with the cloning argument. We have just been talking about a success for rationality in my country where people have accepted the wisdom in the arguments about embryo research, but just a few years ago before that, there was a debate about cloning, a very brief debate, which ended in the shameful episode of passing on a virtually one-line law making human reproductive cloning illegal. It was enough to say "this is cloning" to get people to agree that it should be banned. But of course there is nothing wrong with cloning. As a matter of fact, assuming for a moment that God exists we should recognize that God is very fond of cloning. Identical twins are clones. One in every 270 births – 3 per 1000- is a clone.

So nature and God are in favour of cloning and this was completely overlooked in this debate and it was sufficient, as I say, just to call it cloning to convince people to be against it. That was a triumph of stupidity and prejudice over the facts and that seems to have stuck for the moment, but one of the reasons it stuck is because there is no useful purpose at the moment in cloning. We do not need it for anything. Being so, nobody has seen a reason to challenge that piece of stupidity. Despite the continual births of clones naturally all over the world without any worries about their identical genomes.

Let me add another comment to this. I would say that there was another good reason which was that a lot of those who are working on bioethics wanted to show people that they could arrive into an almost unanimous agreement on something and this was the perfect issue to demonstrate that they have arrived into something like an agreement.

Yes, and I think it was shameful in a way that bioethicists, lawyers, supported the ban and the stigmatization of cloning I think it was a shameful and irrational and a very bad moment for independent impartial intellectual enquiry.