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CONTRIBUTION

of the Secretariat of the Commission of the Bishop's Conferences of the European Community

concerning the Communication from the Commission *Towards a Strategic Vision of Life Sciences and Biotechnology: Consultation Document*

23 November 2001

Preliminary remarks

The field of life sciences and biotechnology covers an area whose possibilities have to be assessed differently in ethical terms depending on the purpose of the actions taken, the techniques used and according to whether manipulations are performed on humans or not. On the one hand, very **positive results** can be anticipated and for this reason life sciences and biotechnology must definitely be encouraged and **supported**. On the other hand, however, certain cases can be associated with **high risk factors**, extensive possibilities of misuse, the morally contentious killing of organisms, as well as unforeseeable social consequences. A **broad-based ethical discourse within society** and clear statutory regulations are therefore required in order to reduce or prevent possible negative consequences. Issues concerning the safety of individual persons and the environment, which the paper repeatedly refers to, are of major ethical relevance in this context. By the same token, ethical matters cannot simply be placed on a par with religious and cultural issues, as the consultation paper evidently does at certain points (e.g. no. 6., fourth paragraph), since the ethical aspect concerns the value requirements of moral standards that are of a nature corresponding to the truth and which must and can be dealt with by means of reasoning and may on no account be reduced entirely to the, as a rule, particular positions associated with cultural identities and religious convictions.

In the following, we comment on a number of aspects addressed in the consultation paper:

1. Ethical reflection for the European level

Ethical questions do, of course, arise at the level of the European Community and may on no account be left up to the Member States. A **wide-ranging ethical discourse** and the consideration of ethical interests are also urgently required at the level of policies pursued by the European Commission as a basis for supporting European research and drawing up common rules and regulations, precisely by virtue of the very varied course of the debates on ethical issues taking place in the individual Member States. The strategic support of life sciences and biotechnology at European level can only be meaningful and legitimate if the associated ethical questions are also dealt with in an equally consistent and intensive manner. This must be specifically reflected in research support through, for example, **accompanying ethical research** also being required for as many research projects as possible and this **being funded** to a far greater extent than has been the case up to now (see the Commission Stakeholder Conference protocol, 27-28.9.01, p. 4, point 3). Ethical reflection needs financial support.

2. European debate on ethical matters and readiness to accept a fair compromise

A wide-ranging ethical discourse and the adoption of rules and regulations based on common European value convictions, as called for by the Commission itself (no. 6.), can only be possible in the final analysis if a truly European public emerges and the European Community continues to make advances in relation to democracy. In the long term, we will also have to draw up a joint European constitution as an expression of this common set of values while also paying heed to the abundance of legitimately differing ideas of what a “good life” constitutes. Political action with regard to life sciences and biotechnology must not only be

oriented to a minimal consensus achieved in this context, it **must also take seriously the moral reservations voiced by minorities** and be prepared to accept "**fair compromises**". Regarding the scientific and technological progress with which the process of ethical reflection must be interlinked (no. 6.), this means that such progress has to consciously provide space for ethical reflection. The (still emerging) European society must not be subjected to time pressures in the debates that are so necessary and such debates must not be broken off through reference to constraints (even if these concern industrial location problems). Ethical reflection needs time.

Such ethical reflection must lead to the establishment of unambiguous ethical rules. **No distinction** must be made according to **whether publicly or privately supported research is concerned**.

3. Priorities of public research within the EU

The EU must consider the ethical acceptance of research projects in the Member States when supporting research with EU funding since the EU is a *community of law and of shared fundamental values and human rights while respecting differences in cultural and ethical values* (from the Commission Communication). For this reason, it should not support research projects with Community funding where these are prohibited by law in a significant number of Member States by virtue of the ethical problems associated with them. If, as the Commission's Communication states, *respect for cultural and ethical values should therefore be an integral part of Community action*, this means that it is not the ethically "more liberal" position that should prevail. **Ethical reservations on the part of Member States** are only **respected** to a sufficient degree **when such research projects are not supported with EU funding** (i.e. also with their own resources!). The result of this is that more liberal ethical approaches are not discriminated against as they can continue to be supported in their respective Member States.

4. Ethical reflection requires more than public acceptance as a solution

Some parts of the Communication convey the impression that ethical concerns are taken account of only or, in particular, for the purpose of ensuring broad-based acceptance of life sciences and biotechnology in society. For example, page 4 emphasises the "public perception" in this context while page 12 (no. 2), dealing with ethical aspects, is directly associated with "enhancing public understanding". The fourth working group of the Commission stakeholder conference also combined the two issues. Ethical issues require going beyond public acceptability; they require open investigation. The ethical issues, which must be taken very seriously and are by no means confined solely to those sceptical of new technologies – these concerns are also shared by numerous experts –, must be discussed. Genuine solutions to the ethical problems must also be developed with the **involvement of all social groupings** (**including the churches**, which are, for some strange reason, not mentioned in the list given at the beginning of Section 6). We may not, indeed, do everything we are capable of doing. Ethical reflection demands participation that is taken seriously. In this debate, churches have an essential and important contribution to make.

Furthermore, a social debate on the ethical problems of life sciences and biotechnology requires the people of Europe to be provided with adequate information. This necessitates incorporating ethical and bio-ethical issues into the regular school curriculum. Scientists and researchers must then closely examine the implications of their specialised fields within the framework of their specialist training.

5. The inviolability of human dignity

The inviolability of human dignity is certainly part of the core essence of the European consensus on fundamental values. If human life is destroyed through the use of biotechnologies, as is the case in consumptive embryonic research, therapy with totipotent stem cells, therapeutic cloning and pre-implantation diagnostics, the question then arises as to whether this is consistent with the principle of inviolability of human dignity. The history of human rights based on human dignity is the history of a gradual expanding of such rights. **Human dignity may certainly not be made dependent upon characteristics such as health or disability**, gender, age, cultural affinity, ideological conviction or race. The very sense and purpose of the universal attribution of human dignity is that it is not made dependent upon such characteristics. "Each and every person" has a right to live. Very convincing reasons would therefore have to be established in order to exclude this right for an individual human life. Indeed, they would have to be so convincing as not to weaken the socially necessary, common conviction of general human dignity. It is an indisputable fact that we grant a newborn child the right to live, but not the unfertilised ovum of the stem cell. The question is one of what point represents the decisive caesura between these two extremes of the line from the unfertilised ovum and the stem cell to the newborn child, i.e. the point in time up to which we deny the right to life and that from which we grant it. In our view, it is evident that neither of the conceivable caesurae has as great a significance as the moment of fertilisation, with the result that we must speak of an identity of the early embryo with the child developing from it. Any different view involves huge risks, e.g. in relation to acknowledgement of the human dignity of the newborn child, of persons dying, of people with disabilities. Any other solution could have dramatic consequences for the concept of human dignity within our society.

6. Necessary distinction between "green" and "red" life science and biotechnology and the need to define the ethical problems more precisely

According to the annex to the Communication, which covers the entire field of life sciences and biotechnology, **insufficient distinction is made between research and application on plants, animals ("green" biotechnology) and humans ("red" biotechnology)**. Indeed, in the case of plants and animals, it is the safety and environmental compatibility criteria repeatedly emphasised in the consultation paper (page 7) that perhaps play the most important role. The area of research and application on humans does, however, confront us with further and exceedingly much more difficult ethical problems that are hardly mentioned – or perhaps even intentionally ignored – in the paper, although this domain will grow to be extremely important in the future. Under the heading of "health care" on page 6, reference is made only to the positive opportunities and not to possible risks. Page 7 deals only very briefly with the possibilities of this new technology for the health of an ageing population. **The fact that this is precisely where ethical issues arise** (e.g. "therapeutic cloning" to replace ageing and

diseased tissue) **does not appear anywhere in the text**. In the case of use on plants and animals, however, the risks are addressed in a very extensive and clear manner.

Section 5 entitled "Ethical aspects" makes no distinction whatsoever between areas of application. Use on humans is addressed only in its ethically less disturbing forms within the context of general political issues (p. 22f). **Treating green and red biotechnology as being on a par conveys the impression that all ethical issues can be dealt with in the same way, e.g. in line with the model of weighing up merchandise**. In the case of application on humans, the decisive ethical criterion is, however, that of human dignity, which forbids any offsetting against other goods below the level of the human right to life (see the interventions of Xavier Mirabel and Margot Renesse in the 4th workshop of the Commission Stakeholder Conference). It is not permissible to violate one human being's right to life in order to heal another human being, which is why the question of the moral status of the embryo also needs to be posed in explicit terms in such a document. **The question of reducing the political confinement of research and application to the scientific assessment of safety for humans and the environment** (p. 23) **must therefore be answered with an emphatic "no"**.

7. Effects on the so-called "developing countries"

That fact that the consultation paper does take a detailed look at the possible repercussions of life sciences and biotechnology on the developing countries is to be welcomed. In our view, however, the associated dangers are not made clear enough, even though the right questions are asked in this regard on p. 27. Besides the ecological risks, there is, in particular, the danger of biotechnologies causing developing countries to enter new or even stronger technological and economic dependencies on the industrialised countries. **Every endeavour must be undertaken to ensure that the developing countries** not only become possible beneficiaries of life sciences and biotechnology, they must also be helped to **develop into actual players in this domain**. In such a case, the problem of the measures already taken to protect intellectual property, which can certainly be questioned in their present form, only benefiting the industrialised countries in the final analysis (see Commission Stakeholder Conference, top of p. 3) would no longer exist to the same extent. Research support must then be closely interlinked with cooperation on development policy as well as be subjected to the normal criteria applying to development cooperation (e.g. poverty orientation).

Furthermore, **it is extremely important to create incentives for industry to develop therapies for poverty-related diseases**. Publicly supported research would be one possibility of doing this. Also, the fund referred to for financing research projects on the treatment of diseases typical for developing countries should be supported in any case; in fact, this idea could be extended in overall terms to include the research and development of "adapted" life sciences and biotechnology for the developing countries. We would also like to emphasise in this context the special responsibility Europe bears for assisting and supporting the peoples of the developing countries.

COMECE acknowledges the contribution of **Prof. Dr. Gerhard Kruip**, Philosphisches Forschungsinstitut in Hannover, Germany, in preparing this submission.