

# **THERAPEUTIC AND SCIENTIFIC IMPERATIVES BUT WHAT ABOUT THE COMMON GOOD?**

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## **1. INTRODUCTION**

- a. The entire debate about stem cells has been driven by three interrelated factors. These factors are the therapeutic imperative, the scientific imperative, and the profit motive.
- b. Where the destructive use of human embryos is concerned, the issues are far broader than the harvesting of ES cells. A dishonest element of the public debate has been to use the promise of outstanding health outcomes from ES cell research as a beachhead into the protection afforded embryos in SA, WA, and Victoria. That is the public has been led to believe that we need access to embryos to harvest stem cells. Other issues have never been properly canvassed.
- c. When making it sound public policy regard has to be had to the fundamental human values which form the basis of civilised society. These human values are a matter of agreement nationally and internationally. Cf Universal Declaration of Human Rights, the consensus gentium, etc
- d. There has been a regrettable attempt to refuse entry to the public debate on human embryos to anybody who has particular religious commitments except of course those who are committed to atheism, agnosticism, or secularism. I will not have time to discuss this matter in this short paper but it may come up in question time.
- e. I want to deal with these issues as they affect embryo research and public policy. I want to make it clear that I find no ethical difficulty with the use of adult stem cells. On the contrary, for reasons which I will explain later, I commend this kind of research as meeting the high demands of ethics where public policy and science is concerned.

## **2. PUBLIC POLICY**

- a. Science, medicine, and technology are not exempt from the ordinary standards of human conduct by which all other members of human society are governed.
- b. Where science, medicine and technology is concerned very high ethical standards are expected because of the obvious impact on human beings generally and society as a whole.
- c. The common good requires the protection of fundamental human rights, human values. These goods include human life and health, knowledge, freedom, security, and so on.
- d. Human beings use reason to participate in these goods in a way that protects the common good.

- e. The common good is not a summation as in utilitarianism but sees an attack on one person as an attack on all, fraud as an attack on the truth, slavery as an attack on the freedom of all and so on.
- f. Thus human beings in a civilised society like Australia are committed both by our own democratic tradition and by our international obligations to protect these rights.

### 3. IMPERATIVES WHICH UNDERMINE THE COMMON GOOD

- a. **The scientific imperative** is driven by the good of knowledge to the exclusion of all the other human goods by which human beings flourish and even by violating other such goods. Three examples of how human rights are abused in the relentless search of scientific knowledge.
  - i. Tuskegee syphilis experiment;
  - ii. Use of defective newborns for experiments with nuclear waste; and
  - iii. Harvesting of tissues and whole organs from dead bodies without either the prior consent of the deceased or the current knowledge and consent of the relatives.
- b. An example of the scientific imperative where human embryos is concerned: *At one stage despondency about the technique persuaded the team to try for fertilization of a human egg and sperm cell, and embryo growth, in the sheep. After collecting a mature egg from a patient, we placed it and sperm cells from her husband in the sheep oviduct (the animal equivalent of the fallopian tube). But whereas the sperm cells survived in this environment, we were unable to find any trace of the egg. In some ways we were relieved at the failure of this experiment as it may have been difficult to convince the community that the sheep was an appropriate place for human fertilization and early human development.*<sup>1</sup> [Emphasis added]
- c. Another example where the entire process of research is overturned, animals first then humans becomes humans first.

*Senator Harradine: You go on, on page 3, to say:*

*There are many scientific experiments that need to be undertaken on human pre-embryos. There is no appropriate laboratory animal or sub-human primate for many of these experiments, so great are the differences between species.*

*Could I ask you a direct question: How often has IVF been undertaken on non-human higher primates?*

*Prof. Short: It has not been undertaken on gorillas because gorillas are endangered species. It has not been undertaken on*

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<sup>1</sup> Professor Carl Wood and Ann Westmore, *Test-Tube Conception*, Melbourne, Hill of Content Publishing Company, 1983, 48

*chimpanzees because chimpanzees are endangered species. It has not been undertaken on orang-utans because orang-utans are endangered species.*

*Senator Harradine: So you are able to do it on humans.*

Prof. Short: We are not endangered.<sup>2</sup>

- d. **The therapeutic imperative** pursues the goal of health to the exclusion of all other goods and even by violating other goods. Let me give you an example of what I mean:

*Senator Walters – Can you tell me the difference between your view on a 13-day embryo and your view on a 14-day embryo?*

*Dr Trounson – It is an arbitrary situation. I see it as a continuum and I do have a problem with suddenly saying, between one day and another, that I should and I should not study them ... I do not see that there is a magical change between day 13 and day 14. It just happens to be an arbitrary time. At that time the embryonic shield is definitely visible there. I would accept that that is a reasonable time.*

*Senator Walters – At present; but new technology could make that visible earlier, could it not?*

*Dr Trounson – It is like a slippery slope. I am prepared to come back and argue with any committee if suddenly we get the answer to the whole of cancer or of the whole of every debilitating disease by studying 200 28-day embryos. I would be prepared to put that to the appropriate ethics committee – Federal or whatever – and allow it to make a decision on it. It would have to be a monumentally important project to want to argue out in that area.*

*Senator Walters – How far would you go? You say 28.*

*Dr Alan Trounson – If it solved every disease on the earth ---*

*Senator Walters – How far would you go? Dr Trounson – I would do **anything** to cure disease.<sup>3</sup>*

- e. **The profit motive** purses the good of security, in this case economic prosperity, to the exclusion of all other goods and even violating them. The Premiers of NSW, Victoria and Queensland seemed to me to exemplify this when they put the pressure on for COAG to agree with them. This together with unrealistic expectations of what stem cell research would do for human beings fuelled the debate in an unreflective direction. Superman would fly again, Alzheimer's would be cured and so on.

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<sup>2</sup> *Senate Select Committee on the Human Embryo Experimentation Bill 1985*. Commonwealth of Australia Official Hansard Report 1986, Vol. 4, 2167-2168.

<sup>3</sup> *Senate Select Committee on the Human Embryo Experimentation Bill 1985* (official Hansard Report) 1986, Volume 1, 108-109

#### **4. ETHICAL ISSUES AT STAKE**

- a. Beginning of human life
- b. Personhood
- c. Ethical distinction between killing and allowing to die

#### **5. HUMAN BEINGS, BIOLOGY, & PERSONHOOD**

- a. Fertilisation
- b. 14 days
- c. 8-12 weeks
- d. 24 weeks
- e. Birth
- f. 3-7 days after birth
- g. 6 months to 2 years after birth

#### **6. PERSONHOOD AND UN**

#### **7. THEY ARE GOING TO DIE ANYWAY**

#### **8. REAL PURPOSE OF BILL IS TO ALLOW DESTRUCTIVE RESEARCH ON HUMAN EMBRYOS ACROSS A WIDE RANGE OF POSSIBILITIES". (PP 8-9)**

- a. For the derivation of stem cells;
- b. For examining the effectiveness of new culture media used in ART practice;
- c. For better understanding embryonic development and fertilisation;
- d. To train clinicians in micro-surgical ART techniques;
- e. To examine gene expression patterns of developing embryos;
- f. To examine gene expression patterns of developing embryos;
- g. Toxicology studies on live human embryos, and
- h. Testing new drugs on humans rather than animals.

#### **9. CONCLUSION**

- a. The scientific project is driven by the need to find knowledge and to apply that knowledge for the good of human beings.
- b. Where ES cells are concerned the therapeutic imperative, the scientific imperative, and the profit motive trump all other ethical considerations where the formulation of public policy is concerned.
- c. The common good of human beings in civil society is not to be so narrowly construed, knowledge and health being only two of the goods constitutive of integral human fulfilment.
- d. We create serious ethical precedents when we elect to define some members of human society out of moral consideration based upon the

opinions of philosophers that they are not persons. Australia is crossing a moral line over which we have no right to cross.

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