

Bioethics in the Americas: North and South

A Personal Story

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RESUMEN:

Se trata de un relato respecto a la historia y desarrollo, primero de la Ética Médica y luego de la Bioética en Estados Unidos, España y Latinoamérica, a través de su participación personal como estudiante, investigador, profesor y colaborador de la creación de programas y proyectos de integración de la Bioética a los currículos universitarios, en sus Facultades de Medicina y a otras instituciones y organizaciones de salud en Latinoamérica. El relato se extiende desde sus experiencias en la Universidad Gregoriana de Roma, en su formación filosófica y teológica, luego en España en sus estudios de Maestría y Doctorado y sus aprendizajes con el Profesor Lain Entralgo, para concluir con su vinculación a universidades norteamericanas y a la OPS en su Programa Regional de Bioética. En toda esta trayectoria su apreciación crítica a los regímenes bajo el poder del marxismo, nazismo, y franquismo; así como a la controversia ética en los Estados Unidos respecto a los conflictos de los confines de la vida, la contracepción y el aborto e, igualmente, al surgimiento de organizaciones de Bioética en los Estados Unidos como el Hasting Center y el Kennedy Institute for the Study of Human Reproducción and Bioethics con su contribución a la investigación y educación en Bioética.

PALABRAS CLAVE: Etica, bioética, Hasting Center, Kennedy Institute, OPS

ABSTRACT

This relates to the history and progress, first of the Medicine's Ethics and later of Bioethics in United States, Spain and then Latino America, through to his personal participation as an student, investigator, professor and collaborator of the creation of programs and projects for the integration of the Bioethics to the university's curriculum in their Medicine faculties and to other institutions and organizations of health care in Latin America. This narration extends from his experiences in the Gregorian University of Roma, in his Philosophical and theological formation, then in Spain in his studies for his Master's degree in Spanish, Doctoral degree in philosophy and studies with the

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Professor Lain Entralgo, which helped him to appreciate ethical issues in medical practice, before there was a discipline called bioethics, then to conclude with his vinculum with north American universities and the OPS in its regional of bioethics Program. During all his trajectory, his critic appreciation of the regimes under the power of Marxism , Nazism and Franksim (period of General Franco). Also of the ethical controversy in the United States in respect to the conflicts of the confines of life, the contraception and the abortion and equally to the formation of Bioethics Organizations in the United States such as the Husting Center and the Kennedy Institute for the Study of Human Reproductions and Bioethics with his contribution to the investigation and education in Bioethics

KEY WORDS: Ethics, Bioethics, Husting Center, Kennedy Institute, PAHO

Where I am, in the late 70's, I find myself being asked to do far more than I am able. I'm at the stage when everyone assumes that I don't have any real work, so it's ok to ask for things. Increasingly the things I'm asked to do are historical: what was it like back then?; when did you start doing this or that?; how did this or that get started? I guess I'm in the penultimate period. I'm still working every day, much harder than I would like, and upset by the fact that my memory is not working the way it should. With this public confession, I'll now start my penance: i.e. to do a little personal history of my involvement with bioethics first here in the U.S., then in Spain and Spanish speaking nations of Latin America.

The story of my involvement with medical ethics goes back to the post WWII period, when modern medicine became American medicine. Shortly after WWII, I, (a seminarian) was sent to Rome to study theology at the Gregorian University. The Gregorian is an historical Jesuit Institution with students from all over the world. The official language of the university then was Latin. The professors were famous Jesuit academics from different countries who lectured to large classes in Latin. Examinations were usually oral, and in the same language. My moral theology professor held many degrees, besides being a physician IT WOULD BE INTERESTING TO MENTION HIS NAME. He used medical cases to apply theological principles to concrete situations. What we students received in Rome at the Gregorian was a classical medieval style education, focused on theology, law, and medicine.

During the long summers, American students were not permitted to return home and instead traveled throughout Europe. The Roman educational experience therefore was enriched by months of hands on contact with different cultures. My first visit to Spain was in the early 1950's.

After returning to the States and being ordained to the priesthood, I was assigned to teach at St. John's Seminary in Little Rock Arkansas. First I taught Latin and gradually moved into philosophy and romance languages. In 1961, I enrolled in a Master's Program in Spanish at Middlebury College in Vermont. After a few courses on the campus in Vermont during the summer, The Master's Degree students moved to Spain and to the University of Madrid to complete the program. During this time I was constantly confronted with the issue of Marxism vs the Nazism WOULDNT FASCISIM BE MORE PRECISE??? of General Franco.

In order to get beyond theoretical Marxism, I decided to try to sneak into the Soviet Union in order to see how all the claims worked out in practice. I went to Austria and to the sector then under control of the Soviet Union. I made friends with a communist group which was planning a tour of the Soviet Union and convinced them to take me along. Americans were not allowed in the Soviet Union at that time, so my identity had to be hidden. We travelled extensively and I had many exciting experiences which I began to write about upon my return. When U.S. government agents read some of my newspaper articles they sent a group of investigators to interview me. I shared many photos, taken wherever the KGB guides said photos were forbidden. From that time on, to my surprise, the agents kept tract of me, where I was, and what I was doing.

One year after completing the master's degree in Spanish I returned to Spain in order to begin a doctoral program in philosophy at the University of Madrid. During this second stay in Spain I had two objectives: to receive a PhD. Degree in Ethics (under the tutelage of Spain's most renowned ethicist, Jose Luis Aranguren), and while doing so, to try to influence the Spanish hierarchy to change their attitudes on the topic of religious liberty. The second objective was planned under the direction of Father John Courtney Murray, S.J., a Jesuit theologian who was the chief advisor of the American bishops at the Second Vatican Council.

The Second Vatican Council met in four sessions from 1962 to 1965. One of the most important documents of the Council addressed the situation of the Catholic Church in the contemporary world. This document was designed to move the Church beyond the First Vatican Council's negative attitude toward the Enlightenment, and its condemnation of modern cultural values.

The 18th century European Enlightenment had a distinctly anti-Catholic flavor. It stood for hard laboratory science as the only way of understanding. Enlightenment era thinkers tried to move society away from religion and into a new era of individual freedom and political democracy. Enlightenment political leaders were especially antagonistic toward the Catholic Church because of the power exercised by Church authorities over ordinary people in many European nations. Catholic hierarchs were publically threatened. They were stripped of public power, and lost the Vatican States. Popes reacted to the Enlightenment with steams of criticisms and condemnations of all the Enlightenment stood for.

John Courtney Murray in his many books and journal articles argued theologically for an American political perspective, for universal human rights and for the ideal of religious freedom. The Church, he argued, needed to change its teachings and policies on these issues. One of the conciliar documents expressed, explained and justified these changes. This important document met with strong opposition at the Council from Spanish bishops who held to the view that "error had no rights" and therefore they defended the denial of basic freedoms to non Catholics. This perspective was strongly and obviously in place in Franco's Spain during these years.

One little event which occurred during my stay will help readers understand the political and religious climate in Spain at this time. An evangelical American tourist stopped to have his shoes polished in down-town Madrid and used the opportunity to try to convert the older man who was shining his shoes. After listening to the pleas for conversion to Protestantism, the old man thought for a minute and then said, "no". "I don't believe in the Catholic Church, he said, which is the one true Church, how can I believe what you say." His disbelief was not uncommon. One of Fr. Murray's points was that, where the Catholic Church was the official religion and enjoyed privileged status, widespread

unbelief is created but repressed. All religions would be better off in a social climate of political freedom and mutual respect.

My task, worked out with Fr. Murray at Georgetown University, was to write a doctoral thesis in Spanish on these issues, and while in the country to address the Spanish bishops personally with the arguments for change in official Church teachings. My professor and mentor at the university shared Father Murray's perspective. He approved my writing a dissertation of this topic and my efforts to interact with the Spanish bishops. My dissertation was entitled The Foundations of Tolerance.

I spoke to many bishops and on one occasion addressed the whole Spanish hierarchy on this topic. They listened, but my arguments were met with a deafening silence. One bishop, after the lecture, and on the way to the dining room, whispered in my ear very privately that he agreed with me. When the final document came up for a vote at the Council, the Spanish bishops voted, no. My project was not successful but the final vote on this document at the end of the Council was 1,954 in favor, 249 against. This vote and the new Church teachings was one of the high points of the Council. It was a success for the American bishops who advocated for the changes, and a tribute to their chief advisor and theological expert, Fr. John Courtney Murray, whose ideas and arguments the document reflected.

I was in Madrid, during the Council period. My work during this period enriched my relationship with the Spanish people and with the Spanish culture. My professor brought me with him to meeting held weekly with some of Spain's most prominent intellectuals, including Pedro Lain Entralgo INSERT A BRIEF PRHASE DESCRIBING WHO LAÍS WAS AND REFER TO OUR ARTICLE "IBERIAN..."???. I attended many of Dr. Lain's lectures which helped me to appreciate ethical issues embedded in contemporary medical practice, before there was a discipline called bioethics.

During my stay in Spain, I had considerable experince with the secular political system of General Franco. My professor, Jose Luis Aranguren, was a prominent critic of Franco and his regime. Consequently, in our classes there were always government observers. We knew that we were being watched. Shortly after I left Spain, my professor was stripped of his personally held academic chair and had to leave the country. Franco's Spain was not a friendly environment for what he and I were doing.

Besides my doctoral work at the University during the second stay in Spain, I provided help to a Catholic priest in the Basque region who publically opposed Franco and was organizing free labor unions for poor young Basque men, outside Franco's system. I made several trips to the Basque region for this purpose. On the night before my thesis defense, I received a call from the U.S. embassy telling me that the Franco government had me under observation and I was about to be arrested. I had to leave the country immediately, they said. So, I packed up that night and after my defense, escaped. During the years back home, I was involved with ethical issues of race and religion in Little Rock but these years were peaceful by comparison, until the biggest upset of my life. In 1967 I was working at Yale after having been expelled from the priesthood and removed from my position as professor of philosophy and romance languages at St. John's Seminary in Little Rock. What caused this disruption in my life was a series of articles which I had written, arguing for change in traditional Catholic teachings on birth control. The ethics of fertility control had to do with medicine and medical procedures: tubal ligation in women, oral contraceptives (the pill), subdermal implants, progestin injections, intrauterine devices (IUDs), condoms, diaphragms, cervical caps, spermicides, etc. The birth control issue also had to do with changed cultural situations and, I thought, with the inevitable evolution of moral thinking on concrete moral issues.

Some Theologians came to my defense following the expulsion. I initiated a legal suit in the Ecclesiastical Court System to challenge my dismissal. I lost at the diocesan level, the Archdiocesan level, and finally in Rome. Some of the judges in Rome however thought that ecclesiastical procedures had been violated and they offered me lay status and a dispensation from my clerical vows. I accepted. The case received national attention in the media (e.g. Life Magazine).

While at Yale I was busy writing about medical ethics at the beginning of life. I was also writing a book on Authority and Institution in the Catholic Church. Dan Callahan was involved with the issue of abortion and public policy. He wanted to do a study of the way abortion was handled in different cultures, and how the experience of abortion in these cultures might contribute to public policies in the U.S. Dan received a grant to do his study and invited me to go along. He was studying abortion policies; I was studying birth control policies. We traveled around the world. One of the last places we intended

to visit was Czechoslovakia and just before we arrived there, the Soviets invaded. Dan missed his wife and kids, so he decided to go home. I decided to stay, finally got into Prague, where I got into trouble for traveling with reporters in order to observe the Soviet military. Then, I left and finished up the project in Spain.

During our travels Dan talked constantly about the possibility of starting an Institute for the study of ethical problems in medicine. He knew about the number of ethical problems linked to new medical technologies and to on-going medical research. He knew that these would continue to increase. These problems needed to be addressed in a solidly academic and rigorously systematic way so that responsible public policies could be created by legislators. After making a case for this type institute to several foundations, he received a grant and started The Hastings Center, at Hasting on the Hudson in New York. He also started a small journal called The Hasting Center Report. At the Center, he brought together the best scholars from different fields to study particular ethical problems in medicine and made available the ethical insights developed by these scholars to politicians responsible for public policies, as well as to the broader community.

Shortly after establishment of The Hasting Center (1969), The Kennedy Institute of Ethics was established at Georgetown University (1971) by André Hellegers. Originally, The Kennedy Institute was named The Kennedy Institute for the Study of Human Reproduction and Bioethics. André Hellegers also had argued for change in the Catholic Church's teachings on birth control. The Hastings project brought together specialized scholars to provide ethical direction for public policies in the area of health care. The Kennedy Institute at Georgetown developed courses and degree programs in the new discipline which had been named bioethics by Van Rensselaer Potter in 1971.

Bioethics was defined as the systematic study of moral conduct in life sciences and medicine. In the early days of bioethics, persons like myself with backgrounds in philosophy and theology had to gain access to some form of medical education. Physicians in turn had to study ethics. During the 1970s I took courses at Georgetown University Medical School and then did a residency at the Menninger School of Psychiatry. My theological training in Rome provided a good background for working in the new discipline of bioethics.

In this early period of bioethics the majority of the problems had to do with the beginning and end of life; abortion and contraception, death and dying. There was an ethics committee formed in the early 1960's in Seattle, Washington which tried to establish ethical policies for distributing a scarce medical technology (dialysis) to dying patients, but the criteria designed by the committee to select patients for dialysis were severely criticized.

Because health (*salus*) in U.S. culture is what salvation (*salvus*) was in medieval times, medical practice received both substantial economic support from government and extensive attention in the media. Bioethics pulled together under one discipline the ethical issues associated with medical research and mainline medical practice. What for centuries was referred to as medical ethics, was now included within the broader discipline of bioethics. Bioethics quickly spread from the U.S., to Europe, then to the whole world. Assigning the beginning of bioethics to particular events like establishment of The Hasting Center and The Kennedy Institute admittedly is somewhat problematic. Distinguishing first steps from preliminary and background influences is difficult, but these research and teaching centers were certainly related to the beginning of bioethics which now is a world-wide and ever expanding discipline.

In my many visits to Madrid during the 1970s and 1980s, I had spoken often to Dr. Diego Garcia about U.S. bioethics. I still remember our first meeting in his office and the immediate interest he showed in what I recounted about the new discipline of bioethics and how quickly it was spreading. He immediately wanted to introduce the discipline into the curriculum at his medical school. He started by teaching courses in death and dying and then in 1985 began teaching a course in bioethics to medical students. I participated in this first step toward establishment of bioethics in Spain, by sharing with Diego some of the teaching.

In 1987, I arranged for him to come to the U.S. He stayed with his wife and family in Edinboro. He spent time at Hasting and The Kennedy Institute and then he and I travelled around the U.S. looking at how bioethics was being handled in different academic contexts. The visits also provided Diego with personal contact with the most prominent and productive North American bioethicist. When he returned home he

started a Master's Degree Program at the University of Madrid, the first in Spain. This program is still vibrant and about to celebrate its 20th birthday.

Diego and I have always been friends and have worked together to develop first a Spanish and then a Latin American Bioethics.

Bioethics entered Latin America in a formal and legal way through the Pan American Health Organization (PAHO) in the late 1980s and early 1990s. Individuals like Jose Alberto Mainetti in Argentina had laid some background intellectual foundations for the discipline by holding conferences on medical humanities and medical ethics and by writing journal articles which made references to bioethics as it was developing in the U.S. and in Europe.² Dr. Mainetti also had been a student of Pedro Lain and was strongly identified with humanities in medicine. Other individuals involved in the early period of Latin American Bioethics, were Alfonso Llano S.J., Roberto Llanos, Manuel Velasco-Suárez.

PAHO became involved with bioethics after having been blamed for ethical violations of research subjects in Latin America. Large pharmaceutical firms moved certain research projects to Latin America in order to avoid the monitoring and moral limits required in the U.S. Some research subjects in Latin American nations were seriously injured in the trials, and PAHO was blamed for not providing them with adequate protection. What followed were law suits and fines and finally the effort by PAHO to keep such violations from happening again. Out of the legal office at PAHO, under the direction of Herman Fuenzalida, conferences on bioethics were organized in the late 1980s and bioethics publications were distributed in the region. The conferences were conducted mainly by U.S. bioethicists and the publications were mainly translations of North American authors. These first moves were important but inadequate.

A Latin American bioethics is what was needed: a bioethics based in Latin American nations, and expressing a Latin American perspective. I was contacted by PAHO and asked to work with this project. To initiate the project, the director of PAHO sent me on a trip throughout the region in order to communicate information about bioethics and to identify persons in the different nations who were willing to be trained in and to work in

² Dr. Mainetti published a journal, *Quiron*, dedicated to medical humanities. In 1987, he published a book, *Introducción a la Bioética*.

the discipline. One objective was to form ethics committees in each nation to oversee research being conducted there (IRBs) and eventually to develop national standards by which research projects would be judged. A different but related objective was to encourage the development of bioethics courses in medical schools and clinical ethics committees in hospitals.

In 1990 I took a sabbatical leave from Edinboro University to become the first resident bioethicist at PAHO and to promote the PAHO bioethics project throughout the region.³ During visits to each country, I met with ministers of health, medical association directors, professors of ethics, university hospital staff members, and professionals who had written on medical ethics and related topics. I worked out of the legal office at PAHO in Washington DC., and continued my travels to Latin America during the 1990s. The end result of these efforts was an agreement forged by PAHO, the University of Chile, and the Federal Chilean Government, to establish and to fund a Regional Bioethics Program from which on-going bioethics projects would be conducted.

The president of Chile, Eduardo Frei, attended the inaugural event along with PAHO directors from all Latin American nations. Carlyle Guerra de Macedo, the director of PAHO, and I spoke to those assembled. The first director of this Programa Regional was Dr. Julio Montt, the former Chilean Minister of Health. The next director was the former provost of the University of Chile, Dr. Fernando Lolas, M.D., PhD. He is the author of many books and many articles.⁴ The Programa now is called The Unidad.

A great deal of the medical research carried out in Latin American nations was funded from outside, most often by international drug companies. They conducted their trials with persons who signed consent forms but because of the paternalistic character of the doctor-patient relationships in Latin American countries, the research subjects were rarely free and informed participants. The ethics of the research usually was dependent upon the good will of the investigator. In many instances, the “research” was a repetition of research already completed in the U.S. and carried out by doctors paid by the pharmas. The objective was to get publicity for products and to boost sales.

³ Drane JF, Fuenzalida HL. Medical ethics in Latin America: a new interest and commitment. *Kennedy Inst Ethics J.* 1991 Dec;1(4):325-38.

⁴ Lolas F. Rehistoriar la bioética en Latinoamérica. La contribución de James Drane. *Acta Bioethica.* 2005; XI-2; 161-168.

Every nation in Latin America during the 1980s and 1990s had high tech hospitals where contemporary scientific medicine was practiced. Ethics however did not play the same role at these hospitals that it did in the U.S. and Europe. Contemporary high tech medicine in Latin America was usually practiced in more socialistic medical systems. Socialized medicine attempted to provide treatment access to broad populations but it provided little opportunity to establish on-going and personal relationships between doctors and patients. The focus was on delivery of medical treatment and little attention was given, either on the part of doctors or patients, to communication of information, free consent, or moral dimensions of the doctor-patient relationship.

Following the great success with his program in Spain, in 1996, Dr. Gracia agreed to conduct a master's degree program, sponsored by the PAHO Programa, in Latin America. Three classes have already finished their Masters Degree. Dr. Gracia's students now teach bioethics in different countries, and work with ethics committees both for research monitoring and problem solving in clinical settings. His master degree program has enriched bioethics projects throughout Latin America.

In order to continue to develop this perspective and to increase its influence in the region, a bioethics institute has been established at Edinboro University of Pennsylvania, which will provide financial support, room and board at Edinboro University for Spanish and Latin American students and scholars to do research in bioethics.⁵

Bioethics in Latin America is not yet as extensively developed as in the U.S., but progress is on-going. As more degree programs are established at different universities, more bioethics conferences are organized, more research institutes are started, more scholarships become available, and more journals are established, development of the discipline will continue. The form which bioethics takes in Latin America will be influenced by different cultural backgrounds in the different nations. Latin American bioethics will be influenced by U.S. and European thinkers but it will also have its unique

⁵ To apply for the scholarship or to receive information about what is offered at the James .F. Drane Bioethics Institute go to www.edinboro.edu/bioethics/bioethics.asp, or write to the Director of James F. Drane Institute, Edinboro University of Pennsylvania, Baron-Forness Library 2nd Floor. Edinboro, PA 16444.

characteristics. It will continue the Greco-Roman intellectual tradition, a Catholic theological tradition, and a greater emphasis on social concerns. As its emphases and perspectives become better known in Europe and the U.S., it will contribute to bioethics world-wide.