March 13, 2000. Interview with LeRoy Walters, PhD, Director, Kennedy Institute of Ethics, and Joseph P. Kennedy, Sr. Professor of Christian Ethics, Kennedy Institute of Ethics, Washington, D.C. The interview is being conducted by Dr. Judith P. Swazey at the Kennedy Institute of Ethics, Georgetown University.

Swazey: Let's start with a little about your family background for example, where you were raised, what your parents did.

Walters: My roots are in the Protestant religious tradition. My parents both came out of the Mennonite tradition, and my father in particular was a Lancaster County, Pennsylvania Dutch Mennonite. My mother's roots are also in the Mennonite tradition, but she was raised in Philadelphia. I was born in Illinois about 70 to 80 miles west of Chicago and spent my first 4 years out there, but I have very few memories of those years. My elementary school years were spent in Lancaster city, Pennsylvania, where my father was a Mennonite pastor, and then when I was in junior and senior high school we lived in Waynesboro, Pennsylvania, south central Pennsylvania north of Hagerstown. I went away to the academy of my branch of the Mennonite church for 11th grade, finished my 11th and 12th grades there, and then attended the liberal arts college that is still there in Pennsylvania near Harrisburg. It's called Messiah College. That's probably enough to give you an idea of the family.

Swazey: Do you have any brothers and sisters?
I do have one younger brother, 4 years younger than I. Charles is an M.D. He trained at Jefferson and went into pediatrics initially, and he’s now in emergency medicine working for Kaiser near Riverside, California. I have two younger sisters, one 7 years younger than I who’s been an elementary school teacher and is now getting a degree in library science. The second sister is about 14 years younger than I; she was the baby, and our parents even consulted us to ask us whether they should have another child, and we said yes.

Democracy.


Can you briefly characterize some of the distinguishing characteristics of the Mennonite religion.

The elements that I very much continue to identify with are, first, pacifism as
an approach to resolving international conflicts. You often hear about
Mennonites’ concern about the plight of refugees, and Mennonites are often
on the scene when there is a war or a disaster. There is also a kind of
simplicity of life and unpretentiousness that I often experience when I go back
to Lancaster County; people say exactly what they are thinking. They are not
manipulating one in what they are saying. The down side has been that the
Mennonites have tended to identify certain forms of dress or types of jobs as
somehow especially favored by God, and they tend to not be as willing to
adapt the very good insights that they have and to adjust to changes in culture.
The ancestors of the Mennonites are called Anabaptists and they were, as you
surely know, very threatening to Christian Europe; it didn’t matter whether it
was the mainline Protestant Churches or the Catholics – to call into question
that people would be baptized as infants, and become members of the church
through being born within a certain canton of Switzerland or a certain area of
Germany, was just too threatening in the 16th century. I think that we have all
come to believe that’s the way to go, to separate church and state, but at that
time it was a grave threat to both the state and the church to talk about
separating the two. I appreciate what they did, and I guess there is a kind of
counter cultural attitude, or at least a willingness, that one gets through
coming from a smaller sectarian group. You don’t assume that the majority is
right, at least not always, and we probe and look for cases where majorities
have persecuted minorities. I feel a great deal of kinship with Jewish people because of what they too have suffered, and for a much longer period of time, at the hands of mainline Christian groups. I also think that I can empathize a bit with ethnic minorities or people with intellectual disabilities, who in other ways have been mistreated in the past by dominant intolerant groups.

Swazey: Do you still practice the Mennonite faith?

Walters: No, I’ve moved across the spectrum of Protestantism. I worshiped for many years as a Presbyterian, and now my spouse and I are members of an Episcopal Church in town. I’m definitely a Protestant rather than a Catholic, but I think that I’ve put a lot of focus on the local group and what the group is trying to accomplish, as well as on the kind of support one gets from a community that cares about one’s life and one’s welfare. Music is also an important part of life, and both my spouse and I sing in the church choir and enjoy that a great deal. We try to study the composers and writers of the songs that we sing, and we have a wonderful choir director who scans the whole globe and goes back through the centuries in her search for good music.
That’s a very rich part of life.

It is.

When you got your BA and BD in religion, did you have a career path in mind?

Good question. When I was in college and was asked “What do you plan to be?” I always said that there were two options: I would really like to be either a physician or a minister. Of course, my father as a minister was a role model, and I felt that he played his role with a great deal of integrity, so I admired him. I also loved biology and I loved math. I just loved learning ever since 6th grade, when a really good teacher in the public school system in Lancaster basically said, “Go for it!” and encouraged me to do well. I won an academic contest that year; I think the prize was a Schaeffer pen and pencil set, but it was just very meaningful at that time. I was always very highly motivated in school from that point on. I was self-initiating in college work and did as much biology and as much math as I could for as long as possible, then decided on a religion major.
Swazey: What tipped the balance to switching to religion?

Walters: What tipped the balance? I don’t know; I guess I came to think that it would be better to be a minister than a physician at that point. So I finished college and then with a religion major there is not too much you can do except go to seminary, and seminary seemed like the next logical step so I went to the Associated Mennonite Seminaries in Indiana. My first year I was on the campus of Goshen College; so was my late wife, Jane. At that time we had been dating 6 or 7 years. We were getting close to a planned wedding in the summer after that first year. I enjoyed my first year of seminary studies immensely. I took a fine arts course in visual arts and music with a very gifted, wonderful teacher, a cellist. I was still very much in the liberal arts learning mode. I also enjoyed the studies in seminary very much, including learning Hebrew. I already had a reading knowledge of first century Greek, then got deeply into theology and ethics. Many of my profs had gotten their degrees in Europe, especially Germany and Switzerland, studying with people like Karl Barth and Helmut Gollwitzer, veterans of the Confessing Church during the Hitler time. Again during seminary it became clear to me that I loved learning, I loved scholarship, and I was becoming less and less orthodox theologically, at least within my particular religious tradition. Also I thought that the expectations of a pastor’s family were higher than I could fulfill and that the
children had to be very, very well behaved at all times and that the spouse of the minister had certain roles to play. I loved learning so much that I gradually came to the conclusion that I should be a teacher, that it would be better to be a teacher than to try to be a minister. I have never regretted that choice. It was the right way to go. It wasn’t quite clear how to make the next step, and my late wife and I actually just sort of bought two years by going to Europe, where we both studied the first year at the University of Heidelberg and she in the second semester got a certificate from the Translators Institute. The second year we moved to West Berlin, which was divided by a wall at that time, and I went to classes at the Free University of Berlin, studying especially with Helmut Gollwitzer but also just drinking in, at both Heidelberg and the Free University of Berlin, lots of lectures on political science and history and even medieval German. It was just wonderful. In addition Berlin offered one other opportunity, and that is that the Cold War was at a pretty cold stage in the mid-60’s. While I was in Berlin in ’66–’67 I worked about one day a week to arrange East-West Conferences between mainly Protestant Christians from North America and Western Europe, and people of faith from Eastern Europe. Once again there was a minority-group phenomenon, that people with whom we conversed in the East, in the German Democratic Republic or Czechoslovakia or Poland, either were compromising with Marxist regimes or else were being oppressed to some extent by a dominant atheistic point of view expressed through the government. I thought at the time
that what bound people in the East and West, and particularly what bound people
of faith with each other, was much more important than what separated us. I
hoped that the Cold War was a passing phenomenon, that the rivalry between
capitalism and Communism was not going to last forever, and that my friends in
the East would be free of totalitarian regimes at some point. I didn’t think it was a
black and white situation with all good residing in the West. I was impressed with
friends who would listen to the news from the West, listen to the news from the
East, and split the difference; they knew what was going on. During that year my
late wife and I also took trips. We borrowed a friend’s Volkswagen and took a
circle trip in Poland, partly looking for ancient Mennonite sites in what had
formerly been Prussia and now is part of Poland. We found some old buildings
and school houses. We also wanted to go to the Yiddish theater in Warsaw,
which was still there, and we found that with our German we could understand a
lot of what was going on. We saw the beautiful city of Krakow, but also thought
we should see Auschwitz. In fact, while we were in Europe we visited Auschwitz
and Buchenwald and Dachau, and in Czechoslovakia what is called Theresin but
what was formerly called Theresienstadt. I don’t think you can see those places
without having the experience make a permanent mark on your life. For me it had
important implications for theology. It seemed to me after seeing those camps
that, theologically, if people were going to be protected from oppression, it was
going to have to be through other people speaking out and defending them and not
through any kind of direct divine intervention. I just felt that the churches had a
great deal to answer for, and so the attitudes of Christian groups, and especially
the large Christian groups, toward Jews down through the centuries became an
important theme in my thinking and has been an important theme in my teaching.

In Germany I learned German well, took work in French as well, and was very
pleased to see that grad schools were interested in me when I applied from
Europe. I think some of the schools were fascinated by a young Mennonite person
interested in attending. I applied from Europe in 1967 and was admitted to
Princeton Theological Seminary, Union Theological Seminary, Harvard Divinity
School, and Yale Graduate School. I chose Yale because it had the best
fellowship and because Jim Gustafson was there. I knew what I wanted to do my
dissertation on, and in fact I was doing research in European libraries while I was
in Heidelberg and West Berlin; I wanted to write on the just-war theory. It was
the major alternative to pacifism, and I thought it would be challenging to study
the arguments of the major alternative to pacifism, which was the view with
which I had grown up. I was vaguely aware of Bonhoeffer and his thought from
seminary days, and he was also honored a great deal in Germany. I knew that
Bonhoeffer had moved from being a pacifist to being a part of the plot to
assassinate Hitler. It seemed to me that the Nazi case was probably the most
difficult test for anyone who wanted to be a pacifist, and there was no question
about remaining passive in the face of Hitler, but it was still an open question to
me whether one had to go the route that Bonhoeffer went -- to try to kill the
person who was leading the assault against Jews and gypsies and many Poles and
people with mental illness and intellectual disabilities and political enemies.
Anyone who stood in the way of that regime was mercilessly treated.
I was pleased to get in to Yale. I had my languages down, and I had my topic.
One of the things that I did in my early years at Yale was write papers on the just
war in St. Augustine and other major theorists. I got good feedback from my
professors, including Jim Gustafson, saying that this was really a worthwhile topic
and to go for it! I took about a third of my course work in philosophy, mainly
classical political philosophy, in the Political Science department at Yale, which
had the usual split between the empirical political scientists and political
philosophers. Frederick Watkins was there at the time, an excellent teacher in
political philosophy. About a third of my courses were theology, in religious
ethics and the natural law tradition, and of course, St. Augustine. And about a
third of the courses were in social science, more applied political and social
science kinds of courses. I did a very interesting course in Marxism. In the
course I did a very detailed paper on Karl Marx’s attitudes toward religion and
how they developed, which got me into doing a lot of reading of the original
source in Marx throughout his lifetime. But I knew that the just war was my
topic. I eventually chose 5 theorists who by consensus were 5 of the most
important 8 or 9, and my goal was to study these theorists and try to understand
their just-war theories. One of my theses was that there was not just one just-war theory; rather, there are multiple just-war theories. I also tried to understand what wars were being fought at the time each author wrote and with what military technologies. I tried to understand where they would have come out on the wars of their time if they didn’t say so explicitly, and especially looked to see whether contemporaries might disagree in their description about what was going on in a particular conflict, and then in their normative judgements. It was interesting to see Hugo Grotius from the Netherlands and Francisco Suárez from Spain talk about the same conflict. One said that the Dutch-Spanish conflict was an unjust rebellion by a group of people who were rising up against the legitimate authority -- that was Suárez’s view -- but Grotius said, no, the free people of the Netherlands had delegated certain responsibilities to the Emperor, and when he failed to make good, naturally they took their independence back, as they should have. That was a very nice case study of two theorists describing a situation differently, one as a rebellion and one as a just war, and also coming to opposite conclusions on where justice lay.

Swazey: How would you characterize Jim as a teacher? What were his special qualities?

Walters: Jim ran his courses as seminars, and he always smoked a pipe in those
days. When he was presented with an especially difficult question, I noticed that he would often scrape out his pipe and put new tobacco in and take his time responding. I think he left us to put a lot of the pieces together ourselves. He had us read original sources, either old or new, and he didn’t put a lot of framework around it. The overall framework was for us to puzzle out ourselves, and I must say that on some of those things I’ve been puzzling things out for almost 30 years, trying to synthesize it all. If I had to fault the graduate program, at Yale in those days, it would be for not providing proseminars for us as we came in, to kind of give us the overall picture. I guess the faculty assumed that grad students had gotten that larger picture before coming to Yale.

Swazey: Or would get it by osmosis.

Walters: Or get it by osmosis. Jim Childress and Stan Hauerwas were there in their final years. There was an ethics table at lunchtime; sometimes one person in particular from historical theology would join us. Margaret Farley also came in the same year I did. So we grad students in the ethics program had great times, great discussions at lunchtime. Of course we younger students looked up to these two already very accomplished scholars who
were 3 years ahead of us, and we learned a lot from them and got tips from them in choosing courses. It was a big loss to us in our second year when Jim and Stan were gone, but at least we overlapped for one year initially.

Swazey: It was an amazing social circle of people at Yale studying with Jim. It was incredible.

Walters: Oh it was, yes.

Swazey: Did you get to know Al Jonsen?

Walters: No, we missed each other. He left in the spring of '67 and I began in the fall of '67. So didn’t know Al there. Jim Drane was there as a visiting scholar for a year. Having taken on the Pope on the question of birth control, he was kind of recovering from the fallout from that. It was the first time I really got to know liberal Catholics well. I remember being so surprised one day when I asked Jim Drane what the Pope had to say about an issue. The response was not very respectful of Italians; it was sort of “Who cares what he thinks?” That was a new kind of Catholicism for me. At that time I thought that the
graduate program in Christian Ethics at Yale was the best program in theological ethics in the country. David Little was there. Liston Pope was still there, though not as productive as he had been earlier; but the whole faculty was strong. Also historical theology, philosophical theology, biblical studies were also excellent -- I just thought it was a tremendous department with wonderful library resources. I couldn't have been happier and better supported in writing the dissertation. These were just 4 very rich years and they were life-changing in the sense that you could go for the best scholarship you were capable of, and people encouraged you, and the resources were there. I worked on the dissertation for about a year and a half. It was hard work, there was no question about that, but it was also one of the most satisfying periods of my life. It was the co-winner of an award for the best dissertation in the humanities in the spring of '71, so it was nice to get that kind of feedback. But I just felt very good about the project and Jim Gustafson was very supportive, a real mentor.

Swazey: I think mentor is one of the most overused words in education these days but I think some people are fortunate to have a real mentor, and I think it would mean a lot to study with Jim as a mentor with a capital M and a teacher with a capital T.
Yes. He was always willing to make appointments. I would say I didn’t hear him lecture a lot and I wouldn’t say that lecturing was his forte. But he was great leading a discussion and not being threatened by any question – everything was on the table. He was especially delighted if you would take apart the position of an author. It was the Vietnam War era, and I remember doing a critical review of some chapters from Paul Ramsey’s book, Just War, part of which was on the war in Vietnam. I argued that Ramsey had emphasized the principles of discrimination and proportionality, which he held up as non-teleological limits on the conduct of war. I then tried to show how in the context of a guerilla war, Ramsey had to abandon each of these principles so the United States would be able to win. The way Ramsey did it was by blaming the other side -- they were the ones who put their gun emplacements in the middle of the town, so that you couldn’t any longer fight a war that discriminates between civilians and the combatants. Of course you can; it’s just that you are not likely to win. So I asked, what’s most important to Ramsey -- fighting a just war or winning the war? I remember crossing out these various principles that Ramsey had emphasized as constraints on war. Jim really seemed pleased to have somebody criticizing a giant in the field like Ramsey.
Were you involved in any of the civil rights protest activities in the 60's?

From '65 to '67 my late wife and I were in Europe, so we missed part of that epoch. We were certainly involved in Gene McCarthy's campaign and anti-war demonstrations. I remember one time, in the spring of either '70 or '71, that a group of us grad students left New Haven about 5:00 in the morning and drove to Washington and marched and then drove back that night. I think that was the day that Richard Nixon said that he was watching a college football game and hadn't noticed anything happening in the streets of Washington -- although there were 100,000 people here demonstrating. I don't think that Nixon's statement was true, number one, but second, we thought it was an extremely arrogant thing for him to say. And I remember Wayne Meeks, a New Testament scholar, and I were marshals together on the green in New Haven - it was the time when the Black Panthers were on trial, and we helped keep order during a tense weekend just before the so-called incursion into Cambodia. We finally got through the weekend with only a little tear gas and nobody getting killed. The riot police were armed and lined up in a phalanx in front of City Hall with all their gear on just hoping that demonstrators would come at them. And the following Monday I think it was, the Cambodian invasion occurred, and the students were killed at Kent State. We thought we
had just barely dodged a bullet. It was a very tense and discouraging time.

It was a bleak period.

And I as a grad student had the feeling that the government was totally out of control. There were excellent teach-ins by experts on Southeast Asia. I remember Harry Benda and his description of the history of Vietnam -- that there were really 3 major parts of Vietnam not 2 -- and of Ho Chi Minh’s role in kicking the French out. He presented a wonderful historical backdrop to the current conflict. I thought that the U.S. policy in Vietnam was totally unjustifiable. Jim Gust generally didn’t take a position on the Vietnam war. However, David Little tried to argue for the U.S. position in just-war terms, and it was somewhat alienating to see him come out so much on the other side.

Did Jim encourage discussions of those particular issues in his seminars?

Not particularly. He’s always tried to go against any fads and to be looking at the long-term picture, the big picture. He urged us not to get too obsessed
with what’s going on at the moment; otherwise, we might lose sight of what happened in the 16th century.

It’s been striking to us, although I guess not surprising thinking about the development of bioethics in the 60's and 70's, how many of you were very active and involved in the civil right movement or the Vietnam protest, which we see as catalysts of bioethics in the 60's, early 70's.

Bioethics to us was part of that larger rights’ movement.

Well, I think about Alex Capron, and I think about Tom Beauchamp -- Tom going down South in the summertime to help with teaching African-American students.

Alex went to jail, and Norm Daniels was part of the SDS movement.
Walters: Is that right? Many of the people involved in the field of bioethics were quite left-wing politically.

Swazey: With strong convictions about rights.

Walters: That’s right, very strong convictions, and again, not likely to be pushed a lot by the predominant views in the culture, whether it was about race or whether it was about war. I think that’s true. They had a kind of a vision or a perspective and they, or we -- I guess I’ll include myself -- saw the world from that perspective and that point of view and tried not to let ourselves be buffeted about by fads or fashionable trends.

Swazey: Has bioethics retained that political liberalism, as part of the question of what it is as a field? In some ways it has struck us, over the decades, as being much more reactive than proactive. That doesn’t necessarily mean that it is conservative rather than liberal, or that those categories are terribly useful.

Walters: Well, on issues of access to health care I think that most people in bioethics who I read argue a position that’s left of center in U.S. politics, and greatly
informed by John Rawls and by social-democratic viewpoints from Western Europe. I'm not sure we read many of social-democratic theorists; we just look at what happened in Sweden or the United Kingdom or even north of the border in Canada and think “Gee, that’s a lot better.” On health care, I think bioethics has on a whole retained a rather prophetic stance. It’s likely to view health care as an important good and to make property rights secondary to the needs and welfare of people in coping with disease and disability.

Swazey: But one thing that has struck us looking at the field of bioethics for a few decades and reading the literature is that very few people in bioethics have addressed macro issues like social justice and access.

Walters: I think that’s true.

Swazey: You’ve got Norm and Alan Buchanan and Dan Brock and not a whole lot of other people. It’s almost, in Dan Callahan’s term, been deselected by bioethics as a field.

Walters: Yes. Part of the explanation is clear if one asks, "What were the Commissions
studying and what were the funding agencies funding?” The National Commission, the first one, was studying research, and it had a report, which is not very widely read and which probably wasn’t as good as many of the other reports, on differentials in access to health care, but research topics were front and center.

Swazey: And even for the President’s Commission Report on securing access, there was a tremendous debate within the Commission and the staff as whether that was an appropriate topic.

Walters: Interesting.

Swazey: So, are you saying that the bioethics agenda, if you will, for academic bioethicists, has been set by what the Commissions have studied?

Walters: I think it has certainly launched many of us into further research on topics. And you’re right to bring up the point that the President’s Commission, the second one or the third one depending on how you count -- I’d say the third one, with the Ethics Advisory Board in between -- had health care in its name,
and it was a fair game to look at access to health care. There were, of course,
changes in the composition of the President’s Commission part way through
that are reflected in strains in the final report on access to health care and in
the absence of rights language from the final report. But I think that many of
us got lured into topics like fetal research or the general principles that ought
to underlie research involving human subjects by writing papers for
commissions, and that has continued even to the present time. Embryonic
stem cell research and what to do with stored tissues and research involving
people who are institutionalized as mentally handicapped aren’t necessarily
the most important topics for the nation, but they are the topics that are being
discussed by publicly appointed commissions. I often wonder whether
geography also has something to do with our focus. The Health Care
Financing Administration cleverly hides itself over in the Baltimore area and
is much less accessible than the National Institutes of Health. Also it doesn’t
have a research funding program the way NIH does, and ways were found to
drag NIH kicking and screaming into the support of variety of kinds of
bioethics projects until ELSI came along. This focus on research ethics also
demonstrates the point that you and Renée made, that doing work at the
interface of the social sciences, especially health economics and moral
philosophy, is just very tough work and it takes years to become even
minimally adept in the relevant social sciences.
Swazey: That’s a point Norm Daniels made, that’s it’s tremendously hard work to get yourself up to speed in the areas you need competence in.

Swazey: And I also remember that somewhere in his writings Paul Ramsey said that these larger problems of social justice and health care are almost intractable to moral reasoning.

Walters: It’s in The Patient As Person. That’s another good point: in the books that sparked the interest in bioethics when the field came to have its name, you don’t get a whole chapter devoted to access to health care; you don’t get that in Morals in Medicine; you don’t get that in The Patient as Person. What you do get is a really short section in a chapter on allocating dialysis machines and transplants, saying this is hopeless, which a conservative like Paul Ramsey would probably want to think, but in fact I don’t think it’s so hopeless. I think there are good answers in this realm. André Hellegers realized this, and he invited Gene Outka to the Kennedy Institute for a semester specifically to study the topic, and out of that came one essay on social justice and access to health care. André was pleased that this essay was written. I think André and Al Jonsen and Larry Tancredi also worked on a Institute of Medicine conference on this topic. André certainly saw access to health care as an
underdeveloped and neglected area of bioethics.

Swazey: Yes, I always used to assign Outka's paper to my medical students at BU. I thought it was such a wonderful paper, and I don't know whether it is still being read or not. I think it was a seminal paper.

Walters: I think so too, but I don't think it's been used much since Norm Daniels wrote his essays and moved the discussion beyond Outka's analysis. To pursue your question a little further, I think that a danger in the field of bioethics at all times is that it will be coopted by powerful and rich institutions, whether they are medical schools or hospitals or pharmaceutical companies, or the NIH for that matter. It's easy to point the finger at others and say, "Well, the people who engage in bioethics consultation and depend solely for their income on the good will of HMOs and hospital systems have to be especially careful." There are some people in the field of bioethics consulting who seem to me to have basically lost their moral compass.

Swazey: Well, a little bit like being appointed a corporate ethicist who is usually a lawyer doing compliance work.
Walters: Right, yes.

Swazey: But you’re right, you can be coopted as much by NIH as by Humana or take your pick.

Walters: If you don’t think that there should be any animal research at all, you’re also not likely to be willing to get involved very deeply in the debate, and you’re also not likely to be asked by NIH to serve on committees. If you think that most human subjects are being abused and that the research enterprise should be severely curtailed, you’re not likely to be asked to serve on committees or commissions. There is a range of acceptable opinions, and there are some people who fall outside that range of acceptable opinions. We were talking earlier at lunch about research with human subjects. I don’t think “radicalized” is quite the right word, but I’m just disappointed and even appalled that we haven’t made more progress in protecting human research subjects in 25 years than we seem to have made. We’ve made no progress at all on something so basic as, say, a compensation system for injured research subjects, which seems to me a central part of a just research system.
Len Glantz and I did a paper for the President’s Commission for their report on compensating injured research subjects, but the whole issue just became a non-starter.

Right, and the Commission split down the middle on it.

But it also it seems to me, looking at the relatively recent history of human subjects research, that until about 5 years ago, or 3 or 4, we were going through a phase, probably triggered by AIDS and the greater inclusion of women, because of breast cancer, where the dominant push came to be “my right to be in clinical research.”

A right of access to clinical trials.

That’s right, and somehow that got to be such a dominant theme that we somehow lost sight of the protection of human subjects. We were busy fast tracking you know drugs and ...
Walters: Yes. You’re right. We went too far to the other side. We also didn’t notice the shift in sources of funding for research with human subjects or biomedical research more generally -- the fact that the balance between private funding and NIH funding in particular was becoming more and more skewed toward the private sector. In this shift FDA became a much more important player in the oversight of research, but we don’t know what’s going on in FDA because most of its work is done in secret.

Swazey: That’s right, and FDA never signed on for the Final Common Rule.

Walters: That’s right, that’s right.

Swazey: And FDA’s major job in protecting human subjects has never really clear to me. Their adverse event reporting system wasn’t designed for the protection of human subjects as much....

Walters: The approval of new drugs?
Yes, that was the reason there was sort of not total conformity with CFR 46.

That’s right. There are also the GAO report, the HHS Inspector General’s report, the article by Jonathan Moreno and his colleagues in JAMA, various complaints and testimony by Gary Ellis, and the move of OPRR out of NIH, which is think is absolutely essential.

And all the alleged cases of violations that have hit the media.

Right, the institutional cases. I think the death of Jesse Gelsinger crystallized things and revealed an oversight system that was in disarray.

Yes, and it doesn’t help when places like Duke say “well, it’s really just technicalities, it’s just paper work,” and the pharmaceutical companies saying the gene therapy experiments’ adverse effects are proprietary information.

You know, “hello!” -- after 25 years can we still think it’s “just paperwork”?

Coming back to your broader question, I do think that funding sources help to
set research agendas, and so genetics probably has had more than its share of
attention because of ELSI research funding from the Genome Institute and
DOE. I think that access to health care has not had a funding source.

Swazey: No it hasn’t. And I think there you’re right -- if Health Services Research or
somebody had said that these are issues that need to be studied....

Walters: Yes, but the Robert Wood Johnson Foundation has helped to fill that gap. The
foundation is funding the book that Madison Powers and Ruth Faden are
doing on health policy and access to health care; I think Madison and Ruth are
taking the time to learn the health policy and the health economics literature,
but it’s a steep learning curve. I’ll say one other thing, and that is that I think
there is a political dimension. There was a very wonderful group established
in 1978; I always block on the name, but there was a Commission and there
was a staff and it had health care technology in its name [the National Council
on Health Care Technology]. The council started to look at how Medicare
makes coverage and reimbursement decisions and was asking for details on
specifics; it was saying that this is an important value question as well. And
as soon as the Reagan Administration came in it didn’t take 6 months until
there were hearings, and the Health Industry Manufacturers Association and
what was then called the PMA argued that “This body is superfluous and is meddling into the private sector,” and we were gone.

Swazey: That was Sy Perry’s group?

Walters: Right, Sy Perry’s group. We were gone so fast we didn’t know what hit us. I now know what hit us, and that was a Republican Administration and business people who were very worried about anyone asking these kinds of questions. I think Medicare and Medicaid have also shielded themselves very effectively against having anyone look over their shoulders and say “Tell us again why you cover end-stage renal disease and not end-stage cardiac disease, and livers aren’t even on the map. What is going on here?”

Swazey: The end-stage renal disease legislation is such a striking anomaly.

Walters: Madison Powers pointed out to me that cancer treatment is the other one therapy that Medicare covers. When our hospital is being sold a big issue is, “What are we going to do with the Lombardi Cancer Center because that’s a money maker?” Why is it a money maker? Because Medicare will cover
cancer therapies when, for example, there is no general drug benefit in Medicare.

Swazey: Who's the hospital being sold to?

Walters: MedStar, the group that owns the Washington Hospital Center.

Swazey: Is it a non-profit?

Walters: I think it's a non-profit.

Swazey: I'm finding it harder and harder to see actual differences between for-profits and non-profits.

Walters: Yes, right.

Swazey: Let me go back to LeRoy Walters becoming a seminal person in bioethics.
Walters: Well, becoming one player.

Swazey: That’s very modest, sir! You went from your PhD at Yale to being the Director of the Center for Bioethics of the Kennedy Institute.

Walters: I forgot to tell you about one or two things from Yale. Jim Gustafson had us read some writings on what we would now call bioethics. It then was more about contraception, issues that were being debated, thrashed out in the Catholic Church and dissent by Charles Curran and people who thought as he did. But the other event was that Paul Ramsey came to Yale in the spring of ‘69 and gave some lectures that were called the Lyman Beecher Lectures at Yale. They became two books, *The Patient as Person* and *Fabricated Man*. I went to those lectures and listened and was interested and got to meet Paul for the first time, and we talked a little bit about the just-war law theory. I remember that Paul said that when he studied a topic he didn’t just read the literature on the topic, he plundered it, and I thought that was such a vivid metaphor.

Since I was doing my dissertation on the just-war theory, I assumed that I would get an appointment in a liberal arts college or possibly a university in a Department of Religious Studies, teaching an introduction to religion course
and then some courses in religious ethics or Christian ethics, and maybe a
course on War and Morality. That would be my niche, and it would have fit
well with my graduate education. But jobs were really scarce in the early 70's,
and my late wife and I sent out many letters of inquiry and got back many
polite form letters saying, “No thank you.” The spring that I finished I really
had only a one-year replacement offer at a New York college. I’d also written
to Dan Callahan because Jim Gustafson started to go off to meetings at this
place called Institute for Society, Ethics, and the Life Sciences with a genetics
group, and he would come back saying that he had had a good time. Jim took
part in symposium in Boston at the end of ’69 that Preston Williams put
together, and he was starting to get into the literature, but it didn’t reflect very
much in his teaching at that point, at least not in the courses that I took, or
maybe I was pretty much finished my course work. So I had an offer for a
one-year replacement position, and then André Hellegers got a grant from the
Kennedy Foundation, which had pushed him not just to have an Institute for
the Study of Human Reproduction but also an Institute for the Study of
Human Reproduction and Bioethics. That was based on Ramsey’s two spring
semesters at Georgetown in ’68 and ’69 and on Sarge and Eunice Shriver
thinking this field could be a way to call society’s attention to the problems of
mentally retarded people. I think that André saw this field as helping to
identify some new frontiers. He had been quite frustrated in his work on the
Papal Commission that some really excellent interdisciplinary discussion and
writing had not borne fruit. The majority view, which had been agreed to by
demographers and theologians in particular, had not been agreed to by the
leadership of the Church, and I think André was determined to find a way to
promote this kind of discussion in a new setting. He moved down in the
pecking order when he moved from the medical school at Hopkins to
Georgetown's med school. But I think he did so after trying without success
to get something like the Kennedy Institute started at Hopkins. There was a
Newman Center there and he tried to work through that but it just never took
off, and I think he felt he might get further at a Catholic University, number
one, and at a smaller and less prestigious place that wasn’t quite as hardened
in the arteries as Hopkins was in its medical center. So he got money in the
spring of 1971 and then he had to find people. Margaret Farley and I were two
of the people that he wanted to look at, and we both came down for
interviews. I think he would have gone for Margaret, but Yale Divinity
School was also interested in her and made her an offer, and she accepted that
offer. I don’t know whether André ever made an offer to her.

Swazey: How did he get your name? Did he call Jim?
Oh, I think he called Jim. And I think he called Paul Ramsey, and Ralph Potter and Arthur Dyck up at Harvard. I’d written to Dan Callahan but Dan basically said, “We just hired Bob Veatch and we can’t have two people trained in religious ethics on our staff.” So this meant that when André offered me a job at the Kennedy Institute, I didn’t have a hard choice. There was insecurity in coming here. It was a 3 year appointment as a Research Associate, so no tenure track, but it was much better than a one-year replacement position. I was delighted in some ways to get to come full circle and be able to come back to what I had had to leave behind after my biology courses in college, and I was willing to give it a shot. I knew that it was quite different from just-war theory, but it was by far the most intriguing possibility that came along that spring. So that’s how I stumbled into the field of bioethics -- by serendipity -- as most other people I’m sure have also reported to you. There was at Yale, I should also mention, a group on genetics and ethics that David Duncombe had put together, the Chaplain, and I met Alex Capron and Jerry Mahoney through that.

I remember David in those early days.

I attended the meetings of that group - in 1970 and 1971. I remember we read
Fabricated Man. I thought that some of Ramsey’s statements in that book were outrageous; his colorful apocalyptic language -- that God means to kill us all in the end, so we have no strong obligation to reduce the number of genetic problems in the human gene pool -- just struck me as totally irrational and irresponsible. But it was there, and I had fun criticizing it. We also were aware that Jay Katz was teaching in the law school. I never took a course with him, but I would go to the Yale Co-op and find the course materials that were reproduced for his course and buy them even though I wasn’t a student in the law school, because I thought they were good. Those were the materials that later became the *Experimentation on Human Beings* book. So I had a interest...

Swazey: You had certainly some exposure following Paul Ramsey.

Walters: Right.

Swazey: Just totally leaped from just war to bioethics.

Walters: For certain issues, I think for abortion and voluntary active euthanasia, there
are analogies between just-war categories and arguments and biomedical
ethics categories and arguments. For access to health care I just don’t see
much overlap between the two.

Swazey: You said you came here with an appointment as a research associate. Were
you also called Director from the start?

Walters: Not at the beginning. I’ll say one other thing about the time between getting a
job offer and coming here. I canvassed all the Yale libraries and put together a
list of all the Yale holdings in medical ethics because I thought, if we were
going to have a research institute with this name Human Reproduction and
Bioethics, we ought to get the materials. So I came to Washington with a list
in hand of things that I thought we ought to have. André had the great gift of
building on people’s interests and strengths, and so within days of my coming,
we had agreed that a good research institute had to have a library to support
the research. We bought an unfinished 3 foot wide pine bookshelf and he and
I traipsed over to the Med Center and bought some textbooks and came back
and put them in the shelves.
You didn’t need a very big bookshelves then for the bioethics literature.

That’s right. Now, we had started our library, and I thought, well let’s break this list down into topics and have books and articles on each topic. Using the state of the art magnetic-card technology, we spliced in new references as new book and article items were published. By the fall of that first year in ’71 we had a list of what we called a Core Ethics Library -- 30 pages or so of materials we had identified that we were in the process of collecting for our library. The list included the most important works in bioethics at that time.

A few months into my work here I said “You know, we need to have somebody who’s responsible for responding to inquiries that come into the Institute and requests for copies of this bibliography.” André agreed. Warren Reich had come about two months after I came. He had a one-year appointment, so André and he talked, and then there may have been a letter. André said, “Since LeRoy has a 3-year appointment, why don’t we give him this administrative role?” So sometime in the fall of 1971, I received the title, “Director of the Center for Bioethics” within the Kennedy Institute of Ethics. I think we actually put Kennedy on the front of both, so Director of the Kennedy Center for Bioethics within the Kennedy Institute of Ethics. André’s philosophy was that the departments were too conservative to accept this kind
of field and this kind of entity. So the only way it could make it work was to
report directly to the President, and that's the way he set it up. He had a direct
line to the President. The President consulted him. Robert Henle, who died
recently also, consulted him on a wide variety of topics. André would draft
letters for Henle to the Kennedy Foundation. Basically the Philosophy
Department and the Theology Department cared nothing about us. We did
extract from the Theology Department in the spring of 1972 an agreement that
if I wanted to teach I could at no cost to them, but they wouldn’t give us any
kind of appointments. I think even Instructor was too much to ask for despite
the fact that I had a PhD, but they would help to choose whatever number of
undergrad students we wanted.

Swazey: Have those relationships changed?

Walters: They have with the Philosophy Department. We have a very good and
constructive relationship.

Swazey: What about Theology?
There are friendly relations, but they have no graduate program, so we have little interaction. Woodstock Theological Seminary used to have a graduate program, and in the past Georgetown agreed not to compete with that program. So we have good relationships, especially with a couple of ethics teachers, but they are very focused on their heavy teaching loads with undergraduates. Every undergraduate has to take 2 theology courses. I would say we relate much more to the Philosophy Department and somewhat more even to the Medical School than we do to the Theology Department.

I know Tom Beauchamp said Friday that the first they knew in the Philosophy Department about when the Kennedy Institute being founded was when they picked up the newspaper and read about it.

He probably also told you he only got turned onto the field of bioethics in the summer of '74 when he went to the Sam Gorovitz summer seminar at Haverford College. We existed side by side for a couple of years, and I knew Tom, but we didn’t work together.

Let me ask you how you would characterize bioethics and what phase
movements you think it’s gone through. For example; do you think of it as a
discipline?

Walters: I will give you partly a historical answer on that.

Swazey: Good, because not many people can.

Walters: OK. We had to make some decisions in the 70's about the scope of the field
for very practical reasons. As I was mentioning, we had this core ethics
library document from ‘71. And it had topics listed. I think there were some
topics that we weren’t sure whether to include or exclude but when we made a
proposal to the National Library of Medicine, I think first in ‘72 and then
again in ‘73, we had to set a scope for the field. We decided not to include the
environment. That decision was made in part because we were applying to the
National Institutes of Health but also partly because we thought it would be
difficult to do a thorough job on the environment, and the rest of the topics
were a challenge to cover in any case. So we moved from that grant
application to a biomedical model. We also weren’t sure what to do about
population policy, and we kind of kept it around, but it was I would say a
“second-class citizen” compared with reproduction and what was then called human experimentation and death and dying and resource allocation. Those topics were definitely in. How did we know that? I don’t know - I guess from reading The Patient as Person and reading Morals in Medicine, although that wasn’t read as much as the Patient as Person in those days. We also just tried to keep our ears open. Then once in a while something new would come along, and we would have to decide “Is animal research in or out.” We finally decided to include animal experimentation even though it was an uncomfortable topic for NIH people to talk about. It is important, and probably Peter Singer’s animal liberation article and book helped. And then people started talking about biohazards in laboratory research with recombinant DNA. We said, “What is this? This is really different from anything we have talked about.” So we finally said “That has got to be a topic - look at all the attention that scientists are giving it.”

Swazey: You’re talking now about the Bibliography of Bioethics?

Walters: Right. First it was a printed bibliography. So we had an initial set of topics. We were quite clear about excluding the environment. Population was there but not in a robust way. It wasn’t clear where public health was, and it
probably still isn’t clear where public health is in bioethics, although I think it should be included within the scope of the field.

It seems to me that apart from the pragmatics of setting up bibliographic classification, that’s reflecting the very unfortunate split in America between medicine and public health, so it really has fallen outside of bio-ethics. It is getting some attention, but as you look at what people are writing about in public health ethics, it’s pretty much issues like privacy in epidemiological research. It is not population/health access; all those issues are still pretty much in limbo.

Correct.

I noticed you added human rights in recent times to the Bibliography list of categories. Which is interesting because I think that is starting to get attention in bioethics.

Right. There is the uneasy relationship of public health schools to medical schools, and there are also many fewer public health schools than medical
schools. They are not funded nearly as well, and they have much more social science than medical schools. When Warren Reich was working on the scope for the Encyclopedia of Bioethics, he reached a different decision. It included a more expansive notion of bioethics, and population policy and environmental questions were major topics. It is a more robust and broad notion of bioethics that was reflected in the Encyclopedia, which had also broader funding but principal funding from the National Endowment for the Humanities. But, again, I come back to this pragmatic judgement of how much could we cover well, or to put it another way -- what things were already being covered reasonably well -- and we thought the population issue was being covered reasonably well. The environment we didn’t think was being covered terribly well, but we just thought we would get totally submerged if we tried to keep up with every aspect of the environment. I don’t think we felt any pressure from NIH to exclude it, but we also certainly didn’t get any encouragement from NIH to deal with environmental questions. So the Bibliography did adopt pretty much the biomedical model. In the late 70's we started getting textbooks, beginning with the Gorovitz, Macklin et al. book. Then Tom and I came along with ours, and that was another way of setting the limits of the field, the topics that would be included and excluded. I don’t think there is any definitive way of judging what topics ought to be in and what ought to be out. I think there is a core list of topics that everyone would
agree must be in, and then you move out toward the periphery or the penumbra, and different people draw the line differently.

Do I think bioethics is a discipline? No, I don’t think so. I think bioethics involves using standard methods of analysis from classical fields like theological ethics and philosophical ethics within a particular sphere of human activity. You can talk about the health care sector within the gross domestic product, and it’s about 14% of the gross domestic product. So whatever goes on within that sphere is what is the scope of activity that the fields of philosophy and theology ought to deal with. That’s the raw material to deal with, and you could use the same methods to look at business or international affairs or organizations or politics or domestic politics. So bioethics looks at the activities that agencies like NIH, the Food & Drug Administration, the Centers for Disease Control, and the Health Care Financing Administration are involved in -- and state public health departments. That’s another way to define what the scope is. As time goes on, new topics will emerge like the recombinant DNA or the Human Genome Project; old topics will seem to fade away -- like cloning -- and then they may come back. We just can’t imagine what’s going to crop up in this field. Perhaps 50 years from now it’s going to be hybrids between machines and human beings. Or artificial placentas and ways to permit extracorporeal gestation could be a hot topic in the future, or how many animal traits to put into humans, and so forth. But I don’t see it as
a discipline as much as using methods within a sphere. Now you notice I
started with two fields.

Swazey: I noticed that.

Walters: The fields of theology and philosophy. But I would want to go on and say that
while those are the two fields that both had something in them with the root
ETH or MOR for many, many years, I think it’s been very unfortunate the way
knowledge has splintered. The notion of who all is involved in the
philosophical faculty in the European university, I think, is one we ought to
move back toward. The social sciences began within philosophical faculties,
and some of the founders of a field like economics were quite adept at moral
philosophy as well. Law certainly is a discipline and a profession that has
important normative dimensions and that at least can parallel what’s going on
in ethics, whether it’s a more natural law tradition or whether it’s more of a
common-law. I always tell students that they shouldn’t care what label
knowledge comes with or what kind of bibliography or online database it
comes from. Knowledge is knowledge, and if it helps to illuminate your
understanding of a topic, go for it, read it, learn from it. So there is not a
branch of knowledge that I think should be excluded from the study of what’s
happening within this sphere -- which using the biomedical model I would
describe as biomedical research and health care and health policy, including
public health. I think we still face a boundary question on the environment
and where to draw the line between, say, public health and environmental
questions, and how to bring population policy into the whole picture. That’s
still hard to know.

Swazey: And of course environmental ethics has become a flourishing field in its own
right.

Walters: Yes, it has.

Swazey: I will be interested to see where Hastings goes with environmental ethics. I
have wondered, knowing a lot of people working in environmental ethics, how
they are reacting to the notion that a bioethics center is now going to
appropriate environmental ethics. There are these different domains now,
which should have a lot of intersections.

Walters: Yes. There’s the National Institute of Environmental Health Sciences, but to
try to take on all of the agenda of the Environmental Protection Agency would be quite a formidable challenge. On the other hand, there are important issues like the debate about global warming; and there's no debate about the fact that there's a hole in the ozone layer. Do we know how it got there? Do we know how we can prevent it from getting worse? In the long term scheme of things those are really important questions. So that's a long-winded answer to your question about whether bioethics is a discipline. I think it's a sphere of human activity in which different disciplines can bring to bear their methods, their insights, and I hope it will always be an interdisciplinary activity. I'm more committed to interdisciplinarity than I ever was before. I do think theologians, and particularly in the Catholic and Jewish and Anglican traditions, helped to identify a set of problems, and not just in recent centuries. They had been discussing some of these issues for a long, long time and so there was a set of categories there. Philosophers had done much less to discuss most of these questions, although on the abortion question there had been various views down through the centuries, and on suicide, which is closely related to voluntary euthanasia. And law had had to deal with a lot of these issues for a long time. I don't think of myself primarily as a theologian anymore, but I do think that we have to give credit to the religious traditions for helping to start the discussion into which many other fields have now moved for a variety of reasons, and I think those other fields have really enriched the discussion.
Also, they’ve led to a fairly widespread secularization in the field, so that most of us most of the time are talking in terms of arguments and categories that we think all people of good will could accept and agree on.

Swazey: That actually is the next question I’m going to ask you. As you look at the ’50's and ’60's, do you think that Joe Fletcher and Dick McCormick as well as Paul had some influence in catalyzing what became bioethics?

Walters: Definitely.

Swazey: Although they are held up as esteemed progenitors, have they had an enduring influence on the field’s development? Second, as bioethics has gotten engaged in public policy, and you’ve talked about how the bioethics agenda has partly been formed by its polity rules, is there a place or what is the place of religion in formulating policy? What role is there for the different faith traditions, for moral theology? That’s a lot of questions in one!

Walters: I’ll answer in a couple of ways. I think that we can find a lot of common ground without resort to religious discussion or religious arguments if there’s
agreement on a very fundamental thesis: that human beings are very worthwhile creatures and deserving of respect. If all discussion partners agree on that fundamental belief, then one can go a long way in finding a substantial measure of agreement among people from widely divergent religious backgrounds and traditions. So it's essentially asking, “Are we involved in a humanistic discussion?” Now, if someone subscribes to a different perspective, which for example says that it’s fine to use people as means merely, or my happiness takes precedence over any other factor, then we’ll probably run into disagreements quite early on.

Swazey: So you’re saying that is sort of the basic moral principle?

Walters: I think that’s the fundamental belief that underlies 90 percent of bioethical discussion and debate. Within the realm of non-human animals there’s much more divergence, and I would say this split is probably much closer to 50/50 or maybe 30% saying that vertebrate animals deserve a great deal of respect and 70% saying no. (I myself don’t.) Meanwhile the religious traditions, if they are vital and alive and active, are meeting the needs of their members who find a sense of belonging through participating in religious institutions and who enjoy helping the tradition to face new questions and think in new
categories. I don’t feel there is any particular threat to people in philosophy or
law or the social sciences if the religious traditions keep throwing up new
ideas or new understandings or new questions. It happens in areas like
cosmology. Why shouldn’t it happen in the biomedical sphere? At the same
time, the religious beliefs of a particular tradition, I think, are generally a poor
basis for mandatory laws, and so I think that a humanistic, non-religious
approach has to be the basis for public policy rather than the views of any
particular religious group. That approach works most of the time. For
instance, for research involving all human subjects that are already born, it
works just fine, and people from a variety of religious and non-religious
traditions can agree. We can all look at Tuskegee, we can all look at the Nazi
medical experiments and the radiation experiments and the Atomic Energy
Commission and say that’s just outside the pale. We condemn those
activities; there was no consent, there was no respect. We may on fine points
disagree about research in emergency settings, or people of good will can
disagree about the placebo-controlled studies when you can’t provide the
expensive first-world therapy. I personally didn’t agree with the Bangkok
placebo-controlled study, but I understand the desire to have placebo groups
from a scientific viewpoint, and I don’t think that people who disagree on that
are necessarily malicious.
Swazey: Is it important in those public arena debates, whether it’s state or federal, to at least hear the voices of the various major faith traditions? As was done for NBAC’s cloning and stem cell reports.

Walters: When NBAC was meeting on both of those topics, the commission did have sessions devoted to religious perspectives. In the cloning report, I thought, if anything, religious traditions probably got too much play. For the stem cell research report the session was held here, and one of the very interesting facts that came out of the stem cell discussion was that we had two diverging viewpoints within Catholicism from Ed Pellegrino and Margaret Farley.

Swazey: Eric was absolutely surprised about that.

Walters: Margaret Farley drew on Karl Rahner, with his wry comment that he couldn’t understand why so many important beings in the universe (preimplantation embryos) never saw the light of day (were lost in reproduction), and Rahner thought that it would be a kind of strange universe if those primitive beings were so important.
Why too much play for the cloning report?

For the public, I think it’s illuminating to see the religious viewpoints, but I’m even thinking in terms of the number of pages devoted to philosophical analysis and the views of various religious traditions in the report. A public policy is going to have to stand or fall on whether it’s philosophically defensible or defensible in terms of secular arguments that draw upon principles like due process and equal protection under the law and Constitutional types of principles, so that’s where the heart of the analysis has to occur. I think in the stem cell report that’s where it did occur, and the arguments for the 4 positions really were quite nicely laid out. Between the work of the staff and John Fletcher there was quite a good analysis of the various public policy options.

You’ve said there are diversities of religious voices. In a humanistic or secular vein, aren’t there equally a diversity of perspectives and values that can come into play?

Yes, that’s a very good point.
That's a point I'm picking up from Courtney Campbell's appendix paper in the cloning report. There seems to be in some quarters an assumption that we have homogeneity here and diversity over there.

No, and I was puzzling with the question of what do we do with it even if you find that all of the major religious traditions accept something. How does that help you in your public policy? If all religious traditions agree on something, but you can't defend it philosophically, then I think you can't adopt it as a public policy because you're imposing something as a public policy that only seems to be acceptable or defendable in terms of religious presuppositions. I guess I'm disagreeing with what I take Courtney's position to be in at least the following sense. There are stark differences in political philosophy between, say, Ronald Reagan, on the one hand, and Walter Mondale, on the other. Still, I think they can all share a presupposition of respecting persons, and they might even agree on certain goals that they would like to see achieved and disagree on means. Now, if they disagree on goals then we're into a much more difficult terrain. If the goal of one group is to maximize the property held by the best-off members of society and the goal of another group is to minimize the differences between the least well off and the best off, then we really
do have a pretty important difference. My hope would be that bioethics
would always identify with the least well off, carry forward its civil rights
and prophetic kind of traditions, and formulate the best secular arguments
that it can in defense of that position. But I don’t know whether it will.

Swazey: How are you using “prophetic” tradition?

Walters: Prophetic means that you always ask political and social institutions to live
up to their ideals and their best aspirations rather than appealing to
people’s prejudices or hatreds.

Swazey: Are you using that in a “secular” sense?

Walters: Yes, but I guess I do have a view of the universe that’s underlying all that,
which is that fair methods and respectful methods over time and in the
long run are the kinds of methods that lead to the best society and the
inclusive society, and that social systems and economic systems that lead
to the concentration of wealth and power in a few are in the long run self-
destructive. So I have a view of society, a normative view of society and
what the good society looks like. It’s there in addition to some of the basic
humanistic premises.

Swazey: Going back to the cloning report, their primary conclusion was that we
should not do human cloning research now because we have no way of
looking at the possible risks and benefits; they are too unknown.

Walters: Well, that was part of it.

Swazey: That was part of it, but I think most people saw that as the key
recommendation as to why there should be a moratorium. I think that
struck a lot of people as a simple, reductionist conclusion, given all the
social and cultural issues involved in cloning, and I think we could talk
about them in secular terms or religious terms. NBAC seemed to have
decided that everything beside risk/benefit is sort of just too messy and
uncomfortable for us to get into in a policy report. Is that because they had
to make fairly simple policy recommendations?

Walters: There are several problems with the cloning report. One is the short
amount of time the commission had to complete the report. I'm rather liberal on cloning within the family context. If a couple had a toddler hit by a car and killed on the street, and they were quite sure they would like to have an identical twin to the child who has just died, I wouldn't like to see the law reach into the privacy of the family and rule that option out, assuming the technology had been quite thoroughly studied in several species of laboratory animals. So where I would want to see the line drawn is with commercialization in the production of large numbers of identical twins.

Swazey: Do you think if NBAC had had more time to look at the cloning issues -- I guess it is a two-part question -- they could have or should have developed a fuller moral framework for their position? Is that a proper polity role?

Walters: Oh, yes. What Baruch Brody has written about bioethics commissions and public policy has strongly influenced my thinking. Baruch talks about the need to be more philosophical. I think that the job of people on bioethics commissions is not to find the point of view that is likely to be politically acceptable, but rather to try to come up with a coherent public policy proposal that is rationally defensible. I also fault the Commission in the
cloning report for not dealing adequately with the private sector. They knew that much research was going to go on the private sector, and they had an opportunity to say the public needs to be kept appraised of what is going on the private sector. That policy would have led to a heavier kind of regulation than some members of the Commission wanted, and so the Commission didn’t go down that road with a U.S. version of the Human Fertilization and Embryology Authority. I think the British have it right on human embryo research, and it would have been easy to adopt that model for human cloning research. So I think what they didn’t do is also a problem in the cloning report, but they were just too rushed. They were just putting together their staff, and I think some of the commissioners actually had to step in and write major sections of the report.

Swazey: I know we just have a few more minutes, so let me ask you about the globalization of American bioethics. You have talked about respect for persons as something you see as a universal principle binding on all people at all times.

Walters: Yes, and you’ve also helped me to see that I also affirm that some kind of long-term tendency in the system to reduce the inequalities in material
welfare between the best off and the worst off is important. So I am committed to trying to achieve greater social and economic equality. This is one of the themes in Pope John Paul II that I really do appreciate. He keeps reminding us of north/south differences and of the desperate state some African countries, for example, are in. I have no hesitation at all in thinking that certain themes or emphases like human rights, and by that I mean both liberty rights and welfare rights, are precious possessions and that they ought to be respected by governments East and West, North and South. So on the so-called “Asian values” debate, I just regard the assertion of Asian values as a total smokescreen when governments in Asia cloak totalitarian tendencies in the notion that they are upholding Asian values and resisting Western imperialism. It just strikes me as the latest justification for the desire of the few to dominate the many. Insofar as bioethics and global democratization can work together to extend liberty rights and welfare rights to larger numbers of people, I think the world is better off, and I think the potential for conflict among nations is reduced.

Swazey: How do you then handle the fact that we have really interpreted this value of respect for persons in a very American way in terms of individual rights
and individual autonomy. You have other societies where there is a more
community-oriented notion of rights and welfare, and I think we have had
trouble dealing with that as we’ve gone to other societies and cultures.

Walters: I think of countries like Sweden, and in some ways Canada, as having
achieved the best balance that I have seen between the community
connection and community solidarity, on the one hand, and individual
liberty, on the other. Eastern European countries under communist
governments and the Soviet Union made considerable progress toward
equality in education and access to health care, but it came at a terrible
cost in terms of reduction of individual liberty and the promoting of spying
on each other and just undermining interpersonal relationships. When
those people had a chance to choose, it was quite clear what they wanted
and what they didn’t want. I am hopeful that over time there will be
greater political liberty for people in China and Singapore and Indonesia
and the countries of sub-Saharan Africa.

Swazey: Going back before the birth of bioethics, do you think that a greater
understanding in this country about community and solidarity would have
had an influence on bioethics’ almost extreme focus on individualism?
It is hard to know how far to go back in trying to answer the question, but there may be an important point implicit in your question. There may be very deep historical roots for our American over-accentuation of individualism. Many of our ancestors couldn’t tolerate life in Europe in much less tolerant times, in many cases.

Nobody has understood the American character better than Tocqueville.

That’s right, and we had the frontier out there for a long, long time. Sweden and Germany and France and the UK and Canada are all having to rethink how much they can guarantee to their people in terms of welfare rights, how much education, how much health care, particularly with the competitive pressures of the global economy. They are having to consider how much they can allocate to these various public sectors. So I don’t want to oversimplify, but I see many of the most vigorous arguments for private property rights and not having a national system that guarantees access to a basic level of health care as being economically motivated. I think they are coming from individuals and groups that know that they have it made in the current system and can’t see that any alternative system would be better for them. In fact, they are quite sure that with any
alternative system they will have less than they do now. And so I see the arguments as very self-interested and quite selfish. They very often seem to be short-sighted, somehow assuming that if I can just keep these costs external to me and my company for the next few years, then I will maximize the profits for my shareholders and myself. If you just stop to think about it for a moment, people who get sick are going to need health care, and if they get sick enough they will either die or get health care and if they get health care, somebody is going to have to pay for it. So the question has just been “Who pays?” It seems to be that if it is not “I” who pays for other people’s health care, that is the goal to be achieved. Maybe politicians need 10-year terms rather than 3 or 4 or 6 year terms. But it is such short-sighted thinking, and if we had concepts like solidarity and long-term and preventive medicine, health maintenance, and looked at things more in terms of the lifetime and the public good, it would be a helpful corrective. It is bad time now.

It is more and more depressing.

It is. And I find many of my friends -- they are not only in academia; there also there are idealistic people in government -- who are appalled at the
pursuit of the almighty dollar as the highest good, and the idea of retiring
as a millionaire by the age of 35, so you do whatever you have to during
the first few years out of college to achieve that.

Swazey: Not an attractive image of our country is it?

Walters: No it isn't. I would like this country to do well and would like it to do the
right thing. I would like it to be a constructive force in the world, and I
think it has many good things going for it.

Swazey: Has bioethics helped in that effort? It has been a growth industry, to quote
Jim Gustafson. Has it been a substantively important field in terms of the
liberty and the property rights which you talk about as being so important,
for the United States? I'll leave out the whole rest of the world.

Walters: I think people in the field have tried, and I come back to our old theme of research
involving human subjects. People have tried to hold out ideals, people have tried
to set up institutional framework that will protect human subjects, but I think that
the idealists among us are becoming more and more discouraged that it is not
working, that we are losing ground, or that the same issues that we raised 5 years
ago and 10 years ago are still there and if anything in a more acute form, and the
question is, “Why can’t we make any progress?” But there’s another way to look
at this, and that is, “How does the field of bioethics stack up academically, and
how does the U.S. higher education system stack up academically?” I think our
higher education systems is in many ways the envy of the rest of the world right
now -- with its mix of the public and private sectors, the libraries, the information
systems. I’m a library junkie and a bibliographer from the get-go, and so to have
access to databases from different fields and good bibliographic references so that
in a day you can have a list of references and in 3 days you can have many of the
actual documents is wonderful. I think that the field of bioethics has shown a
remarkable capacity to renew itself, to take in new disciplines. The research in
this sphere of human activity has not remained static. I’m happy for that, and I’m
also happy to see lively new people come in using different approaches. I see
someone like Margaret Little coming in with insights from feminist philosophy,
even from classical metaphysics and epistemology. I’m just delighted to see that,
and I think that on the whole the quality of the best literature in the field has been
remarkably good. It’s been a pleasure to cover that literature and to try to identify
the crème de la crème each year, because in English alone there are probably
12,000 documents each year and we can only index 3600 or so. So I think that the
field has in its best literature set high academic standards. I think also the work of
someone like Norman Daniels has illustrated how the categories of Rawls can be creatively applied to a topic as complicated and difficult as access to health care. In that sense it's some of the best applied philosophy that's going on, and philosophical modes of analysis are used in creative new ways. There have been moments during the almost-30 years now that I have been at Georgetown when I've had an image of a soap bubble in my mind, and I have just wondered, "When is this bubble going to burst?" The field started to take off in the 70's and then the question was, "Is this a fad?" Now the questions are, "Has this field become less important, less interesting, less vibrant?" There is routine bioethics. There is the 14th article on the same topic using the same categories, but at the same time there is a vitality, and if it is dealing with 14% of the gross national product, it is a huge sphere of activity with tremendous potential.

Swazey: This has been wonderful.

Walters: Well, thank you.

Swazey: And if we have any additional questions we may call on you again for a little awhile.
O.K. There’s one other thought that I have which doesn’t respond to any particular question that you’ve raised, but it’s something that I’m very sad about in the field. You mentioned that Dick McCormick had passed away. I admired Dick’s courage and his willingness to say what he thought in a judicious fashion. André Hellegers died much before he should have died, and he too was a very courageous person. One of the most poignant essays you’ll ever read is the one in which he is responding to *Humanae Vitae* and says that what worries him most about that encyclical is that its not clear how data from the biomedical sciences could be relevant to an important encyclical like the one on birth control, and that worried him as a Catholic layman. I told you that I come from a Protestant background. I really am concerned and sad about what has happened to Catholic theological approaches to bioethics because I think what happened to Charles Curran is a kind a parable for what is likely to happen to young Catholic moral theologians who go into bioethics unless they are somehow in very special or protected circumstances. I think that there’s been a real chilling effect on the field by developments post-Vatican II and post *Humanae Vitae*, so that this area of thought -- Catholic moral theology -- that gave so much to the field is now basically almost off limits for any prudent Catholic moral theologian, particularly priests or members of religious orders. With the strictures on obedience and the demands that are being placed on younger people in particular to adhere to the
official teaching of the Catholic Church, it’s certainly better for a moral theologian to go into business ethics or ethics and international affairs. When I look around I see people like Margaret Farley in the older generation, and she’s run in to quite a bit of static for a position she took on abortion at one point in her career. See what happened to Charles Curran: not only did he lose a position at Catholic University, but the Catholic bishops tried to keep him from getting an academic job anywhere. I think Dick McCormick was old enough and prudent enough that he didn’t incur the same fate, but there were moments when it was a pretty close thing. So I worry about younger colleagues like Kevin Wildes, who is a Jesuit, and I worry about younger colleagues like Lisa Cahill who is a layperson. I care a lot about them, and I think that they have a tremendous amount to offer; their tradition has a tremendous amount to offer. But the leadership of the Church has got to cut them some slack, and the leadership also needs to listen to what the laypeople are saying, because Vatican II said that the laypeople are the heart of the people of faith. I think that it’s no accident that within this University the combination that has seemed to work is philosophy and bioethics, because our graduates don’t have to pretend to be teaching as theologians. Philosophers always have had a little more room to maneuver, and the field of philosophy is a step removed from theology. I just hope for the long-term future of the field that there can be a tolerance and a breadth again and that younger Catholic
scholars, theologians in particular, will be encouraged to come into this field
and to explore the frontiers of the field and the frontiers of the Church’s
teaching and even alternatives to the official teaching. Goodness knows that
all religious institutions have made mistakes in the past.

Swazey: On that note, LeRoy, thank you very much.

END OF INTERVIEW