

**Acadia Institute Project on Bioethics in American Society**  
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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.

1 Swazey: Let's start with a little about your family background for example, where you were  
2  
3 raised, what your parents did.

4 Walters: My roots are in the Protestant religious tradition. My parents both  
5 came out of the Mennonite tradition, and my father in particular was a Lancaster  
6 County, Pennsylvania Dutch Mennonite. My mother's roots are also in the  
7 Mennonite tradition, but she was raised in Philadelphia. I was born in Illinois  
8 about 70 to 80 miles west of Chicago and spent my first 4 years out there, but I  
9 have very few memories of those years. My elementary school years were spent  
10 in Lancaster city, Pennsylvania, where my father was a Mennonite pastor, and  
11 then when I was in junior and senior high school we lived in Waynesboro,  
12 Pennsylvania, south central Pennsylvania north of Hagerstown. I went away to  
13 the academy of my branch of the Mennonite church for 11th grade, finished my  
14 11th and 12th grades there, and then attended the liberal arts college that is still  
15 there in Pennsylvania near Harrisburg. It's called Messiah College. That's  
16 probably enough to give you an idea of the family.

17 Swazey: Do you have any brothers and sisters?



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33 an approach to resolving international conflicts. You often hear about  
34 Mennonites' concern about the plight of refugees, and Mennonites are often  
35 on the scene when there is a war or a disaster. There is also a kind of  
36 simplicity of life and unpretentiousness that I often experience when I go back  
37 to Lancaster County; people say exactly what they are thinking. They are not  
38 manipulating one in what they are saying. The down side has been that the  
39 Mennonites have tended to identify certain forms of dress or types of jobs as  
40 somehow especially favored by God, and they tend to not be as willing to  
41 adapt the very good insights that they have and to adjust to changes in culture.  
42 The ancestors of the Mennonites are called Anabaptists and they were, as you  
43 surely know, very threatening to Christian Europe; it didn't matter whether it  
44 was the mainline Protestant Churches or the Catholics – to call into question  
45 that people would be baptized as infants, and become members of the church  
46 through being born within a certain canton of Switzerland or a certain area of  
47 Germany, was just too threatening in the 16th century. I think that we have all  
48 come to believe that's the way to go, to separate church and state, but at that  
49 time it was a grave threat to both the state and the church to talk about  
50 separating the two. I appreciate what they did, and I guess there is a kind of  
51 counter cultural attitude, or at least a willingness, that one gets through  
52 coming from a smaller sectarian group. You don't assume that the majority is  
53 right, at least not always, and we probe and look for cases where majorities

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54 have persecuted minorities. I feel a great deal of kinship with Jewish people  
55 because of what they too have suffered, and for a much longer period of time,  
56 at the hands of mainline Christian groups. I also think that I can empathize a  
57 bit with ethnic minorities or people with intellectual disabilities, who in other  
58 ways have been mistreated in the past by dominant intolerant groups.

59 Swazey: Do you still practice the Mennonite faith?

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

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70 Swazey: That's a very rich part of life.

71 Walters: It is.

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

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

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85 Swazey: What tipped the balance to switching to religion?

86 Walters: What tipped the balance? I don't know; I guess I came to think that it would be  
87 better to be a minister than a physician at that point. So I finished college and  
88 then with a religion major there is not too much you can do except go to seminary,  
89 and seminary seemed like the next logical step so I went to the Associated  
90 Mennonite Seminaries in Indiana. My first year I was on the campus of Goshen  
91 College; so was my late wife, Jane. At that time we had been dating 6 or 7 years.  
92 We were getting close to a planned wedding in the summer after that first year. I  
93 enjoyed my first year of seminary studies immensely. I took a fine arts course in  
94 visual arts and music with a very gifted, wonderful teacher, a cellist. I was still  
95 very much in the liberal arts learning mode. I also enjoyed the studies in seminary  
96 very much, including learning Hebrew. I already had a reading knowledge of first  
97 century Greek, then got deeply into theology and ethics. Many of my profs had  
98 gotten their degrees in Europe, especially Germany and Switzerland, studying  
99 with people like Karl Barth and Helmut Gollwitzer, veterans of the Confessing  
100 Church during the Hitler time. Again during seminary it became clear to me that I  
101 loved learning, I loved scholarship, and I was becoming less and less orthodox  
102 theologically, at least within my particular religious tradition. Also I thought that  
103 the expectations of a pastor's family were higher than I could fulfill and that the

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104 children had to be very, very well behaved at all times and that the spouse of the  
105 minister had certain roles to play. I loved learning so much that I gradually came  
106 to the conclusion that I should be a teacher, that it would be better to be a teacher  
107 than to try to be a minister. I have never regretted that choice. It was the right  
108 way to go. It wasn't quite clear how to make the next step, and my late wife and I  
109 actually just sort of bought two years by going to Europe, where we both studied  
110 the first year at the University of Heidelberg and she in the second semester got a  
111 certificate from the Translators Institute. The second year we moved to West  
112 Berlin, which was divided by a wall at that time, and I went to classes at the Free  
113 University of Berlin, studying especially with Helmut Gollwitzer but also just  
114 drinking in, at both Heidelberg and the Free University of Berlin, lots of lectures  
115 on political science and history and even medieval German. It was just  
116 wonderful. In addition Berlin offered one other opportunity, and that is that the  
117 Cold War was at a pretty cold stage in the mid-60's. While I was in Berlin in '66-  
118 '67 I worked about one day a week to arrange East-West Conferences between  
119 mainly Protestant Christians from North America and Western Europe, and  
120 people of faith from Eastern Europe. Once again there was a minority-group  
121 phenomenon, that people with whom we conversed in the East, in the German  
122 Democratic Republic or Czechoslovakia or Poland, either were compromising  
123 with Marxist regimes or else were being oppressed to some extent by a dominant  
124 atheistic point of view expressed through the government. I thought at the time

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125 that what bound people in the East and West, and particularly what bound people  
126 of faith with each other, was much more important than what separated us. I  
127 hoped that the Cold War was a passing phenomenon, that the rivalry between  
128 capitalism and Communism was not going to last forever, and that my friends in  
129 the East would be free of totalitarian regimes at some point. I didn't think it was a  
130 black and white situation with all good residing in the West. I was impressed with  
131 friends who would listen to the news from the West, listen to the news from the  
132 East, and split the difference; they knew what was going on. During that year my  
133 late wife and I also took trips. We borrowed a friend's Volkswagen and took a  
134 circle trip in Poland, partly looking for ancient Mennonite sites in what had  
135 formerly been Prussia and now is part of Poland. We found some old buildings  
136 and school houses. We also wanted to go to the Yiddish theater in Warsaw,  
137 which was still there, and we found that with our German we could understand a  
138 lot of what was going on. We saw the beautiful city of Krakow, but also thought  
139 we should see Auschwitz. In fact, while we were in Europe we visited Auschwitz  
140 and Buchenwald and Dachau, and in Czechoslovakia what is called Terezin but  
141 what was formerly called Theresienstadt. I don't think you can see those places  
142 without having the experience make a permanent mark on your life. For me it had  
143 important implications for theology. It seemed to me after seeing those camps  
144 that, theologically, if people were going to be protected from oppression, it was  
145 going to have to be through other people speaking out and defending them and not

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146 through any kind of direct divine intervention. I just felt that the churches had a  
147 great deal to answer for, and so the attitudes of Christian groups, and especially  
148 the large Christian groups, toward Jews down through the centuries became an  
149 important theme in my thinking and has been an important theme in my teaching.  
150 In Germany I learned German well, took work in French as well, and was very  
151 pleased to see that grad schools were interested in me when I applied from  
152 Europe. I think some of the schools were fascinated by a young Mennonite person  
153 interested in attending. I applied from Europe in 1967 and was admitted to  
154 Princeton Theological Seminary, Union Theological Seminary, Harvard Divinity  
155 School, and Yale Graduate School. I chose Yale because it had the best  
156 fellowship and because Jim Gustafson was there. I knew what I wanted to do my  
157 dissertation on, and in fact I was doing research in European libraries while I was  
158 in Heidelberg and West Berlin; I wanted to write on the just-war theory. It was  
159 the major alternative to pacifism, and I thought it would be challenging to study  
160 the arguments of the major alternative to pacifism, which was the view with  
161 which I had grown up. I was vaguely aware of Bonhoeffer and his thought from  
162 seminary days, and he was also honored a great deal in Germany. I knew that  
163 Bonhoeffer had moved from being a pacifist to being a part of the plot to  
164 assassinate Hitler. It seemed to me that the Nazi case was probably the most  
165 difficult test for anyone who wanted to be a pacifist, and there was no question  
166 about remaining passive in the face of Hitler, but it was still an open question to

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167 me whether one had to go the route that Bonhoeffer went -- to try to kill the  
168 person who was leading the assault against Jews and gypsies and many Poles and  
169 people with mental illness and intellectual disabilities and political enemies.  
170 Anyone who stood in the way of that regime was mercilessly treated.  
171 I was pleased to get in to Yale. I had my languages down, and I had my topic.  
172 One of the things that I did in my early years at Yale was write papers on the just  
173 war in St. Augustine and other major theorists. I got good feedback from my  
174 professors, including Jim Gustafson, saying that this was really a worthwhile topic  
175 and to go for it! I took about a third of my course work in philosophy, mainly  
176 classical political philosophy, in the Political Science department at Yale, which  
177 had the usual split between the empirical political scientists and political  
178 philosophers. Frederick Watkins was there at the time, an excellent teacher in  
179 political philosophy. About a third of my courses were theology, in religious  
180 ethics and the natural law tradition, and of course, St. Augustine. And about a  
181 third of the courses were in social science, more applied political and social  
182 science kinds of courses. I did a very interesting course in Marxism. In the  
183 course I did a very detailed paper on Karl Marx's attitudes toward religion and  
184 how they developed, which got me into doing a lot of reading of the original  
185 source in Marx throughout his lifetime. But I knew that the just war was my  
186 topic. I eventually chose 5 theorists who by consensus were 5 of the most  
187 important 8 or 9, and my goal was to study these theorists and try to understand

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188 their just-war theories. One of my theses was that there was not just one just-war  
189 theory; rather, there are multiple just-war theories. I also tried to understand what  
190 wars were being fought at the time each author wrote and with what military  
191 technologies. I tried to understand where they would have come out on the wars  
192 of their time if they didn't say so explicitly, and especially looked to see whether  
193 contemporaries might disagree in their description about what was going on in a  
194 particular conflict, and then in their normative judgements. It was interesting to  
195 see Hugo Grotius from the Netherlands and Francisco Suárez from Spain talk  
196 about the same conflict. One said that the Dutch-Spanish conflict was an unjust  
197 rebellion by a group of people who were rising up against the legitimate authority  
198 -- that was Suárez's view -- but Grotius said, no, the free people of the  
199 Netherlands had delegated certain responsibilities to the Emperor, and when he  
200 failed to make good, naturally they took their independence back, as they should  
201 have. That was a very nice case study of two theorists describing a situation  
202 differently, one as a rebellion and one as a just war, and also coming to opposite  
203 conclusions on where justice lay.

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

205 Walters: Jim ran his courses as seminars, and he always smoked a pipe in those

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

217 Swazey: Or would get it by osmosis.

218 Walters: Or get it by osmosis. Jim Childress and Stan Hauerwas were there in their  
219 final years. There was an ethics table at lunchtime; sometimes one person  
220 in particular from historical theology would join us. Margaret Farley also  
221 came in the same year I did. So we grad students in the ethics program  
222 had great times, great discussions at lunchtime. Of course we younger  
223 students looked up to these two already very accomplished scholars who

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224                    were 3 years ahead of us, and we learned a lot from them and got tips from  
225                    them in choosing courses. It was a big loss to us in our second year when  
226                    Jim and Stan were gone, but at least we overlapped for one year initially.

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

229       Walters:        Oh it was, yes.

230       Swazey:        Did you get to know Al Jonsen?

231       Walters:        No, we missed each other. He left in the spring of `67 and I began in the fall  
232                    of `67. So didn't know Al there. Jim Drane was there as a visiting scholar for  
233                    a year. Having taken on the Pope on the question of birth control, he was kind  
234                    of recovering from the fallout from that. It was the first time I really got to  
235                    know liberal Catholics well. I remember being so surprised one day when I  
236                    asked Jim Drane what the Pope had to say about an issue. The response was  
237                    not very respectful of Italians; it was sort of "Who cares what he thinks?"  
238                    That was a new kind of Catholicism for me. At that time I thought that the

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239 graduate program in Christian Ethics at Yale was the best program in  
240 theological ethics in the country. David Little was there. Liston Pope was  
241 still there, though not as productive as he had been earlier; but the whole  
242 faculty was strong. Also historical theology, philosophical theology, biblical  
243 studies were also excellent -- I just thought it was a tremendous department  
244 with wonderful library resources. I couldn't have been happier and better  
245 supported in writing the dissertation. These were just 4 very rich years and  
246 they were life-changing in the sense that you could go for the best scholarship  
247 you were capable of, and people encouraged you, and the resources were  
248 there. I worked on the dissertation for about a year and a half. It was hard  
249 work, there was no question about that, but it was also one of the most  
250 satisfying periods of my life. It was the co-winner of an award for the best  
251 dissertation in the humanities in the spring of '71, so it was nice to get that  
252 kind of feedback. But I just felt very good about the project and Jim  
253 Gustafson was very supportive, a real mentor.

254 Swazey: I think mentor is one of the most overused words in education these days but I  
255 think some people are fortunate to have a real mentor, and I think it would  
256 mean a lot to study with Jim as a mentor with a capital M and a teacher with a  
257 capital T.

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258       Walters:       Yes. He was always willing to make appointments. I would say I didn't hear  
259                   him lecture a lot and I wouldn't say that lecturing was his forte. But he was  
260                   great leading a discussion and not being threatened by any question –  
261                   everything was on the table. He was especially delighted if you would take  
262                   apart the position of an author. It was the Vietnam War era, and I remember  
263                   doing a critical review of some chapters from Paul Ramsey's book, Just War,  
264                   part of which was on the war in Vietnam. I argued that Ramsey had  
265                   emphasized the principles of discrimination and proportionality, which he held  
266                   up as non-teleological limits on the conduct of war. I then tried to show how  
267                   in the context of a guerilla war, Ramsey had to abandon each of these  
268                   principles so the United States would be able to win. The way Ramsey did it  
269                   was by blaming the other side -- they were the ones who put their gun  
270                   emplacements in the middle of the town, so that you couldn't any longer fight  
271                   a war that discriminates between civilians and the combatants. Of course you  
272                   can; it's just that you are not likely to win. So I asked, what's most important  
273                   to Ramsey -- fighting a just war or winning the war? I remember crossing out  
274                   these various principles that Ramsey had emphasized as constraints on war.  
275                   Jim really seemed pleased to have somebody criticizing a giant in the field like  
276                   Ramsey.

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277 Swazey: Were you involved in any of the civil rights protest activities in the 60's?

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

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296 had just barely dodged a bullet. It was a very tense and discouraging time.

297 Swazey: It was a bleak period.

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

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

309 Walters: Not particularly. He's always tried to go against any fads and to be looking at  
310 the long-term picture, the big picture. He urged us not to get too obsessed

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311 with what's going on at the moment; otherwise, we might lose sight of what  
312 happened in the 16th century.

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

317 Walters: Yes.

318 Swazey: Bioethics to us was part of that larger rights' movement.

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

322 Swazey: Alex went to jail, and Norm Daniels was part of the SDS movement.

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323      Walters:      Is that right? Many of the people involved in the field of bioethics were quite  
324                              left-wing politically.

325      Swazey:        With strong convictions about rights.

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

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

336      Walters:        Well, on issues of access to health care I think that most people in bioethics  
337                              who I read argue a position that's left of center in U.S. politics, and greatly

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338 informed by John Rawls and by social-democratic viewpoints from Western  
339 Europe. I'm not sure we read many of social-democratic theorists; we just  
340 look at what happened in Sweden or the United Kingdom or even north of the  
341 border in Canada and think "Gee, that's a lot better." On health care, I think  
342 bioethics has on a whole retained a rather prophetic stance. It's likely to view  
343 health care as an important good and to make property rights secondary to the  
344 needs and welfare of people in coping with disease and disability.

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

348 Walters: I think that's true.

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

352 Walters: Yes. Part of the explanation is clear if one asks, "What were the Commissions

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353 studying and what were the funding agencies funding?" The National  
354 Commission, the first one, was studying research, and it had a report, which is  
355 not very widely read and which probably wasn't as good as many of the other  
356 reports, on differentials in access to health care, but research topics were front  
357 and center.

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

361 Walters: Interesting.

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

364 Walters: I think it has certainly launched many of us into further research on topics.  
365 And you're right to bring up the point that the President's Commission, the  
366 second one or the third one depending on how you count -- I'd say the third  
367 one, with the Ethics Advisory Board in between -- had health care in its name,

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368 and it was a fair game to look at access to health care. There were, of course,  
369 changes in the composition of the President's Commission part way through  
370 that are reflected in strains in the final report on access to health care and in  
371 the absence of rights language from the final report. But I think that many of  
372 us got lured into topics like fetal research or the general principles that ought  
373 to underlie research involving human subjects by writing papers for  
374 commissions, and that has continued even to the present time. Embryonic  
375 stem cell research and what to do with stored tissues and research involving  
376 people who are institutionalized as mentally handicapped aren't necessarily  
377 the most important topics for the nation, but they are the topics that are being  
378 discussed by publicly appointed commissions. I often wonder whether  
379 geography also has something to do with our focus. The Health Care  
380 Financing Administration cleverly hides itself over in the Baltimore area and  
381 is much less accessible than the National Institutes of Health. Also it doesn't  
382 have a research funding program the way NIH does, and ways were found to  
383 drag NIH kicking and screaming into the support of variety of kinds of  
384 bioethics projects until ELSI came along. This focus on research ethics also  
385 demonstrates the point that you and Renée made, that doing work at the  
386 interface of the social sciences, especially health economics and moral  
387 philosophy, is just very tough work and it takes years to become even  
388 minimally adept in the relevant social sciences.

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389 Swazey: That's a point Norm Daniels made, that's it's tremendously hard work to get  
390 yourself up to speed in the areas you need competence in.

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

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

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407                   underdeveloped and neglected area of bioethics.

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

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

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

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423      Walters:      Right, yes.

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

426      Walters:      If you don't think that there should be any animal research at all, you're also  
427                      not likely to be willing to get involved very deeply in the debate, and you're  
428                      also not likely to be asked by NIH to serve on committees. If you think that  
429                      most human subjects are being abused and that the research enterprise should  
430                      be severely curtailed, you're not likely to be asked to serve on committees or  
431                      commissions. There is a range of acceptable opinions, and there are some  
432                      people who fall outside that range of acceptable opinions. We were talking  
433                      earlier at lunch about research with human subjects. I don't think  
434                      "radicalized" is quite the right word, but I'm just disappointed and even  
435                      appalled that we haven't made more progress in protecting human research  
436                      subjects in 25 years than we seem to have made. We've made no progress at  
437                      all on something so basic as, say, a compensation system for injured research  
438                      subjects, which seems to me a central part of a just research system.

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439 Swazey: Len Glantz and I did a paper for the President's Commission for their report  
440 on compensating injured research subjects, but the whole issue just became a  
441 non-starter.

442 Walters: Right, and the Commission split down the middle on it.

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

448 Walters: A right of access to clinical trials.

449 Swazey: That's right, and somehow that got to be such a dominant theme that we  
450 somehow lost sight of the protection of human subjects. We were busy fast  
451 tracking you know drugs and ...

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452     Walters:     Yes. You're right. We went too far to the other side. We also didn't notice  
453                   the shift in sources of funding for research with human subjects or biomedical  
454                   research more generally -- the fact that the balance between private funding  
455                   and NIH funding in particular was becoming more and more skewed toward  
456                   the private sector. In this shift FDA became a much more important player in  
457                   the oversight of research, but we don't know what's going on in FDA because  
458                   most of its work is done in secret.

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

460     Walters:     That's right, that's right.

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

464     Walters:     The approval of new drugs?

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465 Swazey: Yes, that was the reason there was sort of not total conformity with CFR 46.

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

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

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

473 Swazey: Yes, and it doesn't help when places like Duke say "well, it's really just  
474 technicalities, it's just paper work," and the pharmaceutical companies saying  
475 the gene therapy experiments' adverse effects are proprietary information.  
476 You know, "hello!" -- after 25 years can we still think it's "just paperwork"?

477 Walters: Coming back to your broader question, I do think that funding sources help to

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478 set research agendas, and so genetics probably has had more than its share of  
479 attention because of ELSI research funding from the Genome Institute and  
480 DOE. I think that access to health care has not had a funding source.

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

483 Walters: Yes, but the Robert Wood Johnson Foundation has helped to fill that gap. The  
484 foundation is funding the book that Madison Powers and Ruth Faden are  
485 doing on health policy and access to health care; I think Madison and Ruth are  
486 taking the time to learn the health policy and the health economics literature,  
487 but it's a steep learning curve. I'll say one other thing, and that is that I think  
488 there is a political dimension. There was a very wonderful group established  
489 in 1978; I always block on the name, but there was a Commission and there  
490 was a staff and it had health care technology in its name [the National Council  
491 on Health Care Technology]. The council started to look at how Medicare  
492 makes coverage and reimbursement decisions and was asking for details on  
493 specifics; it was saying that this is an important value question as well. And  
494 as soon as the Reagan Administration came in it didn't take 6 months until  
495 there were hearings, and the Health Industry Manufacturers Association and

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496 what was then called the PMA argued that “This body is superfluous and is  
497 meddling into the private sector,” and we were gone.

498 Swazey: That was Sy Perry’s group?

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

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

507 Walters: Madison Powers pointed out to me that cancer treatment is the other one  
508 therapy that Medicare covers. When our hospital is being sold a big issue is,  
509 “What are we going to do with the Lombardi Cancer Center because that’s a  
510 money maker?” Why is it a money maker? Because Medicare will cover

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511 cancer therapies when, for example, there is no general drug benefit in  
512 Medicare.

513 Swazey: Who's the hospital being sold to?

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

515 Swazey: Is it a non-profit?

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

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

519 Walters: Yes, right.

520 Swazey: Let me go back to LeRoy Walters becoming a seminal person in bioethics.

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521      Walters:      Well, becoming one player.

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

524      Walters:      I forgot to tell you about one or two things from Yale. Jim Gustafson had us  
525                      read some writings on what we would now call bioethics. It then was more  
526                      about contraception, issues that were being debated, thrashed out in the  
527                      Catholic Church and dissent by Charles Curran and people who thought as he  
528                      did. But the other event was that Paul Ramsey came to Yale in the spring of  
529                      '69 and gave some lectures that were called the Lyman Beecher Lectures at  
530                      Yale. They became two books, The Patient as Person and Fabricated Man. I  
531                      went to those lectures and listened and was interested and got to meet Paul for  
532                      the first time, and we talked a little bit about the just-war law theory. I  
533                      remember that Paul said that when he studied a topic he didn't just read the  
534                      literature on the topic, he plundered it, and I thought that was such a vivid  
535                      metaphor.  
536                      Since I was doing my dissertation on the just-war theory, I assumed that I  
537                      would get an appointment in a liberal arts college or possibly a university in a  
538                      Department of Religious Studies, teaching an introduction to religion course

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539 and then some courses in religious ethics or Christian ethics, and maybe a  
540 course on War and Morality. That would be my niche, and it would have fit  
541 well with my graduate education. But jobs were really scarce in the early 70's,  
542 and my late wife and I sent out many letters of inquiry and got back many  
543 polite form letters saying, "No thank you." The spring that I finished I really  
544 had only a one-year replacement offer at a New York college. I'd also written  
545 to Dan Callahan because Jim Gustafson started to go off to meetings at this  
546 place called Institute for Society, Ethics, and the Life Sciences with a genetics  
547 group, and he would come back saying that he had had a good time. Jim took  
548 part in symposium in Boston at the end of '69 that Preston Williams put  
549 together, and he was starting to get into the literature, but it didn't reflect very  
550 much in his teaching at that point, at least not in the courses that I took, or  
551 maybe I was pretty much finished my course work. So I had an offer for a  
552 one-year replacement position, and then André Hellegers got a grant from the  
553 Kennedy Foundation, which had pushed him not just to have an Institute for  
554 the Study of Human Reproduction but also an Institute for the Study of  
555 Human Reproduction and Bioethics. That was based on Ramsey's two spring  
556 semesters at Georgetown in '68 and '69 and on Sarge and Eunice Shriver  
557 thinking this field could be a way to call society's attention to the problems of  
558 mentally retarded people. I think that André saw this field as helping to  
559 identify some new frontiers. He had been quite frustrated in his work on the

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560 Papal Commission that some really excellent interdisciplinary discussion and  
561 writing had not borne fruit. The majority view, which had been agreed to by  
562 demographers and theologians in particular, had not been agreed to by the  
563 leadership of the Church, and I think André was determined to find a way to  
564 promote this kind of discussion in a new setting. He moved down in the  
565 pecking order when he moved from the medical school at Hopkins to  
566 Georgetown's med school. But I think he did so after trying without success  
567 to get something like the Kennedy Institute started at Hopkins. There was a  
568 Newman Center there and he tried to work through that but it just never took  
569 off, and I think he felt he might get further at a Catholic University, number  
570 one, and at a smaller and less prestigious place that wasn't quite as hardened  
571 in the arteries as Hopkins was in its medical center. So he got money in the  
572 spring of 1971 and then he had to find people. Margaret Farley and I were two  
573 of the people that he wanted to look at, and we both came down for  
574 interviews. I think he would have gone for Margaret, but Yale Divinity  
575 School was also interested in her and made her an offer, and she accepted that  
576 offer. I don't know whether André ever made an offer to her.

577 Swazey: How did he get your name? Did he call Jim?

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

594      Swazey:      I remember David in those early days.

595      Walters:      I attended the meetings of that group - in 1970 and 1971. I remember we read

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

607        Swazey:        You had certainly some exposure following Paul Ramsey.

608        Walters:        Right.

609        Swazey:        Just totally leaped from just war to bioethics.

610        Walters:        For certain issues, I think for abortion and voluntary active euthanasia, there

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611                   are analogies between just-war categories and arguments and biomedical  
612                   ethics categories and arguments. For access to health care I just don't see  
613                   much overlap between the two.

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

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

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627 Swazey: You didn't need a very big bookshelves then for the bioethics literature.

628 Walters: That's right. Now, we had started our library, and I thought, well let's break  
629 this list down into topics and have books and articles on each topic. Using the  
630 state of the art magnetic-card technology, we spliced in new references as new  
631 book and article items were published. By the fall of that first year in '71 we  
632 had a list of what we called a Core Ethics Library -- 30 pages or so of  
633 materials we had identified that we were in the process of collecting for our  
634 library. The list included the most important works in bioethics at that time.  
635 A few months into my work here I said "You know, we need to have  
636 somebody who's responsible for responding to inquiries that come into the  
637 Institute and requests for copies of this bibliography." André agreed. Warren  
638 Reich had come about two months after I came. He had a one-year  
639 appointment, so André and he talked, and then there may have been a letter.  
640 André said, "Since LeRoy has a 3-year appointment, why don't we give him  
641 this administrative role?" So sometime in the fall of 1971, I received the title,  
642 "Director of the Center for Bioethics" within the Kennedy Institute of Ethics.  
643 I think we actually put Kennedy on the front of both, so Director of the  
644 Kennedy Center for Bioethics within the Kennedy Institute of Ethics. André's  
645 philosophy was that the departments were too conservative to accept this kind

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646 of field and this kind of entity. So the only way it could make it work was to  
647 report directly to the President, and that's the way he set it up. He had a direct  
648 line to the President. The President consulted him. Robert Henle, who died  
649 recently also, consulted him on a wide variety of topics. André would draft  
650 letters for Henle to the Kennedy Foundation. Basically the Philosophy  
651 Department and the Theology Department cared nothing about us. We did  
652 extract from the Theology Department in the spring of 1972 an agreement that  
653 if I wanted to teach I could at no cost to them, but they wouldn't give us any  
654 kind of appointments. I think even Instructor was too much to ask for despite  
655 the fact that I had a PhD, but they would help to choose whatever number of  
656 undergrad students we wanted.

657 Swazey: Have those relationships changed?

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

660 Swazey: What about Theology?

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

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

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

676      Swazey:      Let me ask you how you would characterize bioethics and what phase

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677 movements you think it's gone through. For example; do you think of it as a  
678 discipline?

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

680 Swazey: Good, because not many people can.

681 Walters: OK. We had to make some decisions in the 70's about the scope of the field  
682 for very practical reasons. As I was mentioning, we had this core ethics  
683 library document from '71. And it had topics listed. I think there were some  
684 topics that we weren't sure whether to include or exclude but when we made a  
685 proposal to the National Library of Medicine, I think first in '72 and then  
686 again in '73, we had to set a scope for the field. We decided not to include the  
687 environment. That decision was made in part because we were applying to the  
688 National Institutes of Health but also partly because we thought it would be  
689 difficult to do a thorough job on the environment, and the rest of the topics  
690 were a challenge to cover in any case. So we moved from that grant  
691 application to a biomedical model. We also weren't sure what to do about  
692 population policy, and we kind of kept it around, but it was I would say a

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693 “second-class citizen” compared with reproduction and what was then called  
694 human experimentation and death and dying and resource allocation. Those  
695 topics were definitely in. How did we know that? I don’t know - I guess from  
696 reading The Patient as Person and reading Morals in Medicine, although that  
697 wasn’t read as much as the Patient as Person in those days. We also just tried  
698 to keep our ears open. Then once in a while something new would come  
699 along, and we would have to decide “Is animal research in or out.” We finally  
700 decided to include animal experimentation even though it was an  
701 uncomfortable topic for NIH people to talk about. It is important, and  
702 probably Peter Singer’s animal liberation article and book helped. And then  
703 people started talking about biohazards in laboratory research with  
704 recombinant DNA. We said, “What is this? This is really different from  
705 anything we have talked about.” So we finally said “That has got to be a topic  
706 - look at all the attention that scientists are giving it.”

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

708 Walters: Right. First it was a printed bibliography. So we had an initial set of topics.  
709 We were quite clear about excluding the environment. Population was there  
710 but not in a robust way. It wasn’t clear where public health was, and it

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711                    probably still isn't clear where public health is in bioethics, although I think it  
712                    should be included within the scope of the field.

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

720        Walters:        Correct.

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

724        Walters:        Right. There is the uneasy relationship of public health schools to medical  
725                    schools, and there are also many fewer public health schools than medical

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726 schools. They are not funded nearly as well, and they have much more social  
727 science than medical schools. When Warren Reich was working on the scope  
728 for the Encyclopedia of Bioethics, he reached a different decision. It included  
729 a more expansive notion of bioethics, and population policy and  
730 environmental questions were major topics. It is a more robust and broad  
731 notion of bioethics that was reflected in the Encyclopedia, which had also  
732 broader funding but principal funding from the National Endowment for the  
733 Humanities. But, again, I come back to this pragmatic judgement of how  
734 much could we cover well, or to put it another way -- what things were already  
735 being covered reasonably well -- and we thought the population issue was  
736 being covered reasonably well. The environment we didn't think was being  
737 covered terribly well, but we just thought we would get totally submerged if  
738 we tried to keep up with every aspect of the environment. I don't think we felt  
739 any pressure from NIH to exclude it, but we also certainly didn't get any  
740 encouragement from NIH to deal with environmental questions. So the  
741 Bibliography did adopt pretty much the biomedical model. In the late 70's we  
742 started getting textbooks, beginning with the Gorovitz, Macklin et al. book.  
743 Then Tom and I came along with ours, and that was another way of setting the  
744 limits of the field, the topics that would be included and excluded. I don't  
745 think there is any definitive way of judging what topics ought to be in and  
746 what ought to be out. I think there is a core list of topics that everyone would

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747 agree must be in, and then you move out toward the periphery or the  
748 penumbra, and different people draw the line differently.

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

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768 a discipline as much as using methods within a sphere. Now you notice I  
769 started with two fields.

770 Swazey: I noticed that.

771 Walters: The fields of theology and philosophy. But I would want to go on and say that  
772 while those are the two fields that both had something in them with the root  
773 ETH or MOR for many, many years, I think it's been very unfortunate the way  
774 knowledge has splintered. The notion of who all is involved in the  
775 philosophical faculty in the European university, I think, is one we ought to  
776 move back toward. The social sciences began within philosophical faculties,  
777 and some of the founders of a field like economics were quite adept at moral  
778 philosophy as well. Law certainly is a discipline and a profession that has  
779 important normative dimensions and that at least can parallel what's going on  
780 in ethics, whether it's a more natural law tradition or whether it's more of a  
781 common-law. I always tell students that they shouldn't care what label  
782 knowledge comes with or what kind of bibliography or online database it  
783 comes from. Knowledge is knowledge, and if it helps to illuminate your  
784 understanding of a topic, go for it, read it, learn from it. So there is not a  
785 branch of knowledge that I think should be excluded from the study of what's

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786                   happening within this sphere -- which using the biomedical model I would  
787                   describe as biomedical research and health care and health policy, including  
788                   public health. I think we still face a boundary question on the environment  
789                   and where to draw the line between, say, public health and environmental  
790                   questions, and how to bring population policy into the whole picture. That's  
791                   still hard to know.

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

794    Walters:      Yes, it has.

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

800    Walters:      Yes. There's the National Institute of Environmental Health Sciences, but to

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801 try to take on all of the agenda of the Environmental Protection Agency would  
802 be quite a formidable challenge. On the other hand, there are important issues  
803 like the debate about global warming; and there's no debate about the fact that  
804 there's a hole in the ozone layer. Do we know how it got there? Do we know  
805 how we can prevent it from getting worse? In the long term scheme of things  
806 those are really important questions. So that's a long-winded answer to your  
807 question about whether bioethics is a discipline. I think it's a sphere of human  
808 activity in which different disciplines can bring to bear their methods, their  
809 insights, and I hope it will always be an interdisciplinary activity. I'm more  
810 committed to interdisciplinarity than I ever was before. I do think theologians,  
811 and particularly in the Catholic and Jewish and Anglican traditions, helped to  
812 identify a set of problems, and not just in recent centuries. They had been  
813 discussing some of these issues for a long, long time and so there was a set of  
814 categories there. Philosophers had done much less to discuss most of these  
815 questions, although on the abortion question there had been various views  
816 down through the centuries, and on suicide, which is closely related to  
817 voluntary euthanasia. And law had had to deal with a lot of these issues for a  
818 long time. I don't think of myself primarily as a theologian anymore, but I do  
819 think that we have to give credit to the religious traditions for helping to start  
820 the discussion into which many other fields have now moved for a variety of  
821 reasons, and I think those other fields have really enriched the discussion.

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822           Also, they've led to a fairly widespread secularization in the field, so that most  
823           of us most of the time are talking in terms of arguments and categories that we  
824           think all people of good will could accept and agree on.

825       Swazey:       That actually is the next question I'm going to ask you. As you look at the  
826                       '50's and '60's, do you think that Joe Fletcher and Dick McCormick as well as  
827                       Paul had some influence in catalyzing what became bioethics?

828       Walters:       Definitely.

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

835       Walters:       I'll answer in a couple of ways. I think that we can find a lot of common  
836                       ground without resort to religious discussion or religious arguments if there's

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837 agreement on a very fundamental thesis: that human beings are very  
838 worthwhile creatures and deserving of respect. If all discussion partners agree  
839 on that fundamental belief, then one can go a long way in finding a substantial  
840 measure of agreement among people from widely divergent religious  
841 backgrounds and traditions. So it's essentially asking, "Are we involved in a  
842 humanistic discussion?" Now, if someone subscribes to a different  
843 perspective, which for example says that it's fine to use people as means  
844 merely, or my happiness takes precedence over any other factor, then we'll  
845 probably run into disagreements quite early on.

846 Swazey: So you're saying that is sort of *the* basic moral principle?

847 Walters: I think that's the fundamental belief that underlies 90 percent of bioethical  
848 discussion and debate. Within the realm of non-human animals there's much  
849 more divergence, and I would say this split is probably much closer to 50/50  
850 or maybe 30% saying that vertebrate animals deserve a great deal of respect  
851 and 70% saying no. (I myself don't.) Meanwhile the religious traditions, if  
852 they are vital and alive and active, are meeting the needs of their members  
853 who find a sense of belonging through participating in religious institutions  
854 and who enjoy helping the tradition to face new questions and think in new

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855 categories. I don't feel there is any particular threat to people in philosophy or  
856 law or the social sciences if the religious traditions keep throwing up new  
857 ideas or new understandings or new questions. It happens in areas like  
858 cosmology. Why shouldn't it happen in the biomedical sphere? At the same  
859 time, the religious beliefs of a particular tradition, I think, are generally a poor  
860 basis for mandatory laws, and so I think that a humanistic, non-religious  
861 approach has to be the basis for public policy rather than the views of any  
862 particular religious group. That approach works most of the time. For  
863 instance, for research involving all human subjects that are already born, it  
864 works just fine, and people from a variety of religious and non-religious  
865 traditions can agree. We can all look at Tuskegee, we can all look at the Nazi  
866 medical experiments and the radiation experiments and the Atomic Energy  
867 Commission and say that's just outside the pale. We condemn those  
868 activities; there was no consent, there was no respect. We may on fine points  
869 disagree about research in emergency settings, or people of good will can  
870 disagree about the placebo-controlled studies when you can't provide the  
871 expensive first-world therapy. I personally didn't agree with the Bangkok  
872 placebo-controlled study, but I understand the desire to have placebo groups  
873 from a scientific viewpoint, and I don't think that people who disagree on that  
874 are necessarily malicious.

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875 Swazey: Is it important in those public arena debates, whether it's state or federal, to at  
876 least hear the voices of the various major faith traditions? As was done for  
877 NBAC's cloning and stem cell reports.

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

884 Swazey: Eric was absolutely surprised about that.

885 Walters: Margaret Farley drew on Karl Rahner, with his wry comment that  
886 he couldn't understand why so many important beings in the  
887 universe (preimplantation embryos) never saw the light of day  
888 (were lost in reproduction), and Rahner thought that it would be a  
889 kind of strange universe if those primitive beings were so  
890 important.

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891 Swazey: Why too much play for the cloning report?

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

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

906 Walters: Yes, that's a very good point.

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907 Swazey: That's a point I'm picking up from Courtney Campbell's appendix paper  
908 in the cloning report. There seems to be in some quarters an assumption  
909 that we have homogeneity here and diversity over there.

910 Walters: No, and I was puzzling with the question of what do we do with it even if  
911 you find that all of the major religious traditions accept something. How  
912 does that help you in your public policy? If all religious traditions agree  
913 on something, but you can't defend it philosophically, then I think you  
914 can't adopt it as a public policy because you're imposing something as a  
915 public policy that only seems to be acceptable or defensible in terms of  
916 religious presuppositions.. I guess I'm disagreeing with what I take  
917 Courtney's position to be in at least the following sense. There are stark  
918 differences in political philosophy between, say, Ronald Reagan, on the  
919 one hand, and Walter Mondale, on the other. Still, I think they can all  
920 share a presupposition of respecting persons, and they might even agree on  
921 certain goals that they would like to see achieved and disagree on means.  
922 Now, if they disagree on goals then we're into a much more difficult  
923 terrain. If the goal of one group is to maximize the property held by the  
924 best-off members of society and the goal of another group is to minimize  
925 the differences between the least well off and the best off, then we really

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926 do have a pretty important difference. My hope would be that bioethics  
927 would always identify with the least well off, carry forward its civil rights  
928 and prophetic kind of traditions, and formulate the best secular arguments  
929 that it can in defense of that position. But I don't know whether it will.

930 Swazey: How are you using "prophetic" tradition?

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

934 Swazey: Are you using that in a "secular" sense?

935 Walters: Yes, but I guess I do have a view of the universe that's underlying all that,  
936 which is that fair methods and respectful methods over time and in the  
937 long run are the kinds of methods that lead to the best society and the  
938 inclusive society, and that social systems and economic systems that lead  
939 to the concentration of wealth and power in a few are in the long run self-  
940 destructive. So I have a view of society, a normative view of society and

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941                    what the good society looks like. It's there in addition to some of the basic  
942                    humanistic premises.

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

946       Walters:        Well, that was part of it.

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

955       Walters:        There are several problems with the cloning report. One is the short

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

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

968 Walters: Oh, yes. What Baruch Brody has written about bioethics commissions and  
969 public policy has strongly influenced my thinking. Baruch talks about the  
970 need to be more philosophical. I think that the job of people on bioethics  
971 commissions is not to find the point of view that is likely to be politically  
972 acceptable, but rather to try to come up with a coherent public policy  
973 proposal that is rationally defensible. I also fault the Commission in the

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974 cloning report for not dealing adequately with the private sector. They  
975 knew that much research was going to go on the private sector, and they  
976 had an opportunity to say the public needs to be kept apprised of what is  
977 going on the private sector. That policy would have led to a heavier kind  
978 of regulation than some members of the Commission wanted, and so the  
979 Commission didn't go down that road with a U.S. version of the Human  
980 Fertilization and Embryology Authority. I think the British have it right on  
981 human embryo research, and it would have been easy to adopt that model  
982 for human cloning research. So I think what they didn't do is also a  
983 problem in the cloning report, but they were just too rushed. They were  
984 just putting together their staff, and I think some of the commissioners  
985 actually had to step in and write major sections of the report.

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

990 Walters: Yes, and you've also helped me to see that I also affirm that some kind of  
991 long-term tendency in the system to reduce the inequalities in material

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992 welfare between the best off and the worst off is important. So I am  
993 committed to trying to achieve greater social and economic equality. This  
994 is one of the themes in Pope John Paul II that I really do appreciate. He  
995 keeps reminding us of north/south differences and of the desperate state  
996 some African countries, for example, are in. I have no hesitation at all in  
997 thinking that certain themes or emphases like human rights, and by that I  
998 mean both liberty rights and welfare rights, are precious possessions and  
999 that they ought to be respected by governments East and West, North and  
1000 South. So on the so-called "Asian values" debate, I just regard the  
1001 assertion of Asian values as a total smokescreen when governments in  
1002 Asia cloak totalitarian tendencies in the notion that they are upholding  
1003 Asian values and resisting Western imperialism. It just strikes me as the  
1004 latest justification for the desire of the few to dominate the many. Insofar  
1005 as bioethics and global democratization can work together to extend  
1006 liberty rights and welfare rights to larger numbers of people, I think the  
1007 world is better off, and I think the potential for conflict among nations is  
1008 reduced.

1009 Swazey: How do you then handle the fact that we have really interpreted this value  
1010 of respect for persons in a very American way in terms of individual rights

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1011 and individual autonomy. You have other societies where there is a more  
1012 community-oriented notion of rights and welfare, and I think we have had  
1013 trouble dealing with that as we've gone to other societies and cultures.

1014 Walters: I think of countries like Sweden, and in some ways Canada, as having  
1015 achieved the best balance that I have seen between the community  
1016 connection and community solidarity, on the one hand, and individual  
1017 liberty, on the other. Eastern European countries under communist  
1018 governments and the Soviet Union made considerable progress toward  
1019 equality in education and access to health care, but it came at a terrible  
1020 cost in terms of reduction of individual liberty and the promoting of spying  
1021 on each other and just undermining interpersonal relationships. When  
1022 those people had a chance to choose, it was quite clear what they wanted  
1023 and what they didn't want. I am hopeful that over time there will be  
1024 greater political liberty for people in China and Singapore and Indonesia  
1025 and the countries of sub-Saharan Africa.

1026 Swazey: Going back before the birth of bioethics, do you think that a greater  
1027 understanding in this country about community and solidarity would have  
1028 had an influence on bioethics' almost extreme focus on individualism?



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1047 alternative system they will have less than they do now. And so I see the  
1048 arguments as very self-interested and quite selfish. They very often seem  
1049 to be short-sighted, somehow assuming that if I can just keep these costs  
1050 external to me and my company for the next few years, then I will  
1051 maximize the profits for my shareholders and myself. If you just stop to  
1052 think about it for a moment, people who get sick are going to need health  
1053 care, and if they get sick enough they will either die or get health care and  
1054 if they get health care, somebody is going to have to pay for it. So the  
1055 question has just been "Who pays?" It seems to be that if it is not "I" who  
1056 pays for other people's health care, that is the goal to be achieved. Maybe  
1057 politicians need 10-year terms rather than 3 or 4 or 6 year terms. But it is  
1058 such short-sighted thinking, and if we had concepts like solidarity and  
1059 long-term and preventive medicine, health maintenance, and looked at  
1060 things more in terms of the lifetime and the public good, it would be a  
1061 helpful corrective. It is bad time now.

1062 Swazey: It is more and more depressing.

1063 Walters: It is. And I find many of my friends -- they are not only in academia; there  
1064 also there are idealistic people in government -- who are appalled at the

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1065           pursuit of the almighty dollar as the highest good, and the idea of retiring  
1066           as a millionaire by the age of 35, so you do whatever you have to during  
1067           the first few years out of college to achieve that.

1068   Swazey:       Not an attractive image of our country is it?

1069   Walters:       No it isn't. I would like this country to do well and would like it to do the  
1070           right thing. I would like it to be a constructive force in the world, and I  
1071           think it has many good things going for it.

1072   Swazey:       Has bioethics helped in that effort? It has been a growth industry, to quote  
1073           Jim Gustafson. Has it been a substantively important field in terms of the  
1074           liberty and the property rights which you talk about as being so important,  
1075           for the United States? I'll leave out the whole rest of the world.

1076   Walters:       I think people in the field have tried, and I come back to our old theme of research  
1077           involving human subjects. People have tried to hold out ideals, people have tried  
1078           to set up institutional framework that will protect human subjects, but I think that  
1079           the idealists among us are becoming more and more discouraged that it is not

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1080 working, that we are losing ground, or that the same issues that we raised 5 years  
1081 ago and 10 years ago are still there and if anything in a more acute form, and the  
1082 question is, "Why can't we make any progress?" But there's another way to look  
1083 at this, and that is, "How does the field of bioethics stack up academically, and  
1084 how does the U.S. higher education system stack up academically?" I think our  
1085 higher education systems is in many ways the envy of the rest of the world right  
1086 now -- with its mix of the public and private sectors, the libraries, the information  
1087 systems. I'm a library junkie and a bibliographer from the get-go, and so to have  
1088 access to databases from different fields and good bibliographic references so that  
1089 in a day you can have a list of references and in 3 days you can have many of the  
1090 actual documents is wonderful. I think that the field of bioethics has shown a  
1091 remarkable capacity to renew itself, to take in new disciplines. The research in  
1092 this sphere of human activity has not remained static. I'm happy for that, and I'm  
1093 also happy to see lively new people come in using different approaches. I see  
1094 someone like Margaret Little coming in with insights from feminist philosophy,  
1095 even from classical metaphysics and epistemology. I'm just delighted to see that,  
1096 and I think that on the whole the quality of the best literature in the field has been  
1097 remarkably good. It's been a pleasure to cover that literature and to try to identify  
1098 the crème de la crème each year, because in English alone there are probably  
1099 12,000 documents each year and we can only index 3600 or so. So I think that the  
1100 field has in its best literature set high academic standards. I think also the work of

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1101 someone like Norman Daniels has illustrated how the categories of Rawls can be  
1102 creatively applied to a topic as complicated and difficult as access to health care.  
1103 In that sense it's some of the best applied philosophy that's going on, and  
1104 philosophical modes of analysis are used in creative new ways. There have been  
1105 moments during the almost-30 years now that I have been at Georgetown when  
1106 I've had an image of a soap bubble in my mind, and I have just wondered, "When  
1107 is this bubble going to burst?" The field started to take off in the 70's and then the  
1108 question was, "Is this a fad?" Now the questions are, "Has this field become less  
1109 important, less interesting, less vibrant?" There is routine bioethics. There is the  
1110 14th article on the same topic using the same categories, but at the same time  
1111 there is a vitality, and if it is dealing with 14% of the gross national product, it is a  
1112 huge sphere of activity with tremendous potential.

1113 Swazey: This has been wonderful.

1114 Walters: Well, thank you.

1115 Swazey: And if we have any additional questions we may call on you again for a little  
1116 awhile.

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1117       Walters:       O.K. There's one other thought that I have which doesn't respond to any  
1118                   particular question that you've raised, but it's something that I'm very sad  
1119                   about in the field. You mentioned that Dick McCormick had passed away. I  
1120                   admired Dick's courage and his willingness to say what he thought in a  
1121                   judicious fashion. André Hellegers died much before he should have died,  
1122                   and he too was a very courageous person. One of the most poignant essays  
1123                   you'll ever read is the one in which he is responding to Humanae Vitae and  
1124                   says that what worries him most about that encyclical is that its not clear how  
1125                   data from the biomedical sciences could be relevant to an important encyclical  
1126                   like the one on birth control, and that worried him as a Catholic layman. I told  
1127                   you that I come from a Protestant background. I really am concerned and sad  
1128                   about what has happened to Catholic theological approaches to bioethics  
1129                   because I think what happened to Charles Curran is a kind a parable for what  
1130                   is likely to happen to young Catholic moral theologians who go into bioethics  
1131                   unless they are somehow in very special or protected circumstances. I think  
1132                   that there's been a real chilling effect on the field by developments post-  
1133                   Vatican II and post Humanae Vitae, so that this area of thought -- Catholic  
1134                   moral theology -- that gave so much to the field is now basically almost off  
1135                   limits for any prudent Catholic moral theologian, particularly priests or  
1136                   members of religious orders. With the strictures on obedience and the  
1137                   demands that are being placed on younger people in particular to adhere to the

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1138 official teaching of the Catholic Church, it's certainly better for a moral  
1139 theologian to go into business ethics or ethics and international affairs. When  
1140 I look around I see people like Margaret Farley in the older generation, and  
1141 she's run in to quite a bit of static for a position she took on abortion at one  
1142 point in her career. See what happened to Charles Curran: not only did he lose  
1143 a position at Catholic University, but the Catholic bishops tried to keep him  
1144 from getting an academic job anywhere. I think Dick McCormick was old  
1145 enough and prudent enough that he didn't incur the same fate, but there were  
1146 moments when it was a pretty close thing. So I worry about younger  
1147 colleagues like Kevin Wildes, who is a Jesuit, and I worry about younger  
1148 colleagues like Lisa Cahill who is a layperson. I care a lot about them, and I  
1149 think that they have a tremendous amount to offer; their tradition has a  
1150 tremendous amount to offer. But the leadership of the Church has got to cut  
1151 them some slack, and the leadership also needs to listen to what the laypeople  
1152 are saying, because Vatican II said that the laypeople are the heart of the  
1153 people of faith. I think that it's no accident that within this University the  
1154 combination that has seemed to work is philosophy and bioethics, because our  
1155 graduates don't have to pretend to be teaching as theologians. Philosophers  
1156 always have had a little more room to maneuver, and the field of philosophy is  
1157 a step removed from theology. I just hope for the long-term future of the field  
1158 that there can be a tolerance and a breadth again and that younger Catholic

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1159 scholars, theologians in particular, will be encouraged to come into this field  
1160 and to explore the frontiers of the field and the frontiers of the Church's  
1161 teaching and even alternatives to the official teaching. Goodness knows that  
1162 all religious institutions have made mistakes in the past.

1163 Swazey: On that note, LeRoy, thank you very much.

1164 END OF INTERVIEW