

BIOETHICS AND THE ENVIRONMENT: THE ITALIAN NATIONAL COMMITTEE FOR BIOETHICS

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The term "bioethics" is generally understood as "medical ethics," even if V. R. Potter initially used bioethics to mean "global ethics," with attention to the environment and nature, to life in general. I prefer to use bioethics to mean biomedical ethics, but I will try to address some problems of the environment and life using a bioethical approach.

It is really significant that the Italian Committee for Bioethics, set up in 1990, at the Presidency of the Ministers' Council, published a document titled *Bioetica e Ambiente - Bioethics and Environment* - in September 1995. The Document affirms the importance of an ethical approach to environmental questions, by identifying responsibilities and criteria to be used to make correct decisions. So, in order to face the social-political choices in the environmental field, the National Committee reaffirms some general principles/values.

This paper quotes certain decisive and conclusive considerations from *Bioetica e Ambiente* and also considers some other particular aspects.

General principles/values

1. Common interest: Nations, being the social agents of the international community, engage in modifying national self-interests, in order to protect the environment, viewed as a common heritage. Indeed, the very future of the human species on Earth depends on respecting the environment.
2. Sociality: Principles impose on nations a resolute behaviour, in order to protect and improve the quality of the environment and the health of the citizens, and to avoid damages for the good of humankind.
3. Responsibility: The protection of the common interest has resulted in environmental politics and in programmes of action. These programmes are implemented at both a general, international level (United Nations Environmental Programme) and at a more local level (European Environmental Agency), in order to protect nature and preserve natural resources.
4. Ethics of responsibility: The identification of principles and rules, which guide international action against environmental disaster, aims at implementing a public ethics. These principles entail international co-operation to face world-wide environmental dangers, timely information about the dangers of pollution, help to developing countries regarding environmental problems, etc.
5. Sustainable development: The consequence of this responsibility is the necessity for a conscious participation in the conservation of the balance of our natural heritage, in order to avoid development which is based on the exploitation of non-renewable resources.
6. Subsidiarity: This responsibility must be shared at all levels - individual, local, regional, national, community and world-wide level.¹

In reference to individual rights, the National Committee for Bioethics proclaims the right to:

- life - protection against the damages of environmental deterioration
- health - awareness of the duty not to damage the environment, in order not to be subjected to health hazards
- environment - present and future generations must enjoy a better environment

People have evolved towards the conception of the environment as a good in itself, an autonomous entity which has the right to its own existence – environmental rights. The National Committee for Bioethics firmly hopes that new strategies can be put into effect for the protection of the common good and the rights of the individual. A major priority is the definition of a national programme for environmental education, so as to infuse, in the new generation, environmental values as an integral part of professional training.¹ These rights need to be studied in detail, especially the right to environment and the rights of the environment, both at an ethical and at a juridical level.

Additional aspects

From a specific ethical point of view, *Bioetica e Ambiente* recognises three perspectives:

1. The solution to environmental problems should be sought in a new environmental ethics, assuming that human behaviour towards the environment is subject to specific laws of the biosphere, which are impossible to break without compromising the natural order of things - the rights of nature.
2. The solution to environmental problems does not need to appeal to ethics; on the contrary, in this area the appeal to ethical

considerations is misleading, because it leaves out the capacity of the social and economic organisation to produce new interacting balances between man and the environment. At the same time, it is also damaging because in the short-run it causes the loss of control of economic processes and in the middle- or long-run it may even cause an economic decline. Regarding environmental issues, this prospect, which involves the rejection of ethics, can be indicated as assuming the conception of the biosphere as an instrumental good.

3. The solution to environmental problems needs to recognise those individual and social behaviours that are able to appropriately protect the environment. The necessity to select those behaviours which are in accordance with environmental protection implies the acceptance of an ethical dimension. However, according to this perspective, it is essential to develop rules which lead to behaviours capable of preserving a positive, long-term relationship with the environment. So, in this respect, one can speak of environmental ethics.¹

It is this last perspective that provides a better answer to environmental questions. The attention is focused on the responsibility of human beings and on the intrinsic value of nature. Here, it becomes important to develop an environmental ethics which takes into consideration the information provided by ecology and the current economic parameters, and at the same time, is able to find moral values and criteria for a good balance between human beings and nature, now and in the future.

Ecosystems and the law

Discussions on ethics must give some indications for political choices and for legal regulations, in order to address environmental issues. The law must take into consideration nature as an ecosystem and contemplate the progress of natural science.

The specific goods that ecology suggests to protect are of a systemic nature. They are system goods rather than individual goods. Nature itself, as a whole, is an immense system good. Every living being is worthy since it is the condition of the existence of other living beings. Consequently, what is worthy is not the single living being or the single species, but the total system which they are a part of; the overall aspect of the ecosystemic set up. We must engage in protecting this overall aspect, in order to defend each individual part and its relationship to the whole.¹

Human beings are an integral part of the system, but they are the only beings capable of cognitive reasoning and, therefore, have a responsibility towards the ecosystem. The question is: how to respect different ecosystems in relation to human beings? Bioetica e Ambiente makes the following distinction:

"Today, the right to environment could be considered a so-called 'third generation right,' which follows first and second generation rights; civil, political, economic and social. The protection of the environment and quality of life are taking the shape of collective rights, whose violation always involves a collective damage. As a consequence, the rights pertaining to the protection of nature must be in tune with the necessity for development, both of the present and future generations. This concept involves respect for the value of our natural heritage, and the re-definition of cost/benefit criteria and analyses, both in the short- and long-run."¹

An ecological problem can become a legal problem only by becoming a social problem first. Social agents exert pressure on the political and administrative system, which acknowledges the problem as "input." Not every ecological problem is also social and not every social problem is also political, but in a State, subject to the rule of law, every political problem is also a legal one. So, in order to interest the law, an ecological problem must become political; it must turn into environmental politics in the juridical form.² But the political system and, consequently, the legal system, are subject to at least two opposing forces: the cosmocentric one, which comes from associations for the protection of nature, and the anthropocentric one, represented by the requirements of economic development.

In connection with this close relationship between law and politics, regarding environmental problems, there is a considerable difference between the impact ecology has on the legal world and its impact on the bioethical world. For a possible synthesis, three orders of questions must be addressed:

- the ways and forms in which law considers environmental problems
- new requests and demands coming from society and nature
- the transformation of the juridical approach to the problem of the protection of nature

International perspectives

Bioetica e Ambiente makes interesting and important reference to some international exigencies which require suitable interventions in the juridical and political field:

1. The protection of the environment as a common heritage of mankind (see United Nations resolution and the Brundtland Report). In UN resolution 44/207 on climate and in the Brundtland Report Our common future, environmental protection and an ethics which takes into account the need for environmentally-compatible development are considered essential instruments for the survival of mankind,

currently faced with global environmental risks.¹

2. Limitations of sovereignty and international co-operation. This is a particular and very complicated aspect. We need to change something about the sovereignty of States in order to resolve environmental problems. Ecology is a very bitter enemy of sovereignty. Environmental goods do not know borderlines. The protection of the environment and the renewability of resources is a common interest or, in other words, the point of contact of all national interests. Being a common interest it cannot be negotiated, but, on the contrary, it must be fairly known in order to be fairly preserved. National interests directly involve politics, whereas the common interest appeals to morality.¹
3. Sharing national responsibility regarding environmental problems. International environmental law has reinforced and sometimes introduced to international relations some elements which further contest the logic of public sovereignty. These include: respecting not only the territory of other countries, but also regions which are not under any kind of national jurisdiction; promoting international co-operation; informing other countries about dangerous environmental situations; providing assistance when the environment of a foreign country is in critical condition; reporting on industrial projects which can cause environmental damage and carrying out consultations about those projects; preventing discrimination against regions that have suffered environmental damage.³
4. Environmental politics and the principle of subsidiarity in the European Union: The principle of subsidiarity has the most important function of guaranteeing that the aims and the objectives of the European Programme of Politics and Action Favourable to the Environment and to Sustainable Development are met. These objectives can be pursued thanks to actions carried out in the most appropriate territorial level, taking into account the traditions and the sensibility of the different regions of the community, and also the cost/benefit ratio of the single actions which have been carried out. The concept of responsibility sharing involved in the Programme has a double connotation: it points out the common responsibility to avoid further damages to the environment and refers to the necessity of protecting common goods in the environmental field. Consequently, where the environment can be damaged, it is necessary to re-establish the original conditions by applying the "those who pollute must pay" principle. In order to carry out such a Programme of action, it is also necessary to develop a new strategy which creates a relationship among the different categories of operators - governments, enterprises, collectives, consumers and private citizens - and the most important economic driving forces - industry, energy, transport, agriculture and tourism. This relationship will reinforce the concept of responsibility sharing, among all the operators, and will help to strike a balance between short-term, individual advantages and long-term benefits for the whole of society. This new awareness should involve everyone, by engaging private citizens in the difficult task of bringing about a change of mentality.¹

Hopefully, these suggestions from the Italian National Bioethics Committee will be useful to all of Europe, and we will be able to work together to develop ethical and political criteria, in order to make the right decisions concerning the Danube, its flora and fauna, and the people who live there.

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