Elective Modernism and the Politics of (Bio)Ethical Expertise

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1 Introduction

Whilst the question of ethical expertise is troubling in itself, more specific concerns can be raised when it is considered in relation to bioethics. Whilst bioethics is an inter- or, at least, multi- disciplinary field its dominant mode of thought is that of applied or practical ethics, understood as a particular form or mode of philosophical reasoning or as 'ethical rationality' in the analytic tradition. The claims or, at least, aims of this mode of thought suggest that right and wrong, good and bad, can be objectively determined through the unforced force of the better argument, to use a Habermasian turn of phrase. However, the very notion that there may be such a thing as expertise in applied or practical (bio)ethics[1] indicates that not all individuals are in the same position *vis-à-vis* 'the better argument.' It would seem that if (bio)ethical expertise is anything, then it involves knowledge of the bioethical literature coupled with a particular competence, ability or skill in the articulation, evaluation and adjudication of ethical arguments. If this is the case then it would seem that, were they to exist, experts in (bio)ethics would present a *prima facie* threat to the moral autonomy of individuals. If, say, some (bio)ethicists are experts in regards particular ethical questions that arise in the context of healthcare then it would seem that healthcare professionals ought to defer to them when encountering them in practice.

[1] In this essay I use the term (bio)ethics to mean the discussion and analysis of bioethical topics in accordance with the methodological prescriptions and philosophical presumptions of applied or practical ethics. The term bioethics denotes the broader inter- or multi-disciplinary field.

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H. Riesch et al. (eds.), *Philosophies and Sociologies of Bioethics*,
https://doi.org/10.1007/978-3-319-92738-1_2

Related concerns about the implications of (bio)ethical expertise arise in the context of democratic politics and policy-making. Such concerns are distinct from those that have been addressed to scientific expertise. Responses to the problem of scientific expertise either assert the value neutrality of science and the value-laden nature of politics or distinguish between scientific values and the other values that have a legitimate role to play in democratic debate and policy-making. In so doing the threat of technocracy – or epistocracy (Evans 2014) – can be countered whilst the independence and political autonomy of both science and democratic government can be maintained. However, the notion that there may be experts in ethics threatens to resurrect both the promise and the threat of technocracy. As Mari Levitt (2003) puts it 'what is the point of listening to the public when they have neither scientific nor ethical expertise?' Furthermore one might think similarly for any other group, such as politicians, who are similarly lacking in such expertise. Whether or not they are truly value-free, if scientists can provide the facts and ethicists the (broader) values why not embrace a technocratic approach to government?

In this essay my aim is to consider something of these broader questions and to do so in relation to the politics of the particular framework of expertise I have made use of in my previous analysis of (bio)ethical expertise (Emmerich 2015a, 2016). The conception of expertise I have previously worked with is the one Collins and Evans (2007) have pursued under Studies of Expertise and Experience (SEE) research programme and as part of what they call the third wave of science studies more generally. More recently Collins et al. (2010) have turned their attention to the political dimension of their work, arguing for what they call 'elective modernism.' Thus, the purpose of the below is to consider if, having adopted their theory of expertise, my account of (bio)ethical expertise can or should be associated with a similar political perspective or if the reorientation of expertise to the domain of (bio) ethics rather than science presents differing tensions in the socio-political exercise of expertise. In order to do so I first present a précis of my account of (bio)ethical expertise which is then followed by a brief summary of elective modernism. I then discuss whether elective modernism offers any insight into the socio-political uses of (bio)ethical expertise and its legitimacy.

2 A Socio-logical Account of (Bio)Ethical Expertise

The philosophical literature offers two different perspectives on ethical expertise and, albeit in their own specific manners, both raise the kind of concerns I gestured at above. Furthermore, as one is rooted within the discourse of modern moral philosophy (the contemporary account)[2] whilst the other is located with the (neo-)

[2]What I am calling the contemporary account is often rejected. Such rejection does not necessarily indicate a preference for the traditional account. Rather it involves a denial of ethical expertise *per se*. Those who make this move include individuals who could be seen as experts in ethics (Cowley 2005; Archard 2011). It seems to me that such rejections are primarily motivated by concerns about the (unethical or simply unpalatable) normative implications of ethical expertise, concerns that are, for the most part, a function of certain meta-ethical commitments. We should, instead, recognize that (bio)ethical expertise is a fact of contemporary society, modern cultural and democratic politics.

Aristotelian tradition (the traditional account), they not only significantly differ from one another, but would seem to be mutually incompatible. In addition both accounts are problematic. A significant failing of the contemporary account is the overly intellectualist nature of the view it presents. The contemporary account's adherence to 'the principle of phenomenalism' would seem to be incompatible with broader understandings of our (moral) psychology more generally (Narvaez and Lapsley 2005: 141). Whilst this could be taken to suggest that the contemporary account is on the right track – perhaps we should not expect ethical expertise to reflect our ordinary moral psychology – it does reflect the fact that it is inconsistent with broader research on the nature of expertise in general. Whilst some who work from within a neo-Aristotelian framework have developed the traditional account in the light of such expertise research (Stichter 2007; Swartwood 2013; Musschenga 2015) their view of ethical experts is primarily connected to the way some individuals – who we might call moral exemplars – lead their lives. In this view ethical expertise is less a matter an individual's cognitive, analytic or reflective abilities than it is a function of their virtues, their dispositions or, in a somewhat more sophisticated account, their 'social intelligence' (Snow 2009). Thus, whether it is considered in relation to their personal or their professional lives, what the traditional view offers is not something that reflects the behaviour or practices of all – or even most – (bio)ethicists or moral philosophers.

Adopting the framework of expertise – or *expertises* – developed by Collins and Evans (2007) I have addressed the conundrum of ethical expertise elsewhere (Emmerich 2015a, 2016). Briefly, we should distinguish between morality, and the *ubiquitous* expertise of all moral agents, and ethics, and the specialist ethics expertise of academic (bio)ethicists. The former is akin to philosophy's traditional account and, whilst it could be called a characterological or a virtue based theory, I prefer to talk of embodied dispositions and habitus. This is because if such expertise is ubiquitous then no claims about the moral standing of the bearers can be made or derived. The expertise lies in the agent's ability to negotiate the moral order or ethos of their socio-cultural (or political) context with ease. In so doing they may act in ways that are right or wrong, good or bad. Moral failings do not indicate a lack of expertise *per se* – despite a tendency towards rationalisation, post hoc justifications and a degree of 'denial' we are all too aware of our own moral failings. Thus ubiquitous moral experts need not be considered exemplars or moral saints. Rather they are associated with the ability to recognise and negotiate the moral landscapes we inhabit, something that both morally good and bad individuals are able to do.[3]

[3] Proof of this point can be found if one considers the philosophical literature on moral practice, where we find interesting sub-field in which the significance of psychopaths is discussed. Here the psychopath is held to be an individual who does not feel the compulsion towards morally good or right action – or away from morally bad or wrong actions – felt be the rest of the population. It is not that they are unaware of the moral landscape; even lacking any moral compunction, it seems they can negotiate it all too well. Thus psychopaths do not lack ubiquitous moral expertise; rather they lack the normative motivations (or 'conatus') required for them to act morally rather than immorally. Similarly consider the ubiquitous moral expertise of an individual situated in a socio-cultural or political context they consider morally abhorrent, but the structural dictates of which

It is worth noting a few additional features of this account. First, as implied, the moral order varies across different fields. Thus we find moral subcultures in which some are experts whilst others are not. Healthcare is an interesting example of one such subculture. Healthcare professionals have a ubiquitous moral expertise that relates to the respective practices they are engaged in. This is linked to, but differs from, their ordinary or everyday ubiquitous moral expertise. Second, whilst some try to differentiate them (cf. Smith 2009), the moral order or ethos of a field is, in essence, co-extensive with its normative order. Thus the notion of ubiquitous moral expertise includes practices usually differentiated from morality *per se*. Examples include etiquette, disciplinary norms and, indeed, any and all social structures that normative influence the social practices associated with a particular field. Both analysts and actors can, of course, focus on the moral order as a domain or sub-set of the normative order, and accord it a certain degree of priority or importance. Nevertheless, no formal or analytic distinction can be defended in theory or in principle; the moral and the normative are integrated within the concept of ubiquitous moral expertise. Finally, whilst ubiquitous moral expertise may include a reflective component – after all the exchange of reasons is central to what we might call our moral economy – it is primarily an unreflective phenomenon. Thus ubiquitous moral experts need not be able to justify themselves. Or, at least, they need only justify themselves according with the social norms of the contexts – or field(s) – they inhabit. There is, however, no need for them to be able to justify themselves in accordance with the norms of some other field, such as those we find in academic (bio)ethics.[4]

This conception of ubiquitous moral expertise contrasts with the specialist expertise of the academic (bio)ethicist. First, such expertise can be decomposed into two elements, what Collins and Evans call *contributory expertise* and *interactional expertise*. The former are those that can contribute to a particular discipline. In this case, and for simplicity's sake, this can be defined as those who write articles suitable for publication in the relevant journals. As all such individuals inhabit the field they also possess the ability to interact with their peers, and to do so in such a way so as to be recognised as members of the field. The nature of contributory expertise is such that it is predicated on this interactional ability.[5] However, some individuals may develop the relevant interactional expertise or, at least, some level of such expertise without becoming contributory experts. They have the ability to 'pass' in the field. Some science journalists are good examples of this phenomenon, as are

they are forced to obey. Thinking that such individuals lack the ubiquitous moral expertise required to do what is right, or that this disproves the notion of ubiquitous moral expertise, is to miss the point entirely. A large component of ubiquitous moral expertise is constitute by ones moral perceptions (Zahle 2013, 2014). Psychopaths can be understood as being possessed of such perceptual abilities whilst lacking any compulsion to follow its dictates.

[4] At least to some degree, these past two sentences account for the phenomena known as moral dumbfounding, see Emmerich (2016) for further discussion of this point.

[5] The reason being that the process of becoming a contributory expert involves being socialized (and enculturated) into the relevant field. This involves the development of interactional expertise See: (Collins and Evans 2015).

some sociologists of science.[6] Such individuals cannot 'walk the walk' but can, nevertheless, 'talk the talk.' Of course, given the notion of language as a practice (Collins 2011), talk is an indispensible component of scientific practices (and, one might add, the practice of bioethics). Thus, the ability to talk the talk can be understood as a matter of *walking the talk* (Collins and Evans 2007: chap. 4).[7] Therefore, properly conceived, a specialist contributory expertise involves the ability to walk the talk as an indispensible part of walking the (broader) walk, whereas the ability of specialist interactional experts resides in their ability to walk the talk alone.

The notion of interactional expertise is, I have suggested, of particular important for a proper understanding of (bio)ethical expertise. In the first instance, if they are to understand the fields and domains they comment upon, (bio)ethicists must develop some degree of interactional expertise with those fields and domains. In some instances this may be a fairly weak requirement, as when comprehending the biology of foetal development in order to comment upon the ethics of abortion, whilst in others it may be more demanding, as when commenting upon the ethical complexities of medical practice.[8] In the second instance, if we think that the point of bioethics is to influence those in other fields and domains, which is to say that if we think that the point of bioethics is to influence non-experts, then it would seem incumbent on the expert (bio)ethicist to develop the ability to effectively communicate with such individuals. Such an ability would draw on the ubiquitous moral expertise of both expert (bio)ethicists and those to whom they address their remarks.

Such an account of (bio)ethical expertise demonstrates the need for (bio)ethicists to think about the broader moral order or ethos of the fields they comment upon. However, one could still maintain that the substantive and methodological advice, recommendations and arguments offered by the academic field of applied or practical (bio)ethics ought to be embraced as they are objectively superior those found elsewhere. If we are to offset the kinds of concerns raised in the introduction, what is required is the addition of one science studies' most basic insights. Academic disciplines and scientific fields are (sub)cultures and, as such, they have moral orders, an ethos or a moral economy. Thus (epistemic) objectivity does not entail the absence of norms or values, rather objectivity "it is itself a code of values" (Daston and Galison 2007: 53). Scientific, indeed *academic*, disciplines entail that epistemology is fused with or wedded to an ethos (Daston 1995; Daston and Galison 2007: 204). This can be put another way. The generation of objective

[6] Part of the original impetus for the recognition of this sort of expertise was the abilities that one of the authors, Harry Collins, developed in relation to gravitational wave physics whilst conducting sociological research in this field (Collins and Evans 2007: 104–109).

[7] So as to avoid any potential misinterpretation that might result from the negative connotations usually attached to the notion of being able to talk the talk (whilst being unable to walk the walk) the phrase '*walk the talk*' is preferred by Collins and Evans (2007: chap. 4). It also makes clear that the 'talk' is very much part of the 'walk'.

[8] Some might think the order of these examples should be reversed. However, that is to underestimate the degree to which we already possess a certain level of interactional expertise with the field of healthcare. After all, we have all been patients. Therefore the interactional expertise required of (bio)ethicists builds on their wider, preexisting and non-academic experiences.

knowledge – or, indeed, any other type of knowledge – involves practices that are embedded within a specific social, cultural and historical context. Such knowledge is, therefore, necessarily dependant upon and informed by a particular normative or moral order. Neither science nor (bio)ethics is a value-free enterprise. They are both cultural phenomena.

3 Elective Modernism

What Collins and Evans have to offer, and what I have taken up, is a reconstruction of expertise. In their view this project is a necessity because, whilst wave 2 science studies has been highly successful in deconstructing science, we cannot do without the knowledge it provides. Therefore they propose a new direction for science studies – a third wave – one that they term Studies of Expertise and Experience. Whilst this is intended to compliment rather than replace Wave 2 research it is an attempt to move beyond what they see as the relatively naive impulse towards an ever increasing democratization of science. As such they aim to by provide "a set of tools for doing more than simply demanding 'more participation'" (Collins et al. 2010: 196). Their view is that we need to value, and balance between, democracy (populism) and expertise (technocracy). Elective Modernism is offered as one way in which a balance might be struck.

As such, elective modernism proposes that we (re)structure society by (re)organise the relationship between science and politics. It is a deceptively simple proposition that suggests we ought to "reconstruct the values of science" because "they are central to a good society" (Collins 2010). Rather than being seen as a resource – as, simply, a source of information or 'facts' – science is positioned as a key element of our contemporary – or modern – culture(s) (Collins and Evans 2007: 11), one that should be seen as worthy of our (political) respect.[9] Contra the perspective of 'second wave' science studies – where politics and science mix like wine and water – the third wave considers them immiscible or like oil and water (Collins et al. 2010: 194). This does not prevent science from being shot through by politics or with political concerns. Rather, it is to say that 'politics' is not part of what they call the 'formative intentions' of science. Whilst they acknowledge that the boundaries will always remain fuzzy, the notion 'formative intentions' is their thoroughly sociological approach to distinguishing between science and non- or pseudo- science.

[9] Democratic politics and policy making is said to be endangered by scientific expertise and 'scientism' more generally. Collins and Evans (2007: 11), defend a particular kind of scientism – scientism4 – that is summed up by the notion that science is an essential part of modern culture. Thus elective modernism is a form of scientism, but one that Collins and Evans defend. Similarly my work has been concerned by 'ethicism' as any articulation of (bio)ethical expertise must avoid the suggestion that we might abdicate our moral agency to a cadre of experts. The resolution I have adopted is analogous to Collins and Evans' notion of scientism4. It is to see bioethics as, in essence, one part of modernity's moral culture.

Formative intentions are the motivating social, cultural and – particularly in the case of science – epistemological structures that define a field, a mode of social life or, as they prefer it, a form of life.[10] They are the necessary – but not necessarily sufficient – components required if a particular mode of social life is to be possible. Thus, insofar as its funding must be determined via some political process and insofar as the relationship between different scientists will have a political component, politics remains a requirement for the contemporary existence of science. Nevertheless, politics does not form part of the fields formative intentions and is not, therefore, a component by *definition*. With this commitment Collins, Evans and Weinel found a distinction between science and politics and, on this basis, they can then engage in a normative discussion regarding the (re)configuration of their relationship. An important aspect of this is the way that they differentiate "between the technical and the political phases of technological decision-making in the public domain" (Collins et al. 2010: 186). Accordingly, whilst the political phase has priority or, at least, it has the final say in any decision- or policy-making process this does not mean it can seek to contrive, influence or otherwise "subvert the findings of the technical phase" (Collins et al. 2010: 188).[11] Similarly, contributions – and contributors – to the technical phase need to be carefully configured so that they do not cross over into the political phase.

Collins, Evans and Weinel suggest that the "technical phase is informed by the formative intentions associated with the scientific form-of-life, whereas the political phase is concerned with the formative intentions associated with the politics of the wider society" (Collins et al. 2010: 188). As such, when contributing to the technical phase of policy-making process scientists should speak as scientists and not on the basis of their religious, political or otherwise non-scientific beliefs. Thus, the technical phase does not refer to the pursuit of science itself, but to part of the political and policy-making process in which scientists offer their views or testimony. As such politically motivated interventions in the technical phase are not only illegitimate but political actors should not be considered free to distort, misrepresent or otherwise (re)interpret the information provided in this phase. Nevertheless, political actors remain free to ignore the technical input of science and scientists. Such a

[10] Whilst in my discussion of (bio)ethics and (bio)ethical expertise I did not make use the phrase 'formative intentions' the way in which I have sought to construe the field of (bio)ethics mirrors Collins, Evans and Weinel's understanding of science and scientific fields. Formative intentions have been equated with values (2010) as well as with ideals and vocabularies of motive (Collins et al. 2010: 191 & 198 note 10).

[11] Particularly when it is scientific research that has raised questions for policy-makers to address, it is clear that technical phase must, in some way, precede the political phase. However, when one considers specific cases and the process through which they are addressed in more detail it is not simply the case that one follows the other. When properly examined such decision-making processes are complex and move back and forth between their technical and political phases. Thus, the notion of a phase does not allude to their temporal sequence so much as to make metaphorical reference to their natures as being comparable different physical states, like gas or liquid (Collins and Evans 2007: 124 fn 17). The technical and political phases are, therefore, different social states, different contexts for ways of being or forms of life. Or, to my mind the better phrasing, different modes of social life.

view might strike some as an attempt to (re)institutionalize the distinction between fact and value that wave 2 science studies has collapsed. However, Collins, Evans and Weinel deny that this is the case and insist that they rely on the different formative intentions of different cultures – the ideological values and norms of any (sub)cultural domain or field – such as 'politics' and 'science.' This, the notion that "policy-makers should value the judgment of experts – those who 'know what they are talking about'" (Collins et al. 2010: 188) does not involve respecting science as, simply, a repository of facts or truth but as an important (sub)culture, and as an essential component of modernity. Indeed, as it involves *electing* to do so. It does not involve asserting the authority of science so much as adopting a particular political and evaluative stance with regard to that authority, its nature and limits, and its basis in the formative intentions of science and the values that underpin its practices.

To be clear, then, "what matters [for EM] is not that 'science', or scientific practice or scientific knowledge is chosen as the central element of our culture but that 'scientific values' are seen as being a key part of a democratic society" (Collins et al. 2010: 190). Indeed, consistent with the work of many others – including Merton and Habermas – the values of science are not only seen as being congruent with those of democracy, but as sharing overlapping values to a reasonably large degree (Collins et al. 2010: 191–192). Nevertheless, the 'formative intentions' of science and democracy differ; they are different fields, with different concerns and purposes. Thus, whilst electing to be modern is a political choice regarding the public and policy-making role of science, and the broader respect it is accorded, it is not only consistent with the (related and similarly modern) 'choice' to be democratic, and to value democracy, but can be represented as complimenting this broader commitment (Collins et al. 2010: 191). As such the socio-political role of science and scientific knowledge cannot be (re)configured at will. Respecting a field of inquiry means respecting its norms, its values and the formative intentions that constitute and underlie the 'community of practice.' As Collins and Evans say: "Democracy cannot dominate every domain – that would destroy expertise – and expertise cannot dominate every domain – that would destroy democracy" (2007: 8). A position that implies democracy and expertise should form a mutually supportive social compact.

What this means is that science can, after all, be demarcated from non- or pseudo-science but only in sociological terms. As such difficulties remain. Certain non-scientific fields may still resemble certain scientific fields. Nevertheless when we considered central examples such as, say, 'biology' and '(bio)ethics' the decision to term one a science and the other a non-science is fairly easy to make. Elective modernism suggests we can think similarly for the distinction between science and politics as a whole. This thinking can then be transferred when deciding who is in a position to speak as a scientist, an expert or as someone who 'knows what they are talking about' and who does not occupy such a position. The formative intentions that constitute the sociological distinction between different fields also indicate whether or not the Locus of Legitimate Interpretation (Collins and Evans 2007:

119–121) should be restricted to those positioned within the field or if it can be extended to others. For example, consider a field where there is little restriction on who may legitimately interpret is products, namely the artistic field. Individual artists – who inhabit particular social fields, the norms, formative intentions or ideologies of which they follow or, at least espouse – produce works of art. However, these works of art are available for interpretation by all and not just those who inhabit the artist's field. Aesthetic products – art, architecture, literature, fine foods and wines – can be legitimately interpreted by anyone.[12]

In contrast, the Locus of Legitimate Interpretation is far narrower when considered in relation to science. If one is to legitimately interpret scientific research one must be a contributory expert, or a very high level interactional expert. This is particularly true if one is to use such interpretation to conduct further scientific research. It also remains a reasonably strong condition for the interpretations that seek to (accurately) communicate scientific findings more generally. This restriction on legitimate interpretation is not, or so Collins (2010) suggests, the same as claiming that science is immune to criticisms leveled by non-scientists.[13] Clearly it can be subject to better or worse forms of criticism by, say, (bio)ethicists or Wave 2 sociologists. However, such criticism is rooted in alternative forms of expertise and, as such, it merely reinforces the duty of scientists to be clear when presenting and interpreting 'the science' to its wider audiences and publics.

Such a duty brings a final point into focus. It is rarely the case that the kind of interpretations required by non-scientists will involve the work of any one scientist. Rather, what is required are reports of the collective and consensus view of scientists and a scientific field. Whilst there are always disputes and disagreements, the technical phase of policy-making process involves scientists providing expert testimony as to the content and strength of the scientific consensus. Such expert testimony is not beyond *political criticism* but, under elective modernism, it is beyond *political (re)interpretation*. As such whilst those involved in policy-making process must respect the expert scientific interpretation(s) that have been provided during the technical phase, this is not to say that such testimony must acted upon in the political phase. Experts have to be heard, but they do not have to be obeyed (Evans 2014: 94). Nevertheless, where expert scientific advice is to be ignored or overruled there ought to be some acknowledgement of this fact. In short, "politicians must take responsibility for the policies they enact and be clear about the extent to which expert consensus supports these decisions" (Evans 2014: 94).

[12] Of course, this is not to deny that there might be elite, or even expert, consumers or interpreters of such works and products. Connoisseurship is acknowledged as form of (meta)expertise and, furthermore, it is a term that can be applied to science, to scientists and, in particular, to those involved in the practical and political management of science and scientists (Bourdieu 1996; Collins and Evans 2007: 57–59).

[13] Criticism by other scientists or those with scientific expertise such that they occupy the Locus of Legitimate Interpretation would, of course, not be an example of *criticism* but, rather, instances of further *interpretation*.

4 (Bio)Ethical Expertise and Elective Modernism

Before considering whether or not the academic field of (bio)ethics can be appropriately framed by the political perspective of elective modernism it is worth briefly considering a couple of points regarding the relationship between science and (bio) ethics, and the fact that (bio)ethics is in important channel for the public communication of science. It is also worth reiterating that my concern is with (bio)ethics as a form of applied philosophical enquiry rather than bioethics more generally. This latter term names the field as a whole and so includes disciplines – such as sociology, anthropology and history – that engage in broader and more critical forms of analysis that are socially, culturally, and historically – and not just logically or, in a somewhat limited sense of applied philosophy, ethically – reflexive. For these reasons I do not think bioethics as a whole could be properly considered in terms of elective modernism.[14] Nevertheless, considering its relevance to the more limited field of (bio)ethics will, I think, prove illuminating.

The relationship between science and (bio)ethics is an interesting one. Whilst the ethical evaluation of scientific facts may vary – consider the differing interpretations of the embryo's moral status – participants in such moral debates must have if not a relatively undisputed and shared view of the facts then an electively modern one. Whatever the stripe of their intellectual and, perhaps more importantly, ethico-political perspective academic (bio)ethicists must relate to science in a way that akin to elective modernism. This is not to say that (bio)ethicists may not legitimately disagree with the science or with a clinical perspective – some (bio)ethicists may have a reasonably high level of interactional expertise and, therefore, will be able to ask reasonably acute questions in the 'technical phase.' Nor is it to say that they are necessarily complicit with the scientists in the way suggested by some sociological accounts (cf. Evans 2012) although, of course, some might be. Nevertheless, for the most part, (bio)ethics is committed to the distinction between fact and value.[15] Whilst (bio)ethicists enact this distinction methodologically, it is also present in the way such work is presented to its various publics, include scientists, politicians and all those involved in policy-making. Thus, whilst there is (much) more to be said, elective modernism provides a potentially fruitful way to frame the relationship between science and (bio)ethics. It also suggests that insofar as (bio)ethicists are involved in the public communication of science – and, in my view, they are heavily involved in this endeavour – then part of what they do, communicating 'the science,' can be understood in terms of elective modernism.

[14] The difference is, of course, the degree to which different forms of intellectual enquiry respect – or call into question – the ideological values of science and those that operate in practice.

[15] In a response to an article discussing elective modernism (Collins et al. 2010) Fischer (2011), a sociologist of science, criticized the apparent revival of the fact-value distinction. However, as their ongoing support for Wave 2 Science studies shows, Collins, Evans and Weinel are not seeking to revive the fact-value distinction *per se*. Rather they are promoting the realization that the distinction between fact and value has, so to speak, *value*. Thus it may be adopted in some times, places and contexts whilst rejected in others.

As interesting as these questions might be, they are not the particular concern of this essay. Rather, I wish to focus on the way the specific expertise of (bio)ethicists and the contribution it makes to policy-making processes might be understood in terms of elective modernism. In short, should non-(bio)ethicists take the expert advice – or 'testimony' – of (bio)ethicists in the same way as they do that of scientists? In my work on (bio)ethical expertise I have positioned applied philosophical (bio)ethics as a distinct social field and as an important aspect of our contemporary and modern moral culture. Such positioning reflects Collins et al.'s (2010) understanding of science and scientific fields. Similarly, (bio)ethical expertise is distinctive because of the formative intentions of this academic field; because of its socio-political and intellectual structure and the values that underlie and inform the research pursued and knowledge produced within the field. Furthermore, as is the case with science, when taken as a set the formative intentions of (bio)ethics, an academic discipline, are not to be found more generally. As such its products – journal articles – are not easily understood by the uninitiated. This is not to say that none of the values or norms of (bio)ethical discourse can be found outwith the academic field. Other fields can, of course, share certain values with (bio)ethics and, as is the case with science, (bio)ethics may have norms in common with the formative intentions of democracy. Nevertheless, the *formative* and *intended* ends of democracy, (bio)ethics and science differ. Such a view would, then, appear to suggest that Locus of Legitimate Interpretation of (bio)ethics compares to that of science rather than art, suggesting that might be restricted to experts.

However there is a sense in which one could say the same of literary criticism. As an academic field it is fairly inaccessible. Nevertheless, the existence of this intellectual field does not mean that non-scholars are unable to read, enjoy and interpret novels for themselves. Rather, the academic field and the field of literary consumption exist alongside one another and, on at least some occasions, interrelate with one another. For example, those who enjoy literature might be well advised to consider reading texts perceived by the academic field to be canonical, innovative or accomplished. Similarly, literary critics might be well advised to take note of popular culture and, in order to understand the value of popular works, its role, function and place in our literary cultures, to examine and engage with them as academics. Neither of these notions suggests that the views of experts in literary criticism are objectively superior to those of non-experts or, more accurately, those whose appreciation of literature is merely a function of ubiquitous expertise in the literary domain. Furthermore even if there may be something to gain for some, this does nothing to suggest that the ordinary reader has any particular need or use for expert literary criticism. Rather, it is merely to locate the field of literary criticism alongside, and as part of, our literary culture as a whole. This way of framing literary criticism is to reveal its relation to contemporary culture, a perspective that directly echoes the way in which elective modernism understands science as something related to and part of contemporary society and modern culture.

This same thinking can – indeed *must* – be transposed to (bio)ethics. The fact that (bio)ethics is an specialised field does not mean we should deny the legitimacy of medical doctors, life scientists or, indeed, lay persons interpreting their own moral

experiences. Nor should we think that such interpretations should be subordinated to those of experts. Rather we need a more sophisticated account, one that positions the specialist expertise of (bio)ethicists as an important part of our broader moral culture and sees it in relation to the ubiquitous moral expertise of ordinary moral actors. This is part of what I address in my previous work. The existence of ubiquitous moral expertise and the nature of ordinary moral actors is such that we ought not blindly follow the advice, testimony or dictates of (bio)ethical experts. To do so would entail a significant abdication of our moral agency and, therefore, of our moral responsibilities. Nevertheless, if we are to be morally serious persons,[16] then we would be well advised to take note of what (bio)ethical experts have to say and to consider, criticise and interpret it for ourselves. This is particularly true for those who act (or practice) within fields like medicine. The ethical issues that arise within the contexts of modern medicine are not necessarily ones that individuals will be well prepared to address on the basis of their ubiquitous moral expertise or, at least, it is not simply the case that they are well prepared to do so. Whilst healthcare professionals – initiates to the field of medicine and healthcare – are morally socialized and ethically enculturated into this domain (Emmerich 2013, 2015b). The nature of this process, and of engaging in a relatively esoteric and specialised practice on an everyday basis, indicates the involvement and refinement or, better, contextual adjustment and development of the individual ubiquitous moral expertise. This is accomplished with the aid of the (bio)ethics, its literature and expertise.

This, then, indicates that there is a vital difference between ethics on the one hand and both science and aesthetics on the other when considered under conditions of elective modernism. Where the testimony of scientific experts can be criticised but not interpreted, and where the ordinary reader need not be concern themselves with the intellectual perspectives of literary critics, the case of (bio)ethical expertise differs.[17] Not only must it be criticised and interpreted by non-experts, the perspective developed and presented by expert (bio)ethicists should be consider of particular interest and concern to those who actually address and even encounter the issues

[16] The phrase is a subversion of Radcliffe-Richards (2012) more prescriptive and rhetorically loaded use of the same term. Albeit implicitly, Radcliffe-Richards' view would appear to suggest that all moral agents should become (bio)ethical experts, at least to the level of gaining significant interactional expertise with the field of applied ethics. At play here is a misguided assumption that extends what Narvaez and Lapsley (2005: 141) identify as the principle of phenomenalism – the notion that formal ethical reflection is a prerequisite for an act, behavior or practice to have 'moral significance.'

[17] It is, however, worth noting that it does not appear to apply to our ordinary or everyday ethical concerns but only to more specialist concerns of the kind raised by bioethics, business ethics, environmental ethics and so forth. We might ascribe this state of affairs to the way in which these domains require the careful evaluation of information, knowledge and perspectives that most are relatively uninformed about. A point that again highlights the role of bioethics in communicating 'the science.' Nevertheless it remains the case that, for the most part, applied ethics seems remarkably ill-suited to commenting on the ordinary ethics and moral practices of everyday life. A point that is, I would suggest, borne out by recent anthropological research (Zigon 2008; Lambek 2010; Faubion 2011; Laidlaw 2013). In a similar vein, see Johnson's (2014) remarkable and interdisciplinary 'Morality for Human Beings.'

(bio)ethics analyses. Furthermore, this should not be seen as a one-way street. Expert (bio)ethicists should concern themselves with the fact that ordinary moral agents who encounter (bio)ethical issues will take an interest in their work. Consistent with elective modernism, expert (bio)ethicists should, then, endeavour to make themselves and their work accessible to ordinary moral actors and, in so doing, contribute to broader discussions of bioethical issues.[18] Akin to the importance currently attached to the public communication of science we might think of the public understanding of (bio)ethics, with all that might be said to entail regarding raising awareness and the need to engage as well as communicate with broader audiences.

What, then, might this mean for democratic politics and policy-making processes? Clearly (bio)ethics – and bioethics more generally – should be viewed as an valuable part of our contemporary moral culture and the broader socio-political landscape. As such it has an important contribution to make with regards public debate, policy-making processes and, we might say, to the political life of a nation as a whole.[19] Equally, insofar as it has the potential to close down ethico-political debate and the full participation of non-experts, (bio)ethical expertise may present a threat to such democratic endeavours. Thus, (bio)ethicists ought to *take care* when exercising their expertise in arenas beyond their academic home. Interestingly, such an injunction is not only normative but, in essence, concerns the ethical or ethico-political limits that apply to the exercise of (bio)ethical expertise. If we first consider the use of (bio)ethical expertise in public debates then we might adopt certain standards of intellectual humility and generosity to our (expert and, in particular, non-expert) opponents. Furthermore, there is often a context-dependant case to be made for presenting a balanced opinion rather than, simply, advocating for a partisan position. Whilst the media often presents (bio)ethical debates in a 'for and against' format, the issues often require a more complex exposition if they are to be fully explored. Indeed, the 'for and against' format may itself be a source of imbalance and misrepresentation. Thus, if it is to be ethical, the exercise of (bio)ethical expertise may require individual experts to present a range of ethical perspectives or, at least, to intimate the degree to which the academic debate contains 'good faith' diversity.

This latter point has more acute relevance when it comes to the use of (bio)ethical expertise in political and policy-making processes. Whilst public debates can still be construed as ethical debates *per se*, this is not the case when we consider the more formal processes of policy-making. Whilst some might suggest that ethics should precede politics, that it should be understood as providing political discourse

[18] This does not, of course, imply that expert (bio)ethicists cannot engage in more esoteric, complex and expert forms of discourse. Just they, when required, they should at least make some attempt to communicate and engage with non-experts.

[19] Rosanvallon (2011) points out that politics and, indeed, policy-making, is not restricted to the work of the government but that, in modernity, has become 'decentered' with debates being distributed more widely. The UK's Nuffield Council on Bioethics is a good example of this decentering, and of the broader (bio)ethicsts make to 'the political life of a nation as a whole.'

with prior constraints or limits (Radcliffe-Richards 2012: 134). This is a view that implies that 'ethics' does not or should not occur or recur in subsequent discourses. I do not think this is a tenable position as, so to speak, 'the ethical' is inescapable; it is part of all aspects of our social and socio-political lives. Nevertheless the role of (bio)ethical experts is not to become partisans in such debate nor, worse, to structure them in accordance with academic methodologies.[20] Rather, on the basis of the fields cultural standing and formative intentions, (bio)ethicsts hold out the fields scholarship as a resource for political and policy-making debates, to (re)present the range of (bio)ethical perspectives and to do so both accurately and impartially. In so doing (bio)ethicists can contribute to the quality of political and policy-making discourses. Such notions reflect the way in which elective modernism construes the political and policy-making role of science and scientists. Thus, it would appear that despite not being in a position to testify to 'the facts,' the political functions of (bio) ethical expertise may bear significant comparisons with that of science. However, in order to maintain the notion that (bio)ethicists can contribute to political and policy-making process on the basis of their expertise we need to be able to distinguish between more than just expert and non-expert (bio)ethicists but between expert and *pseudo*-(bio)ethicists.

Whilst this iteration of the demarcation problem can, to some extent, be addressed in the way suggested by Collins and Evans, which is to say sociologically, problems remain. Consider, for example, the different academic, and therefore expert, approaches one can take to ethics. Whilst science is constituted by different fields – biology and chemistry for example – and whilst there is sometimes an overlapping focus – as, say, in the case of biochemistry – these fields are not in conflict. In contrast the substantive focus of different sub-fields of ethics not only overlap but are also in conflict over a range of substantive, methodological and meta-ethical issues. As such, whilst there may be such a thing as (bio)ethical expertise, and whilst there is some likelihood of there being a relatively widespread consensus – or, at least, a majority opinion – about the substantive position to take with regard a particular ethical issue, there is little to no chance that there will be agreement on the correct way to approach it (Toulmin 1981).

Of course, such things may or may not be taken as an indication that there is a fundamental problem with (bio)ethical expertise and/or its use within political and policy-making contexts. I tend not to think it overly problematic. Such disagreement is not restricted to the domain of academic or specialist (bio)ethical expertise

[20] This way of thinking often appears to be anathema to (bio)ethicists. Consider, for example, the ethical compromise on embryo research set out by the Warnock Report. From an applied (bio)ethical perspective the position adopted is rationally indefensible and it has been criticized by (bio) ethicists for this very failing (Harris 1985: 132). However, not only are there more nuanced views (Hammond-Browning 2015), consider the longevity and impact that the report has had on the regulatory landscape: it is, for example the basis of UK's Human Fertilization and Embryological Authority (HFEA) and, therefore, of the approval it recently granted for genome editing research. In regards its influence, durability and, more importantly, its political balance the report has been an outstanding success (Wilson 2011).

and any political process should be cognizant of the diversity of ethical perspectives that might bear on the substantive topic being addressed. Nevertheless there is, I think, a significant problem when it comes to the question of the degree to which we should prefer or prioritize the academic, specialist or specialized perspectives of (bio)ethical experts over those of ordinary moral agents, those who respond on the basis of their ubiquitous moral expertise alone. The existence of ubiquitous moral expertise, and the fact that specialist (bio)ethical expertise could not be developed without it, undermines a key aspect of the demarcation problem. Lest we forget the demarcation problem concerns the distinction between science and non- or pseudo-science. Whilst those working in science studies need worry about certain forms of lay expertise – Cumbrian sheep-farmers, say – their expertise is not a claim to scientific knowledge *per se*, but to knowledge based on experience. In contrast the views of ubiquitous moral experts are *ethical* views. Whilst we can maintain a sociological distinction between specialist (bio)ethical expertise and ubiquitous moral expertise, the fact that they both belong to the same class – morality – is one of the reasons that the testimony that specialist (bio)ethical experts provide in the technical phase cannot be considered beyond reinterpretation in the political phase. This view is reinforced by the principle of (moral) equality, understood as a formative intention or value shared by democracy and (many) moral and political philosophies. Unless one has reason to think that they are held in 'bad faith' the formative intentions or values of modern society indicate that the views of all moral agents are deserving of our consideration and respect. Of course, that a particular moral view is held by some and that it therefore deserves consideration may not entail very much at all, and it certainly does not prevent us from engaging with it and those who hold it in further ethical and ethico-political debate. Nevertheless, one must conclude that there is no such thing as pseudo-ethics or pseudo-ethical perspectives.

Such concerns prevent us from committing to elective modernism when it comes to (bio)ethical expertise. Whilst (bio)ethics can be seen as an aspect of our moral culture, and not simply a resource, and whilst it can be appropriate to take particular note of the views held by (bio)ethicists in virtue of their specialist expertise, these cannot be considered to be beyond the (re)interpretation of other moral agents, even if they can only do so on the basis of their ubiquitous moral expertise. Furthermore, politics and policy-making should themselves be seen as moral endeavours. Indeed, given that, unlike science, politics and (bio)ethics are highly miscible – that it is very easy to slip from doing ethics into doing politics – we must actively work to ensure the political neutrality (or 'objectivity') of specialist (bio)ethical expertise. This is task that should weigh heavily on the shoulders of the expert (bio)ethicist and, ideally at least, on politicians. What this view suggests is, I think, that elective modernism is a political philosophy with particular relevance to contemporary relationship between science and society. However, once we configure our democratic processes to reflect this relationship it will have consequences in other areas, such as in the case of (bio)ethics. At the heart of elective modernism is a choice about the role of science and the relevance of the fact-value distinction to that role. Following this choice means that the distinction becomes procedurally institutionalised as

the technical phase and the political phase. Insofar as (bio)ethicsts adopt the same distinction, then they appear to fit well into the same schema. Nevertheless the notion that elective modernism can correctly frame the political contributions of (bio)ethical experts cannot be maintained as what they have to contribute are not matters of fact but ethical perspectives and matters of value, and, in the final analysis, there can be no (expert) value – (lay) value distinction.

5 Conclusion

This essay has pursued the notion of (bio)ethical expertise and elective modernism with a view to their compatibility. The conclusion I have drawn is that in describing the relationship between science and society and its political role, elective modernism has a significant influence on how we might understand the role of (bio)ethical expertise. Nevertheless, due to the fact that values are the focus of its enquiry the relationship between (bio)ethics and society is incompletely captured by elective modernism. Its influence might, then, be traced to the important role that science has to play in informing (bio)ethical discourse and, in turn, the role (bio)ethics plays in the broader communication of scientific perspectives. Somewhat ironically then, science and (bio)ethics are entangled by the very distinction that keeps them apart; both are inescapable related insofar as the formative intentions of both fields involves a methodological commitment to the independence of fact and value. However, where democratic politics can elect to respect the independence of facts it cannot indeed should not, do the same for values. This is because our values are interdependent, a notion that is present in the idea that science and democracy share certain values. Similar implications can be sketched with regards bioethics as a whole. Whilst (bio)ethics rarely concerns itself with democratic principles as part of its substantive analysis, this is not the sum total of the discipline's endeavours. For example, Montgomery (2013, 2016) has recently argued for the value of public bioethics and for understanding bioethics as a governance practice.[21]

Such thinking points to a specific limitation in the way I have restricted my analysis of bioethical expertise to (bio)ethics. There are very few individuals who restrict themselves to (bio)ethics and, furthermore, much of the way I have discussed the ethics of (bio)ethical expertise implies that such experts should go beyond the practice of (bio)ethics alone. What I take this to mean is that the cultural tasks and socio-political roles fulfilled by bioethics are diverse, a fact that reflects the morally plural context in which it takes place and to which it must respond. Contra to what Radcliffe-Richards (2012) recommends, moral seriousness is not comprised of settling frameworks for ethical debates prior to the conduct of any concrete policy-making process. In short not only is (bio)ethical expertise not the sum total of morality neither is it comprised of (bio)ethical expertise plus some

[21] Of course the fact that, at the time of writing, Montgomery was Chair of the Nuffield Council for Bioethics is pertinent to his view, and vice versa.

degree of political modulation via the views of the 'lay' public. In the context of contemporary or modern democracies, ethico-political decision-making ought to be seen as a complex, decentred, distributed and reflexive (Rosanvallon 2011) process that will never be entirely complete.

References

Archard, D. 2011. Why Moral Philosophers Are Not And Should Not Be Moral Experts. *Bioethics* 25 (3): 119–127. https://doi.org/10.1111/j.1467-8519.2009.01748.x.

Bourdieu, P. 1996. *The Rules of Art: Genesis and Structure of the Literary Field*. Stanford: Stanford University Press.

Collins, H. 2010. Elective Modernism. http://www.cardiff.ac.uk/socsi/contactsandpeople/harry-collins/expertise-project/elective%20modernism%204.doc. Accessed 1 Feb 2016.

———. 2011. Language and Practice. *Social Studies of Science* 41 (2): 271–300. https://doi.org/10.1177/0306312711399665.

Collins, H., and R. Evans. 2007. *Rethinking Expertise*. Chicago: University of Chicago Press.

———. 2015. Expertise Revisited, Part I – Interactional Expertise. *Studies in History and Philosophy of Science Part A* 54: 113–123. https://doi.org/10.1016/j.shpsa.2015.07.004.

Collins, H., M. Weinel, and R. Evans. 2010. The Politics and Policy of the Third Wave: New Technologies and Society. *Critical Policy Studies* 4 (2): 185–201. https://doi.org/10.1080/19460171.2010.490642.

Cowley, C. 2005. A New Rejection of Moral Expertise. *Medicine, Health Care and Philosophy* 8 (3): 273–279. https://doi.org/10.1007/s11019-005-1588-x.

Daston, L. 1995. The Moral Economy of Science. *Osiris* 10: 2–24.

Daston, L., and P. Galison. 2007. *Objectivity*. New York: Zone Books.

Emmerich, N. 2013. *Medical Ethics Education: An Interdisciplinary and Social Theoretical Perspective*. London: Springer.

———. 2015a. A Sociological Analysis of Ethical Expertise: The Case of Medical Ethics. *SAGE Open* 5 (2): 1–14. https://doi.org/10.1177/2158244015590445.

———. 2015b. Bourdieu's Collective Enterprise of Inculcation: The Moral Socialisation and Ethical Enculturation of Medical Students. *British Journal of Sociology of Education* 36 (7): 1054–1072.

———. 2016. A Sociological Analysis of Ethical Expertise: The Case of Bioethics. *Cogent Social Sciences* 2 (1): 1143599. https://doi.org/10.1080/23311886.2016.1143599.

Evans, J.H. 2012. *The History and Future of Bioethics: A Sociological View*. New York: Oxford University Press.

Evans, R. 2014. Science and Democracy in the Third Wave Elective modernism Not Epistocracy. In *Expertise and Democracy*, ed. C. Holst, 85–102. Oslo: ARENA, Centre for European Studies, University of Oslo https://sv.uio.no/arena/english/research/publications/arena-publications/reports/2014/report-01-14.pdf#page=92. Accessed 21 Oct 2014.

Faubion, J.D. 2011. *An Anthropology of Ethics*. Cambridge: Cambridge University Press.

Fischer, F. 2011. The "Policy Turn" in the Third Wave: Return to the Fact–Value Dichotomy? *Critical Policy Studies* 5 (3): 311–316. https://doi.org/10.1080/19460171.2011.606304.

Hammond-Browning, N. 2015. Ethics, Embryos, and Evidence: A Look Back at Warnock. *Medical Law Review* 23 (4): 588–619. https://doi.org/10.1093/medlaw/fwv028.

Harris, J. 1985. *The value of life*. London: Routledge.

Johnson, M. 2014. *Morality for Humans: Ethical Understanding from the Perspective of Cognitive Science*. Chicago: University of Chicago Press.

Laidlaw, J. 2013. *The Subject of Virtue: An Anthropology of Ethics and Freedom*. Cambridge: Cambridge University Press.

Lambek, M. 2010. *Ordinary Ethics: Anthropology, Language, and Action*. New York: Fordham University Press.
Levitt, M. 2003. Public Consultation in Bioethics. What's the Point of Asking the Public When They Have Neither Scientific nor Ethical Expertise? *Health Care Analysis* 11 (1): 15–25.
Montgomery, J. 2013. Reflections on the Nature of Public Ethics. *Cambridge Quarterly of Healthcare Ethics* 22 (1): 9–21. https://doi.org/10.1017/S0963180112000345.
———. 2016. Bioethics as a Governance Practice. *Health Care Analysis* 24 (1): 3–23. https://doi.org/10.1007/s10728-015-0310-2.
Musschenga, A.W. 2015. Editorial: VIRTUAL ISSUE No. 1: Virtues, Skills, and Moral Expertise. *Ethical Theory and Moral Practice,* (Virtual Issue, Online Only). http://www.springer.com/social+sciences/applied+ethics/journal/10677. Accessed 2 Feb 2015.
Narvaez, D., and D.K. Lapsley. 2005. The psychological foundations of everyday morality and moral expertise. In *Character Psychology and Character Education*, ed. D.K. Lapsley and F.C. Power, 140–165. Notre Dame: University of Notre Dame Press.
Radcliffe-Richards, J. 2012. *The Ethics of Transplants: Why Careless Thought Costs Lives*. Oxford: Oxford University Press.
Rosanvallon, P. 2011. *Democratic Legitimacy: Impartiality, Reflexivity, Proximity.* Trans. A. Goldhammer. Princeton: Princeton University Press.
Smith, C. 2009. *Moral, Believing Animals: Human Personhood and Culture*. Oxford: Oxford University Press.
Snow, N.E. 2009. *Virtue as Social Intelligence: An Empirically Grounded Theory*. London: Routledge.
Stichter, M. 2007. Ethical Expertise: The Skill Model of Virtue. *Ethical Theory and Moral Practice* 10 (2): 183–194. https://doi.org/10.1007/s10677-006-9054-2.
Swartwood. 2013. Wisdom as an Expert Skill. *Ethical Theory and Moral Practice* 16 (3): 511–528.
Toulmin, S.E. 1981. The tyranny of principles. *The Hastings Centre Report* 11 (6): 31–39.
Wilson, D. 2011. Creating the "Ethics Industry": Mary Warnock, In Vitro Fertilization, and the History of Bioethics in Britain. *BioSocieties* 6 (2): 121–141.
Zahle, J. 2013. Practices and the Direct Perception of Normative States: Part I. *Philosophy of the Social Sciences* 43 (4): 493–518. https://doi.org/10.1177/0048393112454995.
———. 2014. Practices and the Direct Perception of Normative States: Part II. *Philosophy of the Social Sciences* 44 (1): 74–85. https://doi.org/10.1177/0048393112462517.
Zigon, J. 2008. *Morality: An Anthropological Perspective*. Oxford: Berg.