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Public Policy and the Future of Bioethics[1]

ALASTAIR V. CAMPBELL

Abstract

This highly speculative paper seeks to discern where the discipline of Bioethics may be heading in the next decade or two. It is clear that the rapid pace of scientific discovery and technological innovation will not slacken, and, as a result, fresh moral issues, for which there are no precedents in currently accepted moral wisdom, will rapidly emerge. This mushrooming of ethical problems will be taking place at a time of increasing moral pluralism, when common moral values become harder to establish, and powerful subgroups embrace moral dogmatism, whether religious or secular in character.

Faced with such complexity and confusion, governments and industrial groups will increasingly seek guidance from bioethics "experts", through paid consultancies, advisory panels and commissioned reports on specific topics. But Bioethics itself is currently in a stage of flux: 1. Certain research areas in Bioethics have 'bolted' (in the horticultural sense), because of a rich injection of funds – notably genetics and stem cell research – while other areas are relatively under-researched. 2. Inter-disciplinarity has become *de rigueur*, largely under funder pressure, and, allied to this, an insistence on empirical work has created conceptual confusions. 3. There is a continuing ferment in bioethical theory, with little sign of productive co-operation between rival camps. Indeed theoretical enrichment seems to lag far behind the constant demand for relevance and 'applied ethics'.

So what of the future? I detect certain trends, some to be deplored and discouraged, others to be applauded and nurtured. On my 'black list' are: the commercialisation of Bioethics; and the dumbing down of several critical disciplines in the name of relevance. On my 'white list' are: further adventures in theory; inter-disciplinarity come of age; and the future envisioned in today's young minds.

Introduction

It has become a platitude to say that the speed of scientific and technological innovation has outstripped our shared moral visions, but it is nonetheless true. Some controversies are too obvious too ignore – the debates over cloning, uses of embryonic stem cells, environmental protection, climate change, or GM foods, are all obvious examples. But many more exist in reality or potential. A good example would be the possibility of

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sperm derived from adult stem cells (already achieved in mice), which would revolutionise our understanding of parenthood as the joint enterprise of male and female. If this future becomes an actuality, any woman could have sperm customised from herself or another woman in order to achieve a pregnancy, without any male source whatsoever. Faced with this cascade of new dilemmas governments turn to 'experts' to rescue them from the accusation of doing nothing. As a result we have an increasing number of panels, commissions, consultants and, from them, a mountain of reports (many of them gathering dust in government offices). Bioethics is now highly topical and popular, and scarcely a day goes by without someone making the claim to ethical expertise in some field. The question is, does the discipline of Bioethics really have anything to offer to those who must decide public policy?

The Inevitablist Critique

To answer this, I must first respond to a common critique of the relevance of reasoned bioethical debate. To coin a particularly horrible neologism, I call this the "inevitablist" critique. It runs as follows; people have always worried about change and seen it as morally problematic. But history shows that sooner or later what is regarded today as morally unfortunate will become commonplace and fully acceptable tomorrow. We cannot stem the flow of scientific "progress" with arguments about morality. Since change is inevitable, so we must simply learn to accept it. A favourite example for this position is the powerful opposition to assisted conception when it was first introduced some decades ago, yet now, it is argued, everyone applauds these methods of overcoming fertility. So, the conclusion runs, we may as well accept that today's "yuk factor" is tomorrow's social acceptance, and not waste time in analysing the moral desirability of what will happen in any case.

This argument cannot of course be directly refuted, since it contains a prediction about the future, which cannot be conclusively proved or disproved in the present. But we can point to its simplistic historical analysis: assisted reproduction, for example, far from being seen as simple scientific progress with no moral problems, is now being perceived as highly complex morally and in need of careful regulation. As the stem cell controversy increases, many countries look with envy to the UK, where the careful discussion of the Warnock Report has led to a fully regulated system, allowing both control of extremes and flexibility when new issues arise. Such a moderated approach is much more difficult in countries where there are no mediating structures between vacillating public opinion and political expediency. The confused policy in the USA regarding embryonic stem cells provides an excellent illustration of this. In this, as in many other areas of technical innovation, it is certainly possible to channel, if not to halt completely, the flow of change. It is surely the task of a well informed and carefully reasoned Bioethics to guide the policy makers. But is the discipline up to the task? In the next section I look at the problems we face at the present time in the discipline.

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Bioethics in Flux

As I see it, there are three problem areas in the discipline of Bioethics at the present time, if policy makers are going to look to it for guidance: 1. Uneven growth; 2. Disciplinary confusion; and 3. Ferment in theory.

Uneven Growth. Bioethics has had a curious history. Its origins can be traced to the emergence of a counter culture to scientific medicine in the 1960s, which questioned the ability of doctors alone to deal with the ethical issues arising in practice. Partly welcomed by the profession and partly feared by it, this new style medical ethics focussed on issues like medical research and treatment decisions, seeking help from a range of disciplines, such as theology, philosophy, law and social science. It became increasingly clear that many of the new problems in the area of human health and welfare lay outside the professional practice of doctors and encompassed a range of other scientific disciplines, including epidemiology, genetics, biochemistry, pharmacology and environmental science.

As this expansion has increased, certain areas have 'bolted', nurtured by an over rich source of nutrients. The acronym ELSA (ethical, legal and social aspects), first used in the Human Genome Project, soon became the signal for the injection of cash of a scale quite unknown before to many of the humanities based researchers in Bioethics. Two areas are particularly noted for such generous funding: genetics and stem cell research. So political priorities have begun to define the priorities of research in Bioethics. Of course these are both highly important areas, in which excellent work has been and will be done, but the danger is obvious - we may starve of nourishment other areas of the discipline, perhaps especially those which are more critical of current political agendas and which take a more sceptical view of the values of science and technology. I have in mind issues to do with world hunger, injustice in health care distribution, threats to our environment, the rising tide of mental illness and the dilemmas of ageing (to take just a few examples).

The Fashion for Interdisciplinarity. The second problem area is also potentially the greatest strength of Bioethics – the current fashion for interdisciplinary work. This fashion has been partly created by the funders, notably the Wellcome Trust and the European Commission, but increasingly also by UK government funders, for example, the recent Stem Cells Initiative launched jointly by the MRC and ESRC. As I pointed out earlier, a mix of disciplines has been a characteristic of the field since the early days of the new medical ethics, but as the years go on, some serious problems have emerged. Firstly, it is very difficult to retain the academic integrity of a discipline, when research is crossing a number of disciplinary boundaries. There is a risk is a "dumbing down", a loss of rigour and complexity, in the process of trying to communicate with scholars who use an entirely different discourse. Secondly, it is likely that "blue skies" research in the component disciplines of Bioethics will suffer, when all the priority is put on getting

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disciplines together to produce relevant reports. Thirdly - and to my mind the most serious issue –there is the risk that the relationship between theoretical and empirical work in Bioethics is not carefully enough articulated. (I shall return to this issue later).

Ferment in Theory. Thirdly, Bioethics may not be able to meet the demands of policy makers because of the current ferment in theoretical approaches. We are past, I trust, the naïve idea that with four cardinal principles all problems can be solved! The European dimension has given us terms like solidarity, integrity, and dignity, but with a continuing debate about their meaning and application. At the same time the whole philosophical approach based on structures, obligations, or principles has been effectively challenged by feminist theory, by narrative ethics and by a rediscovery of virtue ethics. I do not deplore this diversity – it is a sign of a healthy discipline with a stimulating internal critique - but it does make the demand from outside for ethical "expertise" more problematic! Which Bioethics "expert" is the right expert? How are the politicians to decide?

The Future of Bioethics

So what of the future? I am a Celt – part Scottish part Irish – but I do not possess the Second Sight! I can merely try to detect trends. I have a black list and a white list. I believe we must eliminate the former and nurture the latter.

The Black List

A. Selling the Soul of Bioethics. What of the ethics of Bioethicists? With the increasing popularity of Bioethics in areas of massive commercial gain there comes the risk of corruption. Awareness of this has begun to emerge in the USA. - I am thinking here of the courageous writing of Carl Elliott about the hiring of Bioethics consultants, without their special connection with the commercial organisation being declared in publications.[2] I do not know whether such a problem exists in the UK or elsewhere in the world, but it seems likely that it will sooner or later. The danger is already well known in science and medicine generally, and it will become essential to define at an early stage the acceptable rules of conduct by those claiming Bioethics expertise. A related problem, is the increasing tendency to appoint one person to give the ethical dimension in an advisory group. Given the healthy diversity of bioethical theory, this must be resisted, and at least two places should be allocated to allow a proper debate to be held. We should never hunt alone!!

B. Pop Bioethics. A second item on the black list is the naïve use of surveys of public opinion to establish ethical norms. To philosophers this is the familiar problem of the Naturalistic Fallacy. Surveys of opinion on contentious ethical topics no doubt have a value in identifying areas of social agreement or disagreement, but they cannot be a

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substitute for reasoned argument about the alternatives open to policy makers. To take a topical example, the decision of the HFEA to allow embryo selection to produce a "savour sibling" was a popular one with the British public, who reacted to the strong appeal of the tragedy confronting the parents of children with potentially fatal disorders. But the issue, which the Authority had to resolve, was whether it was morally right to create a child as a means of saving the life of another. Their decision to authorise the procedure was based on a careful analysis of this moral question, as it should have been. Naturally their conclusion remains ethically contentious, because such decisions raise wider questions of how we view children in our society.

The White List.

The "white list" is potentially a long one, since the range of possibilities for reasoned bioethical debate keeps expanding. But out of the range, I would draw attention to three areas I believe must be strongly nurtured: further adventures in theory; a mature account of interdisciplinarity; and a focus on youth.

A. Further Adventures in Theory Beauchamp and Childress's *Principles of Biomedical Ethics* has had a huge influence on a whole generation of researchers and practitioners, but the time is overdue for fresh incursions into the theory underlying Bioethics. We have to escape from the swamp of relevance for a while and look again at the underpinning of bioethical debate. I have already mentioned the need for "blue skies" research, and if this can be encouraged, then there should be a new generation of scholars who will revisit the nature of moral theory in this applied field. Just what shape this theory will take it is too early to say, but it will have to be based on a full understanding of the latest developments in moral theory as a whole. The old debates are looking somewhat tired and out of date!

B. Interdisciplinarity Come of Age There are already real signs of more nuanced writing on the relationship between ethics and the social sciences. I hope we have got beyond the insulting idea that social scientists "scoop facts" for ethicists to work on! Instead we have several models of how empirical findings might relate to ethical assertions. Two very notable recent contributions in this area are the EU funded EMPIRE project, edited by Soren Holm and Monique Jonas[3] and an article by Erica Haimes on the contribution of the social sciences to ethics.[4] Holm and Jonas survey possible models, ranging from a pure application of theory to practical applications, through the "reflective equilibrium" model, to models based on consistency between current beliefs and theoretical critique. The latter models are perhaps of special interest in view of a revival of scholarship in Aristotelian ethics, which blends accepted custom with philosophical analysis. Such an approach takes us beyond the "naturalistic fallacy". Similar issues arise from the careful assessment by Haimes of the state of play between ethics and social science. The main force of her paper is to show that social theory is beyond its positivistic phase and that the tension between

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fact and value in the social sciences has its counterpart in current debates in ethics. Both of these writings show that interdisciplinarity may be "coming of age", allowing some exciting new collaborations to take place between the disciplines interested in Bioethics at a theoretical level, not merely at a practical one.

C. Focus on Youth My last "white list" item" is the challenge that some Bioethics scholars are taking up to communicate with the younger generation, correctly perceiving that many of the possibilities we debate today will be realities in their world. For some years the Danish Council on Ethics has run a parallel programme to their council meetings, engaging young people in coming up with recommendations on the issues being discussed. In my own Centre, we are about to embark on some research which will enable children aged 12-14 to be trained as a research ethics committee and then to discuss actual protocols in tandem with the actual committee dealing with them. This was based on our experience running a project, which involved nine to eleven year olds discussing the ethics of research participation, including the taking and storage of DNA samples. It made us realise that in our interdisciplinarity we have left out the educationalists, a major deficit. These children were interested and articulate, and perfectly able to think through the dilemmas of consent and confidentiality.

The Future is Now

Such attempts to move Bioethics from the academic cloister, or the government committee room, to the fresh world of young people's moral perceptions raise real hopes for the future of Bioethics. The dangers noted earlier – of "pop bioethics" and of "dumbing down" of theory - are of course obvious in these experiments. But neither is inevitable if this exercise in education is done in a sophisticated way and is properly evaluated. And if bioethics is to avoid the perils of corruption by commerce and government, and of a confusion of moral value with public opinion, then its future lies in the education of those people for whom today's looming dilemmas will be tomorrow's reality.

The future is now!

[1] Modified version of a paper given to the Cardiff Centre for Ethics, Law and Society on 12th June 2004.
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