What is Bio-ethics?

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The question 'What is bio-ethics?' is asking about the nature of a science emerged only recently[1]. Each discipline that contributes knowledge to it has a tendency to conceive of it in its own image: Doctors consider it a matter of clinical decision; politicians a democratic process; lawyers a legal development; theologians a consequence of Revelation; sociologists a social fact; and biologists as biologically determined. Philosophy claims it, because it is, beyond all these specialist determinations, essentially *ethics*: 'the ethics that concerns our relations to the biosphere'[2].

It can be divided in various ways. The most general way divides it according to the proximity of the biosphere, which is either *in*, *shared with* or *around* the person.

1. The biosphere is *in* a person's body: problems relating to health and illness, sexuality and reproduction, life and death pertain to *medical ethics*.
2. The biosphere is *shared* with the person: problems in relation to food and food-safety pertain to *consumer ethics*, whereas problems relating to animals pertain to *animal ethics*.
3. The biosphere is *around* us as our general habitat: problems relating to pollution, bio-diversity, climatic changes, population growth and -decline pertain to *environmental ethics*.

Bio-ethics is essentially ethics, but what is ethics? The Greek *ethos*, from which we have 'ethics', means 'what is usually done', or what is done according to custom. The Romans translated it with *mos* or *moris*, which has given us our 'morals', and which, perhaps because Christianity took root and political authority from the Roman tradition, has a clearer and more authoritarian ring in most people's ears. Ethics, however, conserves the original sense of 'what it is considered appropriate to do', or what 'we' consider it appropriate to do. Therefore ethics can be defined as **'what we consider appropriate to do'.**

On face value this definition seems relativistic[3]. Ethics, in fact, is relative to us in how we *deal* with it, because we are ourselves involved in it. It also, however, *obliges* us, because we cannot escape our involvement. We always already consider something appropriate, and find ourselves challenged by what others consider appropriate to do. What is truly appropriate, however, i.e. what is good, is difficult to know. Plato prescribes heartbreaking measures, such as dialectics, love or death, as ways to know *the good*, but he does not pretend that even the knowledge obtained by their means can exempt us from the relativism of ethical life in this world, in anything but our own minds.

I will offer three sets of reflections on the definition of ethics before I move on to consider their implications for bio-ethics and its concrete development in Ireland. If

ethics concerns what it is appropriate to do, we must firstly reflect on what it is *to do* something. Secondly we must give some thought to what it means to *consider something as appropriate*, and thirdly we will have to address what we mean, when we say *'we'*. I hope by this to make clear, not only what bio-ethics is, but also how or why it is relevant, and to what extent.

1. First reflection on ethics: What it is *to do something*

We can *do something* in two ways:

1. Either by coincidence, as when we have made a mess of something and did not plan to do it;
2. Or we can do it deliberately, as when we purposefully try to achieve it.

In fact these two ways of doing something are complementary parts of *any* act because it is impossible in fact, but not in theory, to separate what we want to do from what we actually manage to do. We can also say that this is because *doing,* (involving intention and choice), is always doing *something* (the reality of what is done).

It is generally thought that we have moral responsibility only for what we intend to do, i.e. what we do deliberately, whereas we have legal responsibility also for what we actually manage to make of it, i.e. what we do by coincidence. In reality, however, our actions aren't made up exclusively of our intentions, nor would they be our actions if we did not intentionally bring them about. When we do something, we have chosen to do it, but 'it' might turn out quite differently from what we expected, because 'it' is not only dependent on our intentions, but also on what comes of it. There is no doing without the combination of intention and achievement. For example: I didn't intend to hit the pedestrian, when I drove to work. What I was doing was precisely 'to go to work', but it also happened that I hit a pedestrian. If I merely had intended to drive to work, I would never have got into the car. But driving on its own wouldn't have got me there either. I must carry the legal responsibility for what I in fact did, and the moral responsibility to the extent that the accident was my fault. Quite likely what I intended to do, and was justified in expecting I could do, was something entirely other than what in fact came out of it. Yet it wouldn't have happened, if it hadn't been for my intention. The 'principle of double effect' relies on this distinction between what is intended and what is obtained. It also is this distinction which accounts for the distinction between ethics and law.

2. Second reflection on ethics: What it is to *consider something appropriate*

We *consider something appropriate* in three distinct, but inseparable ways:

1. Firstly, we consider something appropriate on the *private level*, when we accept it as a maxim for our actions.

2. Secondly, we consider something appropriate *locally*, when we think its maxim is fit for acceptance by all involved, 'within the house', for example, or 'within the scientific community'.
3. Thirdly, we consider something appropriate *generally*, when we imply that its maxim 'ought to be' accepted by all as a general law, and hence could not justifiably be prohibited as a maxim for actions. This is the 'missionary' dimension of considering something appropriate, which it is impossible to avoid.

In fact these three ways are three dimensions of any consideration of something as appropriate, because any act of any kind can be appreciated by everyone, even if it should not always be.

Private acceptance may at first not seem to engage someone in ethical behavior at all. After all, 'I'm only doing *this*, and it is nobody else's business'. But the difficulty arises the moment I'm trying to express *what* I am doing. Then I have to express it as an instance of a general rule, as an action of a kind, a kind that I can consider appropriate. Someone else may consider this kind of action inappropriate, or object that my action is of another kind which he considers inappropriate. If he does, we have an ethical problem, as 'what *we* consider appropriate' no longer is unproblematic. If I can convince him that my doings are not his business or if I can successfully ignore his complaints, the problem fades. To the degree, however, where I cannot, the problem remains. To solve it, we must agree to hold something in common that 'we' consider appropriate.

Private ethical decisions, therefore, can, in so far as others feel concerned by them, have social and universal dimensions. As we are born into a house, a family, a tribe, a group or a society, we grow up with the knowledge of what is and what it is not considered appropriate to do within these communities, and we have to take our own stand in relation to them. When we do so, we contribute to their development, because we contribute to them what we consider to be appropriate. Hence we are by our very actions and thoughts ethical decision-makers. This is why the three dimensions of considering something appropriate cannot be separated even as they remain distinct.

3. Third reflection on ethics: What we mean when we say *'we'*

Because of the inseparability of the three dimensions of considering something appropriate, it is of the essence of ethics, what we mean when we say 'we'. When we by the term 'we' refer merely to the majestic plural of myself, we might be granted right of way. For example when what we claim is either just, in the interest of those whom it concerns, or simply establishing a sorely needed order with authority. If neither of these is the case, we will be regarded as tyrants, madmen or egoists. When we, however, by the term 'we' refer to our local community, it means that we have taken the interests and points of view of every member of the community into consideration before we formulate what 'we consider to be appropriate'. Finally, when we by the term 'we' refer to the universal community, we should in principle have considered the claim we make from every possible angle. We learn gradually to refer to this 'we', as we have to take on

political responsibility and are made to ponder the damage caused to some by a mere local use of 'we'.

It seems to be up to us who we are. When we say: 'we know that it is wrong to kill a human being' we refer, by the expression 'we', either to the majestic 'we', to the local 'we', or to the universal 'we'. The 'we' we can justifiably refer to empowers us to speak in its name and invests us with its power. We can, however, usurp this power by pretending to speak in its name. This is when we don't really take into consideration what others think, but pretend to do so in order to lend our claim more credibility. In a certain sense, saying 'we' always includes the pretension to speak for more than one self, and hence it is sometimes pretentious. We can refer to a pretended 'we' and 'get away with it' to the extent that those who disagree don't voice their disagreement. We leave others free to speak in our name as long as it is not vital for us that other people know we think otherwise, or as long as we are not able to make our claim heard. What 'we' consider appropriate is therefore not beyond the power-balance of a given society, only what is good, is. Problems of ethics, in fact, are always what you could also call 'social' problems.

The ethical problem is built into all communication and all knowledge, because we have to speak as 'we' all the time. 'We know that the earth is round' for example, is a rallying of all of us, *to know* that the earth is round. 'We don't accept breaches of human rights' is a call to all of us *not to accept* breaches of human rights. These propositions are both proposed for us to accept. But they exemplify two types: those that concern what *is*, and those that concern *what to do*. In general discourse the types are interwoven to the point of inseparability. But when one engages in arguing, disentangling them becomes necessary and the means by which a community, so to speak, reconstitutes itself. In so far as the argument is about *what to do*, it is ethical in nature, and what the community reconstitutes by its negotiations is its ethics.

One way of structuring a debate about ethics is to discuss our 'ethical principles'. Ethical principles are proposals of general rules for life in common. The 'golden rule': 'do unto others as you would like them to do to you' is probably the ethical principle most commonly appealed to. It is expressed in Kant's *Categorical Imperative*. The utilitarian principle of acting purposefully to promote 'the highest degree of happiness for the greatest possible number', is also a commonly accepted standard. Various theories of what acting well means (egoism, authoritarianism, natural law theory, ethics of care, and virtue theory) can be discussed to clarify what we mean. This helps ease frustration because it makes us more capable of contributing our own point of view in a constructive way.

4. Bio-ethics

Bio-ethics, i.e. what we consider appropriate to do in relation to the biosphere – whether in our bodies, in our sharing of it, or in our natural habitat – is negotiated in the same way as ethics generally is. It concerns our *doings* in relation to the biosphere; it concerns *what*

we consider it appropriate to do, in its private, social and universal dimension; and it depends on how we identify as '*we*'. It has been discussed very much recently because technology has confronted us with choices for which there is no well established precedence. Also: the consequences of these choices seemed to concern everyone: From IVF to GMO's, bio-ethics concerns all because the biosphere is one and the same for everyone, even if it is vast.

There are some signs that bio-ethics already has peaked in Europe. After a decade of difficult and public negotiations of private, social and international matters – some of which Ireland might face unwillingly in the near future – humiliations and triumphs have evened out, and the general feeling that life is not perfect, and that our decisions aren't either, has taken over. Other problems, moreover, have taken centre-stage since the eleventh of September 2001. The most disturbing ethical problem we will have to deal with in the near future is xenophobia.

This is not to say that the bio-ethical problems aren't important any longer. They have to be addressed to the extent that it is necessary, i.e. to the extent that they are controversial. There are generally speaking three institutional ways of facilitating the 'restoration' of the ethics of a society: by education, by politics, and by law.

Education is a long-term investment, but is also very flexible and very durable. Courses taught on an interdisciplinary basis have the advantage of creating a semi-permanent interdisciplinary forum for dialogue, which in the long run is the best way of assuring a competent response to emerging social problems in relation to the biosphere. A lectureship in bio-ethics has been set up in NUI, Galway in 2000[4], and a chair at the Dublin Molecular Medicine Center (TCD and UCD) in 2001. Medical ethics has been taught in medical schools for a number of years. The literature available as teaching material is virtually infinite, even if of varying quality.

The political facilitation of the restoration of ethics includes the establishment of ethical committees. Given that NUIM has launched its degree in biotechnology, it is probably necessary to establish one here, in so far as potential investors, funding agencies and publishers might require or request it[5]. It might also be a wise precaution to take, in order to address problems that could arise in the public. Its composition, tasks, mode of convocation, expected output and responsibility is, however, to consider very carefully, even as it must comply with varying standards set out by funding agencies[6]. The Royal Irish Academy has proposed the establishment of a National Ethics Advisory Body, in negotiations with the Ministry for Enterprise, Trade and Employment[7]. Such an advisory body could complement existing standard-setting authorities, and could serve as an important outlet for ethical tensions as well as contributing on a long-term basis to international debate[8]. Its mandate would also have to be considered carefully, as the creation of a 'bio-ethical magisterium' can provoke resentment[9]. Political initiatives in the form of committees exist also at the international level: in EU, The Council of Europe and Unesco[10]. They are what must be called 'trend setting' because they formulate the politically viable compromise between industry and the public.

The international documents relating to bio-ethics also are trend setting, if not legally binding. The most important of these is the Council of Europe *Bioethics Convention* and its additional protocols[11]. EU directives relating to patenting, etc. likewise are of great importance, as national legal development in the member states is significantly supported by them. Up until now, however, it seems as if bio-ethical legislation in Ireland has been concerned with setting up various agencies of a regulatory nature[12] and hence preserved a flexibility, which of course might be tested in the future.

5. Conclusion

What I have hoped to show is that bio-ethics, being what we consider it appropriate to do in relation to the biosphere, concerns what we do, what we consider appropriate, and who we are. Therefore it involves everyone and forms an indispensable part of social integration of any society affected by biotechnology. I also hope to have indicated the means by which such integration is facilitated, in teaching, politics and law. And finally I hope to have made you aware of your role in this integration process.

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[1] This paper was in a former version delivered to the Department of Biology NUI, Maynooth 1.2 – 2002. I am thankful to Professor Martin Downes, for giving me the opportunity to address this topic. The American oncologist Van Resselaer Potter is reputed to have been the first to use the term 'bio-ethics' in his article: 'Bio-ethics: The Science of Survival' in *Perspectives in Biology and Medicine*, 14, p. 127 – 153. The article was later to appear as the first chapter of his book *Bio-ethics: Bridge to the Future*, Englewood Cliffs, 1971. Bio-ethics has been hailed as a kind of savior of philosophy – freeing philosophy from its ivory-tower theoretical speculations, forcing it out into the marketplace, the hospitals, the parliaments and the law courts. See for example Toulmin, S. and Jonsen, A.: *The Abuse of Casuistry*, University of California, 1988. It has also been characterized as a monstrous creature, a bat, sucking the blood of the distinction between norm and fact. Folscheid, Dominique: 'La chauve-souris bioethique' in Israel et Mémeteau (eds.): *Le Mythe Bioethique*, Bassano, 1999.

[2] Sgreccia, Elio: *Manuel de Bioethique*, (tr. Hivon), Willson et Lafleur Itee, Montreal, 1999, p. 20 – 26, gives a thorough discussion of the problem of defining bio-ethics.

[3] I owe it to my group of Third Year students 2001-2 to have brought that home to me.

[4] To work no doubt with the Institute for Molecular Biology based there.

[5] From 2001 *The Health Research Board* requires an ethical approval for all the projects they fund involving human or animal research subjects.

[6] For requirements to the composition of ethics committees approving research involving animals, see the Health Research Boards web-site: www.hrb.ie. Here is also found a comprehensive list of literature dealing with the subject.

[7] *Irish Times*, May 22, 2001 and November 27, 2001

[8] For an overview of bio-ethics in the Republic of Ireland see: Dooley, Dolores: 'The Republic of Ireland' in *The Encyclopaedia of Bioethics,* MacMillan, 1995, Vol III., p. 1576 – 79, and Iglesias, Teresa: 'Ireland' in EU-Project Biomed II: *Working Papers: Biolaw in Europe*, Centre for Ethics and Law, 1997, p. 51 – 64. **Medical Ethics**. The Medical Council has, in accordance with its *Code of Practice* their own way of dealing with medical mal-practice that, of course, concerns only members of the medical profession. See The Medical Council: *A Guide to Ethical Conduct and Behaviour and to Fitness to Practice*, Fourth Edition, 1994. Its authority is legally grounded upon the Medical Practitioners Act 1978 (amended 1993), instituting it as the highest body of medical governance in the country in matters of therapy.

Experimentation is regulated by the Control of Clinical Trials Act 1987 (amended 1990) and the The Irish Medicine Board Act, which transferred the responsibility of granting permission to clinical trials from the Minister of Health to the Irish Medicines Board. This board requests that all clinical trials be approved by an ethics committee, the composition of which is prescribed (www.imb.ie/pubs/legislation). Moreover the Royal College of Surgeons in Ireland require since 1998 ethical approval for the research conducted by its members: 'Research projects conducted by or through RCSI staff must have ethical approval before they commence by this or other legitimate approval mechanisms. Without such approval, the College will consider the responsible member of staff to have acted without the use of appropriate safeguarding mechanisms and will not be responsible for ethical difficulties arising from the conduct of the research project in question'. See www.rcsi.ie.

An independent Commission on Assisted Reproduction, was set up by the Government to advise it on issues related to IVF, but which is not expected to make proposals for some time to come. Perhaps some permanent commission regulating the activity of the various IVF-centers in the country also is being considered.

Consumer Ethics. The Food and Safety Authority of Ireland set up 1998 has a GMO and Novel Foods Subcommittee since February 2000, which has, however, according to the web-site, not yet held a meeting. Teagasc: The Irish Agriculture and Food Development Authority (www.teagasc.ie) is a semi-state organisation established under legislation enacted by the Irish government. The 11 member Board is appointed by the Minister for Agriculture and Food and has representatives from the farming organisations, the food industry, the universities, the Department of Agriculture, Food and Rural Development and Teagasc staff.

Animal Ethics. The Veterinary Council of Ireland regulates the profession of Veterinarians according to the Veterinarian Surgeons Acts 1931 - 60 (with ordinances from 1988 and 1997) and maintains a code of practice on the basis of which disciplinary measures can be taken. 'The jurisdiction of the Council extends to ensuring proper professional conduct amongst the members of the profession and to erasing from the Register the name of any person convicted of a crime or found guilty of professional misconduct. The Council adjudicates upon any practice or conduct which may be considered contrary to the ethics of the profession and it maintains and publishes a guide to professional conduct'. See www.vci.ie. The Board of Health Research under the Ministry for Health and Children has issued guidelines for research involving animal subjects.

Environmental Ethics. The Environmental Protection Agency has as its 'mission statement': 'To promote and implement the highest practicable standards of environmental protection and management which embrace the principles of sustainable and balanced development'. The EPA is an independent body set up under legislation and formally established in July 1993. It licenses and controls large-scale activities having the potential to cause significant environmental pollution. Recently, the Waste Management Act (1996) has also given the EPA responsibility for the licensing of landfill sites - both private sites and those run by the Local Authorities.

[9] Memmi, Dominique: *Les Gardiens du Corps. Dix Ans de Magistere Bioéthique*, Editions d l'Ecole des Hautes Etudes en Sciences Sociales, 1996 mocks the irony of establishing a secular, dogmatic institution in studied opposition to church authority. The churches have been very actively involved in the bio-ethical debates since these started in the sixties. Depending on the size and mode of organisation of the particular churches, they have set up think-tanks, committees or discussion-groups which have issued documents and statements. They have often criticized political developments in the role of a conservative opposition appealing to the good of the individual human being. They have therefore contributed in a major way to the formulation of the bio-ethical problems.

[10] The GAEB (Group of Advisors to the European Commission on the Ethical Implications of Biotechnology), the CDBI (Comitee Directeur de Bioéthique/Steering Committee on Bioethics) and the IBC (International Bioethics Committee) respectively.

[11] As some countries, including UK, decide against signing it (or/and its additional protocols), it is as a legal tool of limited value. The Danish Government in conjunction with the Center for Ethics and Law will propose an International Convention on Biotech in the plant and foods area.

[12] See note 8.