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Comments on Häyry: Assessing bioscientific work from a moral point of view

Robert Heeger[#]

A difficulty in making moral assessments

There are *good reasons* for bioscientists to assess their work from a moral point of view. In his paper, Matti Häyry mentions three important reasons. If bioscientists are a profession and assess their work by a professional code, they can prove to the wider community that they are benevolent, trustworthy and accountable. If national legislation or supranational directives require moral assessments of their activity, it is prudent for bioscientists to engage in such assessments. But first and foremost bioscientists are competent moral actors who feel the spontaneous need to do the right thing. This reason is the most important one, because it is, unlike the other two, not primarily external or prudential but both internal and genuinely moral.

Matti Häyry's *main question* is how bioscientists could perform the task of assessing their work from a moral point of view. He brings to the fore that they could be guided by different ethical approaches. They could join a teleological, Aristotelian, theory according to which their projects are to be measured against the inner logic or the goal of their activity; or they could follow a deontological, Kantian, theory which requires them to consider whether their projects are compatible with principles of respect for the dignity, equality or autonomy of research subjects; or they could assent to a consequentialist, utilitarian, theory which says that the moral acceptability of their projects depends solely on the beneficial or harmful effects on all those concerned.

The diversity of these approaches causes a *difficulty* in making moral assessments: it is not easy to define the right thing to do when the different theories yield conflicting normative conclusions. To try to evade this difficulty by opting for one of the theories while disregarding the other two would not lead to a lasting solution, because one would be liable to criticism for leaving significant ethical issues unaddressed. This would for instance apply to opting for a consequentialist theory. One would then be liable to an Aristotelian or a Kantian criticism.

A proposed forward movement

How could the above-mentioned difficulty be overcome? Häyry presents an outline of what bioscientists could do to ensure the moral acceptability of research plans or ongoing projects. His proposal consists of two parts. First, he suggests assessing the moral acceptability of a research plan or project by using *three criteria*, viz. the moral sensitivity of the topic, the quality of the research plan, and the professionalism of the team. One could try to quantify each of these features in the following manner: the

[#] Centre for Bioethics and Health Law and Faculty of Theology, Utrecht University, Heidelberglaan 2, 3584 CS Utrecht, The Netherlands. E-mail: RHeeger@theo.uu.nl

higher the quality of the research plan and the higher the professionalism of the team, the higher the quantitative values assigned to them, respectively, but the higher the moral sensitivity of the topic, the lower the quantitative value, approaching zero if the proposed research is too sensitive to be conducted. The moral acceptability of the research in hand could then be decided on the basis of the product of the three values. The product should be at least as large as the minimum requirements for moral acceptability stipulated in advance.

The second part of the proposal concerns the *definition of the key concepts*, viz. 'moral sensitivity', 'quality of the research plan' and 'professionalism of the team'. To define these concepts is a very difficult task. Take for example the first concept, moral sensitivity. This concept has several constituent parts, such as health, welfare, dignity, autonomy and justice. In order to make the concept suited for the suggested moral assessment, the content of these parts should be clarified. Moreover, it should be found out how the parts are to be balanced in the measurement of moral sensitivity. Noticing both kinds of problems Häyry makes a distinction between what ideally *should* be done and what actually *can* be done. Generally acknowledged definitions of the key concepts may, at least at present, be beyond reach, but one could perhaps take a step towards such definitions by focusing on a professional code. There are several codes which include ethical background principles, viz. principles of respect for autonomy, of non-maleficence, beneficence, justice, dignity, precaution and solidarity. Bioscientists could make use of them, if and when they formulate a professional code for themselves.

The guiding role of principles

Häyry's proposal has at least two appealing traits. First, he is not content with outlining three criteria for moral acceptability but also cares about the definition of the concepts in question. Second, he does not capitulate in the face of the complexity of the concepts but suggests focusing on ethical principles as a step in the direction of the key concepts. For these reasons the proposal merits assent. However, it also gives rise to a critical question regarding the problem-solving role that it expects ethical principles to play.

Suppose we try to assess the moral acceptability of a project by means of the above principles. How can we avoid being driven back to a difficulty similar to that mentioned in the beginning? Put in other words, how can we prevent finding ourselves in a situation of indecision, this time not on the level of ethical theories but on the level of ethical principles? After all, several principles may be relevant in assessing the project, and these principles may yield conflicting normative conclusions.

One step in answering this question is that we should become clear about the *meaning* of the different principles. To mention principles is not enough. If we are to use them in order to assess a project, we must be clear about their content. An ethical principle is not a formula or an authoritative prescription which we simply have to comply with. Rather, it presupposes substantive moral judgement. Take the first principle mentioned above, respect for autonomy. Suppose it is to apply to a medical researcher setting out to perform a clinical trial. For the medical researcher to know what respect for autonomy means, it is not enough that she knows the lexical meaning of the words 'respect' and 'autonomy'. She must also know situations in which respect for patients is required, she must appreciate the value of autonomy, and she must appreciate the moral relevance of this value.

Another step is realizing that the *application* of principles requires subsidiary considerations of two kinds. One kind can be called considerations of application. Such

considerations are closely connected with the meaning of a principle. They regard subsidiary questions as to what the respective principle exactly requires and whether it really is applicable to the case in hand. The other kind can be called considerations of specification. These considerations are important when several relevant principles conflict, that is, cannot be jointly satisfied. Take the second and third principle mentioned above, non-maleficence and beneficence. Suppose both are applicable to an intended animal experiment, because the purpose of the experiment is clearly connected with beneficence and the infliction of suffering on the animals is a case of maleficence. Considerations of specification take into account that both beneficence and inflicting suffering, that is violating the principle of non-maleficence, come in degrees. Relevant questions are for example: How important is the objective of the experiment, how grave is the infliction of suffering, is a reduction of suffering or a replacement of the experiment possible? Such considerations help us when we cannot fully comply with both principles but have to work out a package of actions that meets the principles only to the largest possible extent. Also in this arbitration between the conflicting claims of principles moral judgment is necessary.

So, ethical principles of a professional code for bioscientists can play a guiding role only if they are firmly rooted in the professionals' capacity for moral judgment.

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