Symposium Articles

Introduction:
Looking Forward in Bioethics
Jeffrey Kahn and Anna Mastroianni
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Bioethics and the National Security State
Jonathan D. Moreno
In previous work I have described the history and ethics of human experiments for national security purposes during the cold war and developed the bioethical issues that will be apparent in the “war on terror.” This paper is an attempt to bring these two previous lines of work together under the rubric of the “national security state,” a concept familiar to Cold War historians and political scientists. The founding of the national security state was associated with the first articulations of informed consent requirements by national security agencies. My analysis indicates that strengthened consent standards, though conventionally thought to be antithetical to state interests during an international crisis, can be seen as an attempt by the postwar national security state to protect itself from critics of expanded governmental power. During the coming years the renewed mission of the national security state in the war on terror should impel students of bioethics to consider its implications for future discourse in the field.
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Does Ethical Theory Have a Future in Bioethics?
Tom L. Beauchamp
Although there has long been a successful and stable marriage between philosophical ethical theory and bioethics, the marriage has become shaky as bioethics has become a more interdisciplinary and practical field. A practical price is paid for theoretical generality in philosophy. It is often unclear whether and, if so, how theory is to be brought to bear on dilemmatic problems, public policy, moral controversies, and moral conflict. Three clearly philosophical problems are used to see how philosophers are doing in handling practical problems: Cultural Relativity and Moral Universality, Moral Justification, and Conceptual Analysis. In each case it is argued that philosophers need to develop theories and methods more closely attuned to practice. The work of philosophers such as Ruth Macklin, Norman Daniels, and Gerald Dworkin is examined. In the writings of each there is a major methodological gap between philosophical theory (or method) and practical conclusions. The future of philosophical ethics in interdisciplinary bioethics may turn on whether such gaps can be closed. If not, bioethics may justifiably conclude that philosophy is of little value.
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Clinical Ethics and the Road Less Taken: Mapping the Future by Tracking the Past
Susan B. Rubin and Laurie Zoloth
Although various aspects of clinical ethics consultation have been discussed in the literature, there has yet to be sustained systematic debate about the fundamental philosophical and methodological issues at stake in doing clinical ethics. Arguing that the field of clinical ethics is at a critical crossroads, the authors of this article outline the core issues that need to be addressed, debated, and resolved in order for the field to secure a meaningful future.
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The Future of Empirical Research in Bioethics
Jeremy Sugarman
Good empirical research is essential to providing sound answers about the facts of the matter, thereby informing bioethical theory and policy. Nevertheless, relatively few topics have been addressed adequately and the most powerful methods have not been exploited to maximize the potential contribution of this work to the field.
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Public Health Ethics: From Foundations and Frameworks to Justice and Global Public Health
Nancy E. Kass
Ethics dilemmas have been present throughout the history of public health, and bioethics has devoted considerable attention to issues relevant to public health. Only recently, however, has public health ethics emerged as a recognized subfield of bioethics. Public health ethics requires that public health improvement come through just and respectful means. Bioethics in the future not only will take on more issues of public health ethics, but will apply its extensive scholarship in distributive justice to questions of global public health.
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New Malaise: Bioethics and Human Rights in the Global Era
Paul Farmer and Nicole Gastineau Campos
Recent transnational HIV research projects have raised questions about the ethics of research in developing countries, and with
good reason. Lower ethical standards are often applied in these settings, yet the field of bioethics has remained relatively quiet on the subject, concerning itself primarily with issues that only affect affluent countries. Here we call for a new focus on equity and human rights in bioethics.

Accounting for Culture in a Globalized Bioethics
Patricia Marshall and Barbara Koenig
How might a global bioethics account for profound cultural difference in a world marked by porous borders? The authors endorse a critical, self-reflective bioethics, suggesting that bioethics needs to change its fundamental orientation if it is going to remain relevant and intellectually vibrant throughout the twenty-first century. Bioethics must attend to issues of social justice and public health, while seriously considering the implications of social context for medical morality. Negotiating moral consensus across cultural boundaries will be difficult, but it is more likely to succeed if we critically engage with the cultural assumptions underlying bioethics itself.

How Can We Help? From “Sociology in” to “Sociology of” Bioethics
Raymond De Vries
Sociology and bioethics have an uneasy relationship. Bioethicists find sociology helpful for describing and analyzing ethical issues, but they are less enthusiastic when bioethics becomes the subject of sociological scrutiny. After review of different sociological approaches to bioethical topics — descriptive, evaluative, and analytical — I explain how bioethics will benefit by using the tools of sociology to answer its questions (“sociology in bioethics”) and by allowing sociology to use bioethics to answer sociological questions (“sociology of bioethics”).

Law & Bioethics: From Values to Violence
Susan M. Wolf
The relationship of law to bioethics, always complex, has shifted post-9/11. Instead of looking to law as protector of rights and liberties, the new bioethics approach, exemplified by the President’s Council on Bioethics, deploys law as aggressor. Thus we see a call to get tough, to prohibit a range of biomedical practices, with the prospect of not only civil but criminal enforcement. Bioethicists face a grave choice, whether or not law should be a central place for genetics on the agenda of bioethics.

Toward Rational Criminal HIV Exposure Laws
Carol L. Galletly and Steven D. Pinkerton
This article examines criminal HIV exposure statutes that address undisclosed exposure through consensual sexual activity. Twenty-seven U.S. states have adopted some form of HIV exposure statute. Thirteen of these statutes specifically address exposure through sexual activity, while another eleven statutes could be applied to exposure through consensual sexual interactions. Although the penalties for breach of these laws are often severe, the risk of actual harm posed by the many of the behaviors proscribed is minimal and in some cases virtually nonexistent. After an overview of the various types of U.S. criminal HIV exposure statutes for breach of these laws are often severe, the risk of actual harm posed by the many of the behaviors proscribed is minimal and in some cases virtually nonexistent.
statutes and a discussion of the risk of HIV transmission through the various sexual activities addressed in the laws, the authors highlight the tenuous relationship between proscribed activities and actual risk of virus transmission. The authors address this limitation in the law by offering a framework for the evaluation and construction of HIV exposure statutes that considers not only the intent of the HIV-positive actor but also the risk that his or her conduct poses to others.

Making Risk-Benefit Assessments of Medical Research Protocols
Alex Rajczi
It is commonly assumed that medical experiments are ethical only if they have favorable ‘risk-benefit ratios’. In this paper it is argued that ‘risk-benefit ratios’ often cannot be calculated, even roughly, and that even if they could, ethical experiments don’t need to have favorable ‘risk-benefit ratios’. In addition, a new method of assessing an experiment’s risks and benefits is proposed—a method grounded in the principles of liberal government.

Medication Errors In Family Practice, In Hospitals And After Discharge From The Hospital: An Ethical Analysis
Peter A. Clark
Thousands of medical errors are occurring daily in physicians’ offices, in hospitals, and even upon discharge from the hospital, leading to unnecessary injury and death and costing billions of dollars. We have a systems approach that has been proven to be tried and true in aviation, nuclear energy and many other industrial settings. Being honest when medical mistakes occur; reporting them to a national clearing house, objectively searching for root causes, avoiding the fixation of arbitrary blame; and, where possible, implementing safeguards to minimize the occurrence of future mistakes, is the best way to enhance patient safety. But until the medical establishment takes medical errors and patient safety more seriously, and until the general public rises up in protest, it is up to the state and federal governments to take the lead in protecting the lives of innocent Americans by creating a public policy.

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Currents in Contemporary Ethics
Timothy Caulfield, Trudo Lemmens, Douglas Kinsella, and Michael McDonald

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