Introduction

Biomedical ethics

This book provides an alternative perspective on bioethics. It argues the case for making issues of corporate power, global inequality and sustainability central elements of the syllabus, insofar as they are fundamental in shaping health outcomes around the world, today and in the future.

The argument is that the neoliberal ideology, which has dominated economic and political thinking and decision making in much of the world for the last 30 years, has had generally dire consequences for the health of people, particularly poorer people, and of the planet. The book shows how and why this has been the case, and what needs to be done to improve the situation.

Most research projects, tertiary units and texts in bioethics focus upon ethical and legal issues of professional responsibilities of doctors, nurses and biomedical researchers. In particular they look at the responsibilities of such professionals to respect and protect the autonomy, rights and well-being of patients and research subjects including animal subjects of biomedical research.

Such projects, units and texts consider issues of justice and fairness in relation to provision of health care, the ethical implications of research into, and application of, new biomedical technologies of gene transfer and genetic diagnosis, stem cell manipulation and cloning, in-vitro fertilisation and other new assisted reproductive technologies. They examine a range of traditional ethical and legal 'problem areas', including abortion, euthanasia and involuntary civil commitment.

Such ethical consideration has guided professional practice. It has influenced law reform and the regulation of research, and has encouraged public discussion and debate. However, focusing largely or completely upon these particular areas can foster an impression that these are the only, or the most significant, ethical issues associated with medical care and medical research;

that issues of life and death are all and only about access to life-saving treatments, abortion, euthanasia and the risks to medical research participants.

Most of these issues are actually what could be called 'late stage' issues. They concern the later stages of often complex sequences or causal chains of social developments at a global level, including broad social policy decisions and applications, bearing upon the health of individuals and populations. Interventions at this relatively late stage of the causal chain are generally not capable of addressing the major structural factors that shape the health experiences of populations. The evolution of bioethics as a discipline has contributed to the failure to address such significant structural issues by encouraging a belief that it is only end stage issues of the conduct of medical treatment and medical research that are the significant or appropriate content for ethical consideration.

The consequences of too narrow a focus upon end stage issues can be seen in many areas of 'mainstream' bioethics. In relation to research ethics, for example, it has contributed to a situation where 'ethics review' now involves consideration of a very narrow range of 'specifically ethical' issues, increasingly segregated from methodological concerns, and from any broader consideration of the social context of the research in question. This means that research proposals can get 'ethics approval', and thus claim that they are indeed 'ethical' by ticking a series of boxes relating to confidentiality, consent, risk and recruitment, when, in fact, such proposals could be seen to be highly unethical in their basic assumptions, aims, direction, opportunity costs and likely consequences, when viewed in a broader social context.

Another example is provided by the increasing concern of bioethicists with 'ageing populations' and the burgeoning costs of new life preserving and life extending treatments. They debate issues of who should get such treatments, whether older people should be sacrificed for younger and whether anything approaching comprehensive public provision, where it still exists in the developed world, can possibly be sustained in light of these developments.

Such debates typically fail to make any reference to the trillions of dollars spent by the US and its allies in the massive destruction of people and property in Iraq, to the failure of the US Government to use its market power to bid down outrageous monopoly drug prices and its efforts to stop other governments from doing so, and to the success of Cuba in continuing to provide comprehensive public health care despite its relative poverty. Failure to consider these issues renders such discussions themselves deeply un-ethical.

In order to make properly informed ethical sense of such important end stage issues of the conduct of research projects and provision of medical care, it is crucial to see them in their broader social–structural context. This book will assist in this process by providing a complement to the orthodox system of priorities and the orthodox syllabus.

Neoliberal ideas and policies

The primary focus of this book is, therefore, upon some major social–structural determinants of good and bad health in the world today, and in the immediate future. It seeks to identify those social structures, relations and forces and those material technologies which are most important in shaping patterns of good and bad health around the world. In doing so, it focuses particularly upon the role of market forces and corporate power in generating inequality and poverty, and shaping provision or deprivation of health care, food, water, energy and medicines.

The basic thesis is that, while there have been significant improvements in some areas, including increasing average lifespan, the neoliberal ideas and policies which have shaped economic and political developments around the world for the last three decades have had, and continue to have, disastrous and worsening effects upon human health and well-being. These improvements have been achieved in spite of, rather than as a consequence of, such ideas and policies. A great deal can – and needs – to be done in order to dismantle and replace key ideas, institutions, practices and relations created or maintained throughout this period.

In particular, neoliberal ideas and policies have contributed to increasing inequality within and between countries, and increasing poverty and deprivation for those at the bottom of the heap. Such increasing inequality and poverty have contributed to much worse health outcomes than could have been achieved through policies designed to reduce such inequality.

Neoliberal ideas and policies have contributed to accelerated pollution and depletion of fossil fuels and accelerated global warming through unrestricted pursuit of profit. The principal perpetrators, the big corporations who mine and burn coal, who pump oil out of the ground and sell cars and trucks to burn such oil, who continue to impose oil based industrial agriculture on the world, also use their market power to prevent any effective political action to sheet home to them the real costs of their operations – or to move to sustainable low emission, low toxicity systems before the climate and the soil are further irreversibly damaged.

Such damage, including reduced water supplies, increased aridity and land degradation in key regions, and such misguided responses to peak oil and global warming as the use of food crops to produce bio-fuels (leading to increased food costs), is already pushing millions more poor people each year into food and water insecurity, with all the devastating health consequences of such insecurity. Moreover, the process will rapidly accelerate without urgent and far reaching corrective action.

Issues of moral responsibility are explored in this context, by consideration of the role of different interests, groups, and individuals, within the social structures and processes most centrally involved in shaping and determining

patterns of good and ill health around the world. This certainly involves reference to different systems of provision of medical care in different nations and different regions.

But the book also looks at the organisation of production and distribution – by corporations, governments, regulatory authorities, international agencies and market forces – of food, water and energy, as the foundations of human life and human health on the planet. It focuses on the production and distribution of drugs as an increasingly significant and costly part of medical care and treatment around the world.

As with most bioethics texts, the book begins by considering the general nature of ethical theories and ethical concepts, prior to considering the application of such ideas in the biomedical area. It also argues for the necessity for considering key elements of economic and political theory, and the current state of the world economy, shaped and influenced by such theory, in order to properly appreciate the significance of such moral ideas for the production of health and illness in the modern world.

It then provides the necessary background of economic theory and economic analysis to enable deeper consideration of conflicting ideas or ideologies of rights, justice and social welfare in contemporary society. Such economic theory allows for understanding of the central role of economic forces in shaping and determining the health and ill health of people and nations. Building upon this foundation, it considers some of the ways in which neoliberal ideology and policy have impacted most directly upon the health of populations, groups and individuals, through the provision, or failure of provision, of healthy food and clean water, energy, medical care and pharmaceutical products. It also looks at issues of the corporate domination of medical research involving human and animal subjects.

Science

This book is critical of a number of contemporary developments associated with the application of science to production and pollution control, including the industrialisation of agriculture, the spread of genetically engineered crops, nuclear power and carbon sequestration. It also criticises a number of the actions of big drug companies, frequently justified by reference to science and scientific method. However, it is in no way opposed to science per se or to the application of scientific research in the development of new technologies.

I have tried to ensure that all of the ideas and arguments of this book, including its criticisms of neoliberal economic theory and policy, of industrial agriculture, genetically engineered (GE) crops and other technologies, are built upon a basis of coherent, well-supported natural and social scientific

theory and relevant empirical data. I believe that science, appropriately guided by ethics and politics, is the only solid foundation for understanding, and for acting to effectively address, the major issues and problems under consideration in this book.

In too many cases, supporters of 'new' technologies (e.g. of herbicide resistant crops) appeal to the role of scientific research in the development of such technologies to try to justify their continued or expanded application, when, in fact, the empirical evidence shows such technologies to be destructive, dangerous, unnecessary or unnecessarily costly, compared to readily available alternatives.

Supporters of some existing technologies (e.g. of coal fired power stations) argue for the necessity for developing radically new technologies (e.g. of carbon sequestration) in order to address major social and environmental problems. They try to brand critics as anti-scientific, when, in fact, the empirical evidence shows that there are major problems with both the existing and the proposed future technologies, and that appropriate development and application of other existing technologies (e.g. of wind and solar power) – or changed social and political relations – can effectively address the problems in question and radically transform the world for the better.

There is nothing anti-scientific about highlighting the relevant evidence and arguments. This does not, in any way, imply any hostility to further scientific research or to the practical application of such research. However, it does imply appropriate selection of the areas where such research can be most effectively and responsibly applied.

Amongst other things, science essentially concerns the submission of truth claims to relevant empirical testing. For the purposes of this book the crucial issues are always those of the truth or falsity of claims made and the strength of relevant evidence supporting or refuting such claims. This includes claims about theories (of society and of nature) and about facts, including claims about the efficacy or safety of, or necessity for, particular technologies.

Summary of chapters

Chapter 1 looks at ethical theories and concepts, highlighting some problems with key ideas of deontology and utilitarianism. It considers the ways in which 'real world' ethical decision making is shaped by the dominant ideologies within which ethical ideas are embedded. It demonstrates the need to ground ethical ideas in a coherent economic and political framework. It draws upon key ideas and analyses of moral philosopher Richard Norman.

Chapter 2 introduces the neoliberal model of economic development based upon unregulated markets and corporations, and related ethical ideas of just deserts, which have dominated ideology and policy, particularly in the

English-speaking world, for nearly thirty years. This chapter draws, particularly, upon the work of Ha-Joon Chang and Ilene Grabel.

Chapter 3 provides a systematic critique of the neoliberal economic ideas by reference both to basic issues of the logical coherence of such ideas and to the real facts of development of the world market in the period of neoliberal domination, including the production of the current recession. The chapter shows the factual, practical and ethical bankruptcy of the theory, and in so doing, points the way towards possible alternative approaches. This chapter uses ideas drawn from the work of Ha-Joon Chang, Paul Mason, George Soros, Harry Shutt and Joseph Stiglitz.

Chapter 4 provides a concise overview of broad patterns of health and ill health around the modern world, as well as some historical background and the beginnings of some explanations for significant health inequalities. It draws particularly upon the work of Hilary Graham, Shereen Usdin, Michael Marmot, Richard Wilkinson and Bruce Kennedy in exploring the connections between health inequalities and other social inequalities.

Chapter 5 casts further light upon such patterns and inequalities by reference to the production and distribution of food and water. It explains how and why significant numbers of people are currently 'food insecure' and why such numbers will inevitably increase in the future with disastrous health consequences, unless and until there are major policy changes. Here, the investigation has been guided by the work of Vandana Shiva, Walden Bello, Tony Weis and Paul Roberts on the present and likely future state of world agricultural production.

Chapter 6 continues the investigation of the current and future state of world food supply by considering the promise and problems of genetically modified plants and animals as major food sources today and in the future. It focuses, in particular, upon health risks associated with the current generation of genetically modified food plants. It briefly addresses some of the issues and problems of life patents. In this case, Antoinette Rouvroy's investigation of genetics and neoliberalism, Sheldon Krimsky's analysis of gene patents and Jeffrey Smith's detailed documentation of currently available evidence of the dangers of GM crops have been the principal guides.

Chapter 7 focuses on energy provision as the other major pillar of material support for contemporary economic life and health. It looks at the role of fossil fuel combustion in producing global warming, and at some of the likely health consequences of such warming. It considers the impending energy crisis as world oil supplies wind down, and its implications for health and the various different proposals and possibilities for addressing both global warming and peak oil. The work of Mark Diesendorf, Mark Maslin and Helen Caldicott has provided help and guidance here.

Chapter 8 looks at health care provision around the world. It compares the neoliberal ideology of private health provision with the reality, and it

compares predominantly private with predominantly public systems. The writings of Lawrence O. Gostin and his collaborators in the area of public health law have provided valuable assistance in this area.

Chapter 9 looks at the development and marketing of drugs by the big pharmaceutical corporations, and the role of the US Food and Drug Administration (FDA) in regulating – or failing to regulate – these processes. It briefly considers the traditionally central bioethical problem areas of human and animal research. The chapter looks at the role of Big Pharma in shaping intellectual property protection in international law and in bilateral trade agreements. It looks at the US–Australian Free Trade Agreement and its likely consequences for the cost and availability of prescription drugs in Australia. Lastly, it looks at the use of the vulnerable developing world populations as subjects of drug trials by developed world corporations. The works of Marcia Angell, Sonia Shah, Ray Moynihan, Andrew Cassels, Linda Weiss, Elizabeth Thurborn, John Matthews and Sheldon Krimsky have inspired and informed the discussion of these issues.

Chapter 10 begins to explore some possible solutions to the problems identified in earlier chapters. It highlights the necessity for rational and democratically regulated planning and redistribution to replace the operation of unregulated market forces and undemocratic corporate power in order to effectively combat inequality and poverty and significantly improve health outcomes for currently disadvantaged groups. Such planning is crucial for creating genuinely sustainable technologies in order to maintain and extend such health gains into the future.

It will be clear that, in addition to the core issues of the traditional bioethics syllabus touched upon earlier, a number of other key issues of public health and ill health are not covered. In particular, the book does not directly deal with the dire public health consequences of warfare, the crucial role of education, or the lack of it, in shaping public health outcomes, or the role of civil liability legislation, tort law, mediation and no fault schemes in protecting – or failing to protect – the health of individuals and populations.

Failure to directly address these issues in no way reflects any judgement about their lack of importance in shaping public health. On the contrary, it is rather the depth and complexity of the issues involved that precludes adequate coverage of these issues on this occasion.

Reforms

Most of the issues discussed in this book involve major problems in contemporary political, legal and economic arrangements. They concern practices and institutions that urgently need to be ended, dismantled, changed, replaced, compensated for, or repaired. This is by no means intended to

suggest that all is lost or that there are not plenty of positive developments. The book highlights at least some of these positive developments at various points in the discussion, particularly where they can be built upon to produce further progress in the future.

The book does not spend much time attributing blame for the problems it identifies. The major problem lies in the fact that we are all trapped within a social and economic system, built around competition, widespread disempowerment and fear. We are all struggling to survive, to try to protect ourselves and our families, and, apparently, forced to act to maintain that system in order to do so or to have any kind of worthwhile life.

While elements of the previously prevailing neoliberal consensus have been thoroughly discredited by the current world economic crisis, nonetheless, the key underlying theme of 'objective market forces beyond human control' remains just as strong.

Indeed, with an increasing number of people starving, and a massive future food crisis looming, with water and oil supplies running out and global warming accelerating, with AIDS still killing hundreds of thousands of people every year, mainly in sub-Saharan Africa, world leaders debate about how they can put a massively corrupt, immoral, inefficient and broken financial system back together again with the minimum of change or threat to the wealth and luxurious lifestyle of the power elite. Apparently 'objective forces' make any other kind of system impossible.

Too many of those with the power to directly shape future events seem to have little plan for the future beyond the immediate preservation of their own power and privilege. Half-hearted policies of 'Corporate Social Responsibility', 'governance reform' and 'carbon trading' provide a cover for continued 'business as usual', including the accelerated dismantling of democratic rights, the 'poisoning of the biosphere' and the 'deterioration in the conditions for human life' (Kempf, 2009, p. 59), rather than driving any real social change or social progress.

At the same time, it is important to see that many of the processes and problems, identified by currently ruling ideologies as beyond all possibility of human control, are, in fact, quite amenable to being effectively addressed by concerted human action.

There is increasing recognition amongst ordinary citizens that our political leaders could and should be dismantling 'free markets' in key areas of the world economy. They should take the banks and big corporations into democratic, public ownership, to direct their resources by rational planning, to repair and regenerate a world that raw capitalism has almost destroyed. In order to do this, they need to mobilise the mass of the population, rather than follow the dictates of the rich and powerful beneficiaries of the current system. If they fail to do this, the mass of the population needs to take the initiative in directing such processes.

The current economic crisis offers real opportunities for positive, practical and ethical change; for repairing the social, psychological and ecological damage inflicted by years of unfettered greed, cruelty and stupidity, justified and driven forward by 'economic rationalism'.

The danger, and the likelihood, is that such opportunities will be missed; the system will be temporarily patched up to allow continued 'business as usual' in the developed world for a few more years, ignoring the chronic and worsening crisis in the rest of the world and paving the way for a yet more devastating world economic crisis a few years down the track.

This book aims to clarify some of the ways in which prevailing economic and political ideas and policies have impacted upon major health issues and problems, with a view to encouraging new and creative thinking about possible improvements and solutions.

Ethics and ideology

This chapter introduces some major ethical theories and principles and explores the relationship between ethical ideas and dominant belief systems or ideologies. It begins to show how currently dominant ideologies shape ethical thinking and decision making.

Ethics

Ethics is a branch of philosophy concerned with serious consideration, clarification and rational assessment of moral ideas and moral decision making. This inevitably involves abstraction and isolation of moral ideas from their 'real world' contexts, where they exist as elements of complex systems of belief and forms of life, along with idealisation and logical development of such ideas. While this helps in understanding the ethical dimension of all ideologies, and encouraging individual recognition and reassessment of previously taken-for-granted moral ideas, it can also function to obscure the details of specific belief systems or ideologies which actually shape real-world moral decision making.

Ethicists have sought to clarify the key features of specifically moral thought and action. In particular, they have distinguished moral judgments of the rightness or wrongness of particular actions from legal, aesthetic or prudential judgments. Rather than being concerned with principles of law, of