PART I

Theoretical Perspectives

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Theoretical Perspectives: An Introduction

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Research, in general, is complex. When we first come across it we may assume that it is a simple process, in which we make observations about the world and record our conclusions based on those observations. We later learn that this kind of simple research can only answer certain kinds of questions. As our questions become more complex, we learn that it is important to think about the lenses or theories through which we observe the world, that there are different approaches to observation and that observation alone may not be enough. For example, different kinds of experimental design are sometimes needed, where variables are controlled and hypotheses tested. We also learn that some kinds of questions cannot be answered by observing the world or carrying out experiments: some questions can only be answered by thinking them through and reasoning about them. We might then learn that there is a fundamental disagreement about how we can come to know anything at all, with one school of thought asserting that knowledge can be acquired through observation of the world (empiricism) and the other asserting that knowledge can be acquired through reasoning (rationalism). In the process, we will start to realise that the way we believe knowledge can be obtained, and the way we go about trying to acquire knowledge, is very greatly influenced by various assumptions and beliefs we hold about the world and the nature of knowledge, assumptions and beliefs that we will all have, but of which we might not always be aware, make explicit, or be able to justify. These assumptions and beliefs about the world and how we can obtain knowledge form an epistemology (or 'theory of knowledge'); and when epistemology is used thoughtfully to inform and justify the use of a particular research method (or set of research methods), we have a research methodology – that is, a process for obtaining knowledge about the world, using various methods which are made coherent by an underpinning philosophy that explains how we can move from a state of

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not knowing to knowing, and allows us to provide a justification for that state of knowing.

Research, then, *is* complex, and empirical bioethics is a candidate for being one of the most theoretically complex forms. This complexity is a result of its attempt to integrate two very different kinds of inquiry – normative and empirical – which have traditionally been seen as separate and, to some extent, incompatible. This, taken on its own, does not, however, really explain very much. Two things traditionally being viewed as separate and incompatible does not mean that their combination is necessarily complex or problematic (just ask any five-year-old who's experimenting in the kitchen). The complexity of the attempt to combine normative and empirical research can, rather, be understood in terms of two distinct problems: one theoretical and one, for want of a better word, territorial.

The first problem that arises out of trying to combine these two very different forms of research activity is that of harmonising the epistemologies (and associated theoretical frameworks) that undergird their research methods, and of developing and using methods in ways that are consistent with those epistemologies. The second is that even if epistemological harmonisation is possible it will tend to result in the adoption of new or novel blended perspectives that do not fit neatly within disciplinary boundaries; thus requiring researchers to step outside of disciplinary silos into a new world of transdisciplinarity. We look at each of these problems in turn, before outlining how this section of the book attempts to shed light on them.

The Problem of Harmonising Epistemologies and Theoretical Frameworks

Any attempt to obtain moral knowledge – that is, to conduct research that aims to answer questions about what we ought to do, what we ought to think, or how we ought to act – is no different to any other attempt to obtain knowledge, insofar as even the asking of the question requires that we make certain assumptions. When we ask a normative question – one that asks how we *ought to* act – we make at least three assumptions:

(i) We assume that the question makes sense (i.e. that it is meaningful to ask such a question).
(ii) We make an assumption about what an answer might look like (so that we will know it when we see it).

(iii) We make an assumption about the way such an answer can be justified (so that we know whether or not we ought to accept it).

Different philosophical traditions and schools of thought will make different assumptions and assertions about all of these points, and so part of the process of conducting research to obtain knowledge about how we ought to act is being conscious of which school of philosophical thought (and specifically, which moral epistemology) one is aligned with.

Similarly, any attempt to obtain empirical knowledge – that is, to conduct research that aims to answer descriptive questions about what we actually do, what we actually think, or how we actually act – makes a series of assumptions about the social world and how we obtain understandings of it. We make assumptions about the underlying realities of the social world and whether or not it is possible to understand it independently of the research process; and we make assumptions about how we can, (and should) interpret and understand cultures and practices. Different social scientific schools of thought will make different assumptions and assertions about all of these points, and so part of the process of doing research to obtain knowledge about how people act/think/experience is being conscious of which empirical epistemology one is aligned with.

As outlined in the preface, the unique quality of empirical bioethics, as we are defining it here, is that it aims to be integrative: to combine normative and empirical research practices, and not simply to conduct separate empirical and normative studies in parallel. As such, it has to take seriously, and combine, both normative and empirical epistemologies, and a great deal of intellectual legwork is required in order to be able to tell a coherent theoretical story about how one can combine the empirical and the normative, and how one can obtain both empirically informed and useful normative conclusions that are appropriately justified.

The most significant challenge of this kind that empirical bioethics faces, if the current and recent literature is anything to go by, is to explain how we can draw conclusions about the way the world should be (making 'ought' claims) in a way that has been meaningfully informed by observation and understanding about the way the world currently is. The challenge, broadly conceived, can be narrated as follows:

> *Ethics is fundamentally a normative enterprise, in the sense that it wants to be able to make statements about how people ought to act, regardless of how they actually do act.*
>
> *Recent critiques of Bioethics, however, have challenged the traditional philosophical approach to doing bioethics research, claiming that*

philosophical bioethics is too abstract and too disconnected from people's lived moral experiences to be capable of making 'ought' claims about the world (Hedgecoe, 2004; Hoffmaster, 2001; De Vries et al., 2006; Borry et al., 2005; Ives, 2008). In order to be capable of making 'ought' claims that can be taken seriously, bioethics needs to pay attention to context and to what people actually do and think (and why), and the way to do this is to pay close attention to empirical (typically, social scientific) research.

Philosophical bioethics might respond, and claim that good applied ethics must pay, and has always paid, attention to the empirical world and used empirical research (Herrera, 2008), and so the challenge to philosophical bioethics is nothing but a straw man.

But, says the critique, that is exactly the point. Philosophical bioethics uses empirical research; the same way a queen uses a handmaiden (Haimes, 2002). When it wants something, it asks for it, and then it sends it away. Paying attention to the empirical world is more than simply using facts to support argument – what Ashcroft (2003) has called 'completing the hypothetical imperative', where a philosophical argument requires certain facts to be established, and so appeals to empirical research to establish the facts. Paying attention to the empirical world means learning from it, and using the empirical to inform our thinking about which values are and should be important. In other words, the empirical ought not to be a handmaiden to the normative (philosophical) monarch, it should be a partner. It should not simply be consulted when a philosophical argument requires a fact, but should be integrated into the process of working out what our values ought to be.

This basic idea presents us with a problem, because much contemporary analytic philosophy contends that ethical and factual claims are fundamentally distinct; the former being normative and the latter being descriptive. For many people, as McMillan and Hope note, 'the normativity of ethics rules out the possibility of it's being done in a factual or empirical way' (2008: 14), and this is explained by appealing to various philosophical tropes, broadly expressed as follows:

(1) One cannot derive an 'ought' claim from an 'is' claim. Any 'is' claim is simply descriptive of a contingent state of affairs; additional reasoning (in the form of a bridging value premise) is required in order to establish that what 'is' also 'ought' to be. Given that, empirical bioethics is deeply problematic, because it requires us to make a leap from our understanding of what 'is' (described by empirical research) to making claims about what ought to be; and no move from 'is' to 'ought' can be justified.

(2) Ethics is concerned with 'values' and empirical research is concerned with 'facts'. Facts are independent of values; they are simply

descriptive and value free. Moral values, on the other hand, are not dependent on facts, and neither can they be reduced to facts. Moore's Open Question argument attempts to show this, by pointing out that one can attempt to reduce a value to a fact – such as 'morally good' can be reduced to 'pleasurable' – but one can always ask meaningfully, 'Is pleasure good?' The fact that that question is meaningful and can always be asked shows us that values cannot be understood simply in terms of natural properties.

A significant challenge, then, for proponents of empirical bioethics, is how to account for the relationship between empirical 'is' claims and normative 'ought' claims in a way that does not conflate facts and values and does not make an 'ought' directly derivative from an 'is'. As Ives and Draper (2009) have argued, 'no sane defender of empirical bioethics is likely to suggest that we unreflectively use empirical data to determine what we morally ought to do' (p. 254). Rather, they contend that

> [t]he real challenge is to determine what role empirical data can play . . . and how it can be integrated into normative ethical reasoning in a way that respects the sound empirical point that facts and values are not distinct in practice, but that also does not fall foul of the is/ought problem as defined in philosophical terms.
>
> (p. 254)

However, to consider this challenge as fundamental or insurmountable is to make the mistake of assuming that all of 'philosophy' is united in the way in which it understands the relationship between fact and value. As McMillan (2016) notes in his chapter from this volume, the empiricist epistemology that asserts the dichotomy between fact and value is not universally accepted, and

> we have good reason for being cautious about basing objections to empirical ethics upon eighteenth-century British Empiricism, which is a radical and controversial epistemology.
>
> (McMillan, 2016: 21)

While few might go so far as to support Hedgcoe' (2004) (dismissive) claim that the is/ought problem or fact/value distinction are 'figments of the philosophical imagination', others might point to different philosophical traditions and different ways of explaining the interaction between is and ought and between fact and value. Once one takes a broader view, and considers what different philosophical traditions might have to offer, one can begin to see how and why the notion of integrating the empirical and

normative cannot be dismissed out of hand. For example, Haimes and Williams (2007) have proposed a methodology drawing on a notion of ethical particularism and Aristotelian phronesis, which supports an understanding of ethics as an activity that develops from context. Parker (2009) proposes 'Teleological Expressivism' – a position that endorses a form of ethical naturalism and explains how empirical data can inform the making of normative judgements by explaining the role of emotion in practical rationality. Ives (2014) proposes 'quasi-moral foundationalism' – a position that draws on philosophical pragmatism and moderate pragmatic naturalism to describe fact/value entanglement and justify an approach to empirical bioethics based on a particular understanding of the function of bioethics and the requirement to compromise. In this volume, Landweer et al. (2016) draw on Gadamer's hermeneutic philosophy to explain how the varied experiences and perspectives of stakeholders are integral to the development of normative solutions, through a process of dialogue and interpretation. What is important in all of these approaches is that they have taken pains to acknowledge and engage with the problem of is/ought and fact/value, but have attempted to provide an internally coherent epistemology and theoretical framework to explain the relationship between the empirical and the normative – one that does not assume eighteenth-century British Empiricism as authoritative on the issue.

It is, however, important to consider that although much of the focus of the empirical bioethics literature has been on how to manage the is/ought problem in a way that allows us to make justifiable normative claims, there are others who are thoughtfully sceptical about this ambition. Some commentators, working in a broadly Weberian tradition (e.g. Hamersley, 2000), urge extreme caution in attempts to integrate empirical and normative forms of scholarship, on the grounds that attempting anything other than 'bracketing out' normative considerations is liable to undermine the possibility of empirical rigour. Even so, Hammersley's point about the need to aim for empirical research that is as 'value neutral' as possible does not speak against the project of empirical bioethics, nor the project of developing empirically informed normative judgements. As Gewirtz and Cribb (2006) note:

> [Hammersley] is against any assumption on the part of researchers that they are better qualified than those they are studying to make the everyday moral decisions that the people they are studying have to make. He is also opposed to the tendency for researchers to recommend courses of action that are impractical or that risk making matters worse rather than better. Above all, Hammersley is opposed to researchers prescribing courses of

> action as if they follow from their research findings rather than from their
> prior political or ethical beliefs.
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> (p. 145)

These are concerns that many proponents of empirical bioethics will share and, as attested to in this volume, attempt to address through their methodologies. Hammersley, however, is also concerned that social researchers ought to make every effort to separate their own values from their search for facts, arguing that

> [t]he closer we can approximate to [value-neutrality], the less the danger of our political or practical values biasing our results.
>
> (Hammersley, 2000: 33)

While the question of whether anything approaching value-neutral empirical research is possible is moot, it is certainly the case that some contributions to the empirical bioethics literature seems to assume it can be done, and is unproblematic (e.g. Kon, 2009), whereas others are explicitly critical of this assumption (e.g. Dunn and Ives, 2009). What is certain is that engaging in empirical bioethics requires not only that one consider the relationship between facts and values in the sense of how one makes empirically informed normative judgements, but also that one consider the relationship between facts and values in the empirical research process itself.

Another way of understanding this kind of concern is that in focusing all our attention on how to address the normative, we may become less attentive to the need to fully address the empirical, and ensure that our empirical data collection is rigorous. Practitioners of empirical bioethics have certainly been accused of being insufficiently attentive to empirical rigour, with concerns that bioethics treats empirical data collection methods as a simplistic and philosophically unproblematic set of tools (Dunn and Ives, 2009), or simply that empirical bioethics has failed to import the standards of empirical research, both in conduct and critical appraisal (Hurst, 2010; Strech, 2010; Provoost, 2015), leading to poor quality work. As Singh (2016) argues in her chapter in this volume, failure to be attentive to the quality of the empirical work undertaken puts at risk the entire enterprise of empirical bioethics.

The Problem of Harmonising Disciplines

When we introduced this problem above we described it as 'territorial' (for want of a better word), but this perhaps does the problem a disservice. Arguably, there is a territorial angle to the difficulties faced by working

across disciplines, and the problems empirical bioethics has faced in this regard have been described by some as a territorial dispute, with disciplines vying for dominance over the (battle)field (e.g. Molewijk and Frith, 2009; Ives, 2008). Indeed, the analogy mentioned above (Haimes, 2002) of the social scientist as handmaiden to the philosophical monarch in bioethics is one that is fundamentally about disciplinary power and control over the normative and what counts as good normative justification. In using that analogy, one makes a point about where the power lies in bioethics, and might, for example, be suggesting that bioethics should not be dominated by philosophy and (Western analytic) philosophical perspectives on how normative claims can be made and justified. Where the 'power' in bioethics lies is important, and arguably has implications for funding, publication and ultimately the structure of research and teaching institutions (see also the chapter in this volume by Frith and Draper (2016)). There is more to it, however, than disciplinary tub-thumping and argument over who exercises control over an academic field. This can be managed; we can all play nicely together if we want to (and an excellent example of this can be found in Farsides and Williams' (2016) account of their longstanding interdisciplinary collaborations, also in this volume).

The more substantive challenge around disciplinary harmonisation is finding sufficient common ground, and a sufficiently common language, to begin to build something that goes beyond traditional disciplinary boundaries and stands alone, not beholden to a dominant 'parent' discipline. This requires us to go beyond merely harmonising theoretical perspectives so that we have a coherent epistemology; it requires us to understand and take seriously the challenges and demands of rigour that other disciplines bring to the table, and not dismiss an idea because 'that's not the way we do things', but to genuinely suspend disciplinary assumptions – what De Wachter (1982) refers to as 'epoche' – and this is no mean feat. It requires a reflexive and creative approach, and a genuine thirst for new ways of discovery.

Theoretical and Territorial Considerations

In this section, we present chapters that explore some of these theoretical and territorial issues. They give the novice reader grounding in some of the key issues and debates, but they also offer the more experienced researcher a positive account of, and argument for, how we might deal with them.

In chapter 2 of this volume, John McMillan explores the complex concept of 'normativity' through discussion of the fact/value distinction which is so central to many of the debates in empirical bioethics, and offers insight into how taking a particular stance on the fact/value distinction can impact on how one might approach empirical bioethics research. It also explores how different disciplinary perspectives might understand and use the concept of 'normativity' in different ways. McMillan unpicks and delineates three distinctive metaethical issues: the fact/value distinction, the is/ought problem, and the naturalistic fallacy, and explores the implications of each for empirical bioethics. McMillan's key task is to challenge the standard philosophical rebuke to empirical bioethics that facts and values are entirely distinct. Rather, he argues, that

> [t]he traditional empiricist version where fact and value are dichotomous is arguably untenable, and yet has shaped approaches to empirical bioethics . . ., and is sometimes used to argue that the whole project of empirical bioethics is untenable. Further reflection upon the different kinds of value sheds light on how it is that different approaches to bioethics can be normative, but in different ways.

(p. 31)

Chapter 3, from Mark Sheehan, details the 'problem' of moral relativism: what its impact is for empirical bioethics, and how empirical bioethics might attempt to manage it. Perhaps unsurprisingly, given the centrality of this metaethical question to debates in empirical bioethics, this chapter links back to the discussion of fact/value in McMillan's chapter, and foregrounds many of the issues that are discussed in detail in subsequent chapters, including the notion of expertise, the status of robust empirical data, and questions about authority and legitimacy in making moral judgements. Importantly, Sheehan takes the key issues in the philosophical debate around moral relativism and transposes them into the debate about empirical bioethics methodology, illustrating forcefully their relevance and significance. The chapter ends with an articulation of a 'moderate objectivist' position, attributed to David Wiggins, which, Sheehan argues, is a metaethical position that

> represents a very serious attempt to acknowledge the ethical significance of context, practice and perspective, but at the same time offers a robust account of the methodology of ethical and conceptual argument which can claim authority in the face of the relativist's scepticism.

(p. 45)