

## **Book Review**

Ethics, Law and Society (Volume 1)  
Jennifer Gunning and Søren Holm (eds.)  
Aldershot: Ashgate, 2005.

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Two trends, one disciplinary and the other social, have come together over recent years to produce a new, multi-disciplinary field of applied ethics, or ethics & society. The disciplinary development has been the increasing shift within the traditional home of ethical discussion, philosophy, away from attempts at overarching metaethical debate in complete isolation from concrete considerations of actual or particular ethical problems and towards the explicit incorporation of these. The latter, social development (arguably underlying the former, and so of primary importance) has been the increasing sense, not just in academia but in society more generally, that the pace of social and technological change is outrunning, and so possibly jeopardising, ethical discourse. If pressed, this can lead to millenarian concerns of impending ethical crisis, as if the absence of an ethical discourse able to grapple with the new challenges presented by such unprecedented social change will simply result in all ethical considerations being sidelined, with (inevitable?) dystopic results. Clearly, to avoid both such results and the unhelpful hyperbole of such a position, concerted effort must be expended to ensure that ethical considerations arising in these circumstances are given sufficient attention, this in turn allowing for the development of a new and rigorous conceptual framework up to the task. Furthermore, an obvious output of such ethical discussion would be legal, and possibly less formal, regulatory frameworks that simultaneously encourage progressive social change while limiting its ethically unacceptable consequences to a minimum. Law is thus integrated into the ethics & society framework.

The Cardiff Centre for Ethics, Law and Society (CCELS) is at the forefront of efforts in the UK to stimulate such applied ethical research. In the present volume, Jennifer Gunning and Søren Holm, who are senior members of this centre, have brought together in an admirably slim volume papers on a broad range of topics in the field by an impressive selection of people. Ostensibly, the collection presents in a more formal published format a number of papers formerly on the centre's website and presented at its conference. But the papers have been arranged under a number of headings that follow a fairly logical pattern. The volume starts with a section on bioethics, which has been stimulated as a discipline for reasons obvious to anyone reading this journal. Next, the ambit of discussion in ethics & society is opened up, first only slightly, then more greatly, as papers move into environmental ethics, food ethics and then business, journalism and access to information technology. The third section then shifts to a more focused discussion on legal aspects in the form of human rights law, the most obvious incarnation of ethical issues in legal discourse. Finally, the volume closes with a number of very brief opinion pieces on predominately bioethics issues, with one glaring (and bizarre) exception – the case for war in Iraq.

There are twenty-five articles in the three substantive sections, making it impossible to provide anything like an overview of all of them in this short review. Each of these twenty-five papers is quite short (around 10 pages including footnotes and references), so that the most that can be realistically achieved is a brief overview of conceptual issues at the heart of the particular discussion. A number of papers do this extremely well. Those meriting special mention include: Peter Mills's discussion on the interaction between scientific, legal and ethical issues in regulation of assisted reproduction; critical analysis by Christian Gamborg and Peter Sandøe of the tendency in environmental discussion for the concept of 'sustainability' to become increasingly loose and thus facile; Robert Lee's rigorous analysis of the EU Commission's ambiguous position regarding GM crops, simultaneously more hesitant than that of the US administration but significantly more bullish than many member states; and Ian Kenway's comparison between political rhetoric and action regarding provision of broadband to rural parts of the UK. I will focus, however, on two particularly informative articles, not least because they illustrate well the underlying motivation for the growth in ethics & society discourse more generally; for both express a lack of trust in the inevitability of social changes being ethically progressive and the consequent imperative of ethical engagement.

In "Human Rights – What Hope? Human Dignity – What Scope?" Roger Brownsword starts with a series of observations regarding evidence of the creeping erosion of human rights (and human rights law). In particular, policy deference to technological and risk-assessment solutions sidelines human rights (and, by implication, ethical) considerations and thereby emasculates them. Brownsword then expands upon this position by pointing out a further threat to human rights in the form of the novel legal concept of human dignity, which has come to prominence in the consideration of the regulation of biotechnology. For human dignity may be interpreted not only as the underlying rationale for human rights, but also as an entirely different discourse that eschews the more individualistic and deontological presuppositions of rights discourse, with its basis in personal autonomy, and so places itself in opposition to human rights. The latter position, according to Brownsword, is taken up by a weakly constituted "dignitarian alliance", which takes human dignity to be inviolable on the basis of, *inter alia*, religious, communitarian or Kantian rationales. Brownsword argues then that supporters of human rights must do all they can to ensure that the former, rights-compatible interpretation of human dignity becomes predominant. The paper is a substantial and interesting contribution, raising numerous important issues. In particular, Brownsword draws attention to the necessary social presuppositions of a successful human rights law, including a culture of respecting the human rights of *others* woven into the exercise of *our* autonomy, and the importance of recognising how this contextualisation qualifies a more crudely rights-based discourse.

The second article, Ruud ter Meulen's "Ethical Issues in Evidence-Based Medicine", also discusses the ethical problems of trying to replace normative decision-making with rationalized protocols based on positive science. After a brief introduction to the concept of "evidence-based medicine" (EBM) and its relationship to budgetary and accountability constraints under which health systems now function, ter Meulen presents a laudably critical examination of the unintended consequences of an overemphasis on such EBM. Like Brownsword's article, this inevitably involves a

turn to philosophical issues, in this case the tacit assumptions regarding what counts as acceptable scientific evidence—resulting in the inevitable privileging of certain types of therapy (for instance, drugs over counselling for mental illnesses)—as well as tacit assumptions regarding ethical frameworks, in particular the unargued privileging of a utilitarian logic.

What Brownsword's and ter Meulen's papers, and indeed all the successful papers in the collection, have in common is twofold. First they illustrate the way in which concerted ethical reflection on such concrete social issues raises questions and points out problems that would otherwise be overlooked. Secondly, being ethical in nature, these questions are inevitably normative, and so demand recourse to philosophical deliberation. It is noticeable, therefore, how the stronger papers are those that engage with the philosophical issues and marry the concrete and abstract levels of discourse, the hallmark of successful ethical discussion. A few papers, however, lack this critical edge and are consequently weaker.

There are a number of other weaknesses to the volume, but two stand out. The first is the question of the intended readership. Over the course of twenty-five articles (and eight opinion commentaries) the volume covers a huge range of issues. The editors' introduction states that the volume aims "to provide a resource in ethics which will engage the attention of those working in number of fields [sic] as practitioners or academics." But what sort of resource is envisaged? Given the brevity of each of the papers, the volume cannot be expected to provide anything more than an illustration of the general importance of ethical consideration of social issues and a concise introduction to the ethical considerations in particular cases. But when coupled with a broad spread of topics, this threatens to render the collection a miscellany of papers with any individual topic better covered in an introductory volume expressly dedicated to that particular issue. Indeed, the sheer breadth of the theme of the volume (i.e. ethics, law and society) threatens to become flexible to the point of total lack of focus. At its limits, it is hard to think of *any* social issue that does not merit, let alone allow, consideration of ethical and legal factors. The present volume avoids this pitfall by being dominated by bioethics. But at times it does stray close to this crippling lack of focus, especially in the commentary section.

The second problem, though much less important, rises in significance when the volume's intended purpose as an advertisement for applied ethics is considered. For the formatting and presentation is not consistently of the high publishable standard evidenced throughout the rest of the volume. In particular, a number of papers include extensive quotations (sometimes several paragraphs) in the main body of the text without any indication that they are in fact quotations, apart from a footnote reference at the end. Similarly, the volume contains quite a few typos, including a number of legal case names that are not in italics or underlined, contrary to common legal practice. This is merely frustrating rather than a fundamental problem, but it does make reading such articles unnecessarily irksome and will, I expect, be noted with disapproval by legal professionals whom the book is seeking to engage.

Overall, then, the volume presents a comprehensive selection of papers exhibiting the huge scope (and consequent social need) for concerted ethical reflection on the extraordinary social changes currently underway. It presents a stimulating

introduction to the field, pointing out the important questions brought to light by this form of analysis, as well as a salutary reminder of the importance of incorporating ethical discourse into social research. Future volumes in the series, however, will need to be more focused in theme if they are to avoid being too diffuse to maintain an interested readership.