



Why Ethics Commissions? Four Normative Models

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Abstract

Ethics commissions are government advisory commissions mandated to give expert advice on contentious moral issues. As this requires making explicit value judgments, members with expert knowledge of ethics have a natural place as members of such commissions. Apart from these commissions being widespread, their recommendations assume a special normative authority within the legislative process. This raises many fundamental questions concerning the nature of moral expertise and how such commissions should deal with the political contexts in which they operate. Through a reading of the relevant discussions in the literature in which the underlying normative ideals are located, this article reconstructs four normative models of the proper role of ethics commissions. This reconstruction seeks to contribute to analytical clarity and to elucidate the underlying disagreements concerning our expectations of ethics commissions. The four models, labeled ‘commission consensus model’, ‘society-proxy model’, ‘correctness model’, and ‘deep pluralism model’, differ from one another in terms of two main dimensions: the expertise and the public/political dimensions. After describing the models, giving examples from the literature on how they can be explicated, and describing an empirical example of a commission that has approximated the ideals, the strengths and weaknesses of the four models are discussed before the article concludes by asking whether there is one correct model of ethics commissions.

Keywords Moral expertise · Ethics expertise · Moral experts · Ethics commissions · Normative models · Government advisory commissions

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Introduction

Advice from experts plays a central role in modern governing. One important avenue for expert advice comes from government advisory commissions which are asked to consider certain issues, such as tax laws, climate change, or education. Aside from gathering facts concerning the issue at hand, these commissions also advise on which policies the government should adopt. The conventional way of thinking about the relationship between empirical and value judgments is that expert bodies have a special responsibility for the former, while the latter is the prerogative of elected officials (see, for example, Vibert 2007, p. 34).¹ Since the 1970s, government advisory commissions have been mandated to give explicit advice on ethical issues in the area of biotechnology,² implying that the conventional view does not reflect actual practice. In this article, this particular type of government advisory commission is labeled an *ethics commission*. Ethics commissions have become widespread worldwide (for a recent overview, see Hummel et al. 2021; see also Fuchs 2005). The emergence of ethics commissions raises several related questions: Is there moral expertise? If, so, who is the moral expert? If there is no moral expertise, how should we understand the role of ethics commissions? On what grounds should they be given normative authority in the political process? Who should be the main audience of these commissions?

Thus far, scholars have shown little interest in ethics commissions as a special case of advisory commissions, as well as the particular form of expertise they represent (some notable exemptions are Hedlund 2014; Johnson 2006; Littoz-Monnet 2020; Schiffino and Krieger 2019). Discussions of such commissions have primarily taken place within the fields of philosophy and bioethics, where they are thought of as part of the bioethics field, which also includes research and clinical ethics committees. The discussions are often related to the reports of one or more of these commissions. Underlying these discussions of commissions and their reports are certain normative ideals—with different degrees of explicitness—concerning the proper role of ethics commissions. In this article, I lay out four normative models by identifying the underlying assumptions of one or more authors and refine them into normative models to achieve a greater level of analytical clarity. These models are labeled *commission consensus model*, *society-proxy model*, *correctness model*, and *deep pluralism model*. They differ from one another in terms of two main dimensions: (1) *the expertise dimension* and (2) *the public/political dimension*.

In the first part, this article begins with a description of ethics commissions before going on to the second part where an explanation of the approach taken for reconstructing normative models is given. This is followed by an elaboration of the two dimensions of the normative models: expertise dimension and public/political dimension. Following this, I explicate the four normative models: commission consensus,

¹ Whether it is possible for experts to avoid making value judgments is a much discussed questions that it is not possible to explore in this article.

² There are, of course, other areas aside from biotechnology where experts can, and are, explicitly mandated to make value judgments. However, given that asking commissions (also referred to as ‘bioethics commissions’) to give advice in the area of biotechnology is a common practice worldwide and has often been discussed in the literature, it is natural that such bodies serve as our main frame of reference. However, the models are also relevant for other types of ethics commissions.

society-proxy, correctness, and deep pluralism. In the third part, the models are compared, and the merits of the different models are discussed. I will then ask if there is one correct model of ethics commissions. Finally, I will sum up the contributions of this article.

Ethics Commissions: Their Role and Importance

As already explained, an ethics commission is a type of government advisory commission—one that is tasked with considering contentious moral issues that require explicit value judgments. An example of this is The Presidential Commission for the Study of Bioethical Issues (2009–2017), which was to advise the president on bioethical issues and ‘recommend any legal, regulatory, or policy actions it deems appropriate to address these issues’ (Exec. Order No. 13,521, 2009). These commissions are most common in bioethics and are sometimes referred to in the literature as part of *public bioethics*. On the one hand, they are similar to other advisory commissions in that they are asked to give advice to governments on which policies to adopt. On the other hand, ethics commissions are often also asked to stimulate public debate and contribute to a greater understanding of moral issues among the public. An ethics commission, which can be either ad hoc or permanent, draws its members from a range of different academic disciplines, such as medicine, law, biology, philosophy, bioethics, and theology. Some members must possess knowledge of ethics because their main task is to probe issues from an ethical perspective. For this reason, professional ethicists (philosophers, bioethicists, and theologians) naturally have a place as members of these commissions.

Similarly, there exist other committees where professional ethicists play a central role, such as hospital and research ethics committees. The literature, especially within bioethics, deals with all of these types of ethics committees; thus, for the purpose of this article, it is worth mentioning how this relationship should be viewed here. I follow Moreno’s (1995, p. 88) distinction between *ethics commissions* that focus on policies to be applied across institutions and *ethics committees* that are creations of particular institutions. Although there are relevant similarities between these commissions and committees, the former consider matters of public policy and advise governments, while the latter primarily decide on or give advice on specific cases in the application of already adopted policies, but can also advise on policies which the particular institution they are tied to should adopt.³

Ethics commissions have become common institutions from which governments ask for expert advice, and have been described as ‘a small group acting in the name of the nation and with the ear of policymakers, its outcomes reasonably can be seen as assuming special normative authority, as well as an inside track to influencing the state’s coercive powers’ (Nelson 2005, pp. 254–255). Furthermore, through an empirical analysis of the field in the USA, Evans (2002) found that ethics commissions became the arbiter of the ethics of human genetic engineering and what was considered to be legitimate arguments changed. He argues that these commissions

³ Certainly, there are exceptions, such as the Norwegian National Committee for Medical and Health Research Ethics (NEM), which have both of these roles.

prefer formally rational arguments where the ends are already assumed, as opposed to substantively rational debate about ends. In other words, a *thick* debate has been replaced by a *thin* one. To sum up, ethics commissions are quite common, and they can wield great influence not only on government policymaking, but also on how issues in bioethics are discussed by the public. These are two important reasons why ethics commissions are worthy of further study.

Reconstructing Normative Models of Ethics Commissions

The models are considered normative models or ideals to be approximated, and not empirical descriptions of how ethics commissions work. Actual ethics commissions might realize certain aspects of one or more models, exist as hybrids, or approximate any one of the models. However, concrete commissions are the starting point for much of the literature on ethics commissions, indicating that some models draw inspiration from the works of such bodies. Thus, I will provide one example of an actual commission that seems to have worked according to the ideal under the description of each normative model.

I identify four models by identifying underlying assumptions—either implicitly or explicitly stated—of one or more authors contributing to the discussion on ethics commissions and refined them into normative models to achieve a greater level of analytical clarity. I do not claim that the four models exhaust all possible models of ethics commissions.

The normative models are built around two crucial dimensions that are commonly discussed in the literature and are central aspects of ethics commissions: (1) the expertise dimension and (2) the public/political dimension. Although analytically distinct, these two dimensions interact when it comes to positions on concrete issues relating to the proper role of ethics commissions. Furthermore, these dimensions are relevant for all types of government advisory commissions, not just ethics commissions. The next two sections elaborate on these two dimensions.

The Expertise Dimension

One central question for composing all types of government advisory commissions is identifying what type of expertise is necessary to give good policy advice (see for example, Holst and Molander 2019). For ethics commissions, the question of whether moral expertise exists or not is especially pressing for two main reasons. First, the legitimacy of expert arrangements, such as government advisory commissions, is closely tied to the expectation that this advice contributes to better governing.⁴ Second, ethics commissions, through the appointment of professional ethicists as members, possess expertise in ethics. Unlike others, ethics commissions are expected to

⁴ It might be argued that ethics commissions, unlike other government advisory commissions, do not, to any great degree, draw their legitimacy from their expertise. However, it would be difficult to explain why the majority of members of these commissions are chosen based on their expertise and why they are explicitly asked to give policy advice.

deliver some form of expertise on moral questions. However, it is highly contentious whether moral expertise exists and, if so, what constitutes it. The relationship between ethical and moral expertise is a controversial topic. Thus, it is important to distinguish between the two, although such a distinction is not always made clear in the literature (see for example, Rasmussen 2006).

We define *ethics expertise* as knowledge about relevant developments in ethical theory. *Empirical expertise* includes relevant empirical background knowledge. This empirical knowledge involves an understanding of the technical aspects of, for example, in vitro fertilization (IVF) or the different stages of fetal development. Ethics expertise includes understanding different ethical theories and moral principles and drawing out what these imply for handling of concrete moral issues. *Moral expertise* can be understood as the ability to make well-considered judgments in specific cases. Moreover, moral expertise entails not only the ability to reason well but also that this reasoning leads to better or more appropriate answers. On the one hand, *putative ethics experts* can contribute to commission work by working out and explicating the logical structure and empirical conditions of intricate moral problems and then demonstrating how these, or similar, issues have been dealt with by different ethical theories. A *putative moral expert*, on the other hand, is more likely than non-experts to ‘get it right’ or make ‘appropriate’ judgments when it comes to moral matters. The models will not discuss empirical expertise, because there is agreement in the literature that this expertise is necessary.

Even if one believes that there are moral experts, it is not necessarily the professional ethicist who possesses this competence. Jones and Schroeter (2012, pp. 217–219) distinguish between two views of moral expertise. First, according to the *intellectualist view*, moral expertise is a matter of knowing how to apply moral principles correctly to any given situation. This knowledge is acquired through the study of ethical theory, and hence the philosopher is more likely to have moral expertise than the non-philosopher on the matter at hand. Second, the *practical wisdom view* claims that the core capacity grounding moral expertise is the ability to discern the moral salience of considerations within particular contexts. This expertise is acquired through actual practice and experience; thus, instead of looking for this expertise only among philosophers, we should also look for moral expertise among practitioners.

The Public/Political Dimension

While the expertise dimension is based on a question of the existence of moral expertise, the public/political dimension is based on what audience is seen as the most important. Ethics commissions are often asked by policymakers not only to give advice on what policies to implement, but also to stimulate and contribute to public debate. One important disagreement in the literature is whether policymakers or the public is the main audience of the commission. In other words, is giving advice to policymakers or stimulating public debate most strongly emphasized. On the one hand, it is possible to argue that ethics commissions’ main task is to give policymakers recommendations that are politically feasible, meaning that they can be implemented as a matter of public policy here and now. On the other hand, it is possible to argue that ethics commissions should focus mainly on informing and stimulating

public debate. Which audience is considered most important is tied to whether one thinks that the commission should have a political impact here and now, or in the foreseeable future.

Table 1 provides an overview of how these four models are situated on the two dimensions. In the next sections, I first describe the models and then give two examples of each model from the literature to illustrate how each model can be explicated. These illustrations, however, might not conform perfectly to the described models because the latter are idealized descriptions that may be justified in different ways.

The Commission Consensus Model

The commission consensus model takes the view that moral expertise exists. The main competence of the moral expert is to locate the morally relevant aspects of an issue and weigh these. This expertise is greatly enhanced through practice and experience, and it is not necessary for the moral expert to also be an ethical expert. The moral expert should have empirical expertise. Because ethics commissions often deal with complex issues it is important that commission members are drawn from diverse backgrounds so that they together, from their different perspectives, can locate the relevant ethical considerations of the case(s). Persons with ethics expertise should also be included as part of ensuring intellectual diversity on the commission. The advice that the commission gives should be relevant to policymakers, as this is the main audience for the advice that is given. Consensus is a goal as this enhances the usefulness of the advice to policymakers.

Such a view is most clearly explicated by Jonsen and Toulmin (1988), who drew upon their experiences as member and staff philosopher, respectively, of the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research (1974–1978) (hereafter referred to as the *National Commission*). In sharing their experiences, they stated that it ‘proved far easier for members on the commission to say *what* they agreed about than it was for them to explain *why* they agreed about it’ (Toulmin 1987, p. 611). This, in turn, inspired them to rehabilitate casuistic reasoning in ethics (Jonsen and Toulmin 1988). Their view of ethics is that ethical reasoning should be seen as analogous to a doctor providing a diagnosis, rather than the deductive logic seen in physics (Jonsen and Toulmin 1988, p. 314). Furthermore, ‘moral knowledge is essentially particular, so that sound resolution of moral problems must always be rooted in a concrete understanding of specific cases and circumstances’ (Jonsen and Toulmin 1988, p. 330). They further argued that ‘the “weight” of casuistical opinion came from the accumulation of reasons rather than from the logical validity of the arguments or the coherence of any single “proof”’ (Jonsen and Toulmin 1988, p. 256). In this way, if commission members can agree on recommendations despite their different reasons for reaching those recommendations, then

Table 1 The four normative models and their underlying logics

	There is moral expertise	There is no moral expertise
Main audience is policymakers	Commission consensus model	Society-proxy model
Main audience is the public	Correctness model	Deep pluralism model

they should be given normative authority by policymakers and the public due to the accumulation of reasons that are deemed important in casuistical reasoning.

A similar view has been expressed by Wolff (2019a) who argues for a bottom-up approach to public policy, or what he calls ‘engaged philosophy’ (2019b). Like Jonsen and Toulmin, Wolff (2019a, p. 5) also sees ethics as ‘more like the science of medicine than...physics’. Furthermore, Wolff (2019a, p. 31) wrote:

When thinking about practical issues, we should start at the other end: not at the philosophical theories but current disagreements in the public policy area (...) to do this one has first to become immersed in the debate in which one wishes to intervene.

Although there is room for a symbiotic relationship between abstract philosophical reflection and empirical investigation in Wolff’s (2014, pp. 99–100) view, he warns that any policy recommendations are unlikely to be helpful unless there has been extensive engagement with the facts of the case and the history of the field.

The National Commission is an example of a commission that seems to have worked on the assumptions of this model. Jonsen and Toulmin (1988, p. 17) imply that they worked casuistically when they wrote that ‘the commissioners soon found it necessary to develop their own detailed “moral taxonomies” for classifying the morally significant similarities and differences between the various kinds of research’. They further argued:

The *locus of certitude* in the commissioners’ discussions did not lie in an agreed set of intrinsically convincing *general* rules or principles, as they shared no commitment to any such body of agreed principles. Rather, it lay in a shared perception of what was *specifically* at stake in particular kinds of human situations. (Jonsen and Toulmin 1988, p. 18)

One might think that such an approach to commission work excludes the use of general principles. However, the National Commission (1979) was mandated to identify ethical principles, and it did this through *The Belmont Report*. These principles were subsequently developed into the principles of respect for autonomy, nonmaleficence, beneficence, and justice, in Beauchamp and Childress’s *Principles of Biomedical Ethics* (1979) (Dzur 2008, p. 225). In this way, the principles identified in *The Belmont Report* found their way into the general literature of the field, and form the basis of what is called *principlism*.

The Society-Proxy Model

The society-proxy model takes the view that there is disagreement on moral issues and because there is no reliable way to find out what the correct judgment is, there are no moral experts. The members of the commission should, therefore, be chosen with the goal of making it a proxy for the public. Persons with ethics expertise do not have a privileged position, but rather as one of several professions and interest groups that should be represented. The main target audience of the commission is policymakers

and the recommendations that are made should be made with reference to public opinion. There is no goal to reach consensus on the recommendations as this might conflict with the goal of making the commission a proxy for the public.

This type of view is explicated by Warnock (1985b, p. 154), chair of the Committee of Inquiry into Human Fertilization and Embryology (1984) (hereafter referred to as the *Warnock Committee*), who believes that there are no moral experts and that ‘in questions of morality, though there may be better and worse judgments, there is no such thing as a correct judgment’. In other words, there is no way for philosophers to provide correct answers because there is no rational way to secure agreement in pluralistic societies (Wilson 2014, p. 169). However, the law cannot reflect the moral uncertainty that exists in society: ‘it must be definite and unambiguous, and it must apply equally to everyone in society, not merely those who happen to agree with its ethical basis’ (Warnock 1985a, p. 521). Warnock thus viewed commission work as a form of corporate decision-making wherein different groups and professions should be represented as they seek to find a middle ground among competing interests (Wilson 2014, p. 141). However, there is no goal of reaching consensus, as commissions should function as proxies for the public. If the commission achieves unanimous opinions on everything, then it ‘would inevitably also have been unrepresentative, perhaps seen as biased’ (Warnock 1985a, p. 519). Moreover, Warnock was very mindful that the commission operated within a political context and that recommendations should seem all right to the largest possible number of people, because ‘it is no good making recommendations for legislation which could never in any conceivable circumstance be carried through Parliament’ (Warnock 2003, p. 99).

A similar view is expressed through Evans’s (2006, 2012) proposal for a modified method for the bioethics profession to save them from the crisis that, he argues, they are in. This primary method in bioethics, known as *principlism*, claims legitimacy because it represents common morality. That is, the principles of principlism comprise a common morality that all serious persons share (Evans 2006, p. 220). However, the problem with this approach—one that has led to the crisis of the bioethics profession—is that it ‘has been legitimated by reference to academic philosophical norms and not the norms of the public sphere that it operates in’ (Evans 2006, p. 214). Bioethics deals with decisions about values rather than facts; thus, its claim to expertise is incredibly weak. For this reason, a legitimate method is needed for demonstrating what constitutes the common morality of a country’s citizens. The values of the public should be determined by social science research using surveys and interview methodologies (Evans 2006, p. 229). Public values may vary depending on different issues, but once these are determined, ‘how these values on each issue are balanced, weighed, and, most importantly, implemented, would remain in the hands of the bioethics profession’ (Evans 2006, p. 230). Moreover, commission members should be selected to represent the principles they believe in (Evans 2012, p. 146). In this way, rather than debating the best conclusions drawn from their own value systems, they can derive the best conclusions related to the values held by the public.

The Warnock Committee seems to have worked according to this model. The members were selected from diverse backgrounds as a means of ensuring public accountability (Wilson 2014, p. 157). Warnock further believed that the divisions within the committee on the final recommendations proved that they were fulfilling

their role as a proxy for the public (Wilson 2014, p. 163). Furthermore, according to Nelson (2005, p. 257), the committee ‘tried to tailor as many of its conclusions as possible to its sense of the weight of moral sentiment in the U.K. on the issue in question’. Writing about why scientific research should be monitored and subjected to public scrutiny, Warnock (1985c, p. xiii) argues that ‘society, insofar as it is a single identifiable body, has here, perhaps uniquely, a corporate reaction. It is one of fear’. Thus, the Warnock Committee can be seen as understanding ‘its task to be one of description and interpretation, to identify, rather than to constitute, social sentiment—or social sentiment as it would be if properly informed—insofar as that was possible’ (Nelson 2005, p. 258).

The Correctness Model

The correctness model takes the view that moral expertise exists. The main competence of the moral expert is to correctly apply moral principles to the specific issues that the commission is considering. Ethical expertise and moral expertise are closely connected, and therefore a substantial number of members should be selected because they are ethics experts. Recommendations should be based on top-down reasoning, correct application of moral principles, and be coherently and well argued. The main target audience is the public who can be persuaded of the correctness of the commission’s view. The commission’s recommendations should be made independent of current public opinion and what is likely to gather a political majority in the legislature.

One well-known articulation of such a view is given by Singer (1972, 1988; see also Singer and Wells 1984 and Kasimba and Singer 1989). His view is formulated in opposition to ethics commissions’ reports, which he views as ‘masterpiece[s] of consensus drafting’ (Singer and Wells 1984, p. 198). Furthermore, he argues that:

Fundamental ethical issues on which agreement would not be possible are evaded. Other disagreements are papered over by meaningless rhetoric at odds with the content of the specific recommendations made or by language so vague that each side can see it as an expression of its own view, although the views of the different sides are really incompatible. (Singer 1988, p. 157)

Singer identifies the composition of the commissions as one central reason why this happens. Instead of selecting members who represent different parts of pluralist societies, Singer argues that expertise in ethics should be an essential qualification for appointment to a commission. Alongside making the commissions smaller, comprising maybe only five or six members, Singer believes that this can lead to better reports. Underlying this proposal is the view that there are moral experts, which means that ‘it would be surprising if moral philosophers were not, in general, better suited to arrive at the right, or soundly based, moral conclusions than non-philosophers’ (Singer 1972, p. 117). Singer (1988, p. 161) further believes that it is reasonable to ‘expect that a more expert a committee was, the fewer bad decisions it would make’. Moreover, such a commission could demonstrate ways of reasoning about complex moral issues, and ‘in doing so, it would be doing something of immense educational value’ (Singer 1988, p. 161). For Singer (1988), the focus is not on mak-

ing recommendations that are likely to be implemented as a matter of public policy, at least not here and now.

Another, perhaps more demanding way of justifying this model is through Hare's (1977, 1992, 1993) view. He argues that there are moral authorities in the sense of 'people to whom we would be right to go for advice, because they are good at moral thinking' and that doing good moral thinking 'requires an understanding of the logic of questions we are asking and a knowledge of the facts' (Hare 1992, p. 220). Philosophers are especially adept at logic, while practitioners are likely to be better at the facts, thus representing a good symbiosis. This does give the professional ethicist a privileged position, as Hare (1977, p. 49) believes 'that general standards of rigour in argument have improved to such an extent that there is some hope of our establishing our discipline on a firm basis'. Furthermore, Hare (1977, p. 59) argues that we should not start moral reasoning on the basis of cases but rather select principles as practical guides. Hare's (1993, p. 112) views are further clarified in his criticism of the Warnock Committee, which, he argued, failed 'in giving very solid reasons for these feelings' because 'its chairman is not a utilitarian, and all the reasons that in the end will hold water are utilitarian ones'. Hare (1993, p. 112) compared the Warnock Committee with two other committees that successfully provided reasons for their recommendations because 'they argued in a consistently utilitarian way'. To sum up, Hare argues that professional ethicists have a privileged role in ethics commissions, that recommendations should be based on principles (ideally utilitarian ones), and that the most important consideration is that recommendations are well argued.

Given that this model mainly draws its inspiration from criticisms of actual commissions and not from the work of a specific commission, it is not given from the above descriptions which commissions to choose as an empirical example. However, Hare (1993, p. 111) does mention the report of the Committee on Obscenity and Film Censorship (1979), led by Bernard Williams, as an example of a commission that was 'enlightened', and even though 'its recommendations were not taken up' (Hare 1993, p. 113), 'the reasons are all there and will eventually be absorbed' (Hare 1993, p. 113). Although not necessarily composed in a way that conforms with the correctness model's view, the report's 'recommendations indicated the right way in which to proceed' (Williams 2015, p. xii). Moreover, the commission writes that 'we are convinced that that examination requires us not to tinker with the existing framework, but go back to first principles and ask what the purpose of controls of this kind properly is' (Williams 2015, p. 65). The commission is interested to know public opinion on the matter but 'without supposing that findings about public opinion could properly determine our recommendations' (Williams 2015, p. 8).

The Deep Pluralism Model

The deep pluralism model takes the view that there is deep disagreement on moral issues, and because there is no reliable way to find out what the correct judgment is there are no moral experts. The commission should include experts from different fields and members representing different worldviews so that all relevant opinions can be considered in the report. The ethics expert's main task is assisting in presenting the best possible versions of the relevant views in the final report. The main target

audience is the public. There is no goal of reaching consensus, and the emphasis is on stimulating debate and showing the different positions and their justifications.

This model is most clearly explicated by Briggles's (2010) defense of *rich public bioethics*. Regarding rich public bioethics, he argues that ethics commissions serve the common interest best by 'mobilizing a wide range of intellectual resources to openly articulate and evaluate the positions within these conflicts, thereby enabling citizens to better understand the values and contest the powers at work' (Briggles 2010, p. 36). The notion of rich public bioethics is developed as an alternative to what Briggles sees as *instrumentalism*. He identifies two main theses of instrumental public bioethics: (1) that it is only legitimate for bioethics commissions to treat matters of the right and not of the good because matters of the good should be left to individual choice, and (2) that the proceduralist moral language of risks, rights, and justice is sufficient for evaluating the ethical aspects of bioethics (Briggles 2010, p. 5). Building on the work of Evans (2002), Briggles (2010, pp. 4–5) argues that this approach to public bioethics is undemocratic because it 'excludes certain voices while privileging others, without the benefit of open debate'. Furthermore, he believes that proceduralist moral language stunts our understanding of what it means to be human, thereby distorting our moral assessments. Therefore, Briggles (2010, p. 169) rejects both theses and argues that democratic pluralism is better served by rich public bioethics, where it is central 'to make and evaluate representations that stand for diverse positions'. To achieve rich public bioethics, ethics commissions should have substantive diversity amongst their members (Briggles 2010, p. 119).

Another way to justify this model is through Dzur and Levin's (2004, 2007) approach to ethics commissions as public forums. According to Dzur and Levin (2004, p. 339), bioethics commissions should be assessed 'according to how seriously they have engaged in public agenda setting rather than asserting their own expertise in announcing answers'. As such, the main goal of ethics commissions is to inform public debate, and to achieve this adequate representation is important. Given societies' complexity and membership limits, Dzur and Levin (2004, p. 345) argue that members' 'respect for, interest in, and understanding of the positions of a variety of parties affected by committee recommendations' can serve as useful proxies for representation. Furthermore, commissions should address the general public's concerns, and one way to achieve this is to 'request extensive qualitative studies of actual moral deliberation' (Dzur and Levin 2004, p. 349).

In his work, Briggles (2010) utilized the President's Council on Bioethics (hereafter referred to as the Kass Council) from 2001 to 2005, to justify his argument. Thus, this is an example of a commission that has approximated the deep pluralism model. Kass (2005, p. 224), the chairman of the council, understood the job of the council 'to raise questions not only about the best means to certain agreed-upon ends, but also about the worthiness of the ends themselves'. The primary goal of the council was to make as clear as possible what was really at stake on the issues they dealt with. Moreover, because the task involved probing into fundamental issues that reasonable and morally serious people often disagree about, Kass (2005, p. 227) saw it as 'fortunate that we were liberated from an overriding concern to reach artificial consensus that would have papered over these differences'. Thus, the Kass Council aspired to make the best case, both for and against any recommendations they made (Kass 2005, p. 228).

Discussion

Based on the explication of the four models, I will contrast and compare these along the two dimensions by drawing on salient arguments found in the literature.

Expertise Dimension

On the expertise dimension, answering whether there is moral expertise or not, the commission consensus model and the correctness model answer in the affirmative. However, they have different views about what this expertise consists of. The commission consensus model takes the view that moral expertise consists in locating the morally relevant aspects of an issue, weighing these and making competent judgments that are appropriate. The expertise is mainly a form of practical knowledge, and, since different perspectives greatly enhance the ability to locate the relevant ethical considerations, being a committee increases the likelihood of appropriate judgments. This view of moral expertise can draw on a common critique of what is seen as an extreme abstraction of moral theorizing (Allmark 2006; Nobel 1982) and its unrealistic requirements in the public policy setting (Kymlicka 1993; Wolff 2019b). Moreover, it has been argued that there is not necessarily a ‘connection between philosophical sophistication and moral sensitivity’ (Kymlicka 1993, p. 18).

The consensus that this model strives for within the commission can also be justified on the expertise dimension. Presuming good deliberative conditions within the commission, the conclusions that are reached have epistemic status, and, hence, there are good reasons to give the recommendations normative authority into the legislative process. The epistemic status is procedurally dependent, meaning that if the commission is composed with the relevant diverse membership and has good deliberative conditions, we can expect results that have higher epistemic status than if that was not the case.

The goal of reaching consensus can be criticized for at least two reasons. First, reaching consensus might not be desirable if it is detrimental to the commission being philosophical enough. Brody (1989, p. 370) argued that efforts toward achieving consensus can relate to a commission’s ‘unwillingness to confront difficult philosophical issues’. Secondly, the model might overestimate the possibility of achieving consensus. Arras (1990, p. 37) points out that the National Commission might have been able to reach consensus because it was less representative than other commissions, and that consensus might have been easier to attain on issues surrounding protection of research subjects than on other matters. A commission dealing with the most controversial issues, such as abortion, might not be able to transcend the already existing divisions within larger society. If policymakers want to achieve consensus, then that might very well lead them to deliberately choose a less diverse group of members. Consensus might be overemphasized in a way that leads to important disagreements being downplayed or such that the consensus that is reached might not reflect actual agreements amongst citizens. However, achieving consensus might still be a worthwhile goal because there might be good reasons to give their recommendations added weight in those instances wherein commissions actually arrive at consensus positions.

The correctness model takes the view that moral expertise exists but does not really operate with the distinction between ethical and moral expertise, as the model is highly concerned with the logical validity and coherence of justifications. Justification is closely tied to the ‘truth’ or ‘correctness’ of the conclusions that the commission arrives at. In that way, the correct answer is not tied to any procedural standard, but rather to the force of the justification. This model can encompass both moral realist positions, which take the view that there are true answers to moral questions, and positions that view the force of the justification as grounds for its correctness. This model then highlights that there might be a divergence between popular opinion and what policymakers might want to decide based on that, and what morality requires. These commissions can then be seen as speaking truth to power. A commission acting on this model is likely to escape the relatively common criticism that their final reports deal with ethics in an amateur fashion (see, for example, Brody 1989; Green 2006; Lockwood 1985). The normative authority of these commissions can then be based on their ability to give solid and principle-based justifications for their recommendations. However, recall Toulmin’s experience that it was easier for commission members to say what they agreed about than it was for them to explain why they agreed. Even ethical experts are bound to disagree about reasoning, so even if they agree on a set of recommendations, it might not be easy to find forceful justifications that all members can agree on.

A natural question to ask is what standards such a commission can base its recommendations on. Birnbacher (2012 pp. 243–246) identifies three such standards: principlism, moral minimalism, and a moral common sense. However, he also highlighted two difficulties with these approaches. First, the principles leave most practical problems underdetermined, because they do not say anything about the relative weights to be assigned to such principles in cases of conflict. Second, they are too minimalist in the sense that they fail to capture the deeper meanings reflected by such notoriously controversial beliefs about human dignity and distributive justice.

Against both the commission consensus model and the correctness model it is possible to object that even if one believes in the existence of moral expertise, if the epistemic authority of ethics commissions is not established, it remains unclear whether this gives others reason to defer to this judgment (Peter 2014, p. 47). One could also argue that even if there are moral experts, and we could identify them, in a pluralistic society where there is reasonable disagreement, their opinions should not be given normative authority. However, the society-proxy model and the deep pluralism model both take the view that there is no reliable way to find out what the correct moral judgment is, and, therefore, there are no moral experts. At least not that we can identify. These models can also encompass moral relativist positions and positions that take the view that it is irrelevant for the purposes of public policy if moral expertise exists. In contrast to the commission consensus model and the correctness model, which both take the view that moral expertise exists but disagree on its nature, the society-proxy model and the deep pluralism model do not differ as to the reasons for why they believe that moral expertise does not exist. Even though the deep pluralism model emphasizes that moral disagreements are deep, the main way that these two models differ is how they relate to the public/political dimension.

The claim to moral expertise is therefore not part of the proper role of ethics commissions, according to the society-proxy model and the deep pluralism model. This might be seen as more problematic for the society-proxy model as it has policymakers as its main audience and therefore wants to influence public policy. The normative authority of such a commission cannot be grounded in their moral expertise or in the epistemic status of their recommendations, but in the political status of their recommendations. This political status, that can justify their normative authority, is derived from the membership being a proxy for society. The commission's recommendations are thus likely to take the public's views into account and might represent societal consensus on the issue at hand. A natural question to ask is whether this needs to be an expert commission and whether there might be other ways, for example citizens' panels, that can serve just as well as proxies for the public.

Due to the model's contextualism (i.e., it lacks independent standards apart from public opinion), the model might be considered abdicating toward the moral questions, which, in the worst instance, can lead to 'an accommodation to unreasonable moral views' (Archard 2012, p. 417). Furthermore, this accommodation might not, in fact, be necessary if we entertain the possibility that morally well-argued recommendations may convince both the public and policymakers. Hare (1993, pp. 111–112), for example, believes that the report of the Committee on Homosexual Offences and Prostitution (1957), also known as the Wolfenden report, features recommendations that are philosophically sound and successful in influencing public opinion. The approach of this model opens up for further debates on the proper role of public sentiment. Of course, some of these concerns might have to be nuanced if they are to be considered public opinions—as emphasized by deliberative democrats—and not actual public opinions that serve as the model's reference.

Similar to the commission consensus model, a commission working on the basis of the society-proxy model is liable to be criticized for creating reports that are 'masterpiece[s] of consensus drafting' (Singer and Wells 1984, p. 198) and for 'find[ing] some conclusions which the members of the committee, or as large a majority of them as possible, would sign, and not bother too much about finding defensible reasons for them' (Hare 1993, p. 109). Although commissions working on the basis of this model might argue more persuasively than the criticism implies, they are unlikely to meet the most demanding ideals.

The deep pluralism model does not seem to claim any normative authority for its recommendations. Instead, it is concerned that its work is the basis of public debate and seems more concerned with facilitating the crafting of considered public opinion than with the adoption of its recommendations. This model can also encompass Hedlund's (2014) view that ethics commissions should only describe different standpoints and the ethical reasons for each, instead of giving advice, which she views as problematic for democracy. Again, one might ask whether there are other institutional arrangements that could fulfill the role Hedlund describes. One important aspect of the legitimacy of policies implemented in democracies is the deliberative process that informs and eventually determines such policies (Dodds and Thomson 2006, p. 331). In that way, the model contributes toward the normative authority of the results of the process rather than claiming that authority for itself.

Public/Political Dimension

In addition to giving consensus an epistemic function, the commission consensus model also takes the view that consensus is important as this enhances the usefulness of the advice to policymakers. If the commission functions well and, thus, can be considered an expression of *considered public opinion*, the recommendations are likely to gather support from the public. In contrast, the society-proxy model, which also takes the view that policymakers are the main audience, takes *actual public opinion* as its reference and seeks to find solutions that are politically feasible. These recommendations should also be helpful to policymakers.

The correctness model and the deep pluralism model take the view that the public is the main audience and might therefore make recommendations that policymakers see as irrelevant. The correctness model is concerned with the correctness of its recommendations and is therefore more concerned with its ability to persuade and with its possible long-term impact rather than finding solutions that might be implemented here and now. The deep pluralism model seeks to delve into disagreements by asking fundamental questions that underlie the range of different norms, principles, and values that characterize debates on bioethical issues (Pellegrino 2006, p. 247), which can stimulate public debate—something that is, arguably, as important as their recommendations (Hudson 2004, p. 15). However, this might also be regarded as unhelpful to the policy process. The Kass Council's report on human cloning, entitled *Human Cloning and Human Dignity* (2002), has, for example, been criticized because:

The chapters devoted to public policy pay scant attention to the contingencies involved in making law and policy; they do not examine how well the proposed ban would fit in with existing law in related areas, either with respect to its normative presuppositions or with respect to its practical workability. (Kaveny 2006, p. 324)

The deep pluralism model and the correctness model differ in what they contribute to the public debate. On the one hand, the correctness model puts forward its proposal for the correct policy, while the deep pluralism model downplays its recommendations in favor of exploring the deep disagreements that exist in society.

Too many commissions working on the view that the most important audience is the public might lead policymakers to appoint fewer commissions, if it turns out that they are not useful. However, there might be good reasons to appoint commissions who have the public as their main audience, depending on the role they are assigned within a democracy (Dodds and Thomson 2006) or the type of questions they are asked to consider (Wolff 2014, p. 98). An ethics commission can be institutionally placed closer or further from day-to-day politics, which might influence where we want to place it on the public/political dimension. Furthermore, where a political issue is in the policy-cycle could also affect what the proper role for a commission on this dimension is. If an issue is new and the public needs to be made aware of it and discuss it, then perhaps a commission which has the public as the main audience is appropriate.

One Proper Role, and Therefore One Correct Model?

A natural question to ask at this point is whether there is one model that best captures what we think is the proper role of ethics commissions. To some degree the different models might be proper in different contexts. This is especially true for the public/political dimension, while what view one takes on the expertise dimension is more likely to be affected by which position one has on whether moral expertise exists.

Johnson (2006, p. 185) argues that ‘commissions function in a variety of capacities with very different goals’ and that ‘these varied goals require customized sets of criteria by which to evaluate commissions, criteria that should depend upon the mandate by which the commission is created’ (p. 174). Although this is an argument concerning the evaluation of commissions and the importance of considering the mandates of these, it is also an important point to consider when thinking about the proper role of ethics commissions. Ethics commissions can also be supplemented by hearings and other types of procedures to involve stakeholders and the public, which might influence our view of how important it is to compose a commission in a representative manner. Furthermore, how contentious the issue that an ethics commission is asked to consider could also influence our view of which model is the most appropriate. If a commission is asked to consider an issue that is highly contentious then, arguably, representativeness and consideration of all views might be more important concerns than if it is an issue where it is assumed that it will be possible to find a consensus position.

Rather than seeing ethics commissions in isolation it is also necessary to view them as part of a democratic system of government. Seeing ethics commissions as part of a larger system, where ethics commissions contribute to the overall working of the system, might help us decide which model we see as most proper.

Conclusion

In this paper, I have reconstructed four normative models, based on the relevant literature. The models—commission consensus model, society-proxy model, correctness model, and the deep pluralism model—differ on two main dimensions: the expertise and the public/political. While the commission consensus model and the correctness model both take the view that moral expertise exists, they disagree as to the nature of moral expertise and on who the main audience is: the public or the policymakers. The society-proxy model and the deep pluralism model both take the view that moral expertise does not exist but hold different views on the public/political dimensions. By reconstructing these four normative models I have sought to clarify the underlying disagreements in discussions about ethics commissions. As well as contributing with analytical clarity, the models may serve as a helpful starting point for future debates on ethics commissions.

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