

# Moral experts as members of ethics commissions as seen through the prism of comprehensive doctrines

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## Abstract

Ethics commissions provide expert advice to governments on what policies to implement regarding pressing ethical issues, most often in bioethics. These commissions distinguish themselves by having members from the professions we are most likely to think of as moral experts, if we believe that these exist. The relationship between moral experts and the composition of ethics commissions is worthy of further exploration, especially because of the highly controversial nature of whether moral expertise exists and, if so, how, and whether, we can identify moral experts. Moreover, it has been argued that the emergence of ethics commissions and how they have been composed have led to a “thinner” debate. In the first part of the article, the problem regarding checks for identifying moral experts is discussed. I argue that one way to handle this difficulty is through the application of Rawls’ concept of comprehensive doctrines. These doctrines have inherent standards that function similarly to independent checks, making it possible to identify moral experts from within such different doctrines. Using this approach makes it manageable to appoint moral experts to ethics commissions. In the second part, I consider the implications of seeing moral expertise through the prism of comprehensive doctrines for the composition of ethics commissions. One natural conclusion is that we should select moral experts representing different reasonable comprehensive doctrines to serve as members of ethics commissions. I consider six challenges to my proposal and demonstrate why these lack merit, and I point out some practical concerns that need further inquiry.

## KEYWORDS

comprehensive doctrines, criteria for expertise, ethics commissions, ethics experts, John Rawls, moral experts

## 1 | INTRODUCTION

Ethics commissions are government advisory commissions that are asked to provide expert advice on what policies to implement on pressing ethical issues, most often in the area of bioethics.<sup>1</sup> These

<sup>1</sup>For an overview, see Hummel, P., Adam, T., Reise, A., & Littler, K. (2021). Taking stock of the availability and functions of National Ethics Committees worldwide. *BMC Medical Ethics*, 22, 56. Following Moreno, J. D. (1995). *Deciding together: Bioethics and moral consensus* (p. 88). Oxford University Press, I make a distinction between ethics commissions that focus on policies that apply across institutions and ethics committees that are created by particular institutions.

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commissions distinguish themselves by having members from the professions we are most likely to think of as moral experts: philosophers, bioethicists, and theologians. Whether moral expertise exists and whether we can identify moral experts are controversial issues. It is therefore worth exploring whether we can identify such experts and what the relation between the identification of these experts and the composition of the ethics commission should be. John Evans has argued that with the emergence of ethics commissions and which people were selected as members led to “a bigger, deeper, more fundamental, or ‘thicker’ debate has been replaced by a smaller, shallower, more superficial, or ‘thinner’ one.”<sup>2</sup> If Evans is correct, then how politicians and bureaucrats choose to compose ethics commissions are decisions that may have great consequence for how society debates these issues.

One central problem in identifying moral experts is the lack of independent checks, by which we can tell who is, and who is not, getting things right. In this article, I examine whether a way to handle this difficulty is through the application of John Rawls’ concept of *comprehensive doctrines*. According to Rawls, modern societies are characterized by reasonable disagreement between different comprehensive doctrines. By drawing on this concept, we can handle the lack of independent checks to a certain degree. Given that such doctrines have inherent standards that function similarly to what independent checks do, it is possible to say something meaningful about how we can identify moral experts, meaning experts in regard to these specific comprehensive doctrines. This approach will make it manageable for bureaucrats and politicians to reliably appoint moral experts to ethics commissions.

Furthermore, I will argue that viewing the question of the identification of moral experts through the prism of comprehensive doctrines has implications for how we should compose ethics commissions. One possible consequence is that moral experts from different reasonable comprehensive doctrines should be appointed to such commissions. This composition recognizes, what Rawls calls *the fact of reasonable pluralism*, by which he means that modern societies are characterized by the lack of a commonly recognized comprehensive doctrine, while ensuring that politicians receive advice from moral experts. If my argument is correct, it gives weight to the existing practice on certain commissions of including persons from different ethical traditions as members of ethics commissions. At the same time, it might be used to criticize commissions that are not composed in this way.

In part one, this article starts with a discussion of the problem of independent checks. This is followed by an elaboration on Rawls’ concept of comprehensive doctrines. In the second part, I will demonstrate how this view of the identification of moral experts can be used to justify a specific way of composing the membership of ethics commissions. Following this, I will consider some challenges to this proposal and demonstrate their lack of merit. Finally, I will

conclude by pointing to some practical concerns with my proposal that further inquiry should explore.

## 2 | THE LACK OF INDEPENDENT CHECKS

Many scholars, including Martin Hoffmann, have pointed to the lack of independent checks as a central reason for doubting the existence of moral expertise and, hence, for our ability to identify moral experts.<sup>3</sup> In other areas, there are quite clear independent checks. We can, for example, ascertain whether a weather forecaster is an expert by checking to what degree his/her forecasts are correct.<sup>4</sup> Similarly, we are able to assess a mechanic by his/her proficiency in repairing a broken vehicle.<sup>5</sup> Although there are other domains of expertise where it is more difficult to identify real experts than in the examples given—such as areas in the social sciences—moral knowledge is often thought of as different in kind rather than just a degree. At first glance, it is easy to agree with Hoffmann that “we are not in the epistemic position to identify [moral experts].”<sup>6</sup> As Hoffmann recognizes, this is a somewhat tragic answer if we want to appoint moral experts to ethics commissions. One way to avoid this difficulty is to argue, as Hoffmann does, that what these professions—philosophers, bioethicists, and theologians—are supplying on ethics commissions is ethical expertise and not moral expertise. Indeed, according to Hoffmann, when we appeal to moral expertise in this setting, what we are really appealing to is ethical expertise.<sup>7</sup> Although the latter can be understood as knowledge about relevant developments in ethical theory and relevant empirical background knowledge, the former can be understood as access to true or correct judgments about what is morally good, bad, allowed, forbidden, or required.<sup>8</sup> On the one hand, ethical experts are able to contribute to the process of working out and explicating the logical structure and empirical conditions of intricate moral problems and then demonstrate how these, or similar, issues have been dealt with by different ethical theories. A moral expert, on the other hand, will be able to give advice that *prima facie* is the moral truth. Hoffmann examines whether we can identify moral experts by applying Alvin Goldman’s criteria for expert identification. There are five criteria, of which Hoffmann excludes one.<sup>9</sup> The remaining four are agreement by additional putative experts on one side or the other concerning the

<sup>3</sup>See, for example, Dahl, R. A. (1989). *Democracy and its critics* (p. 66). Yale University Press; Hoffmann, M. (2012). How to identify moral experts? An application of Goldman’s criteria for expert identification to the domain of morality. *Analyse & Kritik*, 34(2), 299–314, pp. 304–306; McGrath, S. (2008). Moral disagreement and moral expertise. In R. Shafer-Landau (Ed.), *Oxford studies in metaethics* (Vol. III, pp. 87–107). Oxford University Press, pp. 97–99.

<sup>4</sup>This example is taken from McGrath, op. cit. note 3, p. 97.

<sup>5</sup>This example is taken from Labarge, S. (2005). Socrates and moral expertise. In L. M. Rasmussen (Ed.), *Ethics expertise: History, contemporary perspectives and applications* (pp. 15–38). Springer, p. 25.

<sup>6</sup>Hoffmann, op. cit. note 3, p. 312.

<sup>7</sup>In the scholarly literature, *ethics expertise* and *moral expertise* are often used as synonymous terms. See, for example, Rasmussen, L. M. (Ed.). (2006). *Ethics expertise: History, contemporary perspectives, and applications*. Springer.

<sup>8</sup>Hoffmann, op. cit. note 3, p. 305.

<sup>9</sup>Hoffmann excludes the criterion: Arguments presented by the contending experts to support their own views and criticize their rivals’ views.

<sup>2</sup>Evans, J., H. (2002). *Playing God? Human genetic engineering and the rationalization of public bioethical debate* (p. 4). The University of Chicago Press.



subject in question; appraisals of the experts' expertise by "meta-experts"; evidence of the experts' interests and biases concerning the question at issue; and using evidence of the experts' past "track records."<sup>10</sup> According to Hoffman, although we are able to identify ethical experts we are not able to identify moral experts, using these criteria.<sup>11</sup> Therefore, we are unable to appoint these persons—if they do exist—to ethics commissions.

There are several reasons why we should not be content with only being able to appoint ethics experts to ethics commissions. First, even if we are able to distinguish analytically between ethics and moral experts, the distinction is not sufficiently separable in practice. There are several reasons for this, the most important of which is the fact that these commissions are asked to give advice. Thus, even if we understand these professionals to be ethical experts, they are seen as acting as moral experts when they give advice. Second, when they give advice, they must take a substantial standpoint that cannot be grounded only in their ethical expertise. Rather, they must make normative judgments based on their own moral viewpoint. Ethical expertise may be a necessary condition for moral expertise, but it is unlikely to be sufficient, as there is widespread disagreement between ethical experts on moral questions. Someone who is content with appointing ethical experts must explain whether and how it is possible to take a theory-neutral standpoint or to be an unencumbered ethical expert.

Finally, because they were chosen as experts 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."<sup>12</sup> If we believe that the best we can do is to identify and appoint ethical experts, then politicians should perhaps give less weight to advice from ethics commissions or stop asking for advice altogether. Instead, they should only ask them to describe multiple options, inform the public, and stimulate public debate.

One possible route for overcoming the difficulty of independent checks in moral judgments is to argue that logic and rationality offer a mechanism by which to undertake such checks.<sup>13</sup> However, I believe this largely fails as an independent check, even though logic and rationality are standards that most moral doctrines strive for. One problem is that, as an independent check, this basis is indeterminate. We have many competing moral doctrines vying for our support. These doctrines have been worked out, discussed, and improved over many centuries, and it would be unrealistic to say that a check, such as logic and rationality, will help us choose between these competing moral doctrines. Moreover, even if the skill of the moral expert lies in being able to reason logically, it is not with the skills of critical

thinking but with *the results* of such critical thinking that questions of moral expertise lie.<sup>14</sup> If we agree with Hoffmann that we are not in a position to identify doctrine-independent moral experts, are we left with no way forward?

As it is unrealistic that we, all of a sudden, would agree on a common understanding of morality, one pragmatic solution that brings us forward is to identify moral experts from within particular moral doctrines. Notice that this pragmatic solution does not assume any meta-ethical position it can rather be seen as a solution that takes into account society's pluralism. This is a practicable way to ensure that we can keep the ideal of appointing moral experts to ethics commissions. This has several positive consequences for the work of ethics commissions. First, we need people who are committed adherents of important views discussed on the commission. This ensures that arguments are given a fair hearing. Good deliberations are important for a commission and are made more likely by the presence of someone who believes in relevant ideas that the commission needs to discuss. Second, commissions should give the best possible versions of the different views they present. Having members who believe in different views will help make this a reality. Third, ethics commissions are most often asked to consider questions regarding the use of new technologies, which, in turn, bring new ethical questions. For questions that have been discussed for centuries, it might be possible for an ethical expert to answer how different moral doctrines have answered these. However, it is more difficult to say how a doctrine can be extended to address new ethical issues.

To show how we can choose moral experts from within moral doctrines, I will introduce Rawls' concept of comprehensive doctrines in the following section.

## 2.1 | The concept of comprehensive doctrines

One way to bring the discussion forward is to distinguish between *theoretical moral expertise* and *practical moral expertise*.<sup>15</sup> On the one hand, being a theoretical moral expert—in the sense that Hoffmann uses the term—means being able to evaluate the arguments for and against competing moral doctrines and to select the one for which the strongest case can be made. Being a practical moral expert, on the other hand, means having the ability to apply a moral doctrine to specific questions to determine what it requires from us. The attributes that a person must have to apply one doctrine successfully may be different from those needed to apply another; thus, the abilities of moral experts are relative to the particular doctrine that is to be applied. The goal of this distinction is to make it manageable to identify moral experts, specifically practical moral experts rather than theoretical moral experts.

<sup>10</sup>Hoffmann, op. cit. note 3, pp. 301–304.

<sup>11</sup>Ibid: 311.

<sup>12</sup>Nelson, J. L. (2005). The Baroness's Committee and the President's Council: Ambition and alienation in public bioethics. *Kennedy Institute of Ethics Journal*, 15(3), 251–267, pp. 254–255.

<sup>13</sup>See, for example, Singer, P. (1972) Moral experts. *Analysis*, 32(4), 115–117; Crosthwaite, J. (1995). Moral expertise: A problem in the professional ethics of professional ethicists. *Bioethics*, 9(5), 361–379, p. 372.

<sup>14</sup>Frey, R. G. (1978). Moral experts. *The Personalist*, 59(1), 47–52, p. 49.

<sup>15</sup>Miller, D. E. (2005). Moral expertise: A Millian perspective. In L. M. Rasmussen (Ed.), *Ethics expertise: History, contemporary perspectives and applications* (pp. 73–87). Springer, p. 75.

To demonstrate how we can identify practical moral experts, I will start with Rawls' concept of comprehensive doctrines.<sup>16</sup> According to Rawls, "since there is no reasonable religious, philosophical, or moral doctrine affirmed by all citizens,"<sup>17</sup> modern society has to recognize the "fact of reasonable pluralism."<sup>18</sup> These different comprehensive doctrines are incompatible and are seen "as the characteristic work of practical reason over time under enduring free institutions."<sup>19</sup> Hence, in a modern society, there will exist several competing comprehensive doctrines, and questions of moral truth or correct moral judgments will be made from the perspective of each of these comprehensive moral doctrines. These doctrines take into consideration all relevant values and facts when making judgments on concrete moral issues. Rawls further elaborates on what he means by a comprehensive doctrine in the following way:

This contrast will be clearer if we observe that the distinction between a political conception of justice and other moral conceptions is a matter of scope: that is, the range of subjects to which a conception applies and the content a wider range requires. A moral conception is general if it applies to a wide range of subjects, and in the limit to all subjects universally. It is comprehensive when it includes conceptions of what is of value in human life, and ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole. A conception is fully comprehensive if it covers all recognized values and virtues within one rather precisely articulated system; whereas a conception is only partially comprehensive when it comprises a number of, but by no means all, nonpolitical values and virtues and is rather loosely articulated. Many religious and philosophical doctrines aspire to be both general and comprehensive.<sup>20</sup>

Rawls makes an important distinction between unreasonable and reasonable comprehensive doctrines. Reasonable comprehensive doctrines accept the essentials of a democratic regime, whereas unreasonable comprehensive doctrines do not.<sup>21</sup> Furthermore, reasonable comprehensive doctrines have three main features. First, they are an exercise of theoretical reason as they cover the "major religious, philosophical, and moral aspects of human life in a more or less consistent and coherent manner"<sup>22</sup>. Second, they are an exercise of practical reason by choosing which values to count as especially significant and how to balance them when they conflict. Third,

reasonable comprehensive doctrines are not necessarily fixed and unchanging but do evolve over time "in the light of what, from its point of view, it sees as good and sufficient reasons."<sup>23</sup> Even though this account is relatively loose, and deliberately so, it does exclude doctrines that do not endorse some form of liberty of conscience and freedom of thought.<sup>24</sup> Rawls also ties his concept of reasonable comprehensive doctrines to the idea of reasonable persons who view one another as free and equal in a system of social cooperation and are prepared to offer each other fair terms of cooperation. The *criterion of reciprocity* encompasses this, specifying that people are "ready to propose principles and standards as fair terms of cooperation and to abide by them willingly, given the assurance that others will likewise do so."<sup>25</sup> The norms must be reasonable for everyone to accept and therefore justifiable to them.

If we define a practical moral expert as an expert on one specific comprehensive doctrine, then these different doctrines have their inherent checks in the form of concepts and standards by which they define themselves. Thus, concluding that something is a correct moral judgment is done relative to the standards of some particular comprehensive doctrine, and not the correct judgment as such. However, this does not imply that different comprehensive doctrines cannot overlap in judgments on concrete moral issues. Now that I have elaborated on Rawls' concept of comprehensive doctrines, it is important to note before discussing the implications for ethics commissions that I am not claiming this to be a Rawlsian theory of ethics commissions. Rather, viewing ethics commissions through the prism of comprehensive doctrines is helpful when we think about the composition of ethics commissions.

### 3 | IMPLICATIONS FOR THE COMPOSITION OF ETHICS COMMISSIONS

Having presented a view of moral expertise, as seen through the prism of comprehensive doctrines, I now move on to considering what this view may imply for the composition of ethics commissions.

If this view of moral expertise makes it manageable to identify practical moral experts, and given that what we want from ethics commissions is advice from moral experts, then a natural conclusion is that we should select moral experts representing different reasonable comprehensive doctrines to serve as members of ethics commissions.<sup>26</sup> This would, moreover, imply that members of ethics commissions should be chosen on the basis of their expertise within their respective reasonable comprehensive doctrines. The reason why we should want these different doctrines represented is that we do not share a single common moral doctrine; therefore, we have to

<sup>16</sup>Rawls, J. (2005). *Political liberalism* (Expanded ed.). Columbia University Press.

<sup>17</sup>Ibid: 38.

<sup>18</sup>Ibid: xvii.

<sup>19</sup>Ibid: 135.

<sup>20</sup>Ibid: 13.

<sup>21</sup>Ibid: xvi–xvii.

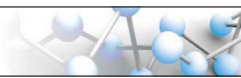
<sup>22</sup>Ibid: 59.

<sup>23</sup>Ibid: 59.

<sup>24</sup>Ibid: 61.

<sup>25</sup>Ibid: 49.

<sup>26</sup>It is important to note that my argument does not exclude other factors aside from moral expertise being relevant when composing ethics commissions. For example, a commission should have members with medical knowledge. Furthermore, a commission should be created with an eye to having high-quality deliberations.



find a pragmatic solution that ensures that we take reasonable pluralism seriously when we compose our ethics commissions. However, several challenges can be leveled at this proposal. I will consider six such challenges, which will contribute to clarifying this position.

### 3.1 | Some challenges

#### 3.1.1 | People do not adhere to coherent comprehensive doctrines

A first challenge states that most people do not adhere to a single comprehensive doctrine in a way that makes it meaningful to choose members of ethics commissions on the basis of their expertise in it, and believe that this sufficiently represents them. Contemporary societies are not neatly divided into particular moral communities, and few people adhere to a specific, comprehensive doctrine. Instead, people's beliefs consist of a patchwork of moral beliefs drawn from different sources. In other words, choosing members of ethics commissions because of their practical moral expertise fails to reflect the actual views of society.

Even if we recognize that many do adhere to one particular comprehensive doctrine, we must acknowledge that many do not consciously adhere to one. Rawls distinguishes between fully comprehensive and partially comprehensive doctrines. A fully comprehensive doctrine "covers all recognized values and virtues within one rather precisely articulated scheme of thought; whereas a doctrine is only partially comprehensive when it comprises certain (but not all) nonpolitical values and virtues and is rather loosely articulated."<sup>27</sup> Even though many will not have a specific doctrine that they claim to adhere to, it seems unlikely that someone does not have beliefs that extend "beyond the political and include nonpolitical values and virtues,"<sup>28</sup> such as ideals of personal virtue and character, ideals of friendship and of familial relationships, so that they hold at least a partially comprehensive view. Even if these values and beliefs are not consciously held, and certainly not based on one particular comprehensive doctrine, we do give expression—often implicitly and unreflectively—to norms and ideals that play important roles in how we choose to live.<sup>29</sup> Moreover, it is likely that a substantial number of people in a society, either reflectively or unreflectively, hold or give expression to similar values; and therefore it is possible to discern—perhaps with some effort—different partially comprehensive doctrines in society. Also, by representing significant reasonable comprehensive doctrines, mixtures of these doctrines can be regarded as represented as well. Most people might need more than one expert to find their specific position represented, and this could

happen by having them represented by a patchwork of expert perspectives.<sup>30</sup>

Thus, an important role for moral experts and ethics commissions is to make explicit what is implicit, thereby contributing to the enhancement of our normative self-understanding.<sup>31</sup> For ethics commissions to be expert bodies, they have to be something more than just a reflection of the views present in society. One way that their expertise can be used is for them to give clearer and more thought through arguments for different positions on the ethical issues they are asked to consider based on fully and partially comprehensive doctrines.

#### 3.1.2 | Which comprehensive doctrines should be represented?

According to a second challenge, even if it is meaningful to choose moral experts on the basis of their practical moral expertise, we still have to decide which doctrines are relevant and, therefore, should be represented on ethics commissions. This issue arises as a consequence of viewing moral expertise through the prism of comprehensive doctrines. I believe that this issue can be dealt with. Although full treatment of it requires an article by itself, it is possible to say something tentative here.

As follows from Rawls, we should include only reasonable comprehensive doctrines and not unreasonable ones. However, this gets us only so far. Another concern is what "relevance" refers to in this context. Is it relevance in an academic context or in the general population? Should all doctrines that have a certain amount of support among ethical experts be included, or is it rather the opinions of the public that are relevant? In this regard, relevance must refer—at least to a certain extent—to the opinions of the public. This is because, within some comprehensive doctrines, moral experts are not necessarily academics but rather religious leaders, such as bishops, rabbis, or monks. If we exclusively focus on relevance in the academic context, we might exclude moral experts from important reasonable comprehensive doctrines. One way to locate and differentiate between reasonable comprehensive doctrines is to use historical analysis, interview methodology, or opinion surveys, preferably triangulation across different methods to increase our confidence in the results.<sup>32</sup> Another is to locate those comprehensive doctrines that are institutionalized, in the form of churches, organizations, or otherwise. When comprehensive doctrines are institutionalized it might also make it easier to find the moral experts within these doctrines because they are likely to be recognized as such within these institutions. Comprehensive doctrines that are institutionalized to a lesser degree will, arguably, be more difficult to

<sup>27</sup>Rawls, op. cit. note 16, p. 175.

<sup>28</sup>Ibid: 175.

<sup>29</sup>MacIntyre, A. (2009). Intractable moral disagreements. In L. S. Cunningham (Ed.), *Intractable disputes about the Natural Law: Alasdair MacIntyre and critics* (pp. 1–52). University of Notre Dame Press, p. 13.

<sup>30</sup>Thank you to an anonymous reviewer for pointing this out to me.

<sup>31</sup>Taylor, C. (1985). *Philosophy and the human science, Philosophical papers Vol. 2* (p. 111). Cambridge University Press.

<sup>32</sup>Although they discuss discursive representation, there seem to be lessons for locating comprehensive doctrines as well in Dryzek, J. S., & Niemeyer, S. (2008). Discursive representation. *American Political Science Review*, 102(4), 481–493.

locate and not least to find moral experts within these doctrines. Another difficulty involves identifying where the line is to be drawn between different reasonable comprehensive doctrines. Many, if not all, doctrines have competing interpretations, and it is not always clear where we should consider two doctrines instead of one. Moreover, if one comprehensive doctrine is adhered to by a substantial number of people within society, an argument could be made that this doctrine should have more than one moral expert on the commission. This should preferably be moral experts from rival interpretations within that doctrine. Furthermore, another aspect that is relevant when we discuss which doctrines should be included is what a workable size of an ethics commission should be. Although these are complex questions, I believe it is possible to find practical solutions to these concerns.

### 3.1.3 | The moral expert as a dialectical expert

A third challenge posits that it is more meaningful to view moral expertise as dialectical expertise.<sup>33</sup> The moral expert's role is to facilitate discussions of moral questions that clarify the issues at stake, along with the grounds behind different views on the question; help avoid logical errors; and enable opponents to understand each other's views more clearly. The emphasis here is that all relevant arguments should be part of the commission's work, not that people representing all the different doctrines are present. If we understand the moral expert's role to be that of a facilitator, then we would perhaps need fewer of them in any one commission than what my view of moral expertise entails. Moreover, one could also argue that in line with the dialectical role of moral experts, ethics commissions should not give advice but, rather should present the best arguments for different views on the ethical issues.<sup>34</sup>

One important argument—although not directly linked to the question of moral expertise—is that an ethics commission's political legitimacy can be enhanced by having members from different comprehensive doctrines. Members of the public who read the commissions recommendations are more likely to accept these if they know that someone sharing their comprehensive doctrine supports these. Furthermore, the fact that arguments are present in discussions in ethics commissions hardly ensures that they are given a proper hearing. The best way to ensure that arguments are given a proper hearing is to have members of the commission who believes in the relevant arguments that are discussed and are able to give it its proper force.

More importantly, however, there are good reasons to doubt whether someone can be a moral expert on comprehensive doctrines to which they do not themselves adhere. For example, Bernard Williams comments that “how we ‘go on’ from one application of a concept to another is a function of the kind of interest that the

concept represents, and we should not assume that we could see how people ‘go on’ if we did not share the evaluative perspective in which this kind of concept has its point.”<sup>35</sup> Thus, a practical moral expert should be an authentic exponent of a specific comprehensive doctrine and must share its evaluative perspective, especially when it comes to extending the doctrine to new moral questions that arise because of novel technologies, which is what ethics commissions most often discuss.

The mandates of ethics commissions, which I consider in this article, have to be changed if they are only to set out the different positions and not give advice. Even if one thinks that this is reasonable, it would arguably not be necessary to form a commission in the first place. Instead, one could engage a small group of scholars to complete a survey of the field. More crucially, what this proposal misses is the central role that deliberations play on these commissions. In fact, to structure discussions and make deliberations meaningful, it is necessary that these commissions should give advice. If not, there would be no point in having moral experts discuss the ethical issues with the possibility of changing, or at least nuancing, each other's opinions. If ethics commissions are composed of moral experts within different comprehensive doctrines, a moral expert that is persuaded to alter their position gives other adherents of that comprehensive doctrine *prima facie* reasons to change their position accordingly.<sup>36</sup>

### 3.1.4 | Moral experts should represent standards across comprehensive doctrines

A fourth challenge states that there are some standards that are applicable across comprehensive doctrines, and such standards are those that moral experts should adhere to. We can choose moral experts to participate in ethics commissions on the basis of how well someone gains mastery of these standards.

However, these common standards are bound to be somewhat minimal, perhaps nothing more than what we discussed in an earlier section on the suggestion that logic and rationality are independent checks in ethics. Yet, even if we find that these standards are somewhat more comprehensive, they would only ensure well-reasoned arguments and not correct or true moral judgments. Rather,

<sup>35</sup>Williams, B. (2011). *Ethics and the limits of philosophy* (p. 157). Routledge (Original work published 1985). For a similar argument, see Chapter 19 in MacIntyre A. (1988). *Whose justice? Which rationality?* Duckworth.

<sup>36</sup>One question that might be raised here is what happens if a person representing a comprehensive doctrine changes their perspective in a way that is inimical to that doctrine and therefore should be considered as breaking with it. I do not think that it will happen very often. This is largely because what is being discussed on these commissions are judgments on concrete moral issues, and even if a commission member takes a position that is unusual within the comprehensive doctrine they are a practical moral expert within, this does not suffice - at least not alone - to conclude that this person has broken with their doctrine. Moral experts should be allowed to scrutinize and develop their comprehensive doctrines, and doctrines do evolve over time. However, this does underline the importance of appointing members in a personal capacity, which contributes to making the deliberations on the commissions meaningful because the members can form or change their opinions without having to answer to an entity outside the commission. Thank you to an anonymous reviewer for pointing out this issue to me.

<sup>33</sup>Labarge, op. cit. note 5, pp. 34–35.

<sup>34</sup>Rasmussen, L. M. (2006). Engineering, gerrymandering and expertise in public bioethics. *HEC Forum*, 18(2), 125–130.

to increase the likelihood of correct or true moral judgments, we first need to choose our comprehensive doctrine and then use the standards inherent in that doctrine to judge whether our conclusions meet such standards. It is not enough to ensure well-reasoned arguments when “questions of moral expertise are not concerned with the skills that go to comprise the critical examination of moral issues but with the outcome of the use of those skills in terms of particular moral judgments.”<sup>37</sup>

### 3.1.5 | Moral experts should use the public's own values

A fifth challenge to my position is one that takes its starting point from a position of skepticism toward moral expertise and moral experts. Instead of relying on the experts' own values, we should rather ensure that ethics commissions use the public's own values when recommending policies.<sup>38</sup>

However, this is only an appealing solution to the difficulty of identifying moral experts if we relinquish that goal. Furthermore, it is not at all certain that the professions we usually think of as moral experts—the philosophers, bioethicists, and theologians—have the competence to know what the values of the public are. Rather, social scientists may be the most suited to sit on ethics commissions, as they are the ones who study the opinions of the public through, for example, public polling. Moreover, we already have a system for channeling the public's values, which is the electoral system. Therefore, the added benefits of such ethics commissions seem to be marginal and less informative for those in charge of the decision-making.

### 3.1.6 | Ethics commissions should be bound by the requirements of public reason

The final challenge to my position posits that an ethics commission composed in this way will not conform to the requirements of public reason, which is that we must “express political values that others, as free and equal citizens might also reasonably be expected reasonably to endorse,”<sup>39</sup> and not base our arguments on our comprehensive doctrines.

How one views the scope of public reason determines whether it is natural to expect an ethics commission to conform to the requirements of public reason. If one emphasizes, like Adam Briggie, that ethics commissions are not the final deciders of policy but only give advice into this process, then one can expect the final policy to be based on public reason but at the same time think that arguments

based on comprehensive doctrines can play an important role in the report from commissions.<sup>40</sup> Furthermore, building on the empirical analysis of Evans mentioned in the introduction, Briggie argues that it is “antithetical to democratic pluralism”<sup>41</sup> to “exclude certain voices while privileging others.”<sup>42</sup> Briggie's argument implies that the ethics commission should be outside the scope of public reason.

However, whatever view one takes of public reason and ethics commissions, it is natural to suppose that ethics commissions conform to the requirements of public reason in the arguments they give for their recommendations, no matter whether this is for moral or practical reasons, as they want to make their views acceptable to a broad audience. In this way, commission work might conform to Rawls' *proviso*, that in public political culture reasons from comprehensive doctrines may be given, provided that in due course proper political reasons are presented.<sup>43</sup> This is in accordance with Rawls' view that we do not *find* an overlapping consensus by an empirical survey of the existing reasonable comprehensive doctrines, but we must *make* one.<sup>44</sup> An ethics commission is one arena where this can be done.

## 4 | CONCLUSION

I have examined one possible way to handle the lack of independent checks in moral judgment: to use Rawls' concept of comprehensive doctrines. These doctrines have inherent standards that make it manageable to identify moral experts from within these doctrines. Furthermore, one possible consequence of this view is that ethics commissions should be composed of a substantial number of members chosen on the background of their moral expertise within their respective reasonable comprehensive doctrines. This conclusion is in line with other research on expert groups that reveal the benefits of epistemic diversity.<sup>45</sup>

I have dealt with some principled arguments against this idea, and there likely are others that I have not considered. However, it seems that if one is sympathetic to this approach, there still remains work to develop this into a practicable way to compose ethics commissions.<sup>46</sup> Even though something can be hard to translate from an idea into practice it, does not make the idea wrong. All normative ideas have their issues when it comes to making them practicable. We might conclude, after careful consideration, that an idea cannot be applied to a specific context or that it has important drawbacks compared to the alternatives, and therefore choose to abandon the

<sup>37</sup>Frey, op. cit. note 14, pp. 48–49.

<sup>38</sup>See Evans, J. H. (2012). *The history and future of bioethics: A sociological view*. Oxford University Press; Veatch, R. M. (2005). The roles of scientific and normative expertise in public policy formation: The Anthrax vaccine case. In L. M. Rasmussen (Ed.), *Ethics expertise: History, contemporary perspectives and applications* (pp. 211–225). Springer.

<sup>39</sup>Rawls, op. cit. note 16, p. 450.

<sup>40</sup>Briggie, A. (2010). *A rich bioethics: Public policy, biotechnology, and the Kass council* (pp. 71–72). University of Notre Dame Press.

<sup>41</sup>Ibid: 35.

<sup>42</sup>Ibid: 5.

<sup>43</sup>Rawls, op. cit. note 16, p. 462.

<sup>44</sup>Mandle, J. (1999). The reasonable in justice as fairness. *Canadian Journal of Philosophy*, 29(1), 75–107, p. 100.

<sup>45</sup>Holst, C., & Molander, A. (2019). Epistemic democracy and the role of experts. *Contemporary Political Theory*, 18, 541–561.

<sup>46</sup>Thank you to two anonymous reviewers for challenging me to clarify my thinking on this point.

idea. Further inquiry, in the form of empirical testing, could explore to what extent this idea can be used to govern the selection of ethics commission members and what fruits it would bear. One consideration that is likely to be important in such an inquiry is how deviant from the status quo this suggestion actually is. To my mind, it is rather moderate and not too radical because many ethics commissions are composed to include a diverse range of views. So, in practice, this proposal might imply not a radical change in membership but rather a change, or a deeper, justification of why we want diversity on these commissions and a different method of finding the correct members of ethics commissions.

Let us say that we develop a method for locating reasonable comprehensive doctrines and their respective moral experts and are able to appoint them to an ethics commission. Then, one might wonder whether they will be able to reach a consensus or, at any rate, be deemed helpful in the policy-making process. Whether, and to what extent, these commissions will be able to reach a consensus is an empirical question and not something that can be decided beforehand. Moreover, even if we find out that these commissions are unlikely to reach a consensus, how forceful an argument this is against composing a commission in this way is likely to differ according to whether one sees the main role of commissions to as stimulating public debate or influencing the policy process.<sup>47</sup>

When practical moral experts from different comprehensive doctrines deliberate on different ethical issues, they might reach a consensus despite different ways to justify the conclusion.<sup>48</sup> This *overlapping consensus* gives us reason to be more confident that the conclusions of the ethics commission are correct or true than if only one or a few moral experts arrive at the conclusion. This is because “if any of those reasonable comprehensive doctrines supports only true moral judgments, the political conception itself is correct, or close thereto, since it is endorsed by a true doctrine. Thus, the truth of any one doctrine in the consensus guarantees that all the reasonable doctrines yield the right conception of political justice, even though they do not do so for the right reasons as specified by the one true doctrine.”<sup>49</sup> In other words, if only one of the moral experts on the commission who is part of the overlapping consensus believes in a

true doctrine, then the consensus is true and hence policymakers have good reason to listen to advice, which is an expression of such an overlapping consensus.

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## CONFLICT OF INTEREST

The author declares no conflict of interest.

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<sup>47</sup>For the view that ethics commissions should be assessed mainly on how well they stimulate public debate, see, for example, Dzur, A., & Levin, D. L. (2004). The “Nation’s conscience”: Assessing bioethics commissions as public forums. *Kennedy Institute of Ethics Journal*, 14(4), 333–360. For the opposing view, see, for example, Warnock, M. (1985). Moral thinking and government policy: The Warnock committee on human embryology. *The Milbank Memorial Fund Quarterly, Health and Society*, 63(3), 504–522.

<sup>48</sup>The experience that agreement can be found despite different reasons for supporting the agreement is the basis of the book by Jonsen, A. R., & Toulmin, S. (1988). *The abuse of casuistry: A history of moral reasoning*. University of California Press.

<sup>49</sup>Rawls, op. cit. note 16, p. 128.