

Bioethics and Epistemology: A Response to Professor Arras[†]

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Professor Arras' article¹ provides a fascinating and persuasive account of an important shift in bioethics. The move from theory-based systems of ethics to narrative-based systems of ethics is paralleled by shifts in several related fields. In legal theory, one can see this development in the rise of legal pragmatism and the questioning of abstract and comprehensive theories, whether those theories are rights-based and liberal, radical and Marxist, or economics-based and conservative. This shift is also evident in feminist theory, where there is a growing emphasis on context and a resistance to living within the restrictions of any one brand of feminism, whether it be liberal feminism, radical feminism, or cultural feminism. An important part of this development in feminist theory involves a fundamental change in epistemology. I would like to explore the epistemological implications of the shift from an ethics based on theory to one based on narrative because I believe that at the level of epistemology we can see a tension between the new ethical systems and the underlying assumptions of conventional science.

The theory-based ethics that dominated bioethics in the first and second stages of Professor Arras' story were closely tied to a mainstream tradition in epistemology, which I will call Cartesianism. Cartesian epistemology presents a picture of the world in which an external and objective reality is available to individual knowers through the use of their reason, often combined with their sense perception. The knowledge attained is universally true, rather than merely true for a particular person in a particular place and time.²

Breaking this picture down into component pieces, one finds that it involves several important assumptions.³ First, reality is objective in the sense that it is independent of human understandings of it. In other words, reality is simply "out there," and its character is unaffected by whether anyone recognizes or understands it.

Second, this objective reality is, at least in principle, accessible to human knowledge. This assumption gives rise to the traditionally dominant theory of truth in Western epistemology: the correspondence theory. The correspondence

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1. John D. Arras, *Principles and Particularity: The Role of Cases in Bioethics*, 69 *IND. L.J.* 983 (1994).

2. See Alison M. Jaggar & Susan R. Bordo, *Introduction to GENDER/BODY/KNOWLEDGE* 1, 3 (Alison M. Jaggar & Susan R. Bordo eds., 1989); Jane Flax, *Postmodernism and Gender Relations in Feminist Theory*, in *FEMINISM/POSTMODERNISM* 39, 41-42 (Linda J. Nicholson ed., 1990).

3. The discussion of Cartesianism here is a short summary of my more detailed treatment of the subject in Susan H. Williams, *Feminist Legal Epistemology*, 8 *BERKELEY WOMEN'S L.J.* 63, 64-68 (1993).

theory holds that a proposition is true if and only if it accurately describes the nature of this objective reality.⁴

Third, Cartesianism assumes that people approach the task of gaining knowledge individually rather than as socially-constituted members of particular groups. This form of epistemological individualism means that the tools or capacities necessary for the pursuit of knowledge exist in individual human beings considered independently of their particular social context.

Fourth, Cartesianism includes a rationalist bias; it assumes that the primary faculty through which human beings gain knowledge is their reason. One of the central arguments within Cartesianism has been over the degree to which reason must be supplemented by sense perception. That argument has generated the division between rationalists and empiricists.⁵ Both camps are Cartesian within my definition because, even for empiricists, reason is the primary faculty for assessing sense data and acquiring knowledge from it.

Finally, the knowledge attained through the proper exercise of these faculties is true for all people; it is universal. There cannot be competing truths; on any given issue there is only one truth. All other perspectives are more or less false, due to a greater or lesser degree of failure to properly exercise the capacities for reasoning or gathering sense data.

The various theory-based systems of ethics described by Professor Arras depend, in various ways, on this Cartesian epistemology. Kant, for example, sought to define a conception of moral truth with a high level of objectivity, completely independent of the perceptions (or misperceptions) of the conventional ethics that dominated his day.⁶ He founded this objective ethics on a strong distinction between reason and other capacities⁷ and held that this ethical system was necessary, rather than contingent and dependent on a particular social context.⁸ Kant's universalism, in fact, goes far beyond that of any contemporary theorist in that he believed his ethical discoveries held true not only for all human beings, but for all rational creatures.⁹

Many forms of utilitarianism also depend on Cartesian epistemology. The utilitarian calculus requires that one be able to ascertain in an objective way

4. See BERTRAND RUSSELL, *THE PROBLEMS OF PHILOSOPHY* 127-30 (1912); Kenneth J. Gergen, *Feminist Critique of Science and the Challenge of Social Epistemology*, in *FEMINIST THOUGHT AND THE STRUCTURE OF KNOWLEDGE* 27, 28 (Mary McCanney Gergen ed., 1988). See generally RICHARD RORTY, *PHILOSOPHY AND THE MIRROR OF NATURE* (1979) (describing the development of this representational model and criticizing it).

5. Empiricists hold that all knowledge is derived from experience. See RUSSELL, *supra* note 4, at 73-74. Empiricists use statements about appearances or sense perceptions as the basic tools out of which reason can build knowledge. See generally JOHN LOCKE, *AN ESSAY CONCERNING HUMAN UNDERSTANDING* (Peter H. Nidditch ed., 1975); CLARENCE I. LEWIS, *AN ANALYSIS OF KNOWLEDGE AND VALUATION* (1946). On the other hand, rationalists like Descartes place more reliance on reason acting independently of sense perception. See Rene Descartes, *Discourse on the Method of Rightly Conducting the Reason and Seeking Truth in the Sciences*, in *THE RATIONALISTS* 39, 62-63 (Anchor Books ed., 1974).

6. See IMMANUEL KANT, *FOUNDATIONS OF THE METAPHYSICS OF MORALS* 26 (Lewis White Beck trans., 1959).

7. *Id.* at 11-12.

8. *Id.* at 5.

9. *Id.* at 24.

the amount of pleasure or pain caused a person by a particular course of action. Bentham thought he had discerned regular patterns of utility production; for example, taking away a portion of property from someone would cause a degree of pain equal to the proportion between the total property of that person and the amount taken.¹⁰ Bentham clearly believed such patterns to be objectively true: that is, corresponding to a reality independent of whether people recognized it and available to human knowledge through a combination of reason and observation.¹¹ This knowledge was offered as true for all human beings rather than as a description of the social psychology of eighteenth century England. Indeed, Professor Arras' descriptions of these theory-based systems rely heavily on the watchwords of Cartesianism—even the most moderate of such theoretical systems he calls objective and universal.¹²

In light of some of the discussion earlier in this symposium, I should perhaps add a word on principles versus theory. Tom Beauchamp argued that no one still defends theory in the Kantian sense I have just described.¹³ He asserted that his principles, for example, are neither absolute nor comprehensive nor deductive.¹⁴ These characteristics—absoluteness, deductiveness, and comprehensiveness—point to the function of the principles in a normative analysis; they relate to how the principles are used. My focus is, instead, on the epistemological status of the principles—whether they are viewed as a certain kind of knowledge: objective, rational, and universal. The two aspects are, of course, related; what a principle is will affect what it does and how it functions. But they are nonetheless not identical. It would be possible to believe that one's principles are objective, rational, and universally true and still not use them in a deductive way or think that they are completely comprehensive or absolute.

It may be that neither Professor Beauchamp's system nor other systems within the principles approach would qualify as theory, even in this epistemic sense—although I believe this is much less clear. If that is the case, then two points follow. First, the proponents of such approaches must be willing to give up the claims of greater determinateness made by such theories, as Karen Hanson pointed out.¹⁵ Second, if the principles approach is not Cartesian, then the epistemological challenge I am about to describe would have existed for some time already. It would, however, still be the case that narrative approaches have made the challenge clear, in a way that the earlier model never did.

10. See JEREMY BENTHAM, *THE THEORY OF LEGISLATION* 6-13, 20-27 (C. K. Ogden ed., 1987).

11. *Id.* at 20-27.

12. ARRAS, *supra* note 1, at 986.

13. See Tom L. Beauchamp, *Principles and Other Emerging Paradigms in Bioethics*, 69 *IND. L.J.* 955, 959 (1994).

14. *Id.* at 968-69.

15. Karen Hanson, *Are Principles Ever Properly Ignored? A Reply to Beauchamp on Bioethical Paradigms*, 69 *IND. L.J.* 975, 979-80 (1994).

So, on to the narrative challenge. The narrative-based ethics described in the last section of Professor Arras' paper do not share this connection to Cartesian epistemology. Many narrative-based ethics rest on very different epistemological assumptions—assumptions that challenge the foundations of Cartesianism. At the heart of this challenge is a claim about the interpretive and contextual nature of human knowledge.

This alternative epistemology argues that the creation of knowledge is an activity that takes place only within, and is deeply shaped by a particular social context. Context permeates knowledge creation because of the inevitably interpretative nature of the process. First, the very facts that are taken by Cartesianism to be the materials out of which reason constructs knowledge are a product of cultural interpretation.¹⁶ Facts are made by a process of selection from experience. What one notices and how one organizes that experience are both constrained by the conceptual categories available within one's culture.¹⁷ Interpretation enters again when one tries to analyze the data. Data underdetermine the theories that they are used to construct. To choose between the alternative interpretations that are always available, individuals must rely—implicitly or explicitly—on a value judgment. To the extent that values are in fact culturally shaped, knowledge will be permeated by those cultural forces.

This alternative epistemology, in other words, denies each assumption of Cartesianism. First, no knowledge of a truly objective reality is accessible to human beings because they always approach it through the screen of context and culture. Second, instrumental reason is an insufficient tool for acquiring knowledge because some more substantive values must be used to choose between interpretations. Third, individuals come to knowledge creation as members of a given cultural context and they use the resources of that context in the process. And, finally, knowledge, therefore, may be personal or social rather than universal—there can be many truths rather than just one.

Narrative systems of ethics fit very nicely with this alternative epistemology.¹⁸ After all, if context and interpretation permeate knowledge, a narrative method would be very effective as a means of acquiring such knowledge. Narrative operates from within the interpretive perspective rather than attempting to transcend it. It offers the listener or reader the chance to enter into a new context in a way that uses a broad range of faculties, emotional and moral as well as rational.¹⁹ It is, in a sense, a way of trying on a context

16. Arras, *supra* note 1, at 1013.

17. See Ruth Hubbard, *Some Thoughts About the Masculinity of the Natural Sciences*, in FEMINIST THOUGHT AND THE STRUCTURE OF KNOWLEDGE *supra* note 4, at 1; Naomi Scheman, *Individualism and the Objects of Psychology*, in DISCOVERING REALITY: FEMINIST PERSPECTIVES ON EPISTEMOLOGY, METAPHYSICS, METHODOLOGY, AND PHILOSOPHY OF SCIENCE 225, 229 (Sandra Harding & Merilla B. Hintikka eds., 1983).

18. For a discussion of different types of narratives and their epistemological implications, see generally Kathryn Abrams, *Hearing the Call of Stories*, 79 CAL. L. REV. 971 (1991).

19. See MARTHA C. NUSSBAUM, LOVE'S KNOWLEDGE 3-53, 148-67 (1990); Lynne N. Henderson, *Legality and Empathy*, 85 MICH. L. REV. 1574 (1987).

to see what knowledge is available within it that was inaccessible previously.²⁰

The particular characteristics of the narratives now used in bioethics, as described by Professor Arras,²¹ are explained by this epistemological function. In order to create the context so crucial to knowledge, the stories must be richly detailed and evocative.²² They must reckon with the element of character²³—which stands for the interpenetration of person and context, the denial of an acontextual personhood. And, they must be true to the contexts in which actual people live, or they will be of little value in acquiring knowledge relevant to those contexts. Thus, the narrative systems of ethics beginning to shape the field of bioethics should be seen as the vanguard of a broad epistemological movement.

This epistemological movement holds special importance in the case of ethics applied to science. As perhaps is evident, the Cartesian epistemology at the foundation of theory-based ethics is also at the foundation of conventional science. Indeed, in many ways, science is the ideal that Cartesianism holds up to other disciplines, like ethics.²⁴ Science is the purest pursuit of objective and universal truth through methods designed to rely on observation and reason to the exclusion of emotion and cultural context.

I do not mean to suggest that there are no non-Cartesian models of science. Certain non-traditional branches of science may themselves rest on or imply an anti-Cartesian epistemology—perhaps chaos theory is an example.²⁵ Philosophers of science have been responding to both the upheaval in science itself and the wave of anti-Cartesian epistemologies by exploring new models of science. I would suggest, however, that Cartesianism still permeates the understanding of most practitioners of science and medicine, as it does the understanding of most members of modern, Western cultures generally. Thus, the practice to which bioethics responds is still largely shaped by Cartesian assumptions.

The trend²⁶ described by Professor Arras, therefore, poses an interesting problem. The narrative approach to ethics may rest on an epistemology that undermines the understanding of practitioners about the knowledge claims of their own disciplines. This epistemological tension, if brought to the surface, might have important implications for ways in which the practice should be changed if it is to be brought into line with the alternative epistemology. As just one example, medical practitioners would have to take far more seriously the knowledge claims of patients, even when they could not verify those claims through “objective” methods, because the patient’s perspective may

20. See Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829, 880-81 (1990); Martha Minow, *Foreword: Justice Engendered*, 101 HARV. L. REV. 10, 16 (1987).

21. Arras, *supra* note 1, at 1004-06.

22. *Id.* at 1004.

23. *Id.* at 1004-05.

24. *Id.* at 1012.

25. See generally STEPHEN H. KELLERT, *IN THE WAKE OF CHAOS* (1993) (describing and explaining chaos theory, a new scientific inquiry that creates new distinctions among established disciplines).

26. Arras, *supra* note 1, at 1006-07.

give her access to a truth that is just as true as the reading on a thermometer, but that is, even in theory, inaccessible to the practitioner.

As this example illustrates, a shift in epistemology may have normative or ethical implications. The point of my comments is that the reverse is also true. A shift in ethics may have epistemological implications. Indeed, I think that the most important conclusion to be drawn from this brief examination is that ethics and epistemology are fundamentally connected. In important ways, they are reflections of each other. One cannot have ethics without making certain epistemological assumptions because any ethics rests on claims about the nature of reality—whether that reality is human nature, the human condition, God's will, or the nature of reason. Similarly, one cannot have an epistemology without making certain ethical assumptions because all conceptions of reality involve interpretation and value judgment.

As a result, knowledge claims are subject to moral criticism, just as moral claims are subject to epistemological challenge. The shift to a narrative ethics may carry with it the seeds of a more far-reaching change in the nature of bioethics if it leads practitioners to a greater recognition of the interdependence of ethics and epistemology.