

# BIOETHICS: POWER AND INJUSTICE: IAB PRESIDENTIAL ADDRESS

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## ABSTRACT

*A major focus within the modern bioethics debate has been on reshaping power relationships within the doctor–patient relationship. Empowerment of the vulnerable has been achieved through an emphasis on human rights and respect for individual dignity. However, power imbalances remain pervasive within healthcare. To a considerable extent this relates to insufficient attention to social injustice. Such power imbalances together with the development of new forms of power, for example through new genetic biotechnology, raise the spectre of increasing social injustice. Attention will be drawn to the need to extend the bioethics debate to include ethical considerations regarding public health. Changes in political philosophy will also be required to reshape international power relations and improve population health.*

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It is a great privilege for an African to have the opportunity to give the IAB Presidential address at this World Congress. I should like to begin by congratulating our Brazilian colleagues for their choice of such an important theme and for all the hard work and enthusiasm they have devoted to organising this congress.

The congress theme – ‘Bioethics: Power and Injustice’ – is highly relevant at this distinctive time in world history when living conditions for millions continue to deteriorate despite many decades of so called development. As Brazil and South Africa have the infamous distinction of being the two countries with the widest disparities between their rich and poor citizens, it is relevant that it is a South African who is addressing you today in Brazil. Disparities in wealth and health between and within nations have been described in detail elsewhere and will not be restated now. However, it should be noted that such disparities

touch all our lives directly or indirectly and reveal both abuse of power and our toleration of injustice. I share with the organisers the hope that our discussions on bioethics and on the nature and use of power during this Congress will advance our understanding of how to pursue the goal of a fairer world.

## REFLECTIONS ON BIOETHICS AND INJUSTICE

We should begin by recalling that the shift from centuries old traditional medical ethics to the new bioethics took place a mere forty years ago. The context that shaped such change included both increasing applications of costly new life-prolonging technologies and growing respect for the rights of patients to participate in medical decision-making. Today, at the threshold of the new genetic biotechnology era and in the face of threats from new infectious diseases and environmental degradation, bioethics, broadly defined as ethics about all aspects of life, is even more important.

Ethics is about relationships and as relationships involve considerations of power, there is an intimate link between ethics and power. Power is generally conceived of as influence over others. In healthcare this has meant the power of physicians to make decisions on the balance of harms and benefits to which patients may be subjected, and to decide who may live and who may die through having access to life saving technologies. The nature of power in healthcare is of additional particular concern because it relates to having access to intimate knowledge about people that can be used to expose and exploit vulnerability. All of us are vulnerable and can be hurt by others. When information about our bodies or our minds is made public we are particularly vulnerable. Hence the importance of confidentiality and trust in the encounter with professionals.

The thrust of developments in bioethics towards reducing physicians' power and increasing the power of patients, nurses and other healthcare workers has profoundly affected the lives of many – most often for the better. However, despite such progress, it is true to say that the distribution of power within healthcare continues to give some people advantages over others. New forms of power becoming available through genetic biotechnology have the potential to aggravate this power imbalance. The challenge for bioethics is to find ways of sharing power in ways that could optimise advantages for patients and sustain professional integrity.

*Extending the ethics discourse to include population health*

The understandable focus on ethical issues at the interpersonal level has undoubtedly eclipsed ethical issues that need to be addressed in dealing with public health issues. The HIV pandemic and possibilities for improving health that are opening through new genetic biotechnology in particular remind us of the need to extend our perspective beyond individual health to include health of whole populations. In a globalising world, perhaps best described as a de-territorialising world, in which boundaries are becoming blurred and the lives of geographically disparate people are more intimately interconnected than ever before, we need to re-evaluate traditional ideas of what it means to be an ethical professional.

Achieving improvements in human life and health globally will require a broader moral agenda that includes, but goes beyond, interpersonal ethics and civil and political rights. Extension of the ethics discourse beyond the doctor-patient relationship includes considerations of order and fairness within institutions that serve the communities in which individuals are socially embedded and in which medical practice is 'constructed.'<sup>1</sup> The responsibility of physicians here must be viewed more broadly to include concern for equitable access to healthcare, for improved public health and for the allocation of scarce resources in ways that promote the common good. The work of Norman Daniels on priority setting in healthcare illustrates how power sharing in resource allocation can be achieved through appropriate representation on decision-making bodies, and through transparency, accountability, and the provision of a mechanism for appeals.<sup>2</sup>

Achieving an improved balance between the needs and rights of individuals and the requirements for advancing public health will require a shift in mind-set away from exclusive and often selfish individualism, towards respect for individuality that is combined with a strong sense of duty, community, and civic citizenship. Essential steps will include: firstly, acknowledging the need for a new balance; secondly, developing the political will to undertake ambitious projects (for example seeking ways of reducing

<sup>1</sup> S.R. Benatar. Millennial Challenges for Medicine and Modernity. *Journal of the Royal College of Physicians of London* 1998; 32: 160–165. S.R. Benatar, A.S. Daar & P.A. Singer. Global Health Ethics: A Rationale for Mutual Caring. *International Affairs* 2003; 79: 107–138.

<sup>2</sup> N. Daniels & J. Sabin. 2002. *Setting Limits Fairly: Can we Learn to Share Medical Resources?* Oxford. Oxford University Press.

poverty and dependency); and finally, placing high value on the longer term economic and social justice required for meaningful and sustainable progress.

In a world in which individual health is increasingly linked to population health, both within countries and between countries, there is a need to develop a coherent language of Public Health Ethics.<sup>3</sup> The language and scholarly discourse on public health ethics is as yet inadequately developed but a start has been made and eloquent arguments have been offered in favour of a language of public health that 'speaks to the reciprocity and interdependence that characterise community.'<sup>4</sup> Considerations of justice, the 'social contract' and conflicts of interest will clearly impact on the physician/patient relationship as the ethics discourse is broadened to encompass the ethics of public health and of professional responsibilities to society. This raises the perennial problem of how to strike a balance between the rights (and needs) of individuals and the common good of societies. While the focus on individual rights is vital and necessary for the well being of individual persons, such focus is not sufficient for the achievement of improved public health.

The dilemmas regarding public health ethics will be greatest for those societies that are intolerant of any infringement of individual liberties in the name of the common good. The challenge for societies more oriented towards the common good will be to avoid excessive infringements of individual rights in the pursuit of public health goals. Realistically, a middle ground will have to be forged because the choice is not between polar extremes but rather about achieving an optimal balance between competing goods.

Today, many countries consider access to basic healthcare an essential human right which nation states should be committed to honouring for their citizens. However, we also need to go beyond advocacy for rights to include consideration of the duties necessary for rights to be widely satisfied. Acknowledgement of such public duties has resulted in some form of socialised and equitable healthcare in all western European nations and in Canada. Regrettably, the example set by the US – the wealthiest nation in the world – of medical care as a marketable commodity is increasingly being imitated by many developing countries.

<sup>3</sup> A. Robertson. Critical Reflections on the Politics of Need: Implications for Public Health. *Social Science and Medicine* 1998; 47: 1419–1430. D. Buchanan. 2001. *An Ethic for Health Promotion*. New York. Oxford University Press.

<sup>4</sup> Robertson, *op. cit.* note 3.

Grotesquely widening disparities in wealth and health and the implications of consumption patterns that damage the environment on which all are dependent suggest that we live in an amoral world. We could perhaps even conclude that we live in a morally depraved world, one that promotes preference for continuing economic growth and the acquisition of luxuries for a small proportion of the world's population over ensuring the production of and access to essential subsistence requirements for the majority. Our modern system of values with emphasis on market values and on bureaucratic processes promotes economic slavery, tolerates gross abuses of basic human rights, and even turns a blind eye to genocide.<sup>5</sup> It also discounts the importance of a safe environment for future generations. Such a world, characterised by an unstable economic system, the potential for political and other terrorism, the threat of infectious diseases and other biological hazards, as well as environmental degradation, poses threats to the self-interest of us all globally.<sup>6</sup>

Extending the ethics discourse to include considerations of global security and the environment would require conceiving of individuals as autonomous persons sharing equal rights with all other citizens in the world, in a relationship of interdependence in which the rights of some should not be acquired at the expense of the rights of even distant others. Modern communication, transport, methods of money exchange, the creation of nuclear and other potential weapons of mass destruction and the emergence of new infectious diseases have shrunk distances and differences, and created common global risks. In this context, and with a deeper understanding of the impact of adverse forces shaping the wealth and health of nations, we need to appreciate how we are all deeply implicated in the lives of others, and cannot hide with moral credibility behind the barrier of physical distance while billions of people live impoverished lives.

Altruism and reparations aside, the importance of physical and moral interdependence is so great that longer-term self-interest alone should be sufficient to drive policies toward sustainable development. Some degree of humility, and empathy, are essential ingredients for progress. Jonathan Glover, in his book *Humanity: A Moral History of the 20<sup>th</sup> Century*, has revealed how difficult

<sup>5</sup> S. Power. 2002. *A Problem from Hell: America and the Age of Genocide*. New York. Basic Books.

<sup>6</sup> S.R. Benatar. The Coming Catastrophe in International Health: An Analogy with Lung Cancer. *International Journal* 2002; LVI Autumn 2001: 611–631.

this will be to achieve.<sup>7</sup> However, it should be noted that unless such progress is made, the prospects seem bleak for dealing adequately with such threats as the HIV/AIDS pandemic and the growing burden of non-communicable diseases. Empathy and consequent 'justice without borders' is the challenge for the future.

The level of complexity here is much greater because of the way in which the foreign policies of some countries may covertly enhance the lives of their own citizens through exploitation of unseen persons elsewhere. The commitment of physicians, scientists and all healthcare professionals would need to be broadened to include universal professional ideals and concern for the health of whole populations as well as the health of future generations.

In summary, I am proposing that our moral perspective should be extended from 'interpersonal morality' to 'civic morality' and to an 'ethics of international relations', that has dimensions intimately linked to political, military, cultural and economic issues. These ideas are consistent with the identification of medical practice and health as social constructs and of bioethics as an activity that falls within the realm of social philosophy.<sup>8</sup>

## REFLECTIONS ON POWER

I should now like to turn to some further considerations about power. First we should remember that there are different forms of power.<sup>9</sup> 'Hard power', defined as military power, is the power to use military might directly or indirectly to ensure maximum advantage for those who wield such power. Military power has clearly played a major role in world history and in the acquisition of wealth. Today, economic power remains intimately linked to military power and to the weapons industry. It is likely, however, that the role of military power will diminish in the 21<sup>st</sup> century because of the emergence of new threats that cannot be overcome with such power. For example, the threats of biological weapons, and in particular the deliberate spread of infectious diseases, will neither be dependent on classical weapons of mass destruction nor on the enormous resources required to produce these. In addition, the social instability resulting from mass poverty poses

<sup>7</sup> J. Glover. 2001. *Humanity: A Moral History of the 20<sup>th</sup> Century*. New Haven. Yale University Press.

<sup>8</sup> K.W. Wildes. Bioethics as Social Philosophy. *Social Philosophy & Policy Foundation* 2002; 19: 113–125.

<sup>9</sup> J. Nye. 2002. *The Paradox of American Power*. New York. Oxford University Press.

major security threats to the health and lives of all globally, and calls for new approaches to the use of power.

Two 'soft' forms of power are likely to become more important. The first is financial power. Both the way in which money is made and how it is used can have a profound impact on human lives and security. The other is the power of knowledge. The economic system is increasingly driven by use of sophisticated knowledge and the ability to use modern communication technology to manipulate vast sums of money across international borders. The recent exposure of how some people in powerful positions have used inside information to make money fraudulently and at disabling costs to others who are vulnerable – for example Enron, WorldCom etc – is revealing. Criticisms of overt corruption in the Third World have less moral weight in the face of such corruption in the First World, which exposes the covertly corrupt manner in which the global economy operates to enrich some people, nations and corporations at the expense of some of the most vulnerable people in the world.<sup>10</sup>

It is necessary to understand that the generation of wealth has become so important to some that they are willing to sacrifice the lives and well-being of millions of others to achieve their narrow materialistic goals. Trade protectionism, insider trading, the weapons trade, the way in which international debt is generated and sustained, and the use of intellectual power and knowledge (for example through excessive use of patents and intellectual property rights), provide only short term advantages. When carried to excess over prolonged periods, leading to disparities that are obscene, perpetrators lose their moral bearings and in the process devalue their own lives in the eyes of the deprived. This is a recipe for anarchy and chaos.

Neglect of those whose lives are gravely damaged by such practices and their marginalisation from the mainstream economy is associated with a rapidly growing informal economy. While this includes legitimate 'home industries' that enable many to survive harsh economic systems, it also includes such illicit and dehumanising practices as trade in drugs, sex, child labour, small weapons, and organs/tissues for transplantation.<sup>11</sup> Those who perpetuate such illicit practices have little respect for legal systems and practices that exploit and marginalise them, and they are thus

<sup>10</sup> R. Falk. 1999. *Predatory Globalization: A Critique*. Cambridge, UK. Polity Press.

<sup>11</sup> H.R. Friman & P. Andreas, eds. 1999. *Illicit Global Economy and State Power*. New York. Rowman and Littlefield.

willing to harm others in pursuit of their own selfish interests. Of course, like those who exploit the formal economy, leaders in the informal economy lose all sensitivity to the impact of their practices on the lives of their victims. Thus the difference between, on the one hand, corrupt accountants, corrupt governments and corrupt transnational corporations and, on the other hand, 'drug lords' and other leaders of the informal economy may be less marked than many believe.

The way in which money is spent is also important. Vast sums of money are wasted in so many ways. Money in abundance is also spent daily on trivia, advertising harmful products to create 'needs', gambling and propaganda to support frivolous and unthinking patterns of life in which buying and consuming are glorified.

An examination of so-called international financial development aid reveals that the magnitude, the motives and the impact of aid expenditure vary widely.<sup>12</sup> For some, 'aid' is a means of controlling others in the name of development that is actually exploitative and anti-development. Others have a genuine desire to make real contributions to development and capacity building in order to ensure that recipients do not remain forever in states of dependency. Thankfully the tide seems to be turning and there is apparent growing sensitivity to the need for meaningful progress that could be sustained. The soft power of money and knowledge should not be under-emphasised. The growth of the global economy over recent decades could usefully be turned towards production and sharing of global goods through a more moral global economic system. The thoughtful deliberations of such scholars as Joseph Stiglitz,<sup>13</sup> Richard Falk<sup>14</sup> and others<sup>15</sup> on this topic provide some hope that such progress could be made.

Another form of soft power is moral power. The extent to which such power can reshape the world is revealed in the struggle against such practices as slavery and apartheid, and more recently the adverse effects of economic globalisation. The politics of moral capital has been described through an expanded definition of 'capital' to include 'knowledge, skills and social relations', and the use of such social capital through social networks of trust that

<sup>12</sup> G. Rist. 1997. *The History of Development: From Western Origins to Global Faith*. London. Zed Books.

<sup>13</sup> J.E. Stiglitz. 2002. *Globalization and its Discontents*. New York. W.W. Norton & Co.

<sup>14</sup> Falk, *op. cit.* note 9.

<sup>15</sup> Royal Danish Ministry of Foreign Affairs. 2000. *Building a World Community: Globalization and the Common Good*. Copenhagen.



serve broad and beneficial functions. Moral capital goes beyond being good, being respected and having good intentions. It includes the political ability to put good intentions to effective use. Such moral capital inspires trust, belief and allegiance, and when used by individuals, institutions and societies, provides valued returns.<sup>16</sup> Inspirational examples set by people such as Mahatma Gandhi, Nelson Mandela and Vaclav Havel illustrate the power of moral capital.

### MAKING PROGRESS

It is clear that the use of soft forms of power has been both underplayed and undervalued. I suggest that in a world in which the use of hard power will yield diminishing returns, it will become increasingly necessary to wield the soft power of money, knowledge and moral capital to shape a better world. This will require a shift in political leadership and indeed changes in political philosophy.

How could such a shift in the conception and use of power be achieved? I have no simple solutions but I should like to suggest that changing the metaphor of power maybe a useful first step. So instead of thinking of power as 'power over others' (might is right) we could think of power as 'power with others.'

For example, within the doctor-patient relationship the sharing of power enables patients to take care of themselves with the assistance of a physician rather than in a dependent relationship. Such a change in relation to the care of patients with chronic diseases like asthma and diabetes has had a major impact on both individual well-being and physician satisfaction. Within a family such a shift would entail a change from the power of a patriarch over his wife and children to the sharing of power within a family by encouraging each member to co-operate within a team. This concept can be extended to institutions by, for example, sharing power with employees through processes of transparent and accountable decision-making and shareholding. At the level of nations, power sharing can be achieved by avoiding excessive central control and by devolving power with responsibility to local levels. At the international level, power can be shared by promoting economic policies that do not allow the currencies and material goods of some nations to be manipulated and devalued. Such policies coupled with capacity building could reduce the

<sup>16</sup> J. Kane. 2001. *The Politics of Moral Capital*. Cambridge, UK. Cambridge University Press.

need for charitable development aid and promote independence rather than dependency.

*New trends in political philosophy*

In recent decades new trends in political philosophy are being formulated and debated,<sup>17</sup> and it is not unreasonable to imagine that even powerful hegemonic countries will develop these perspectives on their role in the world. Brian Magee, who wrote almost two decades ago, foresaw such progress:

*My central thesis is that the whole world is now changing so fast that we all have a tendency to see it in terms that have been left behind by events and are therefore outmoded, and that one of the ways in which this shows itself is in our use of an exhausted political vocabulary, a vocabulary whose key terms were coined many generations ago in a society quite different from the one we live in today.*<sup>18</sup>

In addressing the question of how we might live and what global ethics we can develop for the 21<sup>st</sup> century, many scholars have emphasised the value of thinking holistically about interconnected human lives within a complex global system. This will require promotion of a greater degree of global consciousness among leaders and ordinary citizens. Making greater progress towards sustainable improvements in the lives of currently marginalised people calls for rejection of determinism and the opening up of new possibilities by focussing on choice and responsibility. Moral reasoning is essential for this process. The mutuality of politics and ethics will have to be acknowledged in a world in which globalisation has resulted in changing material realities, new referents for justice are appearing, and false oppositions in world politics such as cosmopolitanism/communitarianism and universalism/particularism must be rejected.<sup>19</sup>

*Recent trends in socio-political action*

The recent report from the US Council of Foreign Relations and the Milbank Memorial Fund, outlining the importance of health to US foreign policy, offers a glimmer of hope. By acknowledging the relationships between health, social capital, political stability,

<sup>17</sup> N. O'Sullivan, ed. 2000. *Political Theory in Transition*. London. Routledge.

<sup>18</sup> Ibid.

<sup>19</sup> K. Booth, T. Dunne & M. Cox, eds. 2001. *How Might We Live: Global Ethics in the New Century*. Cambridge, UK. Cambridge University Press.

the economy and war, a deeper commitment could be developed by the US and other nations to the moral and strategic importance of improving global health.<sup>20</sup> In addition, the Millennium Development Project, the Commission on Macroeconomics and Health, the inauguration of a Global Health Fund, and the recent announcement by President George Bush that the US will increase its annual development aid from \$10 billion to \$15 billion, reveal a deeper understanding of the importance of global health and an acknowledgement of the responsibility of developed nations to address this constructively. Joseph Nye's recent book, *The Paradox of American Power: Why the World's only Superpower can't go it Alone*,<sup>21</sup> also offers hope that conservative scholars are beginning to appreciate the need for change that has been obvious to others for many decades.

## CONCLUSIONS

As difficult as it may be to make paradigm shifts in thinking and action, we should be encouraged by the fact that much has been achieved through the bioethics discourse in reshaping the power balance between doctors and patients. It is rational to believe that even more could be achieved as we begin to consider health and bioethics in a much broader context than in the past. I suggest that achieving improved health at the population level will be less dependent on new discoveries or on technological advances than on achieving greater social justice through moral progress. Making such moral progress will require recognition that contemporary applied ethics is impoverished by failure to acknowledge the extent to which applied ethics is parochial. Allen Buchanan has eloquently described the need to improve our understanding of how social practices and institutional functions facilitate or impede the formation, preservation and transmission of morally relevant beliefs required for the proper functioning of the virtues.<sup>22</sup>

We have the freedom to make choices that could dramatically improve the lives of billions of people – and in the process, all of our lives. Acknowledging interdependence and the need to respect cultural diversity, as well as our stewardship role, add

<sup>20</sup> J.S. Kassalow. 2001. *Why Health is Important to US Foreign Policy*. New York. Council on Foreign Relations, Milbank Memorial Fund.

<sup>21</sup> Nye, *op. cit.* note 9.

<sup>22</sup> A. Buchanan. Social Moral Epistemology. *Social Philosophy & Policy Foundation* 2002; 19: 126–152.

further levels of complexity. This calls for political leadership, the creation and use of moral capital and the development of international strategic alliances utilising varied expertise and multiple spheres of influence – in the public and private sectors. Herein lies the challenge for bioethics in the 21<sup>st</sup> century.

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