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The Road to Balanced Oversight

EARLIER THIS YEAR, AN INTERNATIONAL GROUP OF SCIENTISTS AND OTHERS CONVENED AT Hinxton, England (see the related Policy Forum in this issue, p. 921), to address the moral challenges facing collaboration in human embryonic stem cell research that emerge from differences in national laws. Although a focus on embryo research is understandable, it is not the only area of science in which societies differ in values and laws. Scientists throughout the world work under different regulatory regimes governing human subjects, nonhuman animals, pathogens and biohazards, genetic modification of organisms and plants, and access to medical and public health records. In some cases, these differences reflect disagreements about ethically permissible conduct that approach the intensity of debates about the moral status of the embryo.

Whether the issue is research on chimpanzees, the creation of novel organisms, or the destruction of human embryos, scientists need to consider whether it is ethical to travel to other countries to engage in research practices that would not be legally permissible in their home countries. Many scientists may see this as a personal decision that should turn largely on whether they accept or reject the moral premises that underlie their nation's laws. Scientists also need to consider, however, the potential impact of "research tourism" on the public's trust in the scientific community and on the ethics of science itself.

An English stem cell scientist who failed to follow standards set by the United Kingdom's Human Fertilization and Embryology Authority (HFEA) when working outside the United Kingdom would probably be viewed by colleagues as acting unethically. Moreover, such conduct might compromise public trust in the effectiveness of the HFEA to keep embryo research within socially acceptable ethical bounds, and thus might have negative effects on public support for the science itself. Similarly, a U.S. clinical scientist who elected to conduct research in a country whose regulations were more lax than those set by the U.S. Common Rule governing research on human subjects would probably also be viewed by colleagues as acting unethically. In many contexts, this scientist would also be subject to government and institutional penalties.

By contrast, the Hinxton group concluded that scientists living in countries that restrict elements of human embryonic stem cell research should be free to engage in those practices in more permissive countries without legal repercussions. At the same time, however, many in the group recognized the tension that taking this position raises for the ethics of science overall. Scientists should welcome societal oversight of their research, much as all citizens should welcome the benefits of a well-ordered, lawful society more generally. The question is not whether science should be given a special pass when it comes to the reach of national laws. Rather, it is how best to strike a balance between ensuring that science conforms to a society's values and respecting the global context in which science increasingly operates.

Of course, striking this balance is made more complicated when there is substantive moral disagreement not only between societies but also within societies about whether a particular research practice or line of investigation is ethical. The case is complicated still further when, as seems to be true with regard to human embryonic stem cell research, much if not most of the scientific community lines up on one side of the moral issue. These specific conditions of moral disagreement may warrant particular circumspection on the part of lawmakers with regard to extraterritorial jurisdiction. That said, even if there is complete consensus within the global scientific community about the ethics of a particular scientific practice, scientists should not expect societies to defer to their views when it comes to matters of morality. Rather, scientists must continuously make their case to society by appealing to public moral reasons that are accessible to all. This is hard work that requires scientists to leave their laboratories and make themselves available to lawmakers, the public, and the media. At the same time, however, most scientists operate in institutional and professional cultures that rarely reward, and certainly do not prepare, scientists for engaging with the public. Until these structural disincentives to effective interaction between scientists and societies are remedied, we can expect the road to balanced oversight of science to be more complicated than it need be.

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