

CREATING AN ACADEMIC HAVEN

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This has been a stimulating conference in the sense that it's structure has allowed more participation by the public and fewer academic papers. The interventions by Prof. Judith Sandor and indeed that of the Minister for Education, the Hon. Dr. Louis Galea have shown one important thing which is missing both in our public and in our academic milieu – we need a haven for discussing ethical issues in science and technology. So far, this haven has been available only within the Bioethics Consultative Committee, and were it not for the one seminar we organise every year, there indeed would be no such thing as a public or academic discussion of ethics.

For instance, the Data Protection Act has been mentioned. Now data protection is nothing more than the protection of privacy. But, on the other hand, defining privacy, and indeed what we mean when we anonymise data is not so simple. At a workshop of the European fifth framework programme held recently, a considerable amount of information was made available which was not previously discussed in Malta. It is interesting for example, that the EU has produced a Directive (EU Directive 95/46/EC) which allows for the free flow of information between EU states. Now this is a good thing and unites research work in Europe to say the least. But this Directive assumes, of course, that all countries have data protection Acts, and that they are not only compliant with the EU Directive, but that the country is also implementing it well. We are all aware how much concern there is for the protection of data in our own country. Similarly there is great concern that when one moves from west to east across Europe, some countries may not be implementing their data protection laws well enough for other countries to feel comfortable to share their data. Yet because they all form part of the EU family they cannot do anything about it.

Article (28) of the Maltese Data Protection Act prepares us for a move into such a union. Indeed Article 28(3) states that “the Commissioner may authorise a transfer or a set of transfers of personal data to a third country that does not ensure an adequate level of protection within the meaning of Article 27(2)”¹. At face value one may not feel so concerned

¹ This Article continues: “Provided that the controller provides adequate safeguards, which may result particularly by means of appropriate contractual provisions, with respect to the protection of the privacy and fundamental rights and freedoms of individuals and with respect to their exercise.”

about the use of data, especially after it has been anonymised. But the truth of the matter is that, even after data has been anonymised, meaning that nobody can trace a data subject personally, one should still have a right to know what one's DNA is being used for. If DNA is being used, as pointed out by Prof. Deryck Beyleveld, for studies on contraception or abortion, a Roman Catholic woman may feel that she has a right that her tissues and/or DNA are not used for such experiments and research².

The point is that we only learnt about these details by participating in these FP5 projects. Yet we do this out of our own free will and time. What is worse, is that we go practically unprepared and *learn* when we are there. The Minister, in his intervention, rightly mentioned the importance of teaching ethics at all levels of education and especially within the university courses. Were it not for this yearly seminar which a few of the energetic of us in the committee organise, nothing is really being done about ethics. This brings me to the second reflection which came out of the panel discussion on education.

The teaching of ethics

The trend in medical education at least, supported of course by educational psychologists, is to move away from didactic teaching to a more reflective process of *learning*. The teacher is the facilitator. Translated into the ethics realm, the educator is not there to teach any ethics but to promote discussion and indeed challenge the beliefs we hold dear and put them to the test. This may create moments of crises which are indeed turned into windows of opportunity to reflect and then perhaps consolidate what we actually believe in. My personal experience with medical, dental, law and medical technology students so far has been this. Provoking questions shows that both sides to an argument may have flaws in their reasoning. Why do we do what we do? Why do we believe what we believe? Is it simply a matter of faith? For if it is, then there is no place for rationality. We need to facilitate the *inner apprenticeship*³ of the person, moving away from indoctrination, and respecting the human

² Beyleveld, D., and Townend, D., "When is personal data rendered anonymous? Interpreting Recital 26 of Directive 95/46/EC", Paper presented at the World Congress on Medical Law, August 2002.

³ Neighbour, R. *The Inner Apprentice. An Awareness-centred Approach to Vocational Training for General Practice*, Petroc Press, 2000

being as having the potential, given the right environment and time, to come to sound ethical conclusions, and also to reflect on certain weaknesses his or her beliefs may have. Many students have come back saying that it is better that they have learnt this whilst still at university than to be faced in a court of law, for example, trying to defend an issue which one has never really reflected upon. And in general, students respond well to innovative methods of teaching which move away from didactic lecturing and being asked direct questions in public.

Now, during the Conference, this has been challenged as a *relativist* approach. It is not the place here to go into a discussion about relativism. But it is indeed unfortunate that people feel afraid that our faith will be challenged if we allow students to reflect and discuss issues like euthanasia, stem cell research and the case of the Siamese Twins, and that the only way to teach ethics is by prescription. Is this reflective of a lack of faith in students or in their upbringing within our society?

Indeed as a Catholic country we should also include the teaching of the church and reflect on the rationality and how these teachings can be arrived at naturalistically. If one really believes that one can arrive at the truth by rational thought, which is after all the position of our Mother Church, we should have the courage to help students to come to these conclusions on their own. Doing otherwise means you simply either do not have the time or that you do not know the 'how' and 'why' of modern adult educational principles, or worse still, that you do not have the faith that people can indeed come to the conclusion, through their own values of upbringing that euthanasia and abortion indeed do not respect human values.

Far from being relativist, the facilitative teacher allows, and has faith in the inner potential of the student – what the much acclaimed Roger Neighbour refers to as the 'inner apprentice'⁴. Both teacher and student encounter each other in dialogue and respect for their human nature. This is not pragmatism. Indeed there is a place for didactic teaching, when bringing together a subject and summarising points of view, including the reflection of Catholic teaching. But this is done after the student has had time to think. Even assignments are practical in this way, asking students to look up a case history, reflect upon it and present

⁴ Neighbour, R. *op.cit.*

it to the group. The rest of the group then gives feedback on the presentation and on what they believe. Ethics teaching is not about clear-cut cases of euthanasia or abortion; it is more about why a “life” prisoner has a right to be put on a transplant list whilst a woman with three children and no insurance is not. The presenter of the case then has opportunity to put down what was reflected in the group and thus produce an assignment which is a *lived* experience rather than a boring look-it-up-and-what-you-see-is-what-you-get assignment. The feedback from the group is as important as the research done.

Science is not the enemy

We have been speaking of ethics in science and technology and our conversation has focussed on teaching scientists ethical values. I find myself disagreeing with such an outlook. Who is teaching whom, here? Who are we and who are *they*, the so-called scientists. We often conceive scientists as being white-coated people in laboratories concocting experiments, as the Maltese say, *ta' barra minn hawn*. Scientists are themselves people. They come out of the same society that purposes to teach them. Speaking about our local scientists, these are a product of our own society. Saying that they now need teaching is in fact acknowledging a failure of society as a whole which has not thought enough ethical/social/religious values to people, some of whom now became scientists and evidently are conceived as needing more teaching.

I think nobody can teach ethics to anybody. But what we need is a mutual understanding and reflection on the things we are dealing with. Science is not the enemy. We ourselves can be the enemy if we do not reflect enough on our values and thus suppose that we can get along by ignoring them. Indeed people who profess abortion, euthanasia, and that the embryo is not a human being, often are not themselves scientists.

This of course does not mean that we do not need people who have an in-depth knowledge of ethics as applied to science and who expound and facilitate ethical principles and values by which we deliberate and think about ethics. And as pointed out above, it does not mean that we should not be making students aware of what the Catholic Church tells us about some issues and what indeed other religions and groups feel and think on these same issues. But if we continue thinking that teaching ethics is simply teaching ‘religion’ to scientists, as has been stated, then

this is something which should have been done earlier, or at any rate should be proposed to everybody, not only the scientist. Whilst it is good acknowledging that so far ethics has not been thought in our science classes, we need to start on the right footing.

Thus courses need to be tailored to individual fields. For example biology students would be more interested in knowing and reflecting upon environmental ethics, animal rights, genetics, stem cell research etc, whilst the medical student may need more focusing on end-of-life issues, current research, or Do-Not-Resuscitate orders. The modern student is not only interested in Cardiopulmonary resuscitation (CPR), but also in issues relating to when to make the choice of not to resuscitate, and who makes that choice. Patient rights need to be discussed as part of the curriculum.

Good scientific ethics can only come from people versant in science. Having an ethics teacher coming from the humanities may be fine, but if he or she gets goose skin at the mention of the word 'genetics' or 'DNA', then the same teacher may need to reflect on what he or she is teaching. When we speak of the danger of databases, it is the scientist himself or herself who can give us the answer. Therefore science cannot be conceived as the enemy here either. To do so and to warn against databases is tantamount to impeding progress. Science is knowledge. There is a God-given impetus in human nature to ask questions and to seek solutions. This is epistemology at work. Naturally, as pointed out by Prof. Leone Ganado, the same screen on a fighter aircraft is the same as we have on our PCs. But this begs the argument of the ethics of just and unjust wars and the ethics of a computer society. We cannot 'teach ethics' here by prescription but by facilitative reflection. By telling me that something is wrong you may have gained my attention; by allowing me to *see* it as wrong through internal reflection and group work, allowing the 'inner apprentice' to work, you have given me a life experience.

An Academic Haven

What we need, therefore, is a place where scientists, sociologists, mathematicians, clergy, philosophers, legal people etc come together and discuss issues. I have been careful to avoid the word 'lay', for if I am a sociologist I may be lay to science, and vice-versa. We are all lay with

respect to other fields. I think that this inclusion of a 'lay person' is stupid and an insult to modern thinking. Do we mean including the man in the street? Well the man in the street may just as well be a sociologist. The concept of a lay person on a Research Ethics Committee, for example, is to have a person not versant in ethics, in order to see if a patients would understand a questionnaire or an informed consent procedure.

This right environment for discussion must be within the university, for the university is (or should be) the seat of thought. It would be unfortunate indeed to have a university concerned only with teaching what the country needs. The university is a centre of knowledge, of epistemological reflection, if you may, which prepares us for those FP5 and FP6 projects, allowing us to take something with us. Only then can we dialogue and bring our experience to other countries and cultures.

A shudder goes down one's spine when someone expresses more interested in the jobs a genetic company would create rather than the ethics involved of genetic testing. Obviously this person was never given the opportunity to reflect on the issues. This is the society we are in danger of creating unless we take ethics seriously. It is the University's responsibility, in my opinion, to create the right milieu for reflection and research at both undergraduate and post-graduate level, and also an environment where scholars can meet to learn from each other's experience.