The Evolution of Classical Liberalism and Public Health Ethics

Thaddeus M. Pope, J.D., Ph.D.
January 24, 2005
Ethical Framework
Ethical Framework

Public health ethics

Bioethics Framework

New Framework
Public health issues are increasingly behavioral in nature.

There are two main frameworks for analyzing behavioral restrictions.

The communitarian framework is unnecessary.

The communitarian framework cannot account for voluntarily assumed risks.
Increasing focus on behavioral risks
Increasing focus on behavioral risks

- Obesity and diet
- Tobacco
- Unsafe sex
- Seatbelt use
- Illicit drug use
Framework for analyzing behavioral restrictions
Framework for analyzing behavioral restrictions

For whose benefit is the behavior restricted?

- The individual herself
- Innocent third parties
- The community
Framework for analyzing behavioral restrictions

- Liberalism
- Communitarianism
Liberal Framework

- Presumption in favor of autonomy
- Liberty-limiting principles

Harm to others $\rightarrow$ Harm principle
Harm to self $\rightarrow$ Paternalism
Harm to community $\rightarrow$ Harm principle?
Moralism?
Communitarian framework

- Early proponents
  - Dan E. Beauchamp (1976 *et seq.* )
  - Marc Lappe (1986)

- Recent proponents
  - Larry Gostin (2000 *et seq.* )
  - Amitai Etzioni (2002)
Communitarian framework

- No presumption in favor of autonomy
Communitarian framework

- No distinct liberty limiting principles

- Harm to self → Public health
- Harm to others → Public health
- Harm to community → Public health
Liberalism lacks a population-level liberty limiting principle.
Communitarian framework is unnecessary
The communitarian framework is unnecessary

- The liberal framework does need a “collective good” liberty limiting principle

- But why not just add a new principle, rather than change the whole framework?
The communitarian framework is unnecessary

Liberalism “fits” better with our post-1960s individualistic tradition.
The communitarian framework is unnecessary
The communitarian framework is unnecessary

Liberalism “fits” better with tradition.

and

It can handle public health ethics.
The communitarian framework is unnecessary

- The “collective good” liberty-limiting principle
  - Positive or negative
  - Harm
  - Collective
Communitarian framework is limited
The communitarian framework is limited

- Public health concerns what we do collectively
  - Societally organized
  - Measures aimed at the population
  - Beyond individual control
The communitarian framework is limited

BUT Not all public health concerns “collective” issues.
The communitarian framework is limited

- Clean air and water
- Well-planned cities
- Control of epidemic diseases
- Safe roads
- Security from Bioterrorism

Only assured collectively
The communitarian framework is limited

- Using illicit drugs
- Extreme sports
- Diet
- Unprotected sex
- Safe driving
- Using tobacco
- Helmets & seatbelts

(Typically) under individual control
The communitarian framework is limited

Voluntariness

Non-substantially voluntary Substantially voluntary
What is hard paternalism?

Voluntariness

Attacked by angry player

Hit by bat

Non substantially voluntary

Substantially voluntary

Hit by baseball
The communitarian framework is limited

- If the risk is under individual control, then it affects only **some** parts of the community
  - Using motorcycle helmets
  - Diet?
The communitarian framework is limited

- The people who make up the community have a shared value in public health. But otherwise have different ideas of the good life.

  -- D. Beauchamp & Steinbock (1999)

- “Many publics”

Pluralism

- We all have different values.
- Who determines what is benefit?
The communitarian framework is limited

- Tyranny of the majority

The majority of
The population

Helmetless riders
The communitarian framework is limited

- Communitarianism should not “mask” paternalism.

- Communitarianism should abide by its “fairness” criteria.
The communitarian counterargument

Counterargument # 1:

– The aggregate effects of individual choices affects public health
The communitarian counterargument

Counterargument # 2:

– Behavioral risks are not substantially voluntarily assumed
The communitarian counterargument

My response:

- Develop the empirical evidence
- Even if voluntariness is impaired, much conduct is still substantially voluntary
The communitarian counterargument

- Scientific research
  - Addictive properties

- Behavioral research
  - Effect of advertising

- Environmental research
  - Availability of healthier options
Conclusion

- Liberalism should be the framework for public health ethics.

- Liberalism must evolve to address the conditions under which liberty can be limited for collective goods.
Thank You
Thaddeus M. Pope
Arnold & Porter LLP
777 South Figueroa St., 44th Floor
Los Angeles, CA 90017
TEL 213-243-4228
Thaddeus_Pope@aporter.com
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