March 23, 1999. Interview with James F. Childress, PhD, Kyle Professor of Religious Studies and Professor of Medical Education, University of Virginia. The interview is being conducted by Dr. Renée C. Fox and Dr. Judith P. Swazey at Professor Childress' office.

Fox: I guess we will do this semi-biographically and semi-thematically but maybe we can get into some of the issues by beginning with the biographical. It would be nice to have a little bit about your personal history and family background, because it probably is relevant to what brought you to this field and some of your angle of vision.

Childress: I grew up in North Carolina, outside of Mt. Airy, which is the model for Andy Griffith's Mayberry. I went to Guilford College in Greensboro, a Quaker school, and Quakerism is my background and conviction. I went from there to New Haven, Connecticut to study at Yale Divinity School.

Fox: In college, what did you major in?

Childress: I majored in religion and history. My late wife and I were working as youth ministers in the local Friends Meeting. We worked there 12 months a year and took courses in summer school, so I ended up with 2 majors and lots of minors. But I had an interest at that point in going into academic life rather than traditional
Coming from a Quaker background, if you had gone into the ministry, what would that have consisted of.

North Carolina Quakerism is very similar to many other southern Protestant churches. They had paid ministers and it was only at Guilford College that I became more exposed to the other kinds of Quakerism with the silent meetings and so forth. The meeting my late wife and I worked at while at Guilford was programmed but had an unprogrammed component. I was interested in going into academic life if I felt I could make it. Coming from a high school with only 18 in the graduating class, and going to a small, liberal arts college, it wasn’t clear that I would be able to really do what I wanted to do so I left open the option...

What kind of education did your mother and father have?

My mother taught first grade at a local school for her whole career. My father, who did not have a high school education -- I think he stopped around 9th grade -- worked in a variety of positions, as a salesman much of the time.
Childress: Right; she had academic connections and a strong interest in education, but both were very supportive of whatever I wanted to do. At Yale, I continued to develop an interest that I felt in college, an interest in Christian ethics or more broadly, religious ethics, because I was particularly interested in how one might combine the more theoretical and the practical. So in divinity school I started working very closely in Christian ethics, particularly with James Gustafson and David Little.

Fox: You were not trained in philosophy?

Childress: No, I did a fair amount in philosophy as an undergraduate.

Fox: Did you go to Yale because you wanted to study with particular people, or what did Yale represent to you?

Childress: At that point I was well aware of certain names but the choice of the divinity school probably had as much to do with the beauty of the institution and the weather when I visited as anything else. I was looking at Union and Harvard and Yale. One of the persons I wanted to work with, H. Richard Niebuhr, unfortunately died in June before I started in September 1962.

Fox: So in addition to James Gustafson the other major figure was...
...David Little. There were four who worked in the area of ethics: James
Gustafson, David Little, William Lee Miller, and Liston Pope. Also in
philosophical ethics, I studied with William Christian. We also took courses with
a variety of other people in the divinity school as well as the rest of the university.
So I audited a course in jurisprudence in the Yale Law School, for example.

What is the distinction between philosophical ethics and Christian ethics?

In philosophical ethics we read figures such as Aristotle, Plato, Kant, and W.D.
Ross. Christian ethics dealt mainly with the way in which the Christians had
approached moral problems and how major theological figures had developed
their convictions in relation to those moral problems.

Who would be some of the major writers you would have studied under Christian
ethics as compared with philosophical ethics?

We took a pretty broad approach -- the major writers from the New Testament,
the early Christian thinkers, Augustine, Thomas, Luther, Calvin, the Radical
Reformers and then some others along the way, such as Wesley, and a number of
the 20th century thinkers like Barth.
Who among your classmates, studying at the same time, is part of current group of bioethicists?

One of the most important is Stan Hauerwas. We were in divinity school and graduate school together for 6 years, and had a number of seminars together. With his intellectual vitality, one never ceased to learn from that interaction. So he was one of the persons I was closest to. LeRoy Walters overlapped, and I was very close to him. At that time, LeRoy and I were both interested in questions surrounding a just war. He wrote specifically on that in his dissertation. I was writing on civil disobedience and political obligation. And there were others around working on various issues in theological ethics or social ethics who were part of an ongoing conversation; James Laney, for example. It was a very rich group.

So you had a lot of discussions...

It was as important as any other part of the educational process.

LeRoy Walters is not a Quaker, is he?

He came from a Mennonite background.
That explains his choosing civil disobedience as his focus.

Well, it was a focus on war for him and for me too with my Quaker background. That was one of the topics, and of course it was the era too. I was writing my dissertation in 1967-68. I finished in 1968.

As part of our research, we're trying to figure out the social circles involved in bioethics... The James Gustafson circle, so to speak, seems to us to be one of special importance. Can you talk to us about Jim and his relationship with his students. Al Jonsen, for example. Was he there at the same time as you?

Al Jonsen was the first Roman Catholic to get a PhD in religious studies at Yale and he was there at the same time.

Jim Gustafson, either personally or because of the coincidence of the persons who happened to coalesce around him is a sociometric star in thinking about early origins of training relevant to eventual entry into bioethics.

That’s quite right. Jim Gustafson was the best teacher I’ve ever encountered in relation to graduate students because of his ability to lead graduate students very carefully and sensitively through the major texts, identifying with them critical
issues, helping them to think through the issues, but allowing them the freedom to
go in various directions. So if one looks at Gustafson’s students, you don’t find a
pattern. There’s Hauerwas, Gene Outka, Jock Reeder, Lisa Cahill, Al Jonsen and
Jim Laney and so on it goes. There’s no set pattern. That for me is a model of the
great teacher who is not interested in a master-disciple relationship but rather in
empowering and enabling students to go their own directions by attending to
major texts, figures, and traditions. I try to emulate that as much as I can. We were
interested in a variety of issues. Many of the ones in social ethics had to do with
those that were prominent at the time; we talked about them in terms of Christian
ethics. I tend to use the language of religious ethics more now because of my own
institutional context and the way I conceive myself and the work I do. But, in this
group at Yale at the time, we were beginning to read philosophical texts in a
different way than our predecessors. Christian ethics in Protestant seminaries and
divinity schools still worked out of a kind of social gospel and Reinhold Niebuhr’s
model of engagement with society without much attention to contemporary
analytical philosophical reflection. We were moving into that in a fairly serious
way, and our mentors, Gustafson and Little in particular, were reading those
materials. William Christian played an important role for several of us as well in
looking at texts of 20th century philosophical discussion, and our examinations
included one on philosophical ethics as well as one on Christian ethics.
Fox: Was social ethics a usual kind of thing to have such specific training in graduate school?

Childress: In Protestant contexts it had been part of the social gospel and involved work in sociology. David Little, who arrived in my second year of divinity school, had worked with Talcott Parsons and Robert Bellah at Harvard. Much of Gustafson’s early work focused on social science. His *Treasure in Earthen Vessels* was an effort to think about the church in relation to social sciences. The project he told me once he most regretted not working up as a publication included figures like Weber and others in the sociology of religion, which he was doing when H. Richard Niebuhr died. So when Gustafson moved into theological ethics, following Niebuhr’s death, David Little came in to provide the sociological context and Liston Pope was still there even though he was an administrator. He had slipped a lot by the time we got to know him, but that was still the kind of orientation that was present. I should add -- and we can come back to it because this is such an important part of my work -- that when I came to the University of Virginia, I taught sociology of religion in the sociology department at the graduate level as well as a course at the undergraduate level in religious studies on religion and society. Then when David Little came to UVA, since what I knew about this I learned from him, I obviously got him take that over and I moved into different areas, but that still remains an important part of the material I consider....
Fox: I think it’s not only interesting, but I think it’s very significant that there is a convergence in training between persons who were basically getting training in philosophy and religious thought and people who were getting trained in social science at that particular time. It also shows how diversely effective the different people coming through Yale at that time were. Fundamentally, that imprint is clear on you but not very clear on Al Jonsen and it’s not very clear on Stanley Hauerwas.

Childress: I think one difference would be that I was there 6 years, as Stan was, doing divinity school and getting a PhD. Al was there doing a PhD, which gave his work a little different focus.

Fox: That is important. So the others got what? The ones who didn’t stay for the PhD.

Childress: The ones who got the PhD but didn’t have what was in the BD background, the three years of training in the divinity school. At that time, everything was offered together there at Yale; very little was offered downtown. There was little separation between divinity school and religious studies. Basically studying in divinity school which is more practically oriented than the PhD program, one will be taking a variety of courses that may end up giving one the broader kind of perspective. So I think I had, probably from the very beginning, a stronger interest
in social ethics than some of my colleagues. I guess I tended to think about my
interest in the practical in relation to the theoretical -- it's probably captured best
under the heading of social ethics. We happened to have an emphasis on the
sociological at Yale but that's not necessarily the case in thinking about social
ethics. It's really, from the standpoint of Protestant thought, more the extension of
those theological convictions such as neighbor love and the like into the social
arena. And then in Protestantism, one adopted as much social science as
necessary, but of course, in the early part of the century, social ethics and social
science were pretty close together.

In the debates that have ensued in later years, including in the festschrift that you
put together for James Gustafson, there seems to be a certain amount of difference
over how you define how Christian Christian should be in speaking of religious
ethics. I guess Stanley Hauerwas takes the most extreme position. Al Jonsen
dissembles, I think. He seems, to me, to be more orthodox than he would like to
appear. And then you come out looking more like Jim Gustafson than either of the
foregoing.

In most of the work I do I tend not to think from a specifically religious
perspective. Rather, I think this part is probably similar to Gustafson, I'm
interested in thinking about and analyzing how different thinkers have understood
how they relate their theological convictions to their moral judgements; so much
of what I do is academic in that sense. Rarely do I work out of a specifically
religious position. In the book that Park Ridge Center put together, in its series on
people in theology or religious studies who have contributed to bioethics, one of
my former graduate students, Courtney Campbell, who is himself a Mormon, tried
to construct my theological position. I think he got things pretty much right. But
he had to be creative at points because I haven’t been explicit about a lot of that
and tend not to think as much in a constructive theological-ethical way as Stanley
Hauerwas would.

But I assume you know where you stand and even if it isn’t...

I do, but much of my interest over time has evolved in the direction of trying to
think through in a policy context how one argues from various premises,
including ones that could be accepted in a liberal, democratic society. How does
one develop and justify a position in that context?

Where did you teach Courtney Campbell?

Here, in religious studies. I’m actually proud of the diversity of the students we
put out in religious ethics here.
Name some others in addition to Courtney Campbell.

Courtney would be the best known of the people writing in bioethics, but Andy Lustig, who is at the Texas Medical Center, Jessica Pierce at the University of Nebraska Medical Center, Margaret Mohrmann at UVA, Mary Faith Marshall at Medical College of South Carolina, Mark Hanson at the Hastings Center, Jim Tubbs at the University of Detroit Mercy College, and, in combination of business ethics and medical ethics, Andy Wicks at the University of Washington. We produced our first PhD in '86, so we’re talking about 13 years. As a result, only those who have been very productive like Courtney would be well known to people working in the field.

How did the ongoing saga of Principles of Biomedical Ethics start, and the collaboration under which that ever-renewed and renewable book has developed?

When I went to the Kennedy Institute of Ethics at Georgetown in '75, there had already been at least one iteration of what became the Intensive Bioethics Course. In the first one, Arthur Dyck and some others were involved. I was not part of that course, which was offered in mid-year before I got there.

Why did you go to Kennedy rather than Hastings, for example?
I'll fill in the picture. I started teaching at UVA in '68. I decided to come here rather than two Quaker schools among the three offers I had. I interviewed the first month the department existed, in September 1967. There had been a chair in religion here since the early part of the century, virtually guaranteeing longevity since I think there are only two holders of the chair. Once the second holder retired, the university decided, since the Supreme Court had clarified the distinction between teaching religion and teaching about religion, it could go ahead and set up a formal department, fully under the university. Actually the earlier chair was partially controlled by the donors; they helped select the chair holder. It was a Disciples of Christ chair. UVA had this chaired professor plus a teacher of eastern religions, so those were the two faculty. The founding chair of the department convinced me that this was going to be an exciting place. There were two faculty in the department the first year and four of us the second year when I came. We built a department that now has 25 full-time faculty, a huge PhD program, etc. I mention all that because that's part of the excitement we were able to generate. I was able to do virtually what I wanted to. Because I had outside offers, we were able to bring in a second person in ethics. David Little was that second person. So ethics was an important part of what we were doing. I became chair of the department much too early, in 1972. It was a small department and I'd been here almost since the beginning. I had two of my former teachers from Yale on the faculty which made it somewhat difficult for me, a young person not able
really to delegate responsibility. I was feeling pretty overworked, and
overwhelmed, even though I spent a sabbatical year at Harvard Law School, in
'72-73, working on war-peace questions, church-state, etc. By the time, the
Kennedy Institute invited me to be considered for a new Protestant chair; there
was already a Catholic chair with Richard McCormick, S.J.. I said, “well I’ll at
least talk to them.” I wasn’t particularly interested because I love UVA and was
part of an exciting, growing department. There were five people being considered,
but I had, I think, a pretty good interview, probably because I wasn’t particularly
interested, and I was offered the position. My late wife found Charlottesville sort
of confining, was much more interested in an urban area, and found Washington
exciting. I found the fact that the chair at the Kennedy Institute had no
responsibilities exciting since I was feeling overwhelmed at UVA. But being the
chair of the department here was an opportunity. So I said, “well even though it’s
a permanent lifetime appointment, let’s do it, whatever we do in the future.” I
hesitated because I thought bioethics was a passing fad and I didn’t want to be too
closely associated with it.

Fox: Elaborate that a little bit. What did you think bioethics was at that time and why
did you think it was a fad?

Childress: First of all, even though I use the term “bioethics” today and use it now more often
than I want to -- you notice the title of our book is not bioethics -- I’ve always
resisted the term “bioethics”, because it seems to me to suggest something
independent as a discipline and I’ve never thought of it that way. However, I find
myself using it more and more just for shorthand purposes. It’s easier to say
bioethics than to say biomedical ethics. But part of what I told the committee was
exactly this -- bioethics was, I thought, wrongly conceived. It should be
biomedical ethics parallel to business ethics and so forth.

Fox: You were not suggesting that the questions that had surfaced were going to go
away that quickly but simply that an independent enterprise...

Childress: Not just an independent enterprise but even that focus of interest. That is, the
broader question is social and political ethics. I had, by that point, written only
two or three things in biomedical ethics. I think one reason the search committee
was interested in me was because one of the things I had written, which grew out
of the experience that led me into bioethics, was getting a fair amount of attention.

Fox: Which was that?

Childress: That was “Who Shall Live When Not All Can Live?”
With much surprise, it happened to hit at the right time. But it was the occasion for me to get involved in bioethics. I was in my second year of teaching and carrying a fairly heavy load, but my chair -- I mention this because of the accidental quality of the way decisions get made -- my chair had gone to undergraduate school at Yale with Mason Willrich, the person in the law school who was heading the Center for the Study of Science and Technology in Society. That center, in the spring of 1970, was running a seminar on artificial and transplanted organs. Many of the law faculty and medical faculty, Harry Abrams, Walter Wadlington, Fred Westervelt, etc, and about the same number of students from those two schools were involved in the seminar, but they needed a few students and a faculty member from the humanities. My chair was called by Mason Willrich, who asked “could you identify someone?” He identified me and basically told me go over and do it even though I was too busy to do it. The faculty were asked to do something in that seminar and I chose to present a version of what became “Who Shall Live When Not All Can Live?” in part because I had been invited by the another faculty member of the law school, Hardy Dillard, who later was on the World Court at the Hague, to take part in his jurisprudence class one day on the kidney allocation problem. So that just was natural for me to do. I was able to draw on Paul Ramsey’s work, but not The
Patient As Person, which hadn’t appeared then. That point is important because people ask about this and I’ve heard from others that Paul was a little upset over the years about my paper, which was in many ways more accessible than what he wrote in The Patient As Person, which I’ve already mentioned is a wonderful book. I didn’t know he was working on that topic at the time because his book and my article came out at about the same time, and I wasn’t at Yale when he delivered the lectures because I had already come to UVA. But I was working on his materials. That is to say, if you go back and look at Nine Modern Moralists and his discussion of Cahn and so forth, Ramsey was about the only resource I could use as a matter of fact, along with a few things that had been written by Sam Gorovitz and others. And so my paper and my participation in that seminar led me into bioethics or deepened and extended my interest in issues in bioethics because I liked the fascinating discussions of the interactions of law and medicine.

Fox: Is this a set of issues that you would have come to in some other way through your Quakerism?

Childress: Issues of justice obviously would be very important but not necessarily focused on microallocation in health care, and so that’s why I think the context makes some difference. I did write something on abortion in response to a Ron Green piece in Journal of Religious Ethics, and I did something on the Quaker discussion about
abortion and so forth. But that’s really all I’d done in bioethics, and the Kennedy
Institute considered me as a viable candidate, I think, not only because of the main
article I’d written but also because I had participated in that seminar and
collaborated with Harry Abrams to write a little piece on suicide. There was a
discussion going on and I was interacting with medical and legal people about
these topics. So I think that was something the search committee considered
useful. Even though I hadn’t done a lot, not many people had at that point. So that
led to the decision to go to the Kennedy Institute, but then I hesitated, as I
mentioned, because I was concerned about being too closely identified with this
area. I don’t, even now, consider myself to be a bioethicist, and I even get a little
upset when prospective graduate students come in and view me as a bioethicist. I
don’t teach bioethics very much at the University of Virginia, and I’ll come back
to that later; rather, I’m interested in a variety of methodological, theoretical and
substantive issues, many of which happen to come up in this context.

Do you have a problem with bioethics intellectually in that dimension, in that it’s
wrenched out of any kind of larger framework of reflection?

In one sense, but let me be very clear about it. I see biomedical ethics as one arena
of human reflection. But my interest really is in these larger questions of ethics
that happen at this particular point often to get located in the context of the
biological sciences, medicine and health care. Even while I was at Georgetown, I
was continuing work on issues of war and peace that remain a very important part
of what I like to think about in terms of ethical issues and questions.

Fox: And Kennedy didn’t object?

Childress: A great thing about going there was that there were no responsibilities. Andre
Hellegers was very shrewd, one of the shrewdest persons I’ve ever met as a matter
of fact. He figured the best way to get people -- and he didn’t mind getting them
very young and helping them blossom -- was to give them a lot of freedom. I could
teach anywhere I wanted to, whatever I wanted to. When I say anywhere, that
means anywhere in the university, so I co-taught with Pat King a couple of times. I
taught a couple of courses in theology, and I taught at Princeton when Paul
Ramsey was on leave one semester, as well as at the University of Chicago
Divinity School for a quarter, commuting from Washington to do that.

Fox: Was Jim Gustafson at Chicago?

Childress: He was already there, and the school was considering a replacement for Gibson
Winter who had gone to Princeton Theological Seminary. I was very tempted by
the University of Chicago offer and that was actually what led me to come back to
the University of Virginia. This offer came from the University of Chicago just
after my second year at the Kennedy Institute, and I actually came very close to
accepting, so close that I told Georgetown I would be accepting the offer. And
then my late wife and I talked about it one more time and she raised the questions
that led me to say no, in part because our twin sons were then 13 and we thought it
would be difficult to rear them in Hyde Park. Yet if one didn’t live in Hyde Park,
one missed a lot of the intellectual life of the University of Chicago. So I had to
balance that, and we decided no. But that led me to think about what kind of
institution, in the long run, I would like to be at. Then UVA asked if I’d be
willing to come back and I jumped at the opportunity because that was the kind of
institution I felt I would like to be at in the long run. But turning down the
University of Chicago’s offer was actually a hard decision. I felt somewhat
depressed for awhile after I said no and then agreed to teach there the next fall. In
the process, I decided I’d made the right decision.

Swazey: What made you decide not to stay at Georgetown?

Childress: What kind of institutional context would I like to be in over time - a research
institute in an urban university? The big question is not why I came back to UVA
but why I left UVA the first time. That was the big decision given what I’ve said
about my affection for the place, in part as part of my growth and development in
the program. Coming back was a fairly easy decision although not one I think my late wife was excited about though she developed her own career here after the boys went to college in a way that was quite fruitful.

So now we come back to how the beginnings of the collaboration under which *Principles of Biomedical Ethics* was born.

I mentioned the Kennedy Institute Intensive Bioethics Course. At the time it was called the Total Immersion Course, but maybe that raised too many theological questions! I’d known Tom Beauchamp at Yale Divinity School. We overlapped at least one year; I’m not sure exactly how many years he was there before he went on to John Hopkins. So I became reacquainted with him at Georgetown and when the Institute decided to revise the Intensive Bioethics Course, he and I were invited to do the theoretical part. We did, and ended up developing it in directions that made a kind of debate format fruitful. I recall one session that Eunice Kennedy Shriver attended, in which Tom and I debated a rule utilitarian approach vs. a rule deontological approach in ethics. As we continued to think about what was available and what might be needed in the field, I know that one of my conceptions all along had been that we needed to provide a kind of theoretical structure. We were just talking about the different areas in the way most anthologies were set up -- abortion, euthanasia, and so forth -- and that was not the
best way to go about it. Although I will say that Howard Brody’s book, even though I disagree with the act utilitarian and systems approach that he presented, was actually a pretty good version of what one might do in a different way. I think that was actually a quite remarkable book. It came out at a point in the mid-70s when there was very little available beyond the anthologies, Ramsey’s *Patient As Person*, and Joe Fletcher’s earlier *Morals and Medicine*. So there was not a lot available that offered a systematic view of the field of bioethics.

In terms of the intellectual similarities and dissimilarities between you and Tom Beauchamp, what did he bring to the table? You had both been at the same divinity school, but philosophically, religiously, intellectually, and in other respects, how was he like and unlike you?

I think we shared a passion for looking as carefully as possible at the kinds of arguments that could be offered for and against a position, particularly the ethical theories that were involved. This was what may even be considered the heyday of ethical theory following the publication of Rawls’s work. Talking about ethical theory, I would even include moral, social and political philosophy in a pretty broad way. That at least served as a kind of model for ethical reflection. So I felt that a collaborative effort would be much, much better than any kind of individual work, and that it would also be important -- I think Beauchamp also did
Fox: Why did you think you needed a physician?

Childress: Well, my conception of biomedical ethics is that it is necessarily interdisciplinary and interprofessional and that the philosopher or theologian contributes something, which is familiarity with the traditions of ethical reflection whether philosophical or religious, and, if not skills, at least familiarity with patterns of moral reasoning. Those are the major contributions philosophical ethicists or theological ethicists can make to the discourse. But we need a variety of other perspectives too, and so I thought Principles of Biomedical Ethics would be much, much better with that kind of involvement. Seymour was involved in the Intensive Bioethics Courses, and at the Institute we also were involved in discussions with a lot of other colleagues. Leon Kass was there for one of the years I was there, and of course Richard McCormick was there for an extended period. Various visitors,
like Seymour Siegel, played a role in our ongoing discussions, and Tris Engelhardt
overlapped for part of the time. So it was a very lively place. But my lack of close
affiliation with various departments and with an ongoing educational enterprise
made it less attractive for me than some other setting for the long run. So the
course became the context in which Tom and I tried out these ideas as we were
developing them. The course and the book are closely related. I have been
involved in the course from 1975 on and the book first appeared in 1979, so those
two things we were working on in close conjunction with each other. And we
have continued to do so, as I still teach in the Intensive Bioethics Course every
year.

Fox: I’ve always looked for parables that show that teaching and research in scholarly
work are not necessarily in conflict.

Childress: That was true in this case. And our continued revision of the book obviously
relates to that context as well. Now, Tom and I are less central in the course. Back
then we did all the theory part, and when I say less central, the Institute actually
changed the format, with good reason. I like the revised structure very, very
much, though the text is still used as part of it. During this period, obviously, the
National Commission was proceeding and Tom was a member of the staff part of
the time. So some of the debate that will come out here at the Belmont Revisited
conference in April (1999) will actually concern the relation of some of these matters. I contributed a paper to the National Commission looking at the relation between moral and nonmoral components.

Fox: Do you still have that paper?

Childress: I published a version of in JRE in '78, or something like that, on the identification of moral principles. It was not a very good paper. It was a workmanlike effort to get at the philosophical discussion. But nevertheless that was part of what I was involved with at the time.

Fox: It seems to me that the beginning of the rather simplified version of what you were working at in this text and your whole larger perspective began with the Belmont Report. Was your book out when the Belmont Report was issued?

Childress: No. There were two publications of Belmont before *Principles* was published. The Federal register Belmont was in April 1979, and that’s why we’re doing the Belmont Revisited conference this April. *Principles* appeared shortly thereafter, I think. But Belmont had an earlier publication in a sort of pamphlet version. I think the date on that may be '78.
Fox: I'm actually editorializing. I really should be asking you how you felt about the way your conceptual framework was utilized by the Belmont Report?

Childress: It is a much more complicated relationship than that. With Tom on the Commission staff and our being aware of all the conversations that took place, and Tom playing a role in writing the Belmont Report, our own views overlap. I can’t go back and say who was there first with which conception. Belmont is actually a very nice little report for what it set out to do, it is clear, etc. It does a fine job. But obviously if one pulls principles out in a particular way so that they’re freestanding, then that is a problem. In the way we developed the text, we connect those principles with different theories, particularly in the early editions, with rule utilitarianism and rule deontology, and see different ways of getting to these principles. Even though those conceptions don’t disappear, if one looks at our later editions, certainly the third and fourth, we stressed ferreting these principles out of common morality. Our process is one of examining, analyzing, scrutinizing common morality in order to identify these principles there. So the emphasis is a little different, more historicist in nature in editions three and four, in contrast to the first edition, which was still under the influence of a strong conception of theory.

Fox: Now elaborate for us what you mean by common morality.
One can’t simply look at the way people make judgements in our social institutions and practices, in law and so forth and say, “aha, there’s a set of moral principles at work.” On the other hand, one can, by analyzing and studying those carefully, make an argument that one can make the most sense of what is going on here if one identifies these as principles, recognizing that there are variations in how they are justified, how they are interpreted and how they are weighted. So we’re not simply descriptive in thinking about common morality but argumentative in that we’re making an argument about the best way to interpret...

In your examination and re-examination of different moral approaches and arguments and so forth, is it always possible that you’re going to discover another principle that you haven’t seen before?

It’s possible, and actually, I think one of the interesting arguments that will come out in the Belmont conference is whether there should be a principle of community. Within the Belmont framework, should there be a fourth principle of community? That was one of the first points raised at the first NBAC meeting by Ezekiel Emanuel, and he’s a contributing paper on this particular topic.

Let me ask you, especially as somebody from a Quaker background, how is it that principle wasn’t salient?
I think the elements of community are included in the other principles. I guess I
would argue that we don’t need another principle, a fifth in our framework or a
fourth in the Belmont framework, but that what we need is a more communitarian
interpretation of all the principles. Critics are quite right, one can look at
Principles of Biomedical Ethics, and argue that overall the lens was more
individualist. So I would see community much more as a matter of which lens one
is using in thinking about principles than yet another principle. I think there are
communitarian versions of beneficence, of nonmaleficence, and certainly of
respect for autonomy. If one takes the principle of respect for personal autonomy,
a lot depends on the self you’re talking about.

That would make a lot more sense, because saying that in certain cultures there’s
no conception of the individual is not quite right. The communitarian context
within which the conception of self is developed would make a lot more sense
than adding another holy principle.

You’re right. Some of this will be part of the debate at the conference, especially
given interest in community participation and so forth, which I see as also a justice
element.
Fox: Did the way in which the Belmont Report and then the larger bioethical community eventually pick up your principles distort your intentions in any way?

Childress: The idea that we were there first and Belmont adopted the method does not recognize there was a more complex relationship than that.

Fox: On the other hand, without your being unduly modest, I think what has happened since the Belmont Report is that your book became the text, with a capital T, in the field and therefore whatever the field did to it didn’t come from their continuing to refer to the Belmont Report.

Childress: I think it’s sort of complicated in that regard, and this is one reason we’ve set up this conference called Belmont Revisited. But after the conference considers the very beginnings, the critical interest is more about traditions of interpretation and criticism. How does Belmont get institutionalized? It seems to me that if one is thinking about bioethics generally, Principles of Biomedical Ethics probably served in that context to institutionalize something like Belmont. Although distinctive, they were close enough that people get them confused, so I see it as a much more ongoing process. For instance, I very much look forward to some of the papers at the conference, particularly on different commissions. Alex Capron, as the executive director of the President’s Commission, is presenting one paper,
and one of the questions he’s asking is “were there surrogates?” Even if they weren’t using the language of Belmont, were there surrogates at work in terms of principles or values? I think one can argue that in the reports of the President’s Commission, there were surrogates at work. If you look at that commission’s discussion of death and dying or informed consent, one can find a constellation that would be very, very similar to Belmont.

Fox: I think that most of the people on the President’s Commission, given their backgrounds, probably did not have much of a relationship to the Belmont Report or your text. But that was the overlay of the Commission and there were many problems, for example, about getting a more communitarian perspective into our work that were particularly problematic for somebody like me as a social scientist and not really problematic for most of the other people.

Swazey: Suppose Belmont hadn’t been written, suppose it never existed and you and Tom still wrote and published Principles, which, as Renée said, has been viewed as the predominant text in bioethics. How have you reacted to the ways it’s been used or applied in bioethical discourse and analysis?

Childress: Obviously we don’t disagree with critics who say one problem is that in actual use our principles tend to get oversimplified in a reductionist way. Calling the four
principles “the mantra” is certainly not inappropriate in terms of the way in which they are sometimes used. So it’s a source of some embarrassment when it occurs. And we hope that what we’ve written is a bit more subtle and nuanced than that. So that would be one of the problems: the mechanical use of the principles and thinking that if you can repeat those or use those then you’re a bioethicist. That’s a matter of concern. But that kind of reductionism occurs pretty much in whatever framework is in widespread use; there’s going to be that kind of simplification and reductionism, whether it’s the virtue framework or something else. I think that we’re obviously partly responsible for some of those things. What has been useful for me in the whole field of bioethics, or biomedical ethics, in the last several years is the ferment about methods. At least since the late 80s, early 90s it has been a very interesting time with all the works that have come out from various perspectives. Parenthetically, even though Principles of Biomedical Ethics was the first bioethics book that Oxford published, I can’t even read all that Oxford now publishes on bioethics. It’s just overwhelming. But a lot of it is very good stuff, coming from a variety of philosophical, and, especially more recently, religious perspectives, and contributing to what, I think is, a much richer view of what the field is all about. So even though Tom and I try, in the fourth edition, to address a variety of critical alternative perspectives, we’ve learned a lot from those perspectives. So it’s not a matter of the rejection of principles. I like to say what one of my former teachers said, that they’re more right in what they affirm than
what they deny, in that if you look at the range of different positions, many of
them are capturing something important about the way to interpret the moral life.

But hasn’t it swung a bit in the other direction? I think there is great value in this
more pluralistic set of approaches. Yet, just as one could list the biomedical
developments on which bioethics has focused, you can now list the range of
alternatives ways of looking at things, and they’ve almost taken on a kind of
mechanical quality in and of themselves. So you have virtue ethics and casuistry
and feminist ethics, and blah, blah, blah. Given your original and continuing
motivation, in writing Principles of Biomedical Ethics, which is to provide, non-
dogmatically, a conceptual framework for reflection within which we could all
think better about these issues, it’s a peculiar kind of pendulum swing. I’m not
sure what this adds up to. Are you supposed to pick your choice? Are you
supposed to sort of nibble a bit from each one of these? Am I being...?

No, I think that’s a difficult question. Last week, for example, I met with a group
here for a program on developing hospital ethics programs that John Fletcher now
heads and operates under the Center for Biomedical Ethics. I came to the
conclusion, after talking about the principle-based approaches, casuistical
approaches, virtue-based approaches, and care or relationship approaches, that
they are more right in what they affirm than in what they deny, and that each
actually does capture an important part of the moral life and moral action. The
difficulty is to determine just what that part is and how important it is, but at least
in those four, I certainly would not want to deny that each captures something
valuable. And for pedagogical purposes in teaching this sort of thing, I always
find it useful to start with the principle-based approach, not because I think it is
the only right one, but because participants are likely to at least have some idea
about what it is, so I can set it up and then show what these others capture.

Fox: Does the care-relationship approach includes feminist approach and the narrative
ethics approach?

Childress: In so far as I treat it -- and obviously for purposes of a lecture, one has to
oversimplify it -- yes. I pick up, for instance, what Gilligan says about care being
narrative, contextual. But if I'm teaching a course on methods, I'll do a section on
narrative ethics and we'll read Nussbaum and others and set it up more broadly.

Fox: It's enormously relevant to whether bioethics, or whatever one wants to call it,
will ever become what we would conventionally call a discipline or field, because
without some kind of unifying framework of reflection, no matter how
institutionalized it gets in other respects, such as centers and a professional
organization, it can't be a field in the usual sense.
Right. I happen to think it shouldn’t be... I’m pretty radical in another way too:

one can make a strong case that religious studies is not a field. If you look at the
different methods that are employed, etc, what ties this all together is an interest in
religion. But we have philosophical approaches, we have theological ones, we
have anthropological ones, sociological ones, etc, etc. We look at particular
traditions, we look at general religious dimensions. In some ways, I can think
about the arena of biomedical ethics in a similar way, given my view that it’s
necessarily interdisciplinary and interprofessional.

But you wouldn’t argue that ethics shouldn’t be field or that theology shouldn’t be
a field, or would you?

Even there, one can assume there is philosophical ethics and theological ethics,
and I would want to hold up the possibility of their coming together. We often
talk in terms of fields and the like but those are often based on the necessities and
exigencies of institutional life. We need a department of religious studies in order
to make sure this dimension is actually dealt with, because if it’s spread out in
particular departments, it may not be. So one can make a case for bringing these
faculty together, even though they may not share all that much other than an
interest in religion. On the undergraduate level, I have resisted movement towards
a major in bioethics here. We’ve let a few students do one through the
interdisciplinary majors program. But to have a set major is to encourage people, I
think, the wrong way. If they're interested in doing work in bioethics, then they
need to have some disciplinary perspective, whatever it is.

We have a masters in bioethics here that grew out of John Fletcher's
masters in clinical ethics program, but we'd like people in that program, if
possible, to actually be enrolled in law or medicine or nursing or something like
that.

Swazey: As a joint degree?

Childress: It can be done that way and that's what we'd most like to have in this revised
form. Now we'll just have to see how all that works. Among the people who are
applying for next year, one is just finishing medical school, another one is in
nursing school, and another is in law.

Swazey: Is this program just starting?

Childress: This revised one just started this year. So some of the students are in the old
pattern and some in the new. Now, people who want to do a PhD in bioethics here
have to do it as part of religious studies or philosophy, so they have to do the full
disciplinary work in those studies.
Fox: If you were to look at the trajectory of the soon to be five editions of *Principles*, what phase movements has that original text gone through?

Childress: Revised by expansion, first of all! I would say there has been a drift that fits also with broader philosophical movements, and theological ones too, given the role of post-modern thought in theology. There has been much more of a drift in a historicist direction. One could charge the early work with at least still thinking within a framework of theory, that’s more ahistorical, etc, so you get your theoretical basis, whether it’s rule utilitarianism or rule deontology, work that out and then you move to the other. It’s theoretical, then moving to the practical. And our charts, even some of our later charts, still seem to suggest that. I think the big shift is what I earlier called a more historicist direction that we comment on in one footnote. You can position our work over and against criticisms and see how it fits in an intellectual context. Obviously we get very negative criticisms from the people who invented the term “principism”: the Dartmouth group of Bernie Gert, Dan Clouser, etc. But they are what we call strong theorists, in that they really do believe you can present a model of rationality and develop a theory that will enable you to adjudicate moral conflicts. And certainly over and against that, Tom and I are much more in bed with the narrativists and so forth than we are with that approach. When you position us relative to the casuists, in some ways we are a lot closer to the casuists, at least on the Jonsen and Toulmin side of things, than they
realize, and Jonsen I think would appreciate this more than Toulmin, because
when they argue against the tyranny of principles, they have in mind only absolute
principles -- absolute, eternal, and invariable, etc, etc, which we’re opposed to
also. That’s what prima facie principles are all about. So when you start pressing
down, prima facie principles and the maxims maybe aren’t all that different. In my
first work on “Who Shall Live When Not All Can Live” even though I appealed to
principles of justice, equal opportunity and the like, the role of analogical
reasoning was paramount there because I asked what were relevant precedent
cases, like the lifeboat cases, and thought about those analogies with these new
possibilities of allocation. So I see our approaches as in many ways sharing a lot,
but I think what the casuists did was really help open the door to greater attention
to particularity, and that’s been very valuable.

Fox: They opened a Pandora’s box by doing that, because of the problem with
particularity....

Childress: That’s right. Consider the Jonsen, Siegler, Winslade volume on clinical ethics,
which at least Winslade would not consider a casuist work; given Jonsen’s role it
is often viewed that way. If you think about their boxes, in some ways, casuistry
understood that way actually undercuts the role for narrative and so forth much
more than principles do because the principles understood as prima facie binding
open up the interaction between the general and the particular in a different way than that sort of “put it in the box.”

I think we’ve always had a major role for virtues, which have always been in the last chapter on ideals and virtues, in every edition of Principles. We believe they are obviously indispensable in the moral life. Without discernment, conscientiousness, courage, without all these qualities, even efforts to think in terms of principles would end up being self-defeating because people would not think them through well or carry them out. So that’s been an important part of what we’ve always done, but we have never gone so far as to make the virtues primary. They may be primary in the moral life, but we’re not simply thinking about the moral life but rather the kinds of issues that people face. When they have to think about those problems in bioethics, principles often, but not always, play an important role.

Fox: Is the 5th edition going to take a leap in any respect, different from this general evolution that you’ve described.

Childress: We are still working on some of the methodological questions. I’ll mention one thing about the caring relationship. You can connect the care side of things with the virtue orientation, or you can connect it with a more communitarian model. Those are some of the sorts of changes we’re thinking about now. And actually we
talk about those changes as part of the Belmont conference. I think some of those changes will be more subtle; that is, a person looking at them might not spot, “aha, there’s a difference there.” We haven’t added a principle of community but in terms of the interpretation and use of the principles, I think the changes will be important.

Fox: Does it make sense to you from a conceptual point of view to ever tackle the issue about the cultural specificity of the societal context within which principles has been developed?

Childress: When we’re talking about common morality, we’re not necessarily thinking about it in universal terms and so we leave that open. I don’t think we have resolved whether to take that on or not.

Fox: Your colleagues make it very clear that your book is being used in many different societal contexts, making it seem almost morally urgent that some time or other you take this issue on...

Childress: I don’t disagree with that. Maybe the problem is I’m not sure how to do it!

Fox: It might be relevant not to the text itself but for some essay that you will
eventually try to do, to take on a collaboration with a social scientist because it
really involved tackling both disciplinary perspectives, because this set of issues
has been one of the stand offs in bioethics. I don’t think these things are
irreconcilable. I don’t say that they are easily integrated but I think the degree to
which there are two positions, two sets of people digging their heels into the
ground over the idea that the minute you start to take social-cultural differences
into account, you’re lost in the quagmire of cultural relativism, is just not right.
The idea that you have about how you would weave a communitarian perspective
into the principles rather than making another principle begins, I think, to help
with that.

But I was going to ask you what one does about the fact that most of us are
not well enough trained in philosophical thought to be able to use what you offer
us in a way that is satisfactory? This business about being able to be a bioethicist
relying heavily on Principles of Biomedical Ethics and not having any training to
speak of in philosophy or religious thought seems to me to be a real problem.
People who talk about principlism have never really dealt with that. Judy and I,
for example, who I hope are a little bit more sophisticated than simply chanting
the principles, are not sure how much we ought to sort of stop what we’re doing
and go read philosophy, because of the deep appreciation we have in terms of the
history of the ideas that you don’t just come in and start doing bioethics or writing
about bioethics from a shallow, intellectual background.
If you think as I do about biomedical ethics as necessarily interdisciplinary and interprofessional, with contributions coming from several areas, I'm not as troubled by a lack of philosophical sophistication or that sort of thing at various points as I am with each one of us recognizing the limitations of what we can bring to the discussion, which will be true for the philosopher or theologian as well as for anyone else.

Thinking of you coming in from religious studies and social ethics and Tom coming from philosophy, were there any sort of areas of expertise, language, approaches, tensions you had to work out in your collaboration on *Principles*?

In the first edition we were in an ongoing conversation about the matter, and obviously there were areas we couldn’t reach agreement on -- we sometimes compromised, sometimes neglected those areas, and sometimes left the tension within the text. Early on, for example, we just left rule utilitarianism and rule deontology within the text as two different ways for reaching these principles. Tom is a very good collaborator and if you look at his CV, he does a lot of collaborative work. So he’s a person who understands that in doing collaborative work, there are certain kinds of compromises one makes. That’s not to say we don’t have our disputes, but this is the way we go about revising the book. Each one will take primary responsibility for either certain chapters or portions of
chapters, and then does a draft, and the other person then has the responsibility of re-doing it, in some cases throwing away the draft the other provided and trying to do it very differently. But most often what we’re trying to do is just revise it until we get it to our mutual satisfaction. So it’s really a process that’s very close to the way I think about bioethics. It’s justification to others, and in this case justification to each other to try to convince the other of the validity of this particular way of formulating issues, arguing for positions, and the like. Now, the selection of particular areas to work on does vary from edition to edition, in part because one of us might say, “this really needs a fresh re-working, why don’t you do it.” Or one of us really wants to do a section because of the work he’s done recently.

I guess I was thinking less of particular topics than the fact that you both came from very different disciplinary orientations.

But both of us are familiar with the other. Tom spent time in divinity school, and then obviously went in a more philosophical direction. Given what we were doing at Yale in Christian ethics and more broadly religious ethics pertaining to philosophical perspectives, I had exposure to philosophy. And once you say you’re going to write a book oriented toward people in the society as a whole, medical and health care professionals, policy makers, and the like, trying to sketch
The issue that we brought up yesterday and that came up at Park Ridge over the book *A Matter of Principles* about the ignoring of continental European philosophical traditions, does that trouble you in any way? Except for deciding to stay within an Anglo-American orbit of reflection, what is the justification for just disregarding those traditions? I’ve never been able to understand intellectually how one could consciously or not consciously decide to disregard all contemporaneous. Western philosophical thought other than this particular cross section of it, if one is trying to craft a framework of reflection on ethical issues as they occur in the West.

Well, continental philosophy is not a single thing either.

No, I’m using that because it obviously cuts out German and French, particularly French, thought, including some of the thinkers who in a peculiar kind of way are more familiar to social scientists than they seem to be to philosophers.

I think that’s not unfair, but even in Western philosophical tradition, a lot gets left out. Plato doesn’t play much of a role and Aristotle more so, so there are
selections along the way. But if one takes this as a normative enterprise, then a lot’s going to depend on what you think about phenomenology, as to whether it’s a normative enterprise or not. Let’s take one example of philosophical reflections that are looking more at power relations and the like out of, say, Foucault. So a lot depends on what you’re focusing on here. But if one is taking this as a normative enterprise with particular attention to a conceptual framework, then actually I’m not too troubled by the omission. There are things obviously we could not only deepen and learn significantly from such approaches, but that’s also true of various Anglo-American analytic approaches as well.

Fox: What about German theologians? Why would it be comfortable to simply respect but not consider them part of this normative enterprise?

Childress: But see, we’ve already essentially ruled out theology by virtue of the way we set up the enterprise. If you’re going to do a conceptual framework for professionals and policy makers, so they can approach these areas perhaps with a greater insight and clarity, then we were already ruling out certain things.

Fox: So Principles of Biomedical Ethics is addressed to practitioners and policy makers who need to engage in normatively oriented philosophical reflection in the context of the decision making responsibilities that they have. Is that explicit in the book?
That’s the conceptualization from the beginning. Obviously it has evolved. One could charge that in the 4th edition we’re looking over our shoulders more at critics and other philosophers. Consider the way we set up chapter 2, for example, or try to develop the methodological part. One thing that will be different about the next edition, and I think I argued for this in the 4th edition, but not strongly enough, is that chapters 1 and 2 should be at the end of the book, and what we’ll want to do for our purposes is sketch enough of our method and theory at the outset to provide the way in. Those who want to deal with the broader philosophical questions about method and theory can come to those at the end. I don’t use, in an undergraduate course, chapters 1 and 2, other than chapter 2 selectively.

Jim, you said, “we effectively ruled out theological ethics by the way we set up the enterprise.” Are you talking about bioethics more generally, not just Principles of Biomedical Ethics?

No, I’m talking about the book.

Ok. As a follow-up question, does that also reflect the way bioethics developed or was it less thought out than that?
Childress: If one looks at the very early years, late 60s into the early 70s, a lot of the people
who were involved were coming from a Protestant or Catholic or Jewish
standpoint, and it's pretty natural to think in terms of the way in which those
religious convictions and practices have some bearing on the problems that people
face. Philosophy at the time was still, with the exception of Rawls, and a few
others, in a metaethical daze, and attending very little to those kinds of problems. I
think of the emergence of the Philosophy and Public Affairs journal; the first issue
came out in '72 or '71, and the lead essay in that issue, or one of the main essays,
was Judith Jarvis Thompson’s classic piece on abortion. I think that journal
signaled a certain shift that was occurring. Rawls' publication in '71 of A Theory
of Justice also was a signal of the kinds of changes in philosophy that were in part
back of what we were doing in the late 70s in our work. Religion played a role for
a lot of people like Dan Callahan, but maybe as much in terms of motivation for
getting into the area as for the way in which he worked out the position. I still find
myself very interested in how religious traditions approach these matters and the
kinds of arguments that are made within those traditions, as part of the overall
involvement in religious studies and religious ethics, but also in biomedical ethics.
I guess I just think there are several layers and levels, and so if I'm helping a
Quaker community think through these matters, I'm going to work in terms of
premises of that community. If I'm going to think in terms of how to help in a
pluralistic institution, a secular based one, I'm going to be working with another
set of premises. Of course there will always be questions about “within that
institution, what is the role for religious conscience?” Those issues of
conscientious objection and the like will come up, and from the standpoint of the
religious community there will be issues of how is this going to relate to people
outside the tradition. So I teach courses on Religion, Morality and Public Policy.
How does one think about religion in debates about bioethical public policy in
liberal democratic theory? Dworkin, Rawls, et al. How does one think about the
role of religion within a conception of public reasoning?

It was natural, on the Commission, for us to include a full chapter on
religion in the cloning report. It represents a conviction I share that religious
communities and convictions can and do play a role in public policy deliberations.
But how they are brought in is always a complicated matter.

In your explicit decision about ruling out theology in framing Principles of
Biomedical Ethics, I was wondering whether there was no way to translate certain
kinds of religious insights into some kind of moral form, so to speak. Turning it
the other way around, we’ve heard people say that something like Paul Ramsey’s
Patient as Person is a book that has no religious content in it whatsoever, or has
very little. I don’t understand that because although it may not have explication
that is formally theological in nature, it seems to me it is resonant with insights
that certainly are profoundly influenced by a religious outlook rather than a strictly
philosophical outlook. I've never known how to sort this kind of thing out.

Childress: Except it’s not always necessary when one is building a conceptual framework that one go back. The genesis is not always that important. One could argue that much of philosophical discourse, at least of certain kinds, is deeply influenced by religious traditions, but that genetic argument is not one I’m particularly interested in pursuing. One could also find major similarities between various philosophical and religious works. And there are some fruitful reasons for exploring that. On the Ramsey matter, for instance, a number of us actually urged Paul to go back and rewrite his first book, *Basic Christian Ethics*, which he never did. But if one looks at the preface to *Patient As Person*, that’s where you get some brief comments about covenant and so forth. This is worked out within the book, largely drawing on traditional categories like ordinary, extraordinary, etc. There are theological components; for instance, the argument about using a lottery builds on God’s indiscriminate care. It’s one that I find quite persuasive as well. On the other hand, there are other grounds for making that kind of claim. And if you take as I do the model of public justification, justification to others, the kinds of things that you appeal to in part are shaped in part by the audience you’re addressing.

Fox: I like the concept of public justification being to people in other disciplines who are participating in the conversation, as well as obviously the public domain in the...
sense of the polity, policy and so forth.

Childress: I would include the whole range of those, and I see principles as playing one kind of role in that justification.

Fox: There may be an inevitable simplification if you’re going to do something other than just think, if you are going to translate what you’re working on into action. If you’re going to do something other than just think, then you have to translate this into action. Where is there space then for dilemmas and for issues, questions for which there are no satisfactory, easy fixes? One of the ways the principles have been used, I think, is not just because people are reciting them like a litany, or that it reduces the complexity of the question. It simply is there is no room in the way people have used those for being irresolute, for recognizing that one is up against something that is humanly we’re not going to be that easily able to fix. I suppose it would not make Principles of Biomedical Ethics very useful if people simply said this is beyond human ken or we’re not going to be able to do more than contemplate how complex and poignant this is. But does that aspect of it concern you, because you seem to be a person who is always in tune with that dimension of reality?

Childress: I’m not sure that comes through as well as it might in the book. I think it’s
implicit, but I'm not sure it comes through. There are different ways one could do
that. Obviously one could do it in terms of what are the appropriate attitudinal
responses when one faces that sort of thing. I think we have a little of that, but not
enough.

Fox: Doesn't trying to frame these reflections in as logical and rational a way as
possible drive out the fact that there are so many non-rational elements in the way
in which life unfolds and the way in which we approach it? Where is the place for
non-rational elements in ethical life other than to call them irrational other than
simply to say they don't fit into a rational framework?

Childress: I think if you take the model, as I do, of public justification, one doesn't need to
rule out those things. One needs to identify them. I see it as a complex process.
With principles, one tries to develop the point about rationality being a component
but by no means all of most of our moral decisions. Principles come into play
more when we face uncertainty and when we face conflicts that appear to be
difficult to resolve. Then we abstract from the concrete and start talking about
principles.

Fox: Another subject we wanted to briefly discuss is a motif that seems to come
through in your publication from time to time: your contemplation or your
involvement in questions that have to do with risk. Where did this come from, and where does it fit into the larger framework you’ve been discussing?

Childress: I think the first place it appears in my writings is in the context of the article on Non-violence, trust and risk-taking, and that piece was written when I was a liberal arts fellow at the Harvard Law School. I was interested in issues of vulnerability to risk, being raised in the context of Charles Fried’s work, for example, and interested in the way people in the pacifist tradition often talk about a willingness to take risk, being vulnerable, and so forth; so those things converged at that particular point in writing that piece. I delivered that lecture at different places, including Notre Dame, and then it was published in JRE. The way I ended up in also working on it in bioethics was that Stan Hauerwas, one of the associate editors of the first edition of the Encyclopedia of Bioethics, had heard me deliver the lecture at Notre Dame and also saw it in JRE, as he was moving toward a pacifist position himself. When the topic of risk came up for the Encyclopedia, as I understand it, he said, “well, Childress has been working on risk,” and I was asked to write that piece. So it’s something I am interested in but my initial interest grew out of another context.

Swazey: Could you talk to us a little bit about your perspectives on the role that biomedical ethics, or bioethics, has played in public policy?
One of the reasons I'm interested in this particular area is a broad reason, the other is an accidental one. The broad one is, given my earlier conception of social ethics, and if you take Reinhold Niebuhr as a kind of model, a Protestant who functions in the policy arena, particularly in his case in foreign policy, that was for many of us a model of how to be relevant to social policy. And then accidentally, in the seminar on artificial and transplanted organs, even though there were clinicians involved, we mostly were raising the question from an institutional or broad public policy standpoint. Then when opportunities came along for practical involvement, I really didn't spend much time in the clinical setting. After I went to Georgetown in '75, one of the first opportunities was to participate in a discussion at NIH about compensation for research-related injuries, and although actually it was a good report, it's something that has never been implemented.

That's interesting, because then you really didn't get a hold of the kind of bedside relationship to biomedical ethics.

Even at Georgetown I did virtually nothing in the clinical setting, almost all in the policy setting. My continuing interest in organ transplantation goes back to that very first seminar at UVA. Then when I was appointed to the Task Force on Organ Transplantation it was my first big opportunity in policy arena and I really, really enjoyed and greatly appreciated it. There were a few of us who had training in
bioethics, but this particular commission was obviously much, much broader than
that. It was not considered a bioethics commission, but rather one that was to deal
with policies regarding organ transplantation and distribution. It was a very rich
experience for me, trying to think through what would be appropriate policies. In
part because I don’t feel that I have the answers to all these problems, I find the
process very, very important. I see that common effort well worth pursuing and
I’m quite comfortable with it and don’t mind participating in the give and take and
trying to help formulate and shape issues. As I think you both noted in *Spare Parts*,
some of the language that comes out in this report obviously reflects religious
traditions’ conceptions of sharing and so forth, and I contributed part of that
language, such as stewardship of organs. I see the ongoing discussion as a way in
which people from a variety of perspectives will influence mine as much as mine
will influence theirs as we try to reach some common ground. So I just find that,
as I do on NBAC, a comfortable way to proceed. I have my convictions in certain
areas where I will not compromise, though much of the time it’s really an effort to
decide “what would be best, all things considered.” And “all things considered”
will be a range of factors, some of them ethical in nature, some of them political,
some technical and scientific and the like. I guess one of the things that also has
intrigued me about this whole policy area, which I find fascinating rather than a
matter for grave concern, is the way these factors are mixed together.
Fox: You are profoundly interested in how to approach these difficult questions in a way that can be effective in what you call a liberal democratic, pluralistic society. Obviously part of your intellectual and ethical mission is to be able to craft an analysis that will work for all the people to whom it’s addressed. But is it as simple as saying there’s no problem? That basically you can say what you have to say, whether you’re talking in the policy arena or, for example, to an audience that is more religiously oriented? What kind of process do you have to undergo in order to achieve what you want to achieve in the way you frame your questions and responses to questions when you are working as a policy oriented person?

Swazey: Does it have to do with your different types of public justification?

Childress: It does to a great extent. If I were in a Jewish community or a Catholic community, for instance, with a much heavier tradition of law and so forth, I would look very different. The process of justification within those communities would be very different. In a Quaker community, trying to work out a particular position is obviously going to depend on a different set of premises and without a tradition of reflection that would be long and deep and set out in the legal categories of Judaism or Catholicism. So there would be some important differences in the way I would have to work. A lot of what I do in relation to religious tradition is more a matter of understanding; a lot of what I do in writing and teaching is a matter of
understanding. I get tremendous delight out of seeing the patterns of reasoning.

This will surprise you: reading John Calvin’s *Institutes* can bring tears to my eyes with its remarkable structure, and it is just for me wonderful to work through even though I find the content appalling on so many points. There’s an aesthetic experience at work for me here and a lot of what I do in teaching and in some of my writing is an effort to understand what’s involved. In the public policy context, I’m willing to accept a certain kind of role and that is, at least the way I understand it, to try to develop in the context of a shared discourse what would be appropriate, given the kind of questions being raised. And the kinds of questions being raised by the policy makers for these policy advisory groups I’m involved with obviously shape what is done. This was perhaps never truer than for the human fetal tissue transplantation research panel, where the questions given us shaped the answers in such fundamental ways. There is an appropriate place for challenging these questions, for offering alternatives. There’s also an appropriate place for trying to address these questions, in this case, the question of federal funding, which is obviously a very different kind of question than, say, the one we faced in cloning, which was not the funding question since that had already been addressed by the Clinton administration, but rather whether there should be an effort to seek prohibitive legislation. And if that’s your question, where do you start from in a liberal democratic society? Do you start from certain presumptions in favor of liberty of reproductive choices, given the fact that we have done so
little in regulating this area, which is so sad. And second, what about a

presumption in favor of liberty of scientific research? Those are presumptions. They’re rebuttable but what kinds of arguments would be necessary to rebut them?

I see that as an argument in social ethics, now set up in a context of debate about

public policy in a liberal, pluralistic, democratic society. So I’m quite comfortable

in trying to think through that. It doesn’t mean that I wouldn’t think it would be

necessary to resign from a public body or to file a sharp dissent, etc. But what one

is deciding at some of these points is that one can no longer play the role that has

been set for this public body of trying to address the questions.

Fox:  What do you do on a commission dealing with the cloning about Leon Kass’

“dimension of dread” which doesn’t fit the philosophical framework, or the policy

framework, and it is a real...

Childress:  This is one I put on the risk side. It comes up in two different ways. One would be

ethical acceptability or unacceptability, and the other would be political feasibility. If you have a matter of repugnance, dread and the like, it relates to both of those.

Indeed I was involved in helping to invite people from both the religious

traditions and the philosophical ones, and Leon was obviously one person we had
to have come and testify. His perspective was very important as part of the

process of our deliberations.
So you brought it into the process.

Oh yes. Leon was one, Gilbert Meilaender was another. These and others who spoke to us offered important perspectives.

So in that commission role, then, even though you may not be the person who is the chief spokesman, you make sure that dimension gets into the deliberations.

Right. There were others who were as strong as I was about that. Tom Murray was one; you wouldn't be surprised he felt it was important to bring in people who could articulate religious perspectives. It is fair to say on topics like cloning that theologians have actually thought about some of those issues more than philosophers. There is a long tradition of religious reflection about these matters.

Then you get down to the question of whether there is any place for really seriously taking those insights into consideration when you’re doing public policy in a secularized context of a modern, democratic, pluralistic society.

That’s another reason I’m offering this course on religion, morality and public policy. It actually grew out of my experience with the debate about cloning on the Commission, because I’m convinced there is a role. But how does one articulate
that role consistent with premises of a liberal democratic society with separation
of church and state? I think that actually one can, depending on how broad or
narrow your conception of public reason is. Now if you go back to what I take to
be a model of public justification, part of that justification obviously does involve
appealing to shared premises, but part of it also means stimulating the
imagination. Public imagination is an important part of public reason, and the
problem with many conceptions of public reason being offered in social and
political philosophy is that they’re assuming that you have a set of premises and
just reason deductively to a conclusion. But that’s not my model of public
reasoning and justification, it’s broader than that. Then a lot of things can enter in.
One example I like is when a member of the Commission talked about how moved
she was by Gilbert Meilaender’s discussion of the Nicene creed in relation to the
distinction between children as gift and children as a product. Her imagination
was stimulated by thinking about cloning in that regard. That seems to me to be an
important part of the public process. I would distinguish between process and
outcome, and part of the process includes shaping the way in which one perceives
these problems and then responds to them even in the public policy context.

Fox: If you had been on the President’s Commission, you probably would have done a
better job than anybody else when to their great surprise the Commissioners, who
were of different persuasion and perspectives, discovered that they had
inexplicable feelings about the withdrawing food and water and they didn’t know
where to go with it. They didn’t expect to be carried there. But then it takes skill
to know what to do with that.

Childress: That’s right and I don’t think there are any secondary or tertiary rules for how you
work at such an issue. If one takes the public justification model, it seems to me
that in the final analysis, your conclusions as a public body cannot rest on
religious premises. But as with the discussion we had on cloning, going beyond
the rational, deductive model of reasoning, some people may have come to see
certain things differently as a result of the process. I guess I find that at least one
of the important reasons for why this discourse needs to occur on several different
levels.

Fox: You have a conception of how this can, not just religion, but also the role of
social sciences as well as religion, can broaden or alter the way you think about a
topic. I guess one of the problems I really have with bioethics is that the field has
trouble being contemplative about those disciplinary issues. I don’t know where it
would carry one. It isn’t a question of wanting to see sociology be more influential
in the outcome, but the inability or the unwillingness, what seems to be the
motivated inability, just as with these religious variables, to include them in the
thought process is what my issue is. That’s also what I think when I think about
how your *Principles of Biomedical Ethics* has been, from my point of view
James F. Childress, PhD, 3/23/99
page 60

deformed in its use, because that's not what's intended by the conceptual
framework.

Swazey: The questions we’ve asked about thinking socially and thinking religiously are
quite parallel.

Childress: This reminds me of a wonderful piece. Max Milliken’s old piece on the relation of
thought and action, or something like that, in which he argues that it is a mistake
to construe the social science contribution to public policy to be simply answering
the question. In the process, it will in effect reshape the question. That seems to
me to be a better way of thinking about it. It’s a nice little piece and I may go back
and look at it again. I keep thinking about it at times and I don’t go back and look
at it.

Fox: Eliminating this social dimension from the reflection process, is what the problem
is; it’s not a competition about who’s the chief cook at this point.

Childress: No, that’s right. The same point could be made about literature, too. Martha
Nussbaum’s book on public imagination, for instance, does that sort of thing by
showing how one could use Charles Dickens to think about public policy. That
doesn’t mean that there aren’t other things, or that in the way one would finally
formulate the policy response, you wouldn’t necessarily appeal to Dickens, but
one would have learned something in the process.

At the same time, you have to be a scholar of Dickens; you can’t just be someone
who happened to read Dickens.

That’s right, although the shaping of the imagination can occur through the
reading without being a scholar.

Jim, have you found a difference in the dynamics and process of working on
bodies that are designated as policy advisory bodies and those that are labeled
bioethics commissions? Is there a difference in how they think and work and
possibly what effects they have? As you said, for instance, your organ
transplantation task force wasn’t an ethics body.

The composition of these types of bodies is pretty similar. You have 2 or 3 people
who have a bioethics background. I think on the organ transplantation one it was
John Robertson and myself. And Jeff Prottas has a strong public policy
background but strong ethical sensibility as well. One of the bioethics
commissions I was on obviously did nothing, it died pretty quickly. So I’ll just
concentrate on NBAC. The National Bioethics Advisory Commission is still
largely policy oriented in that we’re to report to the Office of Science and Technology Policy in the White House and to address problems that come out of the federal agencies. Our mandate is to look at genetics, including gene patenting, and research involving human subjects, and to select topics other than those according to a complex set of criteria, including whether they’re being addressed anywhere else.

Swazey: Or when they are thrust on you.

Childress: That’s right. By this summer, we’ll have four reports out. Two of them are specific responses to Administration requests, cloning and now human embryonic stem cell research. Two others grew out of the two mandates we have -- the stored tissue sample report in the genetics area, and research involving decisionally impaired human subjects.

Harold Shapiro organized us into 2 NBAC subcommittees. Tom Murray was chairing the genetics one and I was chairing the human subjects one, and we met in subcommittee sessions and brought things back to the large body. After a while we dropped that subcommittee structure, in part because the cloning experience showed us that it’s better to work as a group, and in part because it’s inefficient. If you discuss something in subcommittee then you have to bring that back to the larger group and it’s inefficient in time. It’s also hard sometimes to get
the larger group, which hasn’t been through the experience that you have, to the
point a subcommittee reached.

Very early on we decided that research involving the decisionally impaired
was an area that had not been addressed since the National Commission. It was
also an area that seemed to be ripe, not because there were so many problems out
there, although there were some problem cases, but ripe if one looks at the
literature, articles by a variety of people, pointing out the gaps and possible ways
to address them. It may turn out that the biggest impact -- and this is the process-
product distinction again -- was the process, not the product, because a lot else
was going on at the same time, including the Boston Globe articles, and the
Maryland Task Force. Furthermore, the National Institute of Mental Health had
representatives at our meetings each time. Even before our report appeared in its
final form, Dr. Hyman of the National Institute of Mental Health had announced
what I thought were pretty strong measures, and it’s not as though our report
appeared and they then responded to it. There was a process of reflection over a
long period, much longer than it should have been because of the preparation of
the cloning report. I think that this is not inconsistent with my model of public
justification, which involves conversation in this society, and I’m quite
comfortable with that. Our process may have played some role in the larger public
process in thinking about what we’re going to be doing in this area. I’m also
comfortable with that.
Swazey:  I think it probably did, because there were certainly continuing acknowledgments in the press, for example, that NBAC was working on this topic.

Fox:  I've never been able to figure out, historically, at the beginning of what seemed to be the early days of bioethics, when for example, Kennedy and Mondale and Rogers got interested in these issues, how did that happen? How, all of a sudden, they became aware of the Tuskegee syphilis study?

Swazey:  Part of it was the fact that Tuskegee hit the press after all those years. But it was genetics, transplantation, human experimentation that grabbed Kennedy and Mondale.

Fox:  It was, but also it was a mighty peculiar set of issues to be considered legitimate for Congress to be dealing with.

Swazey:  I think the thing about Tuskegee, as opposed to Sloan-Kettering or even Willowbrook, was that it was a federally sponsored study that the government had allowed to go on.

Fox:  But the legitimacy and the degree to which it could confer political prestige on the people who got involved, I think, is interesting. If you were asked to predict at that
time whether this would add to the political capital of the people in the Congress who got interested in these issues, you probably would have said they're going to have to justify why it is they're getting into things like this, that isn't what Congress people are supposed to be doing. It instantly became something you got brownie points for.

Childress: I don't profess to understand either, but it is a fascinating part of what occurred and here the relation between the culture and the polity is a complicated point.

Fox: Even the President's Commission was interesting from that point of view, because Carter went out and Reagan came in and Reagan had the right to close down the Commission, but he just decided that this was a thing the President should have, it was a positive thing. I think President Carter had not very much foresight because too many Commissioners rotated off at the end of his term, so it gave President Reagan an opportunity to name his own people and they were obviously much more conservative politically. But it didn't make very much difference. That's what you would hope would happen in the Court system.

Childress: That's not inconsistent with the public justification model because, in that setting, they can't simply articulate their own personal beliefs. They have to think in terms of what fits with, in part, what's embedded in the constitution and what's part of
the political context.

One should not always assume that the presence of religion will be a good thing. In considering the role of religion in public policy, we have to be as critical of religion as any other perspective brought into the picture. Just because there’s a religious perspective does not mean we have to give it particular deference.

Swazey: There’s been a proliferation of conferences by bioethics centers this past year on religion and bioethics, and I’m not sure quite why it’s happening now.

Childress: That’s a good question and I’m not sure either.

Fox: More generically in medicine and medical schools too, there’s more of an openness and legitimacy to the idea of talking about the relationship between religion, spirituality, medicine, and alternative medicine. It seems to be part of a larger something or other, though I don’t know what this movement is.

Childress: We’ve had here, for a number of years, a religion and medicine elective which I direct using colleagues from religious studies. Now Marcia Childress and Margaret Mohrman have a grant from Templeton to develop a spirituality and medicine program. I have a different focus obviously. My focus has been on religious traditions.
Swazey: If you look at the origins of the Society for Health and Human Values and the Ministers in Medical education, religion and medical education, much like religion and bioethics, has been visible and less visible but it’s never been gone.

Childress: I think that’s right.

Swazey: Do you have any final thoughts you’d like to share Jim?

Childress: I’ve enjoyed this very much.

Fox: In terms of turning the tables completely, we’d like your advice and your suggestions and your critical comments about what you think we ought to be sure we are pursuing as we try to better understand bioethics. Do you think we’re either missing some things that we ought to be paying attention to or do you think, from having listened to us yesterday, we are we too fixated, in a not open-minded enough way, on certain kinds of themes and issues?

Childress: Let me think about that. That was a wonderful session yesterday and the response was very, very positive. And in the first seminar you did yesterday, which was an hour and a half, no one had to get up and leave, as I recall. That’s very unusual. It
was a good session.

END OF INTERVIEW