

## *Confrontations in “Genethics”: Rationalities, Challenges, and Methodological Responses*

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It was only a matter of time before the portmanteau term “genethics” would be coined and a whole field within bioethics delineated. The term can be dated back at least to 1984 and the work of James Nagle, who claims credit for inventing the word, which he takes “to incorporate the various ethical implications and dilemmas generated by genetic engineering with the technologies and applications that directly or indirectly affect the human species.”<sup>1</sup> In Nagle’s phrase, “Genethic issues are instances where medical genetics and biotechnology generate ethical problems that warrant societal deliberation.”<sup>2</sup> The great promises and terrific threats of developments in scientific understanding of genetics, and the power to enhance, modify, or profit from the knowledge science breeds, naturally offer a huge range of issues to vex moral philosophers and social theorists.<sup>3</sup> Issues as diverse as embryo selection and the quest for immortality continue to tax analysts, who offer reasons as varied as the matters that might be dubbed “genethical” for or against the morality of things that are actually possible, logically possible, and even just tenuously probable science fiction. This review article, of Matti Häyry’s *Rationality and the Genetic Challenge*,<sup>4</sup> offers a critical response to Häyry’s “nonconfrontational notion of rationality,” which is advanced as a core component of a superior methodological approach in genethics. Prior to engaging with the methodology, I will give an overview of the monograph, which is wide-spanning, with many points at which a critical analysis might be engaged. For me, the most interesting and comment-worthy is the analytic approach. It is common to refer to milestones in intellectual development. Häyry’s book is well viewed not so much as a milestone but as a map and a welcome invitation to pull over and have a look at the state of the field, the lie of the land. To belabor the metaphor, in applied ethics there are many roads and many milestones. Häyry’s purpose is not to show us that only one of these roads is the right one but—simultaneously more modest and more radical—to articulate a means of working out which roads should be scratched off the map and which we should leave there, even if we see no reason to go where they would take us. Following a presentation of Häyry’s perspective of rationality and the genetic challenge, I express certain reservations concerning qualifications that I think must be logically entailed by an analysis that employs his critical approach. Although I believe there is much to recommend the methodological tools he develops and defends, I suggest they do not overcome all that might be hoped, or, that if they do, they do so in a much more controversial and confrontational way than may at first seem true.

### **Häyry's Rationality and the Genetic Challenge**

Science develops fast. And with innovation come challenges that overtake legislators' foresight and the capacity for unproblematic legal measures. Knee-jerk policy reactions or, more usefully, mechanisms to allow "really responsive regulation" become the order of the day,<sup>5</sup> and a huge array of academic literature is produced, ranging across the big ethical questions—"Should we do this?"—to the complex practical questions—"Can this actually be done?" or "Could this activity effectively be controlled?" A good text on genetics, therefore, is almost bound to be timely. The academic's challenge is not finding the right moment but finding something new to say or a novel application for an old theory. Matti Häyry has sought to meet this challenge by gathering together important normative questions associated with genetics, categorizing pivotal parts of the literature, and developing and applying a reflective and self-conscious critical methodology.

The full title of Häyry's book is *Rationality and the Genetic Challenge—Making People Better?* Put briefly, its central focus is the state of contemporary thought in genetics, and its central aim is to provide analysts with the means to develop robust and useful argument and to discriminate between better and worse claims made by theorists. As Häyry puts it, "most of all, this is a book about bioethical rationalities—on distinct and self-contained ways of thinking about emerging technologies and their applications to medicine and healthcare."<sup>6</sup> We—academics working in bioethics and members of society—are unavoidably faced by the genetic challenge, which is defined as follows:

[A] set of questions raised by the engineering, political, and medical solutions to the original threats posed by nonhuman and human nature. By "engineering" solutions I mean our responses to natural obstacles; and by "political" and "medical" I refer to our attempts to control our own psychological, social, and physical shortcomings. The genetic challenge, like many other tests to humanity, arises when we cannot readily agree on what our reactions should be and on what grounds.<sup>7</sup>

The book is divided into 10 chapters. The first presents an overview of some important practical issues that raise contention, highlighting seven specific areas of analysis to be undertaken in the book, and drawing out the main ethical questions each raises. Each area is an example of genetic science creating possibilities (actual or hypothetical) to make people better or to make better people. The seven are the best babies and parental responsibility; deaf embryos, morality, and the law; savior siblings and treating people as a means; reproductive cloning and designing human beings; embryonic stem cells, vulnerability, and sanctity; gene therapies; and considerable life extension and the meaning of life.<sup>8</sup> Each of these issues, outlined broadly in chapter one, receives its own chapter-length evaluation. Prior to that, and of most interest to me, Häyry spells out his methodology, which entails engagement with six authors whom he considers representative of the most significant (putatively) rational approaches to the genetic challenge.<sup>9</sup> He explains his position:

In this chapter, I am more interested in the methods by which authors have reached their conclusions than in the conclusions themselves. I have chosen for closer scrutiny the approaches of six prominent scholars

in bioethics: Jonathan Glover, John Harris, Leon Kass, Michael Sandel, Jürgen Habermas, and Ronald Green. By this choice I do not mean to imply that the work of others is any less significant. . . . Rather I have made this particular selection because the three most interesting approaches to contemporary applied ethics are admirably represented, if not always thoroughly explicated, in the contributions of these six seminal authors.<sup>10</sup>

The authors are put into three pairs, in the sequence in which they are ordered here. The categorizations are, by Häyry's own admission, a heuristic device rather than watertight classifications, but they reflect "the three normative doctrines of Western philosophy: consequentialism, . . . teleology, . . . and deontology," respectively.<sup>11</sup> Harris and Glover's approach is said to imbue itself in "rational tangibility," Kass and Sandel's in "moral transcendence," and Habermas and Green's in "everybody's acceptance." As a technique that gives broad-brush views of works that are often subtle and developed over decades, some might quibble with some of the interpretations given to the authors' works,<sup>12</sup> but in many respects this would be mistaken. If the reader takes the arguments as representative of three methodologies in bioethics, there is room for disagreement in interpretation that detracts nothing from the value of the analysis.

Two further devices are crucial to Häyry's approach, which he hopes will allow analysts to navigate themselves across and between the three approaches. First is the "nonconfrontational notion of rationality":

A decision is rational insofar as it is based on beliefs that form a coherent whole and are consistent with how things are in the world; and it is aimed at optimising the immediate or long-term impacts on entities that matter.<sup>13</sup>

This should be taken as the heart of rationality, rather than its necessary entirety, though it suffices for Häyry's purposes. Of the highest importance, rationality and morality are not thought to be exclusive or clashing. Häyry's perspective permits rational pluralism;<sup>14</sup> it does not provide the means to establish, for example, that Kass is right and Glover wrong. Instead, it offers a tool to establish, for example, how much Kass is right (rational) given his own views held up against the world to which he would have them applied. Regarding different theories:

The internal evaluation must be conducted in terms of coherence only: any variety in the other factors produces a different type of rationality, to be judged by its own criteria. The external evaluation can include all aspects, and there are potentially as many verdicts as there are competing rationalities.<sup>15</sup>

The second device is the notion of the "polite bystander's point of view."<sup>16</sup> Where there is rational disagreement, support for a theory is to be found in how reputable a school of thought is. The polite bystander compares distinct theories presuming each may be valid, ruling out only what fails the test of rationality. The bystander's role is not to provide a conclusive answer on who is right; rather, it is to discover who might be right. Through impartial assessment of "judgements, principles, rationalities, and rational moralities,"<sup>17</sup> Häyry dedicates the

following seven chapters to analysis of key areas of ethical contention, scrutinizing arguments and claims that underpin them. Ultimately,<sup>18</sup> this permits reflection on the nature and quality of Häyry's own methodology as well as on the methods employed by many leading analysts.

The book is accessible at various levels. Häyry's clear, straightforward, explanatory language makes it an excellent starting text for anyone interested to learn the state of the art in genethics. It is rich in philosophical context and provides a very useful overview of the most fundamental normative positions raised in response to the genetic challenge. Furthermore, though not exhaustive, the seven focuses of discussion are usefully outlined: no great amount of scientific knowledge is presumed, or needed, for a reader to profit from the work, and readers who are less familiar with the field will find it a great source of wider information. Equally, the level of self-awareness advocated in the methodological position provides a useful tool to analysts who are seeking to find a way forward. Having said this, the book is palpably not a textbook or "beginner's guide." It will provoke and test those well embroiled in genethics: the claims of "non-confrontation" do not allow Häyry to avoid the fact that his approach is advanced as a better way to look at things than some of the alternatives (and thus entails a claim that other approaches are worse). Analysts whose bread and butter is the genetic challenge may find themselves subject to confrontation, as Häyry challenges both the coherence of (parts of) their arguments and the utility of the methods they have chosen.

### **Questioning the Nonconfrontational Notion of Rationality**

As I have suggested, the book invites critical engagement at various levels. The authors whose work Häyry draws from may question his classifications or suggest reasons to ignore his invitation to move beyond their positions in the debate. Others may like to consider the further application of Häyry's analysis, either to other areas within genethics or even beyond. For my own part, I am interested to test the methodology itself in two respects. Principally, I ask how well it transcends divides in normative arguments in moral, political, and legal thought and, as a secondary concern, raise two possibly problematic issues that I think may be associated with the framing the methodology recommends.

As a springboard for my critique, it is useful to reflect on a comparison Häyry draws in relation to his methodology. In order to be constructive, he considers that we need to get beyond debates that seek to test theories according to measures that cannot be conclusively established—for example, the "tangibility" of a position's rightness. In a manner redolent of John Gray's discussion of Isaiah Berlin's liberalism, there seems here to be a truth claim about the reality of "rational incomparability."<sup>19</sup> Rather, for example, than reading what John Harris and Michael Sandel might say about embryonic stem cell research and coming to a decision based on who (if either) seems to be right according to the terms of one of them, Häyry's analysis pushes for "comparison on a different level."<sup>20</sup> He compares this with a reflection from the work of medical lawyers Margaret Brazier and Emma Cave,<sup>21</sup> who note the apparent insuperability of positions taken in the moral debates, where protagonists are trenchant in the position that they are right and those who disagree are wrong. Brazier and Cave consider the fact that many ethical debates will not end in consensus and think of the

legislators' challenge. This, they suggest, is not to find the "right" answer; rather it is to devise legislation that is acceptable within the normative constraints of a liberal, democratic society. The appeal to viable compromise in such a system is clearly a reasonable one for lawyers to take: the tenets of such a society are the framework that houses legal principle in the jurisdiction Brazier and Cave study. For a moral theorist, however, taking for granted such an approach is bound to be problematically question-begging. A lawyer may assume some normative social and institutional housing, legislative mechanisms, and constitutional constraints that exist on a different plane for other types of theorist. It is my contention that the useful operation of Häyry's nonconfrontational notion demands, in fact, a logical commitment to a particular brand of political liberalism and will stand or fall only insofar as a reader is attracted to this.

On a superficial reading, in part of his justification for his thesis, Häyry seems to commit the cardinal sin of deriving an "is" from an "ought." He refuses to countenance that any of the key authors he considers is to be believed over the rest because each has been enthusiastically received, to the apparent negation of the others. "This enthusiastic support for conflicting view is, in fact, my main justification for saying that none of these views is *the* one that should be endorsed by everyone in all places and at all times."<sup>22</sup> Now, this is not, in fact, a shadow of the naturalistic fallacy but, as I read it anyway, a step beyond pure ethics. Habermas's differences with Green do not prove the latter wrong (or vice versa). Instead, both are given—again to borrow from law—"standing" in the debate, and their witness bears equal credibility, subject only to the internal coherence of their testimony and its actually bearing positively on the world as it is. A claim in support of simultaneous, nonexclusive, yet competing rationality is a claim about the rightness of pluralism in ethics and appeals, in essence at least, to a purpose and commitment in the face of the genetic challenge. The purpose is to come to some resolution, given the competing rationalities that in fact exist; that is, through a further system of mediation or deference to a source of normativity alternative to morality. And the commitment is to a brand of liberal pluralism that is agnostic to the values and rationalities of distinct theorists (and citizens).<sup>23</sup> Yet it is not clear to me that this can fail to be, at some level, antagonistic. Rather, I am drawn to another—polemical—work of John Gray: *Two Faces of Liberalism*.<sup>24</sup> In that work, Gray famously distinguishes two understandings of political liberalism. One, which he shuns, is "the ideal of rational consensus on the best way of life," whereas the other is "the belief that human beings can flourish in many ways of life."<sup>25</sup> There are two points that must be made immediately. First, I do not claim that Häyry is necessarily bound to Gray's *modus vivendi* conception, but I do claim both that he seems committed to it or something like it and that he requires his readers to be so also if they are to be fully convinced of moving beyond the "traditional" debates on the genetic challenge and progress through adoption of Häyry's model. Second, the conceptions of liberalism labeled "rational consensus" by Gray seem to relate to one specific approach that Häyry describes (the "everybody's acceptance" approach), rather than all three. However, the crux for my purposes is the distinction between an approach that takes an assured and exclusive view on rationality—however it is established—and then takes it that it speaks universally, versus a view that clings to pluralism. To be persuaded that Häyry's approach is worthwhile demands, I suggest, a commitment to pluralism.

And, of course, *in practice*, some of the authors whose work he considers offer such a commitment too. We might note this in shifts in attention from the moral to the political or legal. A good example, discussed in the book, is the difference in claims about what agents should choose to do and what agents, through threat of legal sanction, should be compelled to do. Chapter 4 of *Rationality and the Genetic Challenge* is on "deaf embryos" and has an explicit focus on morality and law. Häyry notes that although disagreement at the moral level may be fundamental—the perspectives are rationally incomparable—the competing protagonists "potentially agree on the value of legal neutrality when it comes to selecting 'deaf embryos.'"<sup>26</sup> This, it seems, is because of a preference to share Häyry's view that it is best "to admit the disagreement and try to find practical compromises to the issue."<sup>27</sup> Legal neutrality is, of course, nondirective and may indeed be founded on (what is thought to be) compromise, but there is a further issue to unpack here. An author may be convinced about *legal* neutrality, but the law is a markedly distinct source of normativity to morality, and a theorist may recognise law, advocate a particular legal position, yet also acknowledge (and even, on some level, lament) its *ethical* nonneutrality. Indeed, Häyry himself nods to the fact that the reason for advocating an absence of legal interference may rest on some sort of prudential compact rather than a recognition of the best possible world:

To avoid the worst outcome, which is directiveness as defined by the opposition, it might be prudential for both parties to forgo attempts at supremacy and to settle for the "second best" alternative, which is nondirectiveness.<sup>28</sup>

In our lives, we follow the authority of the state, of our moral convictions, and of many other things (our partners, professional regulators, the dictates of social mores, etc.). Häyry's appeal to process—informing parties of competing views and allowing them to decide—does not escape the moral dilemmas, should they exist.<sup>29</sup> Rather, it is a political and legal mechanism, albeit one underpinned by appeals to ethics. In fact, perhaps ironically,<sup>30</sup> it seems largely to be based on an appeal to rational choice made from a position of partial ignorance. This practical (legal) nondirectiveness, simply, cannot speak to the moral or rational directiveness. Thus, in debates on genethics, it is unclear how it might temper the view of a person in a committed moral position. Given uncertainty, or contest, she may be persuaded to accommodate or adopt a *political* position of liberal pluralism, but she will likely, I imagine, continue to thrash out the moral issues, unaffected by her simultaneous acceptance of the practical viability—appeal, even—of a supposed "middle way" position. In other words, *contra* Häyry,<sup>31</sup> a protagonist may maintain that she *does* provide answers of universal *validity*, regretfully contrasting this with universal *acceptability*.

In the final chapter, Häyry gives two conditions to "a complete ethical case":

Complete ethical cases in the context of the genetic challenge have two main requirements. They have to define their background rationality. . . . And they have to cover all the relevant arguments and counterarguments presented in the debate.<sup>32</sup>

He remains committed to the view that, for philosophers, his nonconfrontational approach is superior, even if it raises more tasks than the bulk of contemporary

methodologies in genetics,<sup>33</sup> by demanding the creation and development of new ways of thinking.<sup>34</sup> Häyry notes that this might obtain in a traditional format, for example, through explorations in political philosophy. But he also clings to the more modest, refining analysis, such as he has sought to demonstrate throughout the book, exploring in detail rationalities and ensuring their coherence and consistency. For sure, this is an important and useful task, but I remain unconvinced that, for such a task to be carried forward, the debates in political philosophy can be ignored, or even—in essence, if not by design—avoided. And many of the demands in such a system will be distinct to those in pure, abstract moral theory, as is seen in the views expressed by Häyry and many of the authors he considers.

There are two final points that I wish to note concerning the methodology and suggest bear proper scrutiny on a further occasion. First, where we find competing worldviews, it is common to seek practical resolution in “middle ways.” I think, although such language provides a useful shorthand, it is strictly inaccurate and often reflects a shift from one realm of thought to another. What motivates theorists when grappling with purely moral arguments may only be of secondary concern when they are considering what should be allowed to happen in the real world. Claims of finding a middle way<sup>35</sup> may do too much kindness to an apparent compromise that, conceptually speaking, is in complete isolation from the positions it rejects, rather than sitting in between them in any sense.<sup>36</sup> Second, it is not necessarily problematic, but I suggest some further thought is required about the housing of a rational position. Discrete rationalities can exist in and of themselves—that is, within the confines of a single philosophical argument—as well as within the wider context of a single author’s complete works, or even within the author him- or herself. Granted this, it is not entirely clear how one can assess the potency of conflicting rationalities when these exist. If Jonathan Glover is found in his work to contradict himself, on the non-confrontational approach it seems that we need not presume that one of his views is wrong simply because it contradicts the other and notwithstanding that they come from the same (human) source (or how we would know which one was the wrong one). The rationality (or capacity for it) that is embedded in human persons is not the rationalities that are raised in response to the genetic challenge. Arguments may usefully be refined, and Häyry clearly is not committed to the view that there should be a rationing of rationalities to one per commentator. But it may be problematic (though not fatal), when we are agnostic to the underpinning rationales, if we end up unearthing a much greater plurality of rationalities than the methodology first suggests exist.<sup>37</sup>

## Conclusion

As I find it, *Rationality and the Genetic Challenge* is well thought of as an attempt to draw a revised map of the normative landscape surrounding genetics and to explain its key. Pedantic accuracy would likely have recommended that Häyry’s book be lumbered with the more cumbersome and less sonorous title *Rationalities and the Genetic Challenges*. Although such a revision is not in and of itself to be recommended, I think it does draw neatly the possibly insuperable complication that Häyry’s—and anyone’s—analysis will meet in this manner of methodology. Either the plural rationalities actually lead to a plurality of maps (the terrain they

refer to may be the same earth, but the voyages over them will not be by the same means; a map will then be fine for one person, but not another) or we have a single map, but with it, a less deferential or accommodating perspective than may be thought. We do not just have a means of testing the coherence and—internally viewed—persuasiveness of an argument; we also have some formal, normative substance that can fill in references to the good, who "we" is, and such matters and thus mediate better and worse claims and produce a grounded, real-world solution. On this latter, however, although there may be some overlap with, or accommodation of, different perspectives, it is not clear that this is in fact real. It is well not to be misled when some recommended outcomes happen to be the same. Through political mechanisms and realities, the very possibilities for permissible, enforced, encouraged, or prohibited activity may be circumscribed by reference to the manner of ethical reasoning drawn out in Häyry's analysis. But this is not because any of the reasoning of ethicists is of itself reasonable or normatively binding (though it may be): rather, it is because the political system accommodates and draws (perhaps just in part) from such reasoning. If that political system is to be preferred, it in turn requires its own normative defenses. If Häyry's "nonconfrontational notion of rationality" amounts in fact, principle, or practice to a face of political liberalism, it is not only nonneutral, it will have its own internal "rational" demands that demand substantiation. Whether readers agree with my analysis, they may still disagree over the question of whether Häyry is actually providing many maps or one that, if not confrontational, nevertheless provides a greater front than he seems to permit.

The question then is will (or even can) Häyry's methodology change the direction analysts are moving in. I think so, though possibly not, or at least not as completely, as Häyry thinks. If there are in fact many maps—at least as many as there are realms of thought and rationalities, multiplied by matters of ethical interest<sup>38</sup>—we still, in practice, need an overall theory with which to decide what should guide or constrain us. And if Häyry's view is blind to this, we must still find it. If, however, there is just one map, we need more than Häyry offers in the book to persuade us that his is the best—or right—model for practical outcomes. And this is the great challenge for applied ethicists: although lawyers may comfortably cling to the status quo, or an idealized or tweaked version of it, in order to frame their normative claims and measure the weight and relevance of ethicists' (and others') argumentation, pure ethicists are without such a luxurious constraint. Speaking from outside the legal and political, but to the legal and political, demands either that we sink back into these or provide less than is needed to create the best possible world. Häyry's perceptive movements in analysis of the works he interrogates highlight well—and explicitly—how confounding it may be for theorists who shift claims from a purely moral sphere to a political or legal one. (For illustration, think of Häyry's discussions of Harris's claims about moral duties, based on relatively straightforward consequentialist calculations, tempered only somewhat by appeals, for example, to transgenerational justice, contrasted with his more restrictive political [and legal] claims, rooted in a breed of political libertarianism, affording—essentially—"rights as trumps" to persons in the real world. Neither position is incoherent, but each source of normativity has different addressees—the former, moral agents, the latter, state-actors—and although they may each be coherent and each coherently inform the other, it is inescapable that "ethics" does not do all of the



work needed of the normativity that prescriptively guides, as opposed to doing so in an advisory manner.)

The greatest triumph, as I see it, of *Rationality and the Genetic Challenge* is the tool it provides to help analysts explore and test the viability of their and others' positions in long-running and generally associated debates. And there is no reason to limit Häyry's methodological tools to genethics: the nonconfrontational notion of rationality and the polite bystander may both usefully present themselves in ethics much more widely. How much front someone can have without being confrontational but while also providing a useful perspective is a matter on which I remain unconvinced. Even if it is in some manner a reminder to analysts that we should give arguments their fairest possible reading—apply the principle of charity<sup>39</sup>—it is a welcome one and well employed in Häyry's investigation of the key positions in contemporary ethical discourse on genetic challenges. Alternatively, I think it is possible to carry the model Häyry presents as a much more forceful analytic tool. To do so requires the adoption of specific norms and analysts to fill blank spaces with their own weighted values. As they do so, the confrontation increases, though not impolitely. As arguments are seen to vary in application across different disciplinary and normative realms, greater understanding is achieved. And eventually, we might hope, a better society, however its people are made, is achieved too.

## Notes

1. See Nagle J. Genethics. *BIOS* 1984;55(1):3–11 at p. 3.
2. See note 1, Nagle 1984:3.
3. Burley J, Harris J, eds. *A Companion to Genethics*. Malden MA: Blackwell; 2002.
4. Häyry M. *Rationality and the Genetic Challenge—Making People Better?* Cambridge, UK: Cambridge University Press; 2010.
5. An example of the knee-jerk reaction is the response to the cloned sheep, Dolly: see note 4, Häyry, 2010:chap. 6, especially pp. 124–127. “Really responsive regulation” is a significant and nuanced idea developed by Robert Baldwin and Julia Black. Their work, and other works in regulatory theory, make interesting reading and is worth noting in the context of applied ethics, as it affords a more subtle (and accurate) picture of mechanisms available to states to guide behavior, moving far beyond simplistic notions of what “the law” can do: see Baldwin R, Black J. Really responsive regulation. *Modern Law Review* 2008;71(1):59–94. Another text worth noting, notwithstanding again its not focusing specifically on genethics, is Brownsword R, Yeung K, eds. *Regulating Technologies: Legal Futures, Regulatory Frames and Technological Fixes*. Portland, OR: Hart; 2008.
6. See note 4, Häyry 2010:xi.
7. See note 4, Häyry 2010:2.
8. These are the subjects of chapters 3–9, respectively.
9. See note 4, Häyry 2010:chap. 2.
10. See note 4, Häyry 2010:25.
11. See note 4, Häyry 2010:27.
12. Indeed, Häyry himself occasionally gives footnoted caveats, hoping not to have lost or distorted meaning in the presentation of argument.
13. See note 4, Häyry 2010:43.
14. See note 4, Häyry 2010:47.
15. See note 4, Häyry 2010:48.
16. See note 4, Häyry 2010:48.
17. See note 4, Häyry 2010:51.
18. See note 4, Häyry 2010:chap. 10.
19. See Gray J. *Isaiah Berlin*. Princeton, NJ: Princeton University Press; 1996, especially chap. 2.
20. See note 4, Häyry 2010:43.

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21. The passage Häyry cites is from Brazier M, Cave E. *Medicine, Patients and the Law* (4th ed.). London: Penguin; 2007:68.
22. See note 4, Häyry 2010:42 (emphasis in original).
23. See the discussion of "agnostic liberalism" by Gray; see note 19, Gray 1996.
24. Gray J. *Two Faces of Liberalism*. Cambridge, UK: Polity; 2000.
25. See note 24, Gray 2000:1.
26. See note 4, Häyry 2010:86.
27. See note 4, Häyry 2010:88.
28. See note 4, Häyry 2010:93.
29. See note 4, Häyry 2010:94–5.
30. Ironically in part because, if this is the case, it suggests after all a slip into a methodological approach that Häyry considers inadequate.
31. See note 4, Häyry 2010:238.
32. See note 4, Häyry 2010:227.
33. See note 4, Häyry 2010:238.
34. See note 4, Häyry 2010:240.
35. See note 4, Häyry 2010, for example, at p. 223.
36. See, further, Coggon J. Problems with claims that sanctity leads to 'pro-life' law, and reasons for doubting it to be a convincing 'middle way.' *Medicine and Law* 2008;27(1):203–13, especially pp. 209–12.
37. And it is already a great number: just in regard to the seven issues he considers in the book, Häyry notes at least 72 philosophical stances that might be critically examined; see note 4, Häyry 2010:239.
38. See note 4, Häyry 2010:239.
39. Cf. Holm S. If you have said A, you must also say B: Is this always true? *Cambridge Quarterly of Healthcare Ethics* 2004;13(2):179–84.