



# Wide Reflective Equilibrium for Policy - Adapting a Method of Moral Justification to the Context of Health Policy Ethics

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## Background

There are at least three broad approaches to incorporating ethical inquiry into deliberation on health policy

### **Public**

- Deliberative Democracy (Gutman and Thompson)
- Communitarian (Emmanuel)

### **Forensic**

- Royal Commission on New Reproductive Technologies
- President's Commission for the Study of Bioethical Issues

### **Scholarly**

- Peer Reviewed Journals (Philosophy and Public Affairs, etc.)



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## Scholarly Health Policy Ethics

- The subject of this talk is how academic ethicists can better tailor their research to be translatable to the policy sphere.
- For researchers to engage in knowledge translation, their research must first be translatable.
- Some works of academic ethics lack translatability, because they are not tailored to the policy sphere; they focus exclusively on the ethical duties of health care practitioners.
- Recognition in the literature of the limits of clinical ethics.
- The ultimate goal is to ensure that when addressing policy questions, scholarly works of ethics are fully sensitive to the differences between the clinical, research and policy spheres.



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## Moral Justification

- We all make moral judgments - “people should be able to access healthcare regardless of ability to pay.”
- The challenge often comes in justifying these judgments.
- In the public sphere, justification is about establishing that our moral judgments are *reasonable*.
- There are a number of approaches to moral justification in biomedical ethics, but it is fair to say that the most common is Daniels’ theory of *Wide Reflective Equilibrium*.



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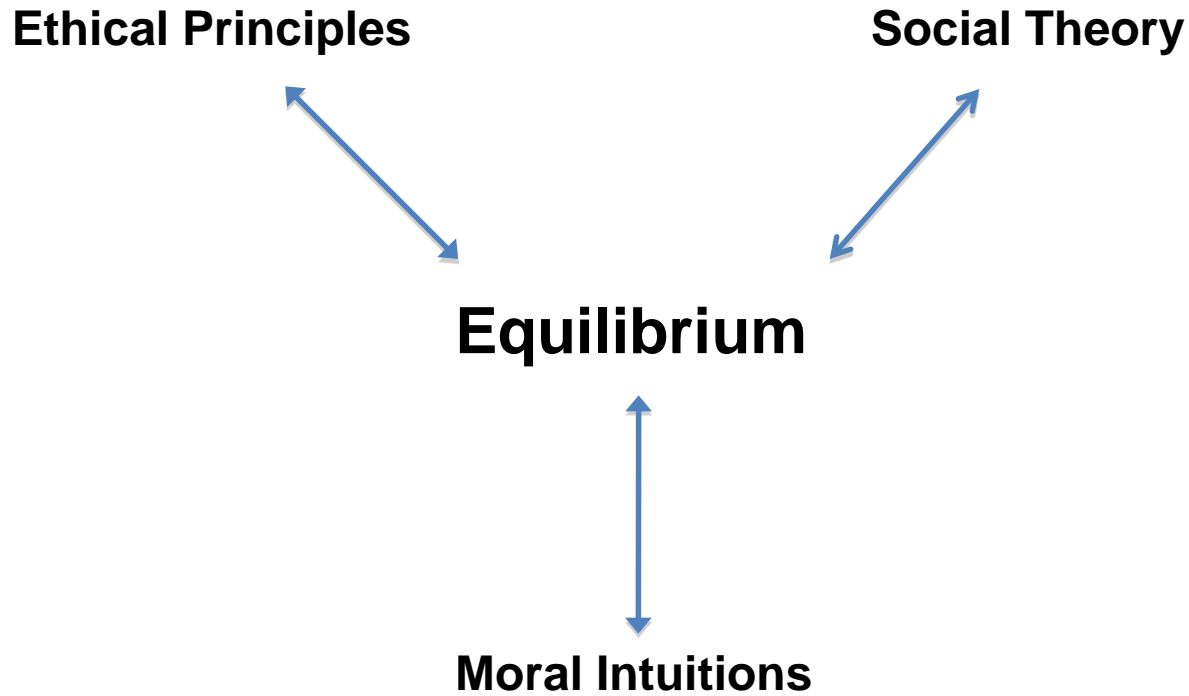
## Wide Reflective Equilibrium

- Reflective Equilibrium originated with the great political philosopher, John Rawls.
- Daniels introduced Wide Reflective Equilibrium into bioethics as a middle ground in a theoretical dispute between casuists and proponents of high theory.
- Proponents of high theory argued that justification flowed downwards – that ethical principles (autonomy, justice, etc.) provided concrete guidance in particular situations.
- Casuists argued that justification flowed upwards – that our intuitions about concrete situations (paradigm cases) provided concrete guidance in novel situations.
- Essentially a struggle about which is more important – moral intuitions or ethical theory.



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## Wide Reflective Equilibrium, cont.



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## WRE in the Policy Sphere

WRE must be contextualized to the policy sphere

- 1) WRE's use of moral intuitions may be problematic in the policy sphere.
  - Moral intuitions may not find wide (and certainly not universal) support in the public sphere
  - Moral intuitions can also run afoul of established policy and law.
- 2) WRE does not incorporate established law and policy
  - Policy recommendations may be insensitive to political compromises underlying existing policy in an area.
  - Policy recommendations may lack coherence with existing policy

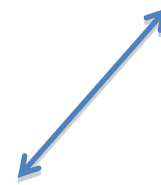
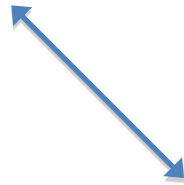


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# Wide Reflective Equilibrium for Policy

**Ethical Principles**

**Social Theory**



**Equilibrium**



**Established Policy and Law**





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## Wide Reflective Equilibrium for Policy, cont

- Existing law and policy include a wide scope: *Charter of Rights and Freedoms*, human rights legislation, statutory law (including criminal), tort law, institutional policy, etc.
- For example, in an analysis of preimplantation genetic diagnosis, the following elements should be brought into equilibrium:
  - Social Theory: theories of disability, feminist theory
  - Ethical Principles: equity, reproductive freedom
  - Established Policy: Charter of Rights and Freedoms, human rights legislation (rights of women and disabled), abortion law, tort duties of pregnant women, judicial intervention in pregnancy, provincial funding policies for assisted reproduction



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## Clarification

- WREP is not a “consistency argument” – existing policy is incorporated into ethical deliberation, but it too can be reconsidered if it is found to be in direct conflict with core ethical principles or social theory.



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## References

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