The movement in bioethics toward disclosure of financial conflicts of interest is well and good, most of the time. But in some cases, disclosure is not only unnecessary but destructive. When bioethicists advance arguments whose premises and logical moves are open to scrutiny, disclosure—far from clearing the air of bias—introduces bias.

Over the past several years, there has been growing concern about the commercialization of bioethics. As ever more bioethicists become paid consultants to private industry and paid advocates in court proceedings, many have warned of the dangers such activity can pose to the bioethicist's integrity as a teacher and researcher. This, in turn, has led to increasing demands for disclosure requirements.

For the most part, we share the concerns of those who worry about the commercialization of bioethics and we welcome the movement to demand disclosure of possible conflicts of interest. However, as editors of another bioethics journal, *Theoretical Medicine and Bioethics,* we are concerned that current efforts to broaden the scope of disclosure requirements may result in extending them to contexts in which they are not appropriate. Doing so, we believe, would itself pose a threat to the integrity of bioethics. This threat needs to be understood if editors are to develop reasonable guidelines for disclosure—guidelines that will correctly identify when disclosure is appropriate and when it is not.

The threat we have in mind concerns the potential of policies of disclosure to undermine the value of reasoned argument. Bioethics is a reasoned enterprise, one in which scholars and students have a responsibility to think seriously and reflect carefully on the merits of competing arguments. Central to this understanding of bioethics is the presupposition that good arguments can come from any quarter and that no argument should be dismissed or discounted simply because of its source. An uncritical preoccupation with disclosure requirements stands in considerable tension with this key presupposition. It can foster an ad hominem approach to evaluating research, one that shifts attention away from the merits of the work and toward the biography of its author.

For this reason, it is important to explain why and where disclosure is needed. We shall argue that it is a mistake to think that if disclosure is a good thing, then more of it is always better. Although transparency is good in some contexts, it may not be good in every context. We shall argue that disclosure requirements should not be extended to cover normative research in bioethics.

**The Appeal to Authority**

Disclosure requirements are needed in contexts in which an ethicist is presented as an expert or her research cannot be assessed critically by those to whom it is addressed. In these contexts, the claims of the bioethicist typically are taken as authoritative. Those who hear these claims are not in a good position to assess their cogency and so the only way to estimate the value of what is

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Claimed is to consider the reliability of the source. Here disclosure of financial relationships that might compromise the judgment of the bioethicist is useful in assessing the reliability of what he or she claims.

To see this point more clearly, it is helpful to consider three contexts in which disclosure has been widely defended and is a good idea. The first concerns an ethicist's expert testimony in a court proceeding. In court, the ethicist's claims are presented as authoritative. While it is possible that some members of a jury may be able to assess them critically, it is likely that many will not have the analytical skill or the motivation to reflect carefully on the rational value of the claims being presented. Not being bioethicists themselves, they will be inclined to accept the claims on authority. For this reason, there is a need for members of a jury to be informed of any relationships, financial or otherwise, that might substantially compromise the judgment of the bioethicist. This is why it is appropriate for lawyers during cross-examination to question "expert witnesses" about possible conflicts of interest. Information about conflicts of interest can help juries assess the witness's reliability as an expert on the issues under discussion.

A second context in which disclosure is needed is the publication of empirical biomedical studies, including descriptive studies of peoples' views on these issues. Readers of these studies generally are not in a position to replicate them. They do not have the time or resources to "test" the study to see if it was conducted properly. They do not have access to the primary data and therefore must trust that data selection and statistical testing have been performed properly. Moreover, readers of these studies typically will not know whether the results of the study are representative. For example, a biotechnology company might fund social scientists with the understanding that the social scientists will publish only polling data favorable to the company's financial interests. If this were the case, then the published studies might constitute only a fraction of the studies that were undertaken. For these reasons, even expert readers of empirical scientific studies are not generally in a good position to assess critically the primary data upon which the conclusions of the study are based. It is therefore important that they be able to assess the trustworthiness of their source. Disclosure requirements can help them do this by providing information that may alert them to the existence of bias in the studies' design and execution.

A third context where disclosure is needed is when bioethicists appear on television. This is particularly true when they are introduced as authorities on the subject matter being addressed. Here, too, disclosure is appropriate, especially if the interviewer is seeking provocative sound bites rather than reasoned arguments.

In mentioning these three contexts, we do not mean to suggest that transparency is only appropriate in them. Rather, the point of discussing them is to illustrate the general point that disclosure requirements are appropriate when the claims of a bioethicist or a scientist doing research on biomedical issues cannot be critically evaluated by those to whom they are addressed and must be taken as authoritative. They also shed light on the limits of transparency. Some in bioethics have called recently for extending disclosure requirements to normative editorials in medical journals and to normative research in bioethics. But in these contexts, the rational value of the claims being advanced can and should be critically assessed by those to whom they are addressed. For example, if a bioethics journal publishes a paper defending the moral permissibility of human embryonic stem cell research, then the arguments presented for the conclusion should be open to view. All the "data," so to speak, are present in the arguments of the paper. Anyone who cares to can appraise them. The conclusions are neither presented as authoritative nor intended to be so taken.

The persuasive force of a paper, of course, is not determined entirely by the quality of the arguments it contains. The reputation of the author, as well as the style and rhetoric of his writing, will influence how the paper is received. But if bioethics is to be a reasoned enterprise, then journal editors should encourage their readers to focus on the arguments of papers and not on these subrational influences. We would go further. It is a responsibility of those who do normative research in bioethics to write clearly and to present their arguments in a manner that allows others to assess them. The same holds true for those who write normative editorials in medical journals. If journals such as the New England Journal of Medicine or the Journal of the American Medical Association agree to publish an editorial about an issue in bioethics, they should do because the editorial can contribute to reasoned discussion of its topic. They should not present it—nor do they—as an authoritative statement on these issues.

It is always possible that some readers may erroneously consider an editorial to be an authoritative statement; but this would tell us more about the limitations of these readers than it would about the purposes of an editorial. Most readers of medical journals fully understand what an editorial is.
More Information Is Not Always Better

We have suggested that disclosure requirements are out of place when the claims of the bioethicist are open to rational assessment by those to whom they are addressed. In these contexts, the focus should be on the plausibility of the claims and arguments rather than the trustworthiness of their source. But some may object that if disclosure requirements can reveal information that helps us judge the trustworthiness of a source, then it is always better for us to have this information than not. Should not readers of normative bioethics, for example, assess both the rational value of the claims being advanced and the trustworthiness of the source from which they come?

Not necessarily. It is a mistake to think that more information is always better. Information can distort judgment as well as improve it. This fact is readily appreciated in many domains. In court proceedings, for example, certain kinds of information about the background of defendants should be withheld from juries. This information, while accurate, can distort a jury’s judgment. The same is true of a scholarly paper published in a bioethics journal. If readers are informed that the author of the paper has received financial support from an organization with an interest in the issue, then they may be led, consciously or not, to discount or pay inadequate attention to the claims and arguments that the author presents. This is how disclosure requirements in the wrong contexts can undermine the value of reasoned argument in bioethics.

Since this point is important, it is worth developing it a bit further. In recent years, social psychologists have amply demonstrated how certain kinds of information can dominate other kinds of information. Some pieces of information, for example, have a vividness or salience that prevents or obstructs people from adequately taking into account other pieces of information, even when the other information is more relevant to the judgments they need to make. In particular, social psychologists have demonstrated the existence of a “halo effect” by which we tend to judge people favorably (or unfavorably) if we are informed of one salient positive (or negative) fact about them. Learning that a researcher is cruel to animals, for example, often leads us to discount the conclusions of his research. In the same manner, disclosures can reveal information that, irrationally and subconsciously, affects the judgment of editors, referees, and readers of journal papers.

In other contexts, the claims can and should be critically assessed. If a bioethics journal publishes a paper defending the moral permissibility of human embryonic stem cell research, then the arguments should be open to view.

Disclosure of What?

We have said nothing about the difficult question of what should be disclosed when disclosure is appropriate. Proponents of disclosure requirements have not adequately explored this important topic. Much of the literature on disclosure has given pride of place to financial conflicts of interest. But plainly these are only one kind of conflict of interest. Consider, for instance, the following claims made by a leading proponent of disclosure requirements: “financial or other significant relations (consulting, speaker’s fees, corporate advisory committee memberships, expert testimony in legal cases) of the author and the author’s immediate family in the last five years with companies, trade associations, unions, or groups (including civic associations and public interest groups) that may gain or lose financially from the results or conclusions in the study, review, editorial, or letter.”

In some respects the disclosure requirements suggested by these remarks are very demanding, but in other respects they are quite lax. They put the emphasis on financial conflicts of interests and do not specify in any de-
tail the many possible non-financial sources of bias, including political, ideological, professional, or religious conflicts of interest.

This is telling. With respect to many researchers, non-financial conflicts of interest may be as important as financial conflicts of interest. But clearly it would be a mistake to require authors to attach a biography to their papers listing all possible sources of bias. How then should we determine, in a principled way, what should be subject to disclosure? Is there any principled reason for discounting non-financial sources of bias and highlighting financial ones?

We suspect that there simply is no cut-and-dried answer as to what should and should not be disclosed. Efforts to formulate precise guidelines on these matters are probably a mistake. Instead, editors will need to exercise judgment in deciding what their readers should be aware of. Likely, this will not satisfy those who are now pressing medical and bioethics journals to adopt strictly codified policies on disclosure. But irrespective of how this difficult issue should be resolved, this unclarity over exactly what should be disclosed (if and when disclosure is deemed appropriate) is significant. We should have a better understanding of this matter before we call for more transparency. This gives us another reason to resist the current demands for extending disclosure requirements to all contexts in biomedical ethics.

The Limits of Transparency

Despite the need for disclosure requirements, there are limits to transparency. These limits come into view once bioethics is understood to be a reasoned enterprise. There are some who write on medical and bioethical issues and who do not believe that bioethics is accurately characterized this way. Behind conflicting ethical judgments they see nothing more than conflicting interests. Reasoned argument, for them, is a cover for power. If these views were right, there would be no argument against transparency. Transparency itself would then be the single most useful method of ethical analysis, unmasking all the conflicting interests masquerading as analysis.

But, fortunately, most of those who regard themselves as bioethicists, despite their disagreements with one another, share a commitment to the value of rational discussion. They believe that clear thinking and careful argument can bring us better answers about the difficult normative questions bioethics addresses. In the rush to embrace disclosure requirements, editors should not lose sight of this important shared commitment. While insisting on disclosure requirements where they are appropriate, they should be careful not to extend them to contexts where they may do more harm than good.

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6. van Kolschooten, “Can You Believe What You Read?”


13. Rothman, “Conflicts of Interest.”

14. See van Kolschooten, “Can You Believe What You Read?”

