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## Opinion: Election signals change in bioethics

*Battles over embryonic research and abortion may be coming to an end*

BY ARTHUR CAPLAN, PH.D.

‘Change’ was the horse that Barack Obama’s presidential campaign rode to victory. Indeed the 2008 election will be remembered not only for Obama becoming the first African-American president, but also for its impact on core bioethical topics that have long dominated American domestic politics.

Divisive issues such as abortion bans failed to gain traction on state ballot initiatives, while newer bioethical concerns that are likely to dominate American politics for years to come, including physician-assisted suicide, emerged.

The past eight years of the Bush White House have seen stem cell research and the status of embryos at the center of the moral values debate. Obama’s election has brought the fight over embryonic stem cell research in the U.S. to an end.

### **Loosening stem cell research**

The state of Michigan passed Proposal 2, loosening restrictions on embryonic stem cell research. This means that in Michigan — whose universities such as Michigan State in East Lansing are major biomedical research powerhouses — scientists will be able to use the excess embryos created at in-vitro fertility clinics as a source of stem cells for research, as long as they have the written consent of the parents who sought treatment.

There are now 10 states that have laws permitting embryonic stem cell research. These 10 are likely to be the recipients of an executive order that the new president will undoubtedly sign shortly after taking office, freeing up federal funds for embryonic stem cell research while laying out new regulatory guidelines.

One of the main arguments against embryonic stem cell research is that all embryos are persons from the moment of conception. The voters of Colorado were given the chance to put that view into law with the proposed Amendment 48. The so-called “Personhood Amendment” sought to define fertilized eggs as human beings, extending them constitutional rights. Coloradans defeated this amendment by a margin of three to one.

Many, including myself, would argue that the ongoing debate over the morality of stem cell research is really just a stalking horse for the abortion debate. But efforts to further restrict abortion did not fare well at the ballot box, either. California voters rejected a proposition that would have required doctors to notify parents before performing an abortion on a minor. The initiative also would have required a two-day waiting period before minors could get abortions.

In South Dakota a measure that would have banned abortions — except in cases of rape, incest and serious health threat to the mother — also lost. An even tougher version, without the rape and incest exceptions, was defeated two years ago. The 2008 initiative went down to a resounding defeat of 55 percent to 45 percent.

Taken all together this series of votes represents an important moment in public bioethics in America. Like it or not — and I am well aware that many are not ready to let go of these issues — the nation may be starting to move past the endless battles over stem cells, embryos and abortion. Stem cell research in all forms is proceeding. Embryos are not going to be given legal status as persons. Further restrictions on abortion are unlikely.

There will still be plenty to fight over! The most important topic to emerge from this election is how Americans die and treat painful medical conditions.

Michigan became the 13th state to enact an amendment legalizing marijuana use for medical purposes. Proposal 1 passed by a margin of 63 percent to 37 percent. It allows patients with “debilitating medical conditions” to register with the state and, with the permission of a physician, legally buy, grow and use small amounts of marijuana to relieve pain, nausea and appetite loss, among other symptoms. Massachusetts decriminalized possession of one ounce or less of marijuana, shifting the penalty to a \$100 fine.

### **Help for terminally ill**

Americans are clearly telling Washington that they want dying people to have access to whatever helps make that process less burdensome. It will be interesting to see how the new administration grapples with that message. If no one listens, then a much more controversial option may emerge — physician-assisted suicide.

Perhaps the most startling measure to pass at the state level was in Washington’s Initiative 1000, offering terminally ill people the option of physician-assisted suicide. Washington voters decided that adults who are deemed competent and have been given less than six months to live by a physician can legally request and self-administer lethal prescription medicine. The measure passed by a margin of 59 percent to 41 percent.

This surely will not be the last state-level effort to legalize physician-assisted suicide if other policies aimed at minimizing the suffering of the dying are not enacted. While I have my doubts about the wisdom of offering help in ending one’s life *before* offering them health insurance, I suspect it will become a political hot potato in a number of states in the next few years.

An aging population, the increasing cost of medical care and a lack of high-quality palliative and nursing-home care almost guarantee it.

The pundits will spend the next few months analyzing the election, pontificating on what led to the Obama victory and the Democrats taking greater control of Congress. They won’t find the answers if they do not pay attention to the clear messages Americans sent concerning critical bioethical questions.

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