

Bioethics and the Overton window

La bioética y la ventana de Overton

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Abstract

For bioethics, the understanding of reality is indispensable. Understanding the forms of social movements will help to configure actions more in line with the reality of bioethical proposals in today's world. The Overton window is a political/social model for understanding how societal ideas change over time and influence policy. The six phases of the Overton window begin with an idea not previously addressed in public as follows: 1 Unthinkable/unacceptable; 2 Prohibited but with exceptions; 3 Acceptable; 4 Reasonable; 5 Generalized; and 6 Legal. Society is a living organism, which should seek as an object the social good because it is made up of human beings who always seek respect for their intrinsic dignity and since human beings are intelligent and free and use the appropriate tools in this technological society to achieve it.

Keywords: Bioethics. Values. Society. Overton. Ethics.

Resumen

Para la bioética, la comprensión de la realidad es indispensable, pues no solo trabaja en abstracto, sino que trata de realizar propuestas prácticas. La ventana de Overton es un modelo político/social para entender cómo las ideas de la sociedad cambian con el tiempo e influyen en la política. Las seis fases de la ventana de Overton inician con una idea no tratada anteriormente en público y son las siguientes: (1) impensable/inaceptable; (2) prohibido, pero con excepciones; (3) aceptable; (4) razonable; (5) generalizado, y (6) legal. La sociedad es un organismo viviente que debería buscar como objeto el bien social, pues está conformado por seres humanos que siempre buscan el respeto a su dignidad intrínseca y ya que el ser humano es inteligente y libre, siempre habrá quienes busquen la verdadera justicia y utilicen las herramientas adecuadas en esta sociedad tecnológica para lograrlo.

Palabras clave: Bioética. Valores. Sociedad. Overton. Ética.

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Introduction

Society has always been in a state of change, but now more than a change, it could be said that we are entering a new era. Society in the 20th and 21st centuries has undergone such profound changes that they are determining people's life trajectories. Economic power has become globalized and has reached all spheres, political institutions and the power that emanates from them has remained anchored in this territory.

Western society, to which we will refer, for the most part, is identified between a pragmatic/utilitarian philosophy and a radical liberal one, taking its proposals and conflicts to what they consider the system that marks the legal and the ethical at the same time, the juridical field.

For the modern society, excluding a unique truth, ethical, religious or at least an immovable scale of values, accepts the premise of Engelhardt Jr¹. that we are in a system of "moral strangers" where the agreement of behaviors could only find support in laws and norms.

In the past 30 years, much has changed and much regulation is no longer based on shared criteria of social justice or a consensus on fundamental rights, but simply on the existence of power or power coupled with economic power, euphemistically referred to as "social demands."

Institutional fragmentation increases, and the credibility and strength of the state loses weight in the presence of organized social groups that sustain an undeniable political force.

The old hierarchical logic is no longer accepted a priori by the new generations, who promote autonomous decisions far from a formal hierarchy.

In many cases, the state is no longer a democratic representation, but a simple actor of economic interests, often private and not public.

Today's society is largely the result of mass media education and the acceptance of "expert" conclusions promoted by these media. The members of this society want to be informed and some of them educated, but, in the face of the avalanche of information, they tend to accept the word and the facts of people who sustain important degrees of credibility in these media.

Profound changes in social acceptance between the beginning of the 20th century and the 21st century can be assured. In the first half of the 20th century, the social majorities were quite homogeneous in criteria regarding respect for life, abortion, gender, use of illegal drugs, socially accepted sexual behavior, concept of family, respect for authorities of any kind, religious, school, military, police, criteria of discrimination, vulnerability, and exclusion, among many others, but in the 21st century this homogeneity has dissolved and under the banner of autonomy any concept has a place.

We do not deny advances in the 20th and 21st centuries, especially in the recognition of Universal Human Rights, but unfortunately, not always put into practice, nor interpreted in the same sense.

But how have these changes occurred so rapidly and why does this concern Bioethics?

Bioethics, in general, deals with the life sciences and this means everything that influences life, but knowing the why of people's decisions in the moral sphere is not so simple nowadays.

Acts are an expression of a person's values and they in turn are an expression of the ethical convictions he or she professes, and since there is no universal morality, nor an evident hierarchy of values, autonomous decisions are often opposed to each other, leading, as also mentioned above, to resort to a recognized arbiter, through conviction or force, the law.

The fact is that many of the strongly grounded bioethical proposals will have to be endorsed by law to have a social impact.

In today's society, which considers itself tolerant and accepting of a very wide range of moral values, without hierarchy or guidance, there are possibilities for any idea to be discussed, propagated, openly defended and, with social and "expert" support, legally accepted.

For bioethics, the understanding of reality is indispensable, since it does not only work in the abstract, but tries to make practical proposals, so that knowledge of social phenomena is part of its field of knowledge. Understanding the forms of social movements will help to configure actions more in line with the reality of bioethical proposals in today's world.

The Overton window

We have all experienced it, but the procedure had not been systematized and the one who captured the system, sometimes empirical in its application, was the American political scientist Joseph Overton (1960-2003). Overton was the vice-president of the Mackinac Center for Public Policy², a policy research institute in the United States, located in Michigan. Overton included it in classes and lectures, but did not capture it in any of his books.

On his death, his colleague Joseph Leman took up Overton's idea and disseminated it, calling it the "Overton window" during the first decade of the 21st century.

Overton used the metaphor of the window with the idea that through it one can observe circumscribed spaces in an intentional and strategic way.

It is social power groups who open these windows at their convenience, so that society only sees what they want it to see.

What is the Overton window?

The Overton window is a political/social model for understanding how societal ideas change over time and influence policy.

Politicians support socially accepted or demanded ideas, otherwise they may lose electoral support, but, when it is desired that society accepts a new idea, changes its values and norms, the strategy explained by Overton is put into operation, these strategies can be achieved in the long term, for this it is required an advance in annual, 5-year goals, etc., as it already happens in most international conventions in important institutions such as UN, WHO, and in any institution that sets development goals.

Politicians generally support what is accepted by society and if it also favors them, they will take it to legislative fields and thus consolidate this social idea again but now from the legislative force.

This can be seen in the changes between the 20th and 21st centuries. At the beginning of the 20th century, for example, the majority agreed with the law prohibiting alcohol and now this would be unthinkable, as well as the idea of not limiting births, abortion, changes in the conception of gender, family, etc.

Society influences politics and vice versa, hence the importance of social institutions, families, work groups, media, religious or think tanks, voluntary associations, schools, charities and many other actors that establish and reinforce social norms³.

Society can be easily influenced both by truth and facts, as well as by inaccurate or misleading information and therefore it is important to recognize in our reality what is happening with some insistent proposals.

This technique is also currently used by experts in advertising and marketing, to guide the way of thinking, consumption, beliefs, and political inclinations.

What are the phases of the Overton window?

The six phases of the Overton⁴ window start with an idea not previously discussed in public because it is unethical, illegal, anti-social, or not accepted by the majority:

- Phase 1. Unthinkable/unacceptable: This is the moment when the “window” opens. The idea and related behaviors are not socially accepted, arouse rejection or are forbidden. However, it starts to be talked about insistently, especially in the media supported by specialists. To move the public away from the primary denial, it is important to change the term, to achieve a euphemism that detaches the phenomenon from the essence of its content. Thus, reference will no longer be made to the rejected term, but to another term with more scientific class, which is not emotionally linked to the meaning, an impartial or positive term. A “taboo” is broken and thus begins to capture the attention of society. This technique works especially in liberal societies because of their tolerance for outlawing so-called taboos. Immediately the possibility of moving Overton’s window from the realm of the impossible to that of the rational appears.
- Phase 2. Prohibited, but with some exceptions: The idea continues not to be socially accepted, but, recognizing that in an inclusive, tolerant and liberal society, all expression must have a place, the debate is opened. Experts for and against it are presented, as well as people who support or reject it. The progressive society listens and accepts that some people are in agreement with

this idea and therefore, it should not be rejected in the first place. The idea begins to appear repeatedly in movies, popular song lyrics, videos, etc. Many observers might say, “me, I wouldn’t do it, but, I don’t judge who does it. we are all free and different.”

- Phase 3. Acceptable: Gradually, especially with scientific or expert support some parts of society hesitate to oppose, or support, as the case may be. For them it is always better to be in line with experts or to support the freedom of each person. Society begins to accept this proposal or at least is neutral. The observer would say: “We must accept such arguments or actions, because everyone has rights and they must be respected, that before was “taboo,” fruit of backward minds, I am not a conservative”.
- Phase 4. Reasonable: After some time of socially insisting on an idea, having lost the “taboo” or forbidden charge and presenting followers and scientists who support it, that part of society thinks it must be accepted, because this, according to what is presented and although the person previously thought otherwise, is not only respecting those who are different, but in a plural society they must be supported. Historical cases are presented that were judged for carrying out acts in accordance with this way of thinking, sometimes considered a crime, and they are justified by creating a positive image of them, victimizing them and presenting them as liberal pioneers who were not understood in their time. Surveys are also shown in which the social preference for such an idea is pointed out.
- Phase 5. Generalized: The idea passes to politics, which has measured the degree of social acceptance and sees the convenience of supporting them. At this stage, the mass media appear more decisively through testimonies, scientific evidence, recognized artists, television programs, etc. Society gets to know the proposed issue through this window and not through others, and although not everyone shares it, they support it. Demonstrations and manifestos are held demanding a new right.
- Phase 6. Legal: The social idea through politics is legally incorporated and the objective is achieved so that in the coming years it will be recognized not only as legal, but also as ethical, since for the liberal culture, what is morally adequate or inadequate is based on laws.

This series of events can make both positive and negative changes in society, which is why it is interesting from a bioethical perspective. Identifying these phases is a way of knowing where a society is heading, its values, and legislative trends.

Why is ethics important in a society?

Human beings are social beings, we can only live-in community. In ancient times and now, we continue to be interdependent beings, although we pretend total autonomy, our vulnerability brings us closer to human coexistence. The ideal form of human coexistence is through ethics, but failing that, through law⁵.

For postmodern society, we do not live in a community, “common-unity”, but within a secular social contract that can be explained as follows: “people live together in society according to an agreement that establishes moral and political rules of behavior. Some people believe that if we live according to a social contract, we can live morally by our own choice and not because a divine being demands it.”

Thus exposed, this type of community depends on the ethical and autonomous decisions of its members, who should seek through their ethical development that social good.

For many bioethicists, the ethical formation of the person, based on the recognition that every human being is a rational and free entity, is proposed in an ideal form, since it is assumed that every person should always seek the good and the absolute truth, so we accept Aristotle's thought.

For Aristotle, the ethical formation of a person is based on his values. In his *Nicomachean Ethics*, he extols the virtue of justice as a way of being by which one is willing to practice what is just, to act justly and to want what is just, calling just that which gives us happiness⁶. According to the Aristotelian theory of action, in which man seeks the good, rhetoric serves to convince others that what is beneficial for the population must be sought. But this requires that the discourse be directed not only to reason, but also to emotion: it goes to the understanding and the will, to the whole man. This is what will achieve persuasion or conviction.

In the *Rhetoric* he affirms that "Parts of virtue are justice, courage, temperance, magnificence, magnanimity, liberality, prudence, and wisdom; virtue is a beneficial capacity and for this reason the just and courageous are the most honored"⁷.

Indeed, it is so, and Aristotle refers to the human being who seeks the good and the truth in a higher order, but unfortunately it is not always so. The human being, being free, can opt for different ways of acting in practical life and especially in the postmodern society in which we currently live. Although ethics aims at the personal formation of conscience so that people make truly free decisions in accordance with a transcendent good within a moral scale, this form of reflection has never been general in society.

In practice, not all people act according to an upright conscience, some require coercive pressure not to harm society itself, because acts depend on personal ethical development, which requires broad educational and reflective factors.

Psychologists have also studied human and social moral behavior, trying to unravel moral decisions, not from the ideal being, but from the formal being, the one who may not possess all the elements in his moral development to have achieved transcendent ethical decisions.

One of the main contributions of Kohlberg⁷ consisted in applying the concept of development in stages that Piaget⁸ elaborated for cognitive development to the study of moral development, since he considered that moral judgment is a cognitive process that develops naturally, by stages, as Piaget reasoned.

In his research he points out that the concept of justice, on which the whole essential structure of our morality is based, changes, and develops over time, as we interact with the environment. From these postulates he develops six stages of moral development, each of which provides a more complex system of moral reasoning and, therefore, a more adequate concept of what is just and good. These stages are universal, although environmental factors influence the rate of growth and the level of development achieved. One of the essential factors in this moral formation is

society, social values, so that his theory goes hand in hand with the understanding of what happens through Overton's window.

It is not in the interest of this paper to dwell on Kohlberg's stages, but to point out that ideally the subject, from childhood, would move toward higher ethical positions, from the position of self-interest, of instrumental individualism, toward the step of the search for the transcendent good, not only for himself, but for all his fellow men. Although Kohlberg indicates ideal ages to overcome each stage, societies often present dosimetry between chronological ages and moral development.

Thus, in his original study (carried out in Yucatan, Mexico), the degree of moral development he found in the adult population was at the conventional level (3 and 4), a level in theory corresponding to adolescents and young adults.

The term "conventional" implies submitting to rules, expectations and social conventions, to authority, and defending them because they are socially accepted rules.

At this level the first formal operations are being used in moral reasoning, thus, in these stages the following characteristics are pointed out⁹:

Stage 3: The morality of interpersonal norms (from 12/13 years of age).

- a) More complex level: Adoption of the perspective of a third person. Instrumental individualism is overcome and a set of shared moral norms or expectations are constructed that are expected to be met by all.
- b) Moral norms or expectations are the basis for establishing relationships of mutual trust that transcend particular interests.
- c) Orientation to feelings and interpersonal relationships. Special concern for trust and social approval. Moral obligations are based on what others expect (conventional perspective) and the expectations and feelings of others are put before one's own interests (it is important to be good).
- d) Concept of justice: "do to others what you would like them to do to you if you were in their place". There is a higher level of reciprocity.

This type of thinking is a necessary, though not sufficient, condition for stage 4 of moral reasoning.

Stage 4: The morality of coherence and the social system.

- a) This stage does not occur before the age of 16 and its frequency in the adult population is lower than Stage 3. Integration of interpersonal expectations and shared norms within a broader and more generalized system (the perspective of a member of society) that takes the form of a consistent set of codes and procedures that apply impartially to all its members.
- b) Particular situations are therefore judged according to their function in society as a whole.
- c) There is a strong concern for consistency and impartiality, for following one's conscience and maintaining self-respect.

d) Conception of justice based on the consideration of duties in relation to their reciprocal rights.

Therefore, in this stage, social values are very important in the ethical formation of an individual and although in every society there are all moral levels, being the current characteristic pragmatism and utilitarianism, as well as the liberal idea, this stage would still be present in it, shaped by social values and the law.

To support this idea, we will continue with James Rest's¹⁰ vision, where four stages should be considered in the making of moral decisions by a subject:

- 1) Moral sensitivity: This refers to how the situation is interpreted by the subject. In this stage, the subject determines how each course of action affects each of the parties involved and relates it to his or her value system.
- 2) Moral judgment: In this second step, the person chooses a course of action according to his or her reference in values, involving ethical reasoning, moral judgment, understanding, and decision planning.
- 3) Moral motivation: Subsequently, the subject, having reasoned what is a positive or negative conduct from an ethical point of view, confronts them with aspects that are not directly ethical, such as convenience, respect, legal obligation, social obligation, and among other factors.
- 4) Moral character: Subsequently, the subject executes the action. At this stage the subject decides to act according to an ethical standard or not. Sometimes the person knows that the act is not ethically correct, but, due to non-moral evaluations in point 3, decides to act against his ethical criteria.

Once again, the social factor appears as an important part in the moral act of a person. Social values exert a powerful force on individual decisions and only people with a higher level of ethical development and a stock of human values can recognize in social ideas those for or against true justice.

Conclusion

But what if someone were to consider that an Overton window is being conducted on a concept that could cause social harm?

The Overton window only points out the social facts, the phases of acceptance of a new idea or way of thinking and historically these phases can be recognized by those who have lived through these changes, this phenomenon has occurred for both positive and negative changes and have been part of global strategies, hence a part of the concept of globalization, not only economic but ideological.

From the point of view of ethics, we are interested in supporting the moral development of a society, which is formed by the sum of the individual moral development of its citizens, hence the importance of teaching personal ethics. It is not possible to expect progress in social morality without the change, at least in the majority, of each of its members.

Although ethics requires reflection for its introjection, in adults, one form of this is the confrontation with reality.

As today's society, for the most part, is pragmatic, it is quite possible that change will come from the consequences of those actions accepted or denied, people will begin again to reevaluate and question over time, whether such ideas or behaviors have benefited or harmed them directly, especially when they are directly affected. Every human being possesses a moral conscience and self-reflection is an important part of their existence in the world of values.

It may take time, yes, but every historical process requires it. Through social pressure the political community will again take up the banner and through the phases of the Overton window, it will result in repeal or a legislative change more in line with society. Of course, this would be more effective if the potential social harm is detected especially at the unacceptable stage and not at the legal stage.

There are no simple answers for the ethical education of society, it requires an interdisciplinary effort: personal, family, school, media, State interest in promoting the development of human values, presenting examples, etc., and the development of a culture of ethics.

Moral acts are free, nothing and no one can force the individual to act morally, because it is a product of his own conviction.

Society is a living organism, which should seek as an object the social good because it is made up of human beings who always seek respect for their intrinsic dignity and since human beings are intelligent and free, there will always be those who seek true justice, in the Aristotelian sense, and use the appropriate tools in this technological society to achieve it.

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