A Human Bioethics Commission

The Baroness Warnock

Among the highly controversial issues arising from the revision of the Human Fertilisation and Embryology Act (1990), there was one amendment that looked fairly harmless. This was an amendment introduced by Lord Brennan, and strongly supported by Baroness Williams of Crosby and Lord Alton, among others. It required that a National Human Bioethics Commission be set up, a small body of not more than eight members, established by statute, and reporting to Parliament from time to time. I argue that such a body is unnecessary, and would be both expensive and possibly damaging in its effects.

We already have the HFEA, whose remit is to issue (or refuse) licences both for research and clinical practice in the field of embryology, whose decisions are based on moral considerations. However it could be plausibly argued that the functions of this Authority are too narrow, confined as they are to individual requests for licences, and that they should not stray into the more general territory of bioethics.

More important, there already exists the Nuffield Council for Bioethics. This is a much respected body, whose task is to identify and examine ethical questions that arise from new research and technology, and to anticipate public concerns. It consists of lay people as well as scientists, and it consults widely. It has published very useful and balanced reports, its work would be duplicated by a new Commission.

However, those who are in favour of establishing a Commission suggest that the Nuffield Council, being funded by the Nuffield Foundation and the Wellcome Trust, is necessarily biased towards science. They advocate the new body in the belief that religion and a morality derived from religion would be better represented on it.

It is not clear how widely drawn the definition of Human Bioethics would be, if the Commission were set up; but in the context of the new Embryology Bill, the central issue is the moral status to be accorded to the human embryo. It is on this question that the gap between scientific thought and that of the Roman Catholic Church is apparently unbridgeable. Since 1869, Roman Catholics have held that the human soul enters the body at the moment of the fusion of egg and sperm, the 'moment of conception'. Lord Alton, in a speech at the report stage of the Embryology Bill (House of Lords Hansard January 15th 2008 col 1222) using a common and somewhat misleading short-hand, asserted his 'passionate belief' that 'life begins at conception', and that embryos should not be unnecessarily destroyed after this moment. From day one a human embryo is potentially a human person, and it lies with God alone to take away its unique form of life. And of course it is outrageous, on this view, to create an admixed embryo, by placing the nucleus of a human cell which contains its DNA in the outer capsule of the egg of a rabbit or a cow; for such an embryo would not possess the dignity possessed by an embryo who had received its soul after conception. Other animals are not thus ensouled. This is the difference between human dignity and whatever respect we may show to animals.

If a National Human Bioethics Commission were set up, and if it consisted of just eight people, these people would presumably be regarded as moral experts. The difficulty would be that unless the eight were all of the same opinion regarding the status of the human embryo, they could not well publish any unanimous reports. For the sad fact is that there is no such thing as a moral expert. Mercifully, we do not live in a theocracy, within which there are indeed experts (though even they sometimes disagree in their interpretations of the law). We are a democracy, and though we may listen to one another, and even envy those who believe passionately that they know for certain what is right, in matters of legislation it is Parliament and not any moral experts who must make the decisions. This they must do trying their best to consider what is for the common good, including the good that will come from new therapies issuing from research. I fear that a National Commission of the kind envisaged might take our eyes off the central fact: no commissioners, however hard they thought about the questions would have the authority to dictate the answers to Parliament. All the things that the commissioners had debated would have to be debated afresh in both Chambers. The authority of the law derives from its having been so debated and voted on in Parliament. For a Commission, even a statutory Commission, to take that authority to itself would be wrong.