This is a case of balancing hope and fear. On the one hand, there is the hope that some day, terrible inheritable and cellular diseases will be conquered, and on the other hand, there is the fear that an increasingly casual approach to human life will denature our society and create possibilities that we would not wish....That is the heart of the debate.

Dr John Pugh, House of Commons debates, 22/10/08, Cl.340.

Introduction

The 2008 Human Fertilisation and Embryology Bill was one of the most contentious and far-reaching pieces of legislation to have come before the UK Parliament in recent years. Emerging as a response to technological advances in the field of human embryo and stem cell research, the measures contained in the Bill raised and addressed a variety of fundamental issues, including the nature of humanity, the rights of personhood, the ethical and social responsibilities of science, and the relationship between science and the state. Not surprisingly, the Bill also proved to be a source of much dispute; raising tensions between progressives and conservatives as well as adherents of secular-scientific and religious worldviews, and posing a host of political difficulties for the government during its long route to the statute book. The controversy over the Bill, however, was not temporally unique, but represented the continuation of a longer-term debate over the issue of research using human embryos which had entered the political agenda three decades earlier. The contours of the contemporary debate also followed closely the lines set down by its predecessor,
with a thematic and conceptual duality between discourses of 'hope' and 'fear', in which the potential medical benefits of embryo research were set against the social and ethical dangers of an unregulated science, separating supporters and opponents of the Bill respectively. Bringing the argument up-to-date, these parameters were extended through the incorporation of themes and issues centred around civil rights, equality and welfare. This paper is based on an extensive qualitative analysis of the parliamentary debates, press reports, and official documentation produced in relation to the Bill through the course of its development and passage through parliament. Its purpose is to explore the internal elements of these discursive frames as they unfolded during this period; highlighting the central aspects of the case that was presented by those on either side of the debate, and considering why it was that proponents of a discourse of hope proved to be ultimately successful.

The origins of the debate

The 2008 Human Fertilisation and Embryology Bill was the latest in a series of legislative measures designed to create and maintain a regulatory and statutory framework for the conduct of research into human embryos in the UK. Originally entering the political agenda thirty years previously, following the birth of the world's first baby from in vitro fertilization (IVF) in 1978, the development of embryo research posed a range of questions about the extent to which, and the most appropriate means by which, the state should seek to constrain and promote the use of these new technologies. In 1982, under pressure to establish legislative parameters for the conduct of embryo research, the Conservative government established a Committee of Inquiry, headed by the philosopher Mary Warnock, to examine the issues. In July 1984 the Warnock report was published, recommending that embryological research should be permitted, subject to certain restrictions embedded within defined regulatory parameters (White, 2008).

The broader terms of the political debate at this point, however, favoured those who were opposed
to such research. A private members bill introduced in 1985 by the Conservative backbencher, Enoch Powell, sought to prohibit any moves in this direction; a stand that was supported by anti-abortion groups and by a majority of MPs, many of whom shared concerns about the ethical status and the rights of the unborn. In the ensuing debate, the discursive framework surrounding the issues congealed around two competing forms, described by Mulkay (1993, 1996, 1997) as rhetorics of 'hope' and 'fear'. The former of these, which was deployed by supporters of human embryo research, emphasised the potential medical and reproductive benefits of controlled study in this area, and highlighted the possibility that this could lead to the development of treatments for hitherto incurable and degenerative conditions. The latter discursive form, which was utilised by opponents of such research, focused on the 'special status' of a human embryo as an actual or potential life with inalienable moral qualities, and on the ethical and social implications of allowing scientific advances in embryology to proceed unchecked.

Opposed to a ban on embryo research and to imposing extensive regulations in this area, government ministers utilised the informal conventions of the British political system and their control over Parliament to shape the terms in which the debate proceeded. Declaring the House of Commons to be deeply divided on a matter of conscience, and hence that, by convention, the determinants of policy should be freed from the usual rules and constraints of party politics, the government insisted that more time was needed to enable a suitable compromise to be reached, and used its control of the parliamentary timetable to delay the second reading of Powell's bill by a year (Richardt, 2003).

In the ensuing interregnum, proponents of human embryo research took full advantage of the opportunity to group and to organise. A Voluntary Licensing Authority (VLA) for overseeing embryo research was established in 1985 by the Medical Research Council (MRC) and the Royal College of Obstetricians and Gynecologists (RCOG), being followed in 1986 by the establishment of a pro-research lobbying group, 'Progress', whose aim was to promote the potential medical and
reproductive benefits of studies using human embryos. The pro-research lobby also sought to disconnect embryo research from the issue of abortion by utilising the concept of a 'pre-embryo', defined as the first 14-days from fertilisation prior to the emergence of the 'primitive streak' (the point at which the cells that make up the unique characteristics of the embryo become differentiated), which could legitimately be denied personhood status, thereby making it possible for MPs to reconcile embryo research with convictions relating to the moral status of the unborn. To highlight this point, Progress, the VLA and the MRC engaged in a campaign to ensure that many MPs visited IVF laboratories to see at first hand how 'pre-embryology' research was conducted. In the event, this strategy proved to be an effective antidote to the discourse of fear, and by the time the issue returned to Parliament the terms of the debate had significantly shifted in favour of those in support of human embryo research. At its belated second reading, Powell's bill was subsequently defeated (see Kirejczyk, 1999; Richardt, 2003).

In November 1987 the government produced a white paper permitting licensed research on human embryos for up to 14-days after fertilisation, and shortly thereafter introduced the (first) Human Fertilisation and Embryology Bill to place this on a statutory footing and to establish a dedicated regulatory framework (White, 2008). With the issues remaining politically sensitive, however, the government once again took advantage of its control of the legislative process, seeking to minimise the risk of a party split by assenting to a free vote on a clause pertaining to embryological research, and by introducing the Bill in the House of Lords in the hope that this would permit it a less partisan entry and thereby reduce the prospect of its contents being diluted during its course through parliament. After much debate, in 1990 the Bill was eventually passed by a large majority in the House of Commons, giving Britain one of the most liberalised human embryo research regimes in the world (see Kirejczyk, 1999; Richardt, 2003; also see Fink, 2007).

By the turn of the millennium a series of scientific breakthroughs in cloning and stem cell technologies were leading to pressures for the 1990 Act to be updated so as to allow scientists to
conduct research in these areas. In 2000 the New Labour government introduced legislation to this effect, again opening up a debate between the medical benefits of embryological research versus the moral claims of human embryos. While the terms of this debate once more turned on the respective discourses of 'hope' and 'fear', a key difference in comparison to the previous decade was that proponents of the latter had become discernibly weaker. Opposition from the Church of England was muted by its broad acceptance of the existing legislative position, the leadership of the Roman Catholic church in the UK, though sternly critical of human embryo research, wielded little political influence, and the anti-abortion movement had become increasingly fragmented since the 1990s, with its two largest groups, LIFE and the Society for the Protection of Unborn Children (SPUC), having diluted their political focus by becoming engaged in campaigns on a range of other issues, such as euthanasia. The Conservative party, too, whose MPs might be expected to oppose such measures in substantial proportions, had suffered a deterioration of its political strength following the electoral collapse of 1997. In contrast, support for further research was now backed by the majority of MPs (reflecting New Labour's landslide majority in the Commons), by a coalition of powerful bodies such as the Human Fertilisation and Embryology Authority (HFEA) (the main regulatory body for such research), the MRC, the Royal Society, the Wellcome Trust and the British Medical Association (BMA), as well as a wide range of patient groups including the Parkinson’s Disease Society and the Genetic Interest Group. A further advantage for those in support of the measures was that these could now be legitimately presented as a modest updating of existing legislation, the moral and ethical considerations of which, it was claimed, parliament had already debated and resolved. Despite feeling compelled to adhere to the convention of a free vote on a matter of conscience, the government nonetheless prevailed comfortably, the measures being subsequently passed by the House of Commons in December 2000 by 366 votes to 174 (on these events see Plomer, 2002; Banchoff, 2005, 2005a; Herrmann, 2005).
The road through Parliament

By 2004 a growing sense of unease about the capacity of the existing regulatory framework to keep abreast of ongoing scientific developments in stem cell research had settled over the political landscape, prompting the government to announce a comprehensive review of the 1990 Act. This was followed by a public consultation in 2005 (conducted by the Department of Health), by a White Paper in December 2006, and by the introduction of a new Human Fertilisation and Embryology Bill (scrutinised by a Joint Committee drawn from both the Lords and the Commons) in May 2007 (White, 2008). The Bill's passage through Parliament itself was a source of no little controversy. This was due as much to the government's handling of the Bill, as to its actual contents. An initial source of discontent was the government's decision, as with the 1990 Bill, to begin the legislative process in the House of Lords (from November 2007), now replete with the imposition of whipped voting, in an attempt to head off any early efforts by opponents at derailing the proposals. A second source of unease stemmed from the government's intention to subject the Bill to a whipped vote in the Commons also, a move that jarred with many Labour MPs who regarded key aspects of it as matters of conscience. The three most notable of these were provisions for the creation of human-animal hybrid embryos, designed to circumvent a shortage of human eggs by inserting a human nucleus into an animal casing (the main type of hybrid remaining 99.9% human); for permitting the selection of embryos for the purposes of creating a 'saviour sibling' (screening embryos for a tissue match for an existing ill sibling who might benefit from a donation of stem cells); and for the removal of a clause stipulating the 'need for a father' for those in receipt of IVF treatment. Adding further pressure for a free vote, opponents of the Bill also declared their intention to table an amendment on lowering the time limit for abortion from its current level of 24 weeks, the first time that any change in the 1967 Abortion Act would be considered for 18 years.

The government's justification for refusing to allow a free vote, namely that parliamentary convention was not to allow free votes on flagship government Bills (but only on non-governmental
legislation, such as Private Members Bills), failed to assuage Labour MPs' sense of grievance, a perception of injustice that was only heightened by the free votes that were being permitted by the Conservatives and the Liberal Democrats.\(^1\) Following the Bill's entry into the Commons in February 2008, and with tensions growing within the government as well as the Labour ranks, rumours began to circulate of a Cabinet split involving several Catholic ministers; Paul Murphy (the secretary of state for Wales), Des Browne (the defence secretary) and Ruth Kelly (the minister for transport), along with several whips and junior ministers, all of whom were believed to be willing to defy the party whip in order to vote according to their consciences. Compounding the pressure, during Easter a number of senior figures within the Catholic church mounted a strident attack on the Bill's provisions and called publicly for the government to allow a free vote (Oliver and Oakeshott, 2008; Hinsliff, 2008; Henderson et al, 2008). Unwilling to countenance the risk of a damaging rift at a time when the popularity and authority of the government were already under intense strain, at the end of March the Prime Minister, Gordon Brown, consented to a compromise agreement, permitting Labour MPs a free vote on the most contentious measures contained in the Bill on condition that they supported, or at least did not vote against, the government when it came to the final vote in the Commons (BBC News, 2008; Byers, 2008).

The most extensive of the Commons debates on the Bill took place during its second reading stage in May, at which MPs voted by a large majority to retain its key provisions. Expectations that the Bill would then continue routinely onto and through its third and final reading, however, were dealt a blow in mid-July when, with the final reading literally hours away, the Leader of the Commons and the Deputy Labour Leader, Harriet Harman, announced that the vote would be put back until after the summer recess. The stated reason for this was to allow more time for the issues to be debated, though for many commentators the real reason for the surprise delay was thought to be Labour's poor showing in the polls ahead of a tight-fought by-election in Glasgow East, a

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\(^{1}\) Liberal Democrat MPs, however, were not allowed a free vote on the removal of the father clause, an exception justified by the party leadership on the grounds that retaining the clause was official party policy.
The key issue to emerge at the final Commons vote in October bore little relation to the Bill's primary objectives, but centred instead on the issue of abortion. With most of the Bill's core provisions having been settled at the second reading in May, both pro-life and pro-choice campaigners now focused their efforts on tabling amendments that would either restrict or liberalise existing abortion legislation. As it turned out, however, the prospect of any such changes making it
onto the statute book was stifled by the timetabling of the vote. Keen to avoid any further controversy, and with abortion forming no part of the Bill’s principal remit, the government imposed a programme motion allowing for just three-and-a-half hours of debate, and placed clauses relating to abortion at the end of the list of proposed amendments, effectively ensuring that parliamentary time would expire before they could be discussed by MPs. Notwithstanding the ensuing wrath of those on both sides of the abortion divide, as well as a small rebellion from 16 Labour MPs (including Ruth Kelly), the Bill was voted through by another large majority (by 354 votes to 129); clearing its final stage in the Lords a week later, and gaining royal assent the following month.

**Debating the Bill**

The debate over the 2008 Human Fertilisation and Embryology Bill, like that concerning its predecessor, was defined by competing discourses of 'hope' and 'fear'. As with their antecedents, these contrasted the potential medical and reproductive benefits of human embryo research with the negative ethical and social implications of an unrestrained science. In contrast to the earlier deliberations, however, and reflecting both the contemporary backdrop of the debate as well as the broader range of themes dealt with by the Bill, these discursive forms also now addressed and incorporated a range of broader social themes and elements based on the issues of child welfare, societal decay and citizenship rights.

*A discourse of fear*

The oppositional discourse of fear was based on three core themes: the special status of the human embryo and its moral rights to life and a conventional upbringing by a mother and father; concerns about the socially degenerative impact and moral dangers of unregulated scientific advances; and a claim that the voices of opposition were being marginalised and ignored by a politically-correct
establishment. This latter point was chiefly evident in protestations about the perceived lack of time that was being given over by the authorities for considering the more contentious aspects of the Bill. The Lawyer's Christian Fellowship, for example, complained that the three week period for the initial public consultation in the summer of 2005 was 'entirely inadequate' given the 'magnitude and importance for society' of the proposals (Memorandum to the Joint Committee on the Human Tissue and Embryos (Draft) Bill, Ev.52. June 2007), the All Party Parliamentary Pro-Life Group expressed concerns about the 'short timescale' available for deliberations during the drafting process of the Bill itself (a sign, in their eyes, 'that the ethical arguments in this discourse are not a priority') (Ev.92. May 2007), and the same theme was also prominent in objections from the Catholic church; a joint statement from its leaders in England and Northern Ireland insisting that '[n]ot nearly enough time' had been granted for discussing the issues (Sugden, 2008). These concerns were evident, too, in the parliamentary debates over the Bill. Here, opponents complained that the Bill was being 'inordinately rushed' (Lord Hastings, House of Lords debates (hereafter 'HL') 19/11/07, Cl.689), that the government were guilty of 'draconian timetabling' (Lord Waddington, HL 29/10/08, Cl.1665), that the lack of sufficient time for debate was 'bringing the House into disrepute' (David Burrowes, House of Commons Debates (hereafter, 'HC'), 12/5/08, Cl.1129), and that the time constraints imposed were 'a serious misuse of Parliament' (Baroness Knight, HL 29/10/08, Cl.1660). As the Conservative MP, Mark Simmonds, put it, 'an insignificant amount of time' had been allocated for consideration of the Bill's more controversial aspects, and there was 'real concern and anger in all parts of the House about the Government’s tactics to limit debate' (HC 22/10/08, Cls.324-5).

The primary components of the oppositional discourse of fear were on clear display in debates over the Bill's four main 'conscience issues'. Prominent themes in the arguments concerning abortion, for instance (an issue not directly addressed by the Bill, but one which pro-life opponents sought to open up by tabling amendments to lower the abortion limit), centred on claims that the a majority of

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2 This and all subsequent memos submitted to the committee are designated by their prefix 'Ev', and are contained in House of Lords (2007a).
the general public were in favour of a change in the law, and that medical advances had made it possible for babies to survive outside the womb at less than the current limit of 24-weeks. Christian Concern For Our Nation (CCFON), one of the key groups opposed to the Bill, maintained that nearly two-thirds of the public wanted the existing limit to be reduced (CCFON, 2008); Lord Alton, making the case in the upper chamber, cited poll evidence showing that more than three-quarters of the British electorate (76%) viewed abortion at six months as cruel, and that more than two-thirds (68%) wanted a substantial reduction in the upper time limit to around 13 weeks (HL 12/12/07, Cl.309); while the Conservative MP, Edward Leigh, moving an amendment in the Commons to lower the legal limit, emphasised poll research which claimed that more than half (58%) of respondents (including three out of four women) believed that abortion should be limited to 20 weeks or less, with more than two-fifths (41%) in favour of a limit of 12 weeks or less. 'In modern Britain', he put it, 'the most dangerous place to be is in one’s mother’s womb, which should be a place of sanctity' (HC 26/5/08, Cl.226).

The debate over abortion, however, remained somewhat secondary to the main themes of the Bill. Among these, the debate over human-animal hybrid embryos highlighted key aspects of the oppositional case. In this, the large majority of those opposed to such measures drew on religious as well as ethical justifications. Here, the view of the Church of England was typical; its Mission and Public Affairs Council declaring its opposition on the basis of 'the scriptural distinction of “kinds” of creatures, taken together with the uniqueness of humans as those made in God’s image and prohibitions about bestiality' (Ev.68. June 2007). Likewise, the General Assembly of the Church of Scotland stated that humans were 'uniquely created in God’s image', and that '[t]o create chimeric reproductive entities of mixed status, even if non-viable, would breach the distinction between human and animal' (Ev.97. 2007). This interpretation was also advanced by a wide range of Christian groups; including the Christian Medical Fellowship, which stated that hybrids would mar “the image of God” present in all human beings' and breach 'the much-repeated biblical prohibition
of the mixing of “kinds” (Ev.26. June 2007); the Lawyers’ Christian Fellowship, which warned that the creation of hybrids would mean that 'the general understanding of what it means to be a human person will no longer be clear-cut' (Ev.52. June 2007); and Christian Concern For Our Nation, which similarly maintained that 'all types of hybrid embryos are unethical and strike at the very heart of what it means to be human by removing the species barrier between humans and animals' (CCFON, 2008). The proposals to allow research on human-animal hybrids also provided the mainstay for the Easter attack on the Bill by senior figures in the Catholic church. Leading the assault, Cardinal Keith O’Brien, the head of the Catholic Church in Scotland, described the proposals as 'grotesque' and 'hideous', as a 'Government endorsement of experiments of Frankenstein proportion', and declared that it was 'difficult to imagine a single piece of legislation which more comprehensively attacks the sanctity and dignity of human life' (Gledhill and Lister, 2008).

The voices of parliamentary opposition generally refrained from the use of scriptural tome – although some, such as the Democratic Unionist MP, Iris Robinson, made an explicitly religious case; declaring, for example, that hybrids 'would tarnish the “image of God” present in all of us' (HC 12/5/08, Cl.1124) – and instead turned to more secular arguments. Among these were simple expressions of disgust; hybrids being denounced as 'revolting' (Geraldine Smith, HC 12/5/08, Cl.1098), as 'by definition, monstrous' (Claire Curtis-Thomas, HC 12/5/08, Cl.1133), as 'utterly repellent and repugnant' (Lord Ahmed, HL 21/11/07, Cl.845), and as 'a radical violation of human dignity' (David Amess, HC 12/5/08, Cls.1147-8). A more substantive point, though, utilised the so-called “slippery slope” argument; namely, the claim that allowing scientific advances to proceed in an unregulated fashion risked triggering a state of progressive social and ethical deterioration. On this, religiously-motivated organisations and individuals were once again at the forefront. The Archbishop of Canterbury, Rowan Williams, for example, warned that the measures contained in the bill might 'open the way to a less consistently respectful attitude to life' (Randerson, 2008); Dr.
Malcom Brown, the Church of England's Director of Mission and Public Affairs, cautioned that "[a]ny erosion of the unique moral status of the human embryo opens the door...at the top of a 'slippery slope' to treating human beings as less than ends in themselves' (Revis, 2008); and Cardinal Cormac Murphy-O'Connor, the head of the Catholic church in England and Wales, expressing the same view, claimed that unregulated scientific progress 'could lead us to a kind of utilitarianism regarding human life' (Gledhill, 2008a). Continuing the theme, Human Genetics Alert predicted that proceeding down the path of human genetic modification would raise the prospect of 'a consumer eugenics in which children are treated as commodities' (Ev.56. June 2007); ProLife warned that if the proposals were not stopped then British society would 'continue down an irresistible slide towards even more abhorrent experiments' (ProLife, 2007); and Affinity warned that 'without adequate ethical control' the social consequences of the bill would be 'disastrous' (Ev.55. June 2007). Similar concerns were also raised in a secular fashion by the government's own Chief Medical Officer, Sir Liam Donaldson, who told the Joint Committee on the draft Bill that many in the science community harboured a feeling 'that this would be a step too far as far as the public are concerned' (Evidence to the Joint Committee on the Human Tissue and Embryos (Draft) Bill, 6/6/07, Q.244).

These sentiments were also apparent in the parliamentary debates. The Conservative MP, Gary Streeter, maintained that hybrid embryos were 'plain wrong, and a slippery slope to who knows where' (HC 12/5/08, Cl.1107); Baroness Paisley told the House of Lords that their creation would 'unleash an untameable monster on an already morally diminished people, the end result of which is too fearsome to contemplate' (HL 21/11/07, Cls.836-7); and the Shadow Health Secretary, Andrew Lansley, maintained that: 'The fact that scientists can do something does not mean that they should. Ethical boundaries do not shift in a mechanistic way to reflect the utility of new research techniques' (HC 12/5/08, Cls.1073-74). Or, as his colleague, Bill Cash, put it: 'In many ways, our age is one of technology giants and ethical infants—we are like children playing with land mines,
because we have no idea of the dangers posed by the technology that we are handling' (HC 19/5/08, Cl.27).

Another key feature of oppositional arguments to the use of hybrids involved claims about the dubious medical benefits of embryonic stem cell research itself. The core assertions here were that such research had yet to produce any tangible therapeutic gains, and that, in contrast, ethically sound research into adult stem cells offered far better prospects. Accusing supporters of embryonic stem cell research of engaging in 'scandalous over-hype', and of 'playing on people's fears and desperation', Lord Alton pointed out that in the past eighteen years 'not even one treatment has materialised to help the sick, compared with more than 80 treatments using ethically acceptable adult stem cells' (HL 29/10/08, Cl.1604); Lord Tombs maintained that there were 'still big doubts about whether these cells will yield any treatment at all', and that the case for using hybrids for research was thus 'unproven, unnecessary and unethical' (HL 29/10/08, Cls.1613-14); the Labour MP, Claire Curtis-Thomas, similarly claimed that embryonic stem cells 'have not produced any therapies despite 18 years of research', while adult stem cells had 'already produced more than 80 treatments' (HC 12/5/08, Cl.1133); and the Conservative MP, David Amess, proclaimed that there was 'no particular disease that could only ever be threatened or cured by research on embryonic stem cells', and that science should therefore 'forget about these unethical proposals and concentrate on adult stem cells....which represent areas of research that have resulted in a number of cures' (HC 12/5/08, Cls.1147-8). As Edward Leigh put it, research using embryonic stem cells was 'ethically wrong and almost certainly medically useless' (HC 19/5/08, Cls.22-25).

These arguments were also put by a range of opponents outside parliament. Among them were the Medical Ethics Alliance, which claimed that 'no useful, or even promising treatments have emerged from the use of embryos' and that 'the use of adult stem cells has more than a decade of proven utility' (Ev.13. June 2007), and Christian Action Research and Education (CARE), which noted that while adult stem cell research had 'given rise to over 70 therapies' and was 'latent with untapped
potential which could be exploited if it enjoyed greater funding', embryonic stem cell research 'has not given rise to a single therapy and is unlikely to do so for at least 10 years' (Ev.66. June 2007; also see Saunders, 2008; White, H, 2008; and CCFON Information Pack, 2008).

The case against saviour siblings was based on a similar mix of concerns about rights, welfare and social issues. While the Church of England gave its cautious consent to tissue typing on a case-by-case basis, and as a last resort (House of Lords, 2007, Appendix 5; Ev.68. June 2007), the Church of Scotland opposed the process on the grounds that it led to an instrumentalist view of human life in which an embryo was selected 'because of its potential value for the life of its sick brother or sister....its usefulness against certain criteria' (Ev.97. 2007). Christian Concern For Our Nation similarly condemned the notion for leading to 'the creation of “spare part children”' (CCFON, 2008). And so too was the argument put in Parliament. The Lord Bishop of Winchester, for example, warned of the 'commodifying aspect', stating that the creation of a saviour sibling 'makes an instrument of a child' (HL 15/1/08, Cl.1277); the Shadow Home Secretary, Dominic Grieve, denigrated the proposals as leading to 'the creation of designer children' (HC 19/5/08, Cls.106-7); while Lord Alton warned of the potential impact on the so-called 'saviour' itself; of '[t]he psychological burden put on a tissue-matching child' (HL 4/12/07, Cl.1652). Concerns about the absence of consent on the part of the 'saviour' were also apparent; the Labour MP, Mark Todd, for example, lambasting 'the use of an invasive procedure on a child without their consent and without their gaining any direct benefit from that intervention' (HC 19/5/08, Cls.99, 103).

Such themes also underpinned opposition arguments against the final 'conscience issue' contained in the Bill, namely the removal of the 'need for a father' clause in the provision of IVF treatment. Central to the case here were concerns about the social and individual impact of a decline in family values, and assertions about the rights of a child to, as well as the benefits of, a conventional familial upbringing. The latter of these aspects was based on evidential claims for the welfare gains associated with a traditional upbringing. According to the Christian Institute, '[a] broad range of
evidence indicates that the role of the father is of great significance to a child’s welfare' (Ev.61. June 2007), a point that was also made by the Centre for Social Justice, which asserted that '[a] wealth of social research findings challenge the notion that deliberately planning to have fatherless children can be in their long-term interests' (Ev.53. 2007); by the Lawyers’ Christian Fellowship, which claimed that '[w]here evidence is available on same-sex parenting, there is proved to be a negative impact on the child', and that removing the clause 'would ultimately be to the detriment of society as a whole' (Ev.52. June 2007); and by the Evangelical Alliance, which asserted that there was an 'overwhelming body of research' demonstrating that '[c]hildren deprived of a father often experience psychological, social and community disadvantages'. Removing the clause, they warned, risked 'storing up unimagined consequences for society in the future' (Ev.81. June 2007). The dangers of removing the clause were also highlighted by, amongst others, the Catholic Bishops' Conference of England and Wales, which warned that it would be 'a dangerous and unprecedented step' that 'would have profoundly harmful consequences, both for children and for wider society' (Ev.87. June 2007); by Christian Concern For Our Nation, which maintained that the repercussions 'will have devastating effects on families and the welfare of children' (CCFON, 2008); and by the Church of England, which insisted that a 'child's right not to be deliberately deprived of having a father is greater than any right of a gay couple to commission a child by IVF' (Ev.68. June 2007).

Again, the same themes resonated throughout the parliamentary debates. In the Lords, Baroness Deech cited 'a wealth of research showing that children need fathers, not just a parent', adding that research into children raised by lesbian parents showed them to 'suffer from the inevitably confused and secretive family relationships that occur' (HL 19/11/07, Cl.674); Lord Patten raised statistical evidence purporting to show 'close links' between fatherless families and 'children living in poverty; children enjoying poorer health; children subject to a higher risk of abuse; children subject to a higher risk of offending' (HL 10/12/07, Cl.30); and Baroness O'Cathain claimed that '[a]n overwhelming weight of evidence shows that a child is most likely to have good outcomes living in
a family with both a mother and a father, above all when the parents are married' (HL 21/1/08, Cl.64). Abandoning the clause, she warned, would be 'foolish', 'grossly irresponsible', and would 'exhibit a total disregard for the rights and well-being of the child' (HL 10/12/07, Cl.26). As Lord Waddington pithily maintained, the idea that children could be deliberately created without a father was 'so obviously wrong that there is no need for further words of embellishment' (HL 29/10/08, Cl.1636).

Such views were on clear display in the Commons too. While opponents asserted that the removal of the clause was unnecessary since there was no evidence to suggest that same sex couples or single women faced barriers to such treatment, and that, in any case, gay people could not be refused IVF treatment under the Human Rights Act (see e.g. comments by Iain Duncan Smith and Mark Simmonds, HC 20/5/08, Cls.170 and 188), the strongest attacks were mounted on social and welfare grounds. A key assertion here concerned the rights of a child to a father. David Amess, for example, spoke of 'the natural right of a child to a father and mother' (HC 12/5/08, Cl.1148); Claire Curtis-Thomas declared that a 'child’s right to a mother and a father....should never be outweighed, particularly not by the supposed rights of adults to choose to engineer the structure of their family as they please' (HC 12/5/08, Cl.1134); and Andrew Selous described the right to a father as 'the most fundamental human right that any child in the world could ask for' (HC 20/5/08, Cl.170).

On the reverse side of this argument were concerns about the social impact of fatherlessness. Moving an amendment to retain the clause, the ex-leader of the Conservative party, Iain Duncan Smith, argued that its removal would send out a signal 'that fathers no longer matter' (HC 12/5/08, Cl.1079), and maintained that evidence showed that children with absent fathers were more likely to fail at school, fall into drug and alcohol addiction, and endure 'some form of unemployment or welfare dependency' (HC 20/5/08, Cl.169). Supporting this view, the Conservative MP, David Burrowes, stated that '[e]vidence confirms, clearly and categorically, that....[t]he absence of a father has a significant impact on a child, which can be compensated for, but not replaced, by a loving
mother and supportive parenting' (HC 12/5/08, Cl.1131); Mark Simmonds maintained that 'the importance of the father is now almost uncontested in social research' (HC 20/5/08, Cl.186); and Geraldine Smith claimed that there was 'abundant evidence' to show that children raised by a mother and father 'develop much better socially and emotionally, and attain higher levels of educational achievement than their counterparts in other types of family unit' (HC 12/5/08, Cl.1097). The need for a father figure, she concluded, was 'pure common sense, and the fact that we are even debating it is ridiculous' (HC 20/5/08, Cl.173).

The discourse of hope

If opposition to the Bill came overwhelmingly (albeit not universally) from religiously-motivated groups and individuals, its supporters drew principally from a range of secular bodies. These included the Academy of Medical Sciences, the Royal Society, the Wellcome Trust, the BMA, the RCOG; Cancer Research UK and the British Heart Foundation. The discourse of hope through which supporters made their case in favour of the Bill's provisions signified an expanded form of that which had prevailed in the debate over the 1990 Bill. This again emphasised the potential medical benefits to be derived from human embryo research, though also now contained elements based on broader notions of civil rights and equality.

These expanded elements were clearly evident in the debate over abortion, in which those in favour of lowering the existing limit framed their arguments in terms of a woman's right to choose. The Labour MP, Julie Morgan, explained, for example, that '[t]he moral issue is whether it is right to force a woman to carry on with a pregnancy if she feels that she cannot do so' (HC 20/5/08, Cl.269), while her Labour colleague, Diane Abbott, calling for abortion to be extended to Northern Ireland, justified this on the grounds that: 'When it comes to the right to choose, women in Northern Ireland are second-class citizens. They are denied the NHS treatment and funding for abortion that is permitted to every other woman in the United Kingdom' (Abbott, 2008). Empirical evidence, too,
formed a key part of the case for retaining or liberalising existing abortion legislation, with those in favour of the current abortion limit highlighting research (namely the EPICure2 and Trent studies) which showed, contrary to the claims of opponents, that there had been no statistically significant improvement in survival rates for babies born before 24 weeks during the past 18 years, a point which, it was further asserted, accorded with the consensus of the scientific community (see e.g. comments by Chris McCafferty, HC 12/5/08, Cl.1118; Dr. Evan Harris, Cl.1140; and Dawn Primarolo, HC 20/5/08, Cl.245; also see Laurence and Brown 2008; Bosely 2008). Pro-choice campaigners also maintained that Parliament had already decided on the moral and ethical issues involved in the question of abortion, and that, in trying to reduce the limit by amending a Bill whose main provisions were essentially unrelated to the issue, the pro-life lobby were attempting to exploit the parliamentary process in an inappropriate fashion (see e.g. remarks by Judy Mallaber, HC 20/5/08, Cl.257).

In a similar fashion, supporters of the Bill sought to reprise previous legislative strategies for dealing with its more controversial provisions by presenting them as being a mere updating of existing legislation, thereby downplaying the extent of the proposed changes. The Health Minister, Alan Johnson, told the House of Commons that the proposed measures had been simply designed 'to keep pace with new avenues of scientific research and to reflect wider change in our society' (HC 12/5/08, Cl.1066); the Liberal Democrat MP, Phil Willis, argued that the Bill 'does little more than bring within the law and within regulation interpretations of the Act made by the HFEA, changes in society and breakthroughs in medical science since 1990' (HC 12/5/08, Cls..1119-20); while Dawn Primarolo, the Minister of State at the Department of Health, contended that the Bill was 'primarily an overhaul of legislation that was passed 18 years ago', and that '[i]ts overall effect is that of evolution, not revolution' (HC 12/5/08, Cl.1157). Criticism of the timetabling of the Bill was also brusquely dismissed. At the final Commons vote in October, Primarolo pointed out that the Bill had enjoyed '81 hours of debate thus far', and reminded those in attendance that it had been granted 'two
days on the Floor of the House – unique for this type of Bill – including time for the debate on abortion, without restriction on the subjects on which amendments could be tabled' (HC 22/10/08, Cl.334). So too was the response given in the Lords. As Earl Howe put it, the Bill had been 'long in gestation', having followed 'a House of Commons Select Committee report in 2005, a public consultation, a government White Paper, a draft Bill, pre-legislative scrutiny of that Bill by a Joint Committee of both Houses and a government response to the Joint Committee’s report'. 'By no stretch of the imagination', he concluded, 'could this Bill be regarded as having been fashioned in haste' (HL 21/11/07, Cl.862). Putting the same point from a slightly different angle, the Labour Peer, Lord Robert Winston, maintained that the issue had been discussed 'over many years', and stated that: 'I doubt whether there is a single scientific paradigm that has been more discussed in the general press, on television, radio and in the media' (HL 19/11/07, Cl.710).

Perhaps the strongest assertions made by supporters of the Bill (again following the lines of the 1990 debate) concerned the potential medical benefits of research involving human embryonic stem cells. Among the main contributors to the debate, the Royal Society highlighted the fact that Britain had developed 'an international reputation as a leader in stem cell science', and maintained that it was 'vital that progress in this area continues as it has the potential to limit or even end the suffering of people with conditions such as Alzheimer’s, Parkinson’s and motor neurone disease' (Ev.59. June 2007); the Royal College of Physicians declared that research in this area offered the 'potential for new knowledge that will make a significant contribution to human health' (Ev.106. June 2007); and the Bioindustry Association described the measures contained in the Bill as promoting 'ground-breaking research' with 'the potential to unlock significant scientific discoveries' (Ev.90. June 2007). Not surprisingly, patient groups and charities also pledged their support for the proposals. Among them, the Multiple Sclerosis Society held that stem cell research offered the 'promise for advances in the treatment of serious diseases', and that it was therefore 'vital that scientists are allowed to continue exploring the potential of stem cells as a basis for innovative new therapies' (Ev.60. June
The Muscular Dystrophy Campaign stated that it was 'extremely important' to keep open such avenues of research 'in order to ensure the best possibility of new treatments and effective cures for muscle disease and neuromuscular conditions' (Ev.49. June 2007).

In this light, supporters of the Bill also rejected the case put by its opponents in this regard as constituting a gross misrepresentation of reality. Rebutting the Easter assault by the Catholic church, Lord Winston, accused Cardinal O'Brien of making comments that were deliberately 'misleading' (MacDonald and Oliver, 2008), a view that was supported by the new chair of the Human Fertilisation and Embryology Authority, Lisa Jardine, who accused the church of intervening 'with a technical piece of legislation in highly emotive, emotionally charged terms' (Byrnes, 2008; Templeton, 2008). Dr Stephen Minger, director of the stem-cell biology laboratory at King's College, also attacked senior church figures for engaging in what he described as a 'cynical' use of 'intentionally inflammatory' language in order 'to ratchet up tension' (Summers et al, 2008), a point that was also made by the Liberal Democrat MP, Norman Lamb, who accused church leaders of resorting to 'exaggeration or sensationalism' (HC 12/5/08, Cl.1086), and by the Labour MP, Dr Ian Gibson, who criticised opponents of the Bill for presenting it as the 'stuff of science fiction', replete with imagery of 'evil people in white coats' (HC 12/5/08, Cl.1112). This reflected a pointed observation from his Labour colleague, Dr. Desmond Turner, who remarked that even 'the monsignors in the Vatican were not putting out the same sort of ridiculous misrepresentation as certain Catholic cardinals have done in this country' (HC 12/5/08, Cls.1127-8).

Supporters of the Bill also took direct issue with opponents' claims about the dubious utility of stem cell research, pointing out that the relatively recent nature of the technology was a key reason for the lack of material clinical benefits to have been derived from it so far. The Liberal Democrat MP, Dr Evan Harris, a leading advocate of the Bill, for example, made the case strongly; pointing out that embryonic stem cell research had only been permissible in the UK since 2001 (HC 12/5/08, Cls.1137-8), and that the contention that it had been shown to be a dead-end was thus an
'outrageous allegation'; in short, 'the worst argument that I have heard from opponents of the research' (HC 19/5/08, Cls.52-3). Likewise, the Conservative MP, John Bercow, reprimanded opponents of the Bill for directly comparing the results of embryonic and adult stem cell research, a comparison that he derided as 'absurd' given that the latter had been around since the 1950s while the former had been operational for just half a decade (HC 20/5/08, Cl.64). In the upper House, Lord Winston added his voice to the critique, stating that it was 'simply not true' to suggest 'that a wide body of scientific opinion believes that we should abandon embryonic stem cell research, or even downgrade it', and emphasising that, to the contrary, there was a 'broad consensus among people with very strong ethics that this is the appropriate thing to be doing'. As he explained: 'We must not confuse research on a cell to understand its properties with the issue of therapy, which is completely separate' (HL 4/2/08, Cl.876), and that, while therapeutic benefits remained at the level of potentiality, stem cell research had nevertheless 'produced scientific benefit, unquestionably' (HL 15/1/08, Cl.1209).

On this basis, opponents' claims to hold the upper hand on the issue of morality were also challenged. The debate, as Evan Harris again made clear, was not one that pitted science against morality in the zero-sum fashion presented by proponents of a discourse of fear, but, rather, was one of 'morality and ethical codes on both sides' (HC 12/5/08, Cl.1137). '[T]his', he maintained, 'is an issue of conscience, but that does not mean that it is a case of science versus ethics....both sides have an ethical viewpoint' (HC 19/5/08, Cl.48). The point was put in similar manner by the Labour MP, George Howarth, who stated that 'no one side has a monopoly on moral argument' (HC 19/5/08, Cl.88). Indeed, the Prime Minister, Gordon Brown (whose son suffers from cystic fibrosis, one of the conditions to potentially benefit from stem cell research), framed his own support for the measures in ethical terms, and implored MPs to do likewise, telling them, in response to the the Easter attack, that it was their duty to 'future generations' to vote for the Bill, which he described as an 'inherently moral endeavour' that could save millions of lives (Hinsliff, 2008a).
Moral arguments also underpinned the case for allowing tissue typing for the creation of saviour siblings. Typical here, for example, were the views of George Howarth, who chided opponents for having sought to present the case that 'the moral argument lies entirely in one direction and that the legislation has been drafted by a latter-day Mary Shelley who wants to allow scientists to create monsters (HC 19/5/08, Cl.88). Taking issue with the notion that the process could be psychologically damaging for the saviour, Raanan Gillon, Emeritus Professor of Medical Ethics at Imperial College London, posed the moral quandary in more nuanced terms, positing that 'the welfare of the child needs to be considered against the alternative for that child', and that 'it seems to be fairly impregnable logically. From that child’s perspective, what is the alternative, not to have existed at all' (evidence to the Joint Committee on the Human Tissue and Embryos (Draft) Bill, 26/6/07, Q.865). Evan Harris, too, was similarly critical. As he put it, claims that the practice was akin to eugenics were 'offensive', and there was no evidence to suggest that the process would be a psychological burden to the 'saviour' (HC 18/5/08, Cls.84-5). On this point, Lord Harries (HL 4/12/07, Cl.1658) also addressed the ethical question in unequivocal terms; countering with the opposing dilemma, that:

if as the result of the child’s bone marrow a child who was dying is alive, that would surely enhance the sense of the preciousness and value of that child and the gratitude for it within the family. If we suppose that the child had died and the parents had a new child because there was a gap in the family, what would the psychological effect of that be?

Accompanying these ethical concerns were further issues relating to the theme of rights and entitlements, which formed the cornerstone of the case for removing of the 'need for a father' clause in the provision of IVF treatment. Here, supporters framed the issue as being principally a technical and legal, rather than an intrinsically ethical matter, contending that its abolition was necessary to end a source of discrimination and to keep in line with existing laws on civil partnerships and human rights. Outlining the government's policy in the Lords, the Under-Secretary of State at the
Department of Health, Lord Darzi, explained that retaining the clause 'would be inconsistent with the wider government policy of promoting equality', that 'any provision that placed additional hurdles for same-sex couples or single women accessing treatment compared with heterosexual couples would not be appropriate or acceptable', and that '[i]n addition, it is the Government’s view that such a provision might be incompatible with the European Convention on Human Rights' (HL 21/1/08, Cl.55). Making the case in the Commons, Dawn Primarolo, made the same point, telling MPs that retaining the clause 'would be inconsistent with other legislation that has been passed by Parliament to recognise civil partnerships and to remove discrimination on the ground of sexual orientation' (HC 12/5/08, Cl.1159). The removal of the clause, she maintained, was 'not about doing away with fathers', but was simply about 'ensuring that the law reflects current practice and family set-ups, and current legislation on human rights and discrimination' (HC 20/5/08, Cl.193). Phil Willis, too, set out the case in favour of removal, deriding the clause as 'discriminatory and unfair', and maintaining that the position was simply one of 'basic justice' and of doing 'what is right' (HC 12/5/08, C12.1123-24), as did the Labour MP, Emily Thornberry, who stated that 'the central point' was the need 'to give legal rights to lesbian couples and single women', and that 'it is wrong to make judgements about families, and to tell one family that they are normal and another family that they are abnormal' (HC 19/5/08, C12.177-78).

Alongside these discursive elements of equality and legality were issues about child welfare; principally the assertion that this was not at risk from unconventional family structures. Central to this was a stated lack of evidence to suggest a negative effect, either emotional or psychological, on the children involved, and a claim that the main variable influencing child welfare was the quality of the parenting rather than the gender balance of the parents. The Royal College of Pathologists, for example, described the removal of the clause as 'a rational move' (Ev.06. June 2007); the British Fertility Society maintained that '[r]esearch shows that children do better when there is a supportive social network within which they can flourish' (Ev.23. June 2007); and Walter Merricks, Chairman
of the Donor Conception Network, made the point that there was 'a great deal of research' to show 'that the welfare of children much more depends not on genetic links but on the confidence of the parents themselves or individuals who are bringing up those children' (evidence 20/6/07, Q.686). This point was also made by Professor Susan Golombok, Director of the Centre for Family Research, who stated that 'studies tend to show that children raised in lesbian families are no more disadvantaged in terms of their emotional wellbeing or other aspects of development than children in comparable heterosexual families' (evidence to the Joint Committee on the Human Tissue and Embryos (Draft) Bill, 27/6/07, Q.884).

The parliamentary debates on these issues revolved around the same arguments. John Bercow, for instance, told the House of Commons that 'the only compelling academic evidence that exists shows that there is no detriment to the child who is brought up by lesbian parents' (HC 20/5/08, Cl.190); Baroness Howarth stated that '[t]he most scientifically rigorous studies of the development of children in same-sex families show that children raised in lesbian mother families are no more at risk of developing psychological problems than their counterparts from families with fathers present in their home' (HL 21/1/08, Cl.69); and Dawn Primarolo observed that social research 'shows that children of same-sex couples develop emotionally and psychologically in a similar way to children born of heterosexual donor-inseminated couples', and that '[w]hat counts is the quality of parenting' (HC 20/5/08, Cl.191). This point was also made by Dr Evan Harris, who pointed to evidence showing 'how well children do when they are born to lesbian parents and solo parents', and who argued that 'the onus is on people who want to put a discriminatory hurdle in the way of such people to justify doing so by showing that there is evidence of harm' (HC 12/5/08, Cl.1140). Oppositional claims about the social impact of the move were also put to the sword. As Baroness Hollis put it: 'the Bill will not affect human behaviour', and retaining the clause 'will send out a message that all families without fathers, whether the children were conceived through IVF or, even more widely, naturally, are second-class and second-rate' (HL 10/12/07, Cl.37).
Conclusions

The controversy over the Human Fertilisation and Embryology Bill marked the latest in a long-running series of clashes over the field of human embryo and stem cell research in the UK. To what extent, then, did the successful passing of the Bill with all its key provisions intact signify a triumph for a discourse of 'hope' over 'fear'? A key point of note in considering this is that while advocates of each discourse sought to convince and persuade others as to the veracity of their cause, the state of public and political opinion on the issues involved remains difficult to determine with any degree of certainty. As the Joint Committee on the draft Bill pointed out, while both sides of the debate were keen to cite evidence of public support for their arguments, much of this was dependent on the way in which the various issues and questions had been framed, and an objective, robust and comprehensive survey of public opinion had yet to be carried out. Declaring itself to be 'concerned by the unsubstantiated claims made about public opinion and public support and by the lack of evidence provided', the Committee recommended that the government move to address this problem by commissioning independent public policy research into the general state of public opinion on scientific and ethical developments in the field (House of Lords, 2007, paras.22-23).

That said, and notwithstanding the problems raised by the Joint Committee, the findings of a public consultation conducted by the Human Fertilisation and Embryology Authority in 2007 highlighted the positive impact of progressive arguments in this area. The consultation found that while more than half (56%) of those taking part agreed with the use of human embryos for research purposes (with 22% opposed), this figure rose to almost four-fifths (79%) if the stated rationale for such research involved potential medical benefits for those with degenerative conditions. Similarly, in the case of research using hybrid embryos, an initial level of support of just over a third (35%) of participants (with 48% opposed) rose to 61% with the addition of potential therapeutic benefits (HFEA, 2007: Appendix F). With levels of support for such research being markedly higher among
those with knowledge of the science involved, the view of the HFEA was, not surprisingly, that there needed to be 'increased communication with the public' on scientific matters (HFEA 2007: para.6.8).

That the progressive values associated with a discourse of hope may have resonated more strongly with the values of a modern UK society than those of a discourse of fear is also borne out by the parliamentary votes. Although Labour members were whipped by the government at the Bill's final reading, a disaggregation of the votes is nonetheless illustrative, not least due to the free votes allowed by the Conservatives and the Liberal Democrats. On this, the contours of the breakdown were perhaps unsurprising, with the Conservatives being principally opposed to the Bill and with Labour and Liberal Democrat MPs being predominantly in favour. At the Bill's second reading, for example, 56% of those Conservative MPs that voted were opposed to the Bill, compared to just 14% of Liberal Democrats and just 3% of Labour members. At the Bill's final reading, almost two-thirds (64%) of voting Conservative MP's opposed the Bill, with just over a third (35%) of voting Liberal Democrat MPs going the same way (6% of Labour MPs defied the party whip to cast their votes against). These patterns were also reflected in divisions over the specific measures contained within the Bill. Tissue typing for the creation of saviour siblings was opposed, at the second reading, by 57% of Conservatives, but just 21% of Lib Dems and 19% of Labour MPs; the granting of licenses for creating human-animal hybrid embryos was opposed by 46% of Conservatives, though only by 27% of Liberal Democrats and 23% of Labour MPs (figures calculated from statistics provided by http://www.publicwhip.org.uk). The evidence of the parliamentary record, then, with a large majority of MPs choosing to wield their free votes in favour of the Bill's provisions, clearly shows that the values embodied by the discourse of hope found greater political resonance than those expressed by its opponents.

But while advocates of a discourse of hope may have possessed a more popular and a more persuasive set of arguments than their opponents, the actual story of the Bill's route to the statute
book was not one driven by the strength of argument and the persuasiveness of discourse alone, but was crucially shaped and conditioned by political factors. In this, opponents of the Bill, lacking the political resources available to the government, turned to headline-grabbing initiatives in the media (such as the Easter attack on the Bill by senior figures in the Catholic church) and the tabling of amendments (most controversially in the case of abortion) in their effort to galvanise support and to undermine the Bill's main provisions. For the government, on the other hand, political support and intervention was facilitated by its control of the parliamentary timetable and the legislative process. Here, the attempt to manage the controversy surrounding the Bill and to prevent it from succumbing to opposition amendments and wrecking motions was manifest in a number of ways, including the introduction of the Bill in the Lords, the imposition of whipped voting in both Houses (justified on the grounds of parliamentary convention), a delay to the final reading, and the use of a programme motion to curtail debate when it finally arrived after the summer recess. Although the government's use of such measures is also an inconclusive indicator as to the respective strength of the opposing discourses, it is nonetheless indicative of the fact that any advantage held by the Bill's supporters in this regard was not considered to be sufficient enough to allow the parliamentary process to proceed in a free and open manner. One implication of this, in the absence of any overwhelming and decisive superiority for one side over the other, is that discourses of hope and fear are both likely to feature in any future debates that arise in the area of embryo research in the UK. The debate over the Human Fertilisation and Embryology Bill may have been won, but the arguments it embodied are far from over.

References


The Times (2008), 'Widespread disappointment at vote on abortion says Cardinal', 21 May 2008.


