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Chapter 4 'Where to draw the line?' Mary Warnock, embryos and moral expertise

The political enthusiasm for external oversight was made clear in 1982 when officials at the DHSS broke from the longstanding reliance on scientific and medical expertise and prioritised 'an outside chairman' for their public inquiry into IVF and embryo experiments. After a brief discussion about possible chairs, politicians chose the moral philosopher Mary Warnock to chair an inquiry in which, for the first time, individuals from other professions outnumbered doctors and scientists. Warnock's involvement with IVF highlights the British emergence of what Jasanoff calls 'official bioethics', in which philosophers, lawyers and others serve on government committees and assist in policymaking.¹

Once appointed, Warnock became a vocal supporter of external oversight. In language reminiscent of Conservative politicians and Ian Kennedy, she regularly argued that the public were 'entitled to know, and even to control' professional practices. Like Kennedy, she also claimed that this would benefit researchers by safeguarding them from declining public and political trust. Many clinicians and researchers agreed that oversight would make their work³ 'socially palatable' and supported Warnock's calls for a 'monitoring body' to scrutinise IVF and embryo research. Like Kennedy, then, Warnock both responded to and helped to generate the demand for bioethics, contributing to the public and political construction of the 'audit society'.

Despite the similarity in their arguments, Kennedy and Warnock promoted bioethics for different reasons. While Kennedy's endorsement drew on his encounters with civil rights politics and American bioethicists, Warnock was motivated by changing trends in philosophy. She believed that the refusal to discuss practical issues had rendered philosophy trivial and boring, and joined a growing number of philosophers who began to comment 'on the rightness or wrongness of particular issues' during the 1970s and 1980s.⁴ Warnock's appointment as chair of the IVF inquiry provided her with the chance to engage with practical affairs and led other philosophers to view bioethics as the most profitable branch of what Peter Singer called 'applied ethics'.

But many of the philosophers who engaged with ethical⁵ issues could not shake off the belief that morality was a set of subjective and often incompatible views and premises.⁵ Warnock was confronted with this problem when her committee disagreed over embryo research and she was unable to reconcile those 'who said "Look at the benefits" and those who, at the other extreme, said "I don't care what the benefits are: I feel it to be wrong"'.⁶ Warnock recognised that there was no way of uniting these opposing views or of reasonably showing that one was more valid than the other. First, scientific evidence offered no resolution, as both sides used data on embryological development to justify their particular standpoint. The interpretation of scientific 'facts' here was not a neutral activity, since the question of which facts mattered was clearly shaped by an individual's moral preferences.

Secondly, Warnock drew on figures such as A. J. Ayer to claim that opposition to research⁷ was valid even if an individual simply felt it to be wrong, as 'morality cannot be divorced from sentiment'.⁷ She publicly argued that this limited the role that philosophers⁸ had to play in practical affairs, where 'there is no such thing as authority. There is only a set of different opinions.'⁸ Warnock's argument here further aligned bioethics with the sociopolitical climate of the 1980s. It dovetailed with the neo-liberal emphasis on individual autonomy and echoed Margaret Thatcher's belief that 'choice is the essence of ethics'.

Warnock's belief that 'there cannot be moral experts' also set her against figures such as Richard Hare and Peter Singer, who argued that philosophers could provide authoritative answers to moral dilemmas.⁹ Their differences of opinion demonstrate that bioethicists held no consensus on what bioethics was or how it should function. While Hare and Singer believed that bioethics provided a vehicle for philosophers to act as 'ethics experts', Warnock saw it as a form of 'corporate decision-making'¹⁰ in which representatives of different groups and professions sought 'a middle way' between competing interests.

When it came to Warnock's committee of inquiry, this 'middle way' involved using scientific data to try and reconcile supporters and opponents of embryo research. Warnock argued that permitting experiments up to fourteen days after fertilisation, when antecedents of the nervous system began to form, would retain many utilitarian benefits while offending as few people as possible. But this decision was heavily criticised by other bioethicists, in addition to

supporters and opponents of research. Despite the emergence of 'official bioethics', then, the question of 'where to draw the line', and *who* exactly should draw it, remained publicly contentious.

From meta-ethics to 'applied ethics': British philosophy in the 1960–80s

Mary Warnock was born Mary Wilson in Winchester on 14 April 1924, seven months after her father had died from diphtheria. Despite being one of six children in a single-parent family, she enjoyed a comfortable childhood. Her family remained wealthy thanks to her maternal grandfather, the German-born banker Sir Felix Schuster, and she was educated at the prestigious St Swithin's school in Winchester.¹¹ After leaving this school in 1940, she spent three terms at St Prior's school in Surrey, which counted Julian and Aldous Huxley among its former pupils. In 1942 she won a scholarship to Lady Margaret Hall, Oxford, to study Classics. It was here that she met a fellow student, Geoffrey Warnock, who went on to become a well-known philosopher and Vice-Chancellor of Oxford. They married in 1949, and that same year the new Mrs Warnock was appointed lecturer in moral philosophy at St Hugh's College, Oxford.

Warnock recalls that 'philosophy in Oxford was then in the high point of success', with large student numbers and over thirty members of staff.¹² The dominant figures were Gilbert Ryle and J. L. Austin, who encouraged meta-ethical work on the meaning and classification of language. Although A. J. Ayer had recently left for London, Warnock noted that his influence 'seemed most difficult to shake off'.¹³ Most Oxford staff believed that the focus on logic and language ensured that 'moral philosophy, as a subject, was over and done with'.¹⁴ The only exception was Richard Hare, who argued that moral judgements were different from factual statements on account of their being prescriptive and universalisable, where claiming 'you ought to do X' at once commits me to doing so and instructs others to do likewise.¹⁵ But Hare's work was still concerned with the nature of moral language, not with concrete questions of what ought to happen in specific situations. Even when he spoke at meetings on practical subjects, such as Ian Ramsey's symposium on 'Personality and Science', Hare simply clarified the use of words and concepts such as 'personality'.¹⁶ Like their colleagues elsewhere, Oxford philosophers firmly believed they 'had no more right to pontificate about morals than anyone else'.¹⁷

This standpoint clearly frustrated Mary Warnock. In a 1960 book on *Ethics since 1900*, she complained that 'the concentration upon the most general kind of evaluative language, combined with the fear of committing the naturalistic fallacy, has led too often to discussions of grading fruit, or choosing fictitious games equipment, and ethics as a serious subject has been left further and further behind'.¹⁸ But she closed the book on a cautiously optimistic note and claimed that 'the most boring days are over'.¹⁹ Warnock drew encouragement from the work of the Oxford philosopher Philippa Foot, who published several papers in the late 1950s that criticised Hare's belief that a moral argument was both prescriptive and universalisable. Foot claimed, by contrast, that an argument could only be shown to be moral on the grounds that following or ignoring it entailed concrete benefits or harms to people.²⁰

Foot also countered G. E. Moore's naturalistic fallacy by arguing that descriptive premises counted as evidence for normative conclusions, since notions such as 'good' could not be separated from the benefits or harms they produced in specific contexts. She believed morality was not simply a matter of choice and that 'man can no more decide for himself what is evidence of rightness or wrongness than he can decide what is evidence for monetary inflation or a tumour on the brain'.²¹ Warnock recalled that Foot's conclusions freed philosophers 'from the restrictions of the so-called naturalistic fallacy ... At last, the absolute barrier erected between fact and value had been breached, and moral realism began to be sniffed in the air'.²²

Warnock believed that moral philosophy could now incorporate 'both description of the complexities of actual choices and actual decisions, and also discussion of what would count as reasons for making this or that decision'.²³ Her optimism was vindicated in the 1960s and 1970s, as a growing number of philosophers began to 'look at real moral problems, rather than the words or forms in which these problems are discussed'.²⁴ The subject matter of this work highlighted the influence of contemporary events. For example, when Harold Wilson's Labour government passed its Abortion Act²⁵ in 1967, Foot wrote an article that considered different instances when abortion might be considered permissible.

But this paper was something of a novelty. While issues such as IVF, euthanasia and organ transplantation were increasingly discussed in 'trans-disciplinary' groups during the 1960s, most of the philosophers who looked at practical issues did not consider medical ethics to be an important topic.²⁶ They were more concerned with political issues, including the ethics of the Vietnam war, student protests in the United States, France and Britain, and the ongoing campaigns against nuclear and chemical weapons. This was certainly the case in Oxford, which became central to the growth of 'applied ethics' despite the scepticism of some senior staff.²⁷ Here, young fellows such as

Jonathan Glover worked on the morality of arguments relating to acts and omissions, investigating whether the belief²⁸ that 'it makes no difference whether or not I do it' could justify developing weapons or selling arms to South Africa. Under the supervision of Hare and Ronald Dworkin, students such as Peter Singer and John Harris wrote PhDs on political violence and civil disobedience. And the increasingly practical interests of PhD and undergraduate students, in turn, also encouraged senior figures such as Hare to write on the morality of subjects such as war and slavery.²⁹

Despite her enthusiasm for practical philosophy, Mary Warnock left Oxford just as this approach was making inroads. While she enjoyed teaching philosophy, Warnock considered herself an 'entirely unoriginal thinker' and 'not much good at the subject'.³⁰ Having come to believe that her 'natural habitat was school, not university', she accepted the position of headmistress at the private Oxford School for Girls in 1966.³¹ Although she enjoyed working at the school, Warnock returned to the University of Oxford in the summer of 1972, after Geoffrey Warnock was elected Principal of Hertford College. She noticed that medicine now featured more prominently in applied ethics,³² with students on a philosophy and theology degree encouraged to discuss issues such as euthanasia and abortion.

By this point, philosophers such as Glover, Singer, Harris and Hare had also begun to write on medical and scientific ethics, extending their prior work on acts and omissions and the moral implications of violence and killing. Singer looked at animal experiments in essays and in his book *Animal Liberation*, in which he drew on civil rights campaigns to propose that 'we extend to other species the basic principle of equality that most of us recognise should be extended to members of our own species'.³³ After claiming that harming animals on account of their presumed inferiority was a form of discrimination known as 'speciesism', Singer argued that animals should be given equal consideration to humans on account of their capacity to suffer. Harris's work on whether people were causally responsible for harm they could have prevented, meanwhile, led him to write on a hypothetical 'survival lottery' and to ask if it was morally³⁴ permissible to let two patients in need of organs die when one healthy person could be killed to save both their lives.

Richard Hare's 1975 paper on 'Abortion and the Golden Rule' set out his own ambitions for applied ethics, which underpinned his later criticism of Mary Warnock. Hare argued that philosophers wasted time discussing the 'rights' of the foetus and its mother, or whether or not the foetus was a person, since these were not 'fully determinate' concepts and only served to complicate debates.³⁵ He believed the central question hinged instead on the 'golden rule' whereby: 'If we are glad that no-one terminated the pregnancy that resulted in *our* birth, then we are enjoined not, *ceteris paribus*, to terminate any pregnancy which will result in the birth of a person having a life like ours.'³⁶

Hare did not support a pro- or anti-abortion stance here, but was instead appealing for public debates to be grounded in a thorough 'study of moral concepts and their logical properties'. Seeking to distance himself from the subjective view of ethics promoted by Ayer, he declared that appeals to intuition or sentiment were as fruitless as appeals to rights and notions of personhood. All they did, he argued, was highlight an individual's or group's prejudices without 'telling which prejudices ought to be abandoned'.³⁷ Hare believed that philosophers should instead enable scientists, politicians and the public to reach clear answers by using moral frameworks such as utilitarianism to show 'which are good and bad arguments'.³⁸

Hare also promoted the benefits of philosophy in the growing number of interdisciplinary publications and symposia concerned with medical ethics. In a 1977 book on *Philosophical Medical Ethics*, he argued that if a philosopher could not help doctors to understand and resolve ethical dilemmas, 'then he ought to shut up shop'.³⁹ 'A failure here', he continued, 'really would be a sign of either the uselessness of the discipline or the failure of the particular practitioner.' During 1981 Hare joined Jonathan Glover in teaching an LMG course on 'An Introduction to Ethics', while John Harris regularly spoke to the Manchester Medical Group following his appointment as lecturer in the philosophy of education.⁴⁰ From its first edition, the *Journal of Medical Ethics* also contained a series of regular articles on the 'introduction to ethical concepts', where philosophers such as Robin Downie, from the University of Glasgow, claimed that doctors would be better equipped to deal with an ethical issue 'if they have some theoretical grasp of the principles underlying it'.⁴¹

Mary Warnock clearly took heart from the growth of what Singer and others now called 'applied ethics'. In the afterword to a 1978 edition of *Ethics since 1900*, she wrote that philosophy was now becoming 'a practical subject, and therefore more urgent and interesting'.⁴² By this point Warnock was engaging with practical issues herself. In 1974 Margaret Thatcher, then Secretary of State for Education, asked her to chair an inquiry into teaching children with special educational needs.⁴³ And in 1977 Warnock was given the chance to engage with a more contentious issue when the Labour Home Secretary, Merlyn Rees, asked her to join a newly reconstituted Home Office advisory committee on the administration of the 1876 Cruelty to Animals Act.

Like many aspects of biomedical research, animal experiments became increasingly controversial during the 1970s. This stemmed largely from a public outcry over the use of dogs in smoking research, a growing belief that animal tests should be replaced by 'humane' alternatives such as tissue culture, and a focus on the 'rights' of laboratory animals.⁴⁴ While they had barely criticised animal experiments for most of the twentieth century, newspapers and some politicians now called for stricter legislation and condemned scientists for performing vivisection when alternatives existed. James Callaghan's Labour government responded to this controversy by issuing a charter for animal protection, entitled *Living Without Cruelty*, and pledging to reduce the number of animal tests.⁴⁵ In line with its belief that different stakeholders should have a say in the development of public policies, it also recruited greater numbers of lay people to the Home Office advisory committee that had comprised one lawyer and ten scientists since 1913.⁴⁶

Warnock believed that this appointment allowed her to tackle the longstanding philosophical question of 'how we ought to behave toward the natural world', including when people were justified in utilising animals for their own ends.⁴⁷ Her first task was to help the committee investigate the LD50 test, which scientists used to evaluate the single dose of a compound needed to kill 50 per cent of a given animal population (predominantly rats and mice). Animal welfare groups claimed that this test was crude, wasteful and unnecessarily cruel, since there was no limit to the maximum dose scientists could administer.⁴⁸

When the committee's report was issued in 1979, it discussed broad questions of when it was ethically acceptable for humans to use or inflict pain on animals. The committee argued that inflicting pain on animals only amounted to cruelty when it was 'not compensated by the consequential good'.⁴⁹ To the disappointment of animal rights campaigners, they continued that: 'In applying this criterion, there must be assumed a presumption in favour of humans over animals. We believe that while it is not legitimate to use one human being, without his consent, as a means to an end, it is, within limits, legitimate to use animals for human ends.'⁵⁰ The committee argued that the use of animals was acceptable where the envisaged human benefit was 'a serious and necessary one, not a frivolous or dispensable one'.⁵¹ While they acknowledged that the LD50 test caused 'appreciable harm' to a large proportion of experimental animals, the committee argued it was nevertheless essential 'for the proper testing of new substances'.⁵²

These recommendations reflected and were partly influenced by Warnock's own views. Although she believed that people should treat animals humanely, she argued that: 'Speciesism is not the name of a prejudice which we should try to wipe out. It is not a kind of injustice. It is a natural consequence of the way that we and our ancestors have established the institution of society.'⁵³ Shortly after the Conservatives won the 1979 election, the new Home Secretary, William Whitelaw, asked Warnock to chair a restructured Home Office advisory committee on animal experiments. In addition to Warnock, the new committee included five scientists, two veterinarians, one experimental psychologist, two laypeople and two representatives of animal welfare groups.⁵⁴ It also had a broader remit than previous committees, and was charged with recommending new legislation for animal experiments. The committee's report, which was published in 1981, reflected Warnock's belief that oversight of science was vital to both safeguarding research and maintaining public confidence.⁵⁵ Its main recommendation involved the formation of an advisory committee to complement the Home Office inspectorate, which would act as 'a detached observer in touch with both the concerns of the public and the legitimate requirements of science and industry'.⁵⁶

In a 1980 article for the *Journal of Medical Ethics*, the Oxford philosopher Michael Lockwood surveyed the increasing engagement with practical matters and claimed that 'what were once questions largely for philosophical debate' now turned 'with bewildering rapidity into matters of widespread concern'.⁵⁷ But despite the growth of applied ethics, philosophers were not yet considered public authorities on medical ethics to the same extent as doctors, scientists or legal 'outsiders' such as Ian Kennedy. Their discussion of issues such as abortion and vivisection took place in academic journals, conferences or government committees, and not in newspapers, on the radio or television. Although Mary Warnock was the most high-profile 'applied' philosopher at the start of the 1980s, this reveals what Stefan Collini calls an 'intriguing disjunction between professional and public standings'.⁵⁸ Warnock was publicly known for chairing the inquiry into special educational needs and writing for publications such as the *Times Literary Supplement*; but no newspapers covered her appointment as chair of the advisory committee on animal experiments, and she did not comment publicly on its work or recommendations.⁵⁹

Philosophers first entered public debates on medical ethics in Britain following the 1981 trial of Dr Leonard Arthur, who had ordered 'nursing care only' and prescribed a course of strong sedatives to a newborn baby with Down's Syndrome after his parents had indicated that they did not wish him to survive. The baby contracted pneumonia and died shortly afterwards, prompting a member of hospital staff to contact the anti-abortion group LIFE, which then informed the police. The prosecution argued that Arthur had used drugs to intentionally kill the baby, while the defence argued that he had conformed with standard practice for severely disabled babies of waiting to see if they would

survive or whether 'nature would take its course'.⁶⁰ In summing up the evidence for the jury, the judge distinguished between doing something active to kill a child and electing not to follow a particular course of action that might have saved it. He reminded them that the former was unlawful, and the latter lawful. The jury, who also learned that the child suffered from serious heart and lung problems, acquitted Arthur on 5 November 1981.⁶¹

Although LIFE attacked the verdict, many journalists and doctors greeted it as vindication for a conscientious doctor who had acted 'within the professionally accepted limits of paediatric practice'.⁶² Arthur also received public support from Jonathan Glover, who wrote in the *London Review of Books* that 'a verdict of guilty would have been a morally undeserved calamity'.⁶³ Glover used the Arthur case to reiterate the main points of his 1977 book *Causing Death and Saving Lives*, exploring the moral implications of non-treatment and promoting the benefits of 'applied ethics'. He stressed that deciding whether or not to treat disabled babies was 'not simply a legal or medical matter', but was firmly linked to philosophical discussions on when it was acceptable to kill or let someone die. 'The conventional view that philosophical discussions are quite remote from having any practical upshot', Glover stated, 'has very little to be said for it.'⁶⁴

Glover argued that philosophers provided vital clarity to debates on the non-treatment of disabled babies by helping identify the relative strengths and weaknesses of the moral principles that various groups evoked to support their position. While he acknowledged there were 'unresolved problems' surrounding arguments in favour of non-treatment, he believed that they nevertheless outweighed the arguments of groups such as LIFE.⁶⁵ Glover stated that if a 'right to life' entailed a right to treatment, then opponents of non-treatment would also have to take a stand on the deaths of children that resulted from a shortage of organs or government cuts to hospital services. Until they did, he continued, it was difficult to frame the right to life as superior to the belief that non-treatment was a humane course of action for parents and 'the baby facing a terrible life'.⁶⁶ This led Glover to endorse a situation in which the authorities indicated that 'they will not bring prosecutions where parents and doctors allow severely handicapped newborn babies to die'.⁶⁷

Leonard Arthur also received public support from a more unlikely figure. In a long piece for *The Times*, A. J. Ayer argued that severely handicapped babies who had been rejected by their parents should 'not be suffered to live', and that doctors who discontinued treatment 'ought not to be morally or legally condemned'.⁶⁸ Ayer argued that he was not simply giving his personal views on current affairs, as he often did in newspapers and on television, but was using his professional capacity as a philosopher to analyse the 'moral questions which the trial of Dr Arthur and similar cases pose'.⁶⁹ This reflected his changing opinion on philosophy's relevance to public affairs. Following his retirement from UCL in 1978, Ayer had taken up a visiting professorship at the philosophy department at the University of Surrey, which was run by a former student, Brenda Cohen, and concentrated on applied ethics. Perhaps because of his new surroundings, Ayer now criticised the 'rather insular position' he had adopted for much of the twentieth century and claimed that philosophers had a role to play in public affairs.⁷⁰ Ayer's changed attitude was illustrated by his support for a new Society for Applied Philosophy, which Cohen and Anthony O'Hear founded in 1982 to 'provide a focus for philosophical research with a direct bearing on areas of practical concern'.⁷¹ His encouragement for this new venture was rewarded when Cohen made Ayer the society's inaugural president – to the consternation of Richard Hare, who protested that in 'Ayer's rare incursions into practical ethics, he does no more than tell us what he thinks without reasons beyond the appeal to the authority of B. Russell'.⁷²

But Glover and Ayer also conceded that there were limits to what philosophy could contribute to ethical debates. In the *London Review of Books*, Glover claimed that this stemmed from the fact that disputes on issues such as treating disabled babies 'reflect much wider disagreements about morality'.⁷³ He characterised British society as split between a declining but still powerful 'morality derived from religious commands and prohibitions' and 'consequentialist views, such as utilitarianism, which also vie with rights theories, and with agent-centred views stressing purity of motive and character'. Deriving clear answers was often difficult, Glover argued, because 'many people have an eclectic mixture of these, with no general agreement on the criteria to be used in moral debate'.⁷⁴ Glover stated that even if philosophers highlighted what were good or bad arguments, as Hare had recommended, 'no claim is made that moral argument can establish general principles which any rational and informed person can accept'.⁷⁵ Since different people had deeply held views that were often incompatible with opposing beliefs, 'it would be possible for someone to accept all the arguments put forward [by a philosopher] and yet legitimately to reject many of the conclusions because they do not accept the premises'. This meant, Glover concluded, that 'there is always the possibility, and sometimes the reality, of ultimate disagreement'.⁷⁶

Ayer also doubted whether applied ethics could provide clear answers. Although he moderated his subjective view of ethics during the 1980s, Ayer still denied that morality could be reduced to a set of universally binding principles.⁷⁷

This was evident in his *Times* article on the Arthur case, where he contended that 'no moral judgement can be founded

on authority'.⁷⁸ While he recognised that religion or secular frameworks such as utilitarianism were legitimate sources of morality, Ayer claimed that 'the fact remains that one still has to make the independent judgement that what the authority enjoins in this case is right'.⁷⁹ He believed that philosophers could not hope to provide widely accepted answers, since individuals who held religious premises would reject arguments made on utilitarian grounds, whatever their validity, and vice versa. This meant there were no obviously 'correct' solutions to issues such as abortion or euthanasia, and that when it came to making recommendations it was 'to some extent arbitrary where one draws the line'.⁸⁰

By 1982, then, 'applied ethics' had become a recognised branch of philosophy in a relatively short space of time. It had a dedicated society, and philosophers now discussed practical issues in academic journals, symposia, government committees and increasingly in public. But while many philosophers agreed that 'applied ethics' had a role to play in public affairs, they disagreed on its scope and importance. Some, such as Richard Hare, believed that they could reconcile differing groups by highlighting 'good or bad arguments' and evoking principles 'which we ought all to try to preserve'.⁸¹ Supporters of this view believed that the philosopher was a 'specialist in ethics' or a 'moral expert', who provided clear answers that appealed to any rational person.⁸²

But others, including A. J. Ayer, argued that while philosophers could help clarify the values that underpinned a particular standpoint, there was no rational way of reconciling them with opposing standpoints. While this was a largely academic debate during the 1970s, it played out in public to a small extent following the trial of Leonard Arthur in 1981. However, it soon received far greater coverage thanks to the controversy surrounding IVF and embryo experiments, which emerged in 1982 and lasted for the rest of the decade. This controversy gave 'applied ethicists' an unprecedented opportunity to publicly engage with topics that many now included under the heading of 'bioethics', and prompted questions about exactly what form this new approach should take.⁸³

'We must ALL have a say on test tube babies': outside involvement with IVF and embryo research⁸⁴

Despite a brief flurry of newspaper articles that discussed their eugenic implications, IVF and embryo research received little criticism in Britain during the 1970s. Religious figures claimed to see 'no problem', provided that scientists treated embryos responsibly, while politicians supported the use of IVF by married couples 'who could not have a baby any other way'.⁸⁵ The main concerns were raised by fellow scientists and hinged on the possibility that IVF might produce abnormalities in developing embryos.⁸⁶ There was certainly nothing like the ethical scrutiny and criticism found in the United States, where bioethicists such as Paul Ramsey criticised Edwards and Steptoe and urged Congress to ban IVF. As the *British Medical Journal* noted, thanks to the 'flowering of American bioethics' the major question here was not whether a baby conceived *in vitro* 'would be a girl or a boy, but whether its presumably unprecedented manner of coming into being is ethical'.⁸⁷

British newspapers also highlighted the differing transatlantic attitudes to IVF. When Louise Brown, the first 'test-tube baby', was born in Oldham, Greater Manchester, on 25 July 1978, the *Guardian* noted how Britain lacked the 'moral and ethical outrage' that characterised American debates.⁸⁸ Newspapers greeted Louise Brown as the 'Baby of the Century' and claimed, like Edwards, that IVF was a valuable medical technique.⁸⁹ A long *Observer* report, which again contrasted British and American attitudes, argued that any misgivings were likely to have been 'softened somewhat by the pictures of Mrs Brown's obviously normal baby'. Claiming that IVF was no more 'unnatural' than using hormones to stimulate ovulation, the paper predicted that if it 'can be proven to be safe, reliable and free of complications, then it will join those other medical techniques which have helped thousands of women become mothers – and men to become fathers'.⁹⁰

But the British enthusiasm for IVF soon evaporated. By 1982, newspapers claimed it raised troubling questions that the *Daily Express* called 'the aberrations of the baby revolution'.⁹¹ Journalists now dwelt less on the benefits to infertile couples and criticised the possible use of IVF by single women or unmarried couples, implanting multiple embryos in a single pregnancy, paying women to act as commercial surrogates and using embryos in research. The *Daily Mail*, which had greeted Louise Brown's birth as a 'miracle', withdrew the money it had pledged for the private IVF clinic that Edwards and Steptoe were building at Bourne Hall, Cambridge.⁹² And political figures, such as the Conservative peer Lord Campbell, now predicted that IVF would 'imperil the dignity of the human race, threaten the welfare of children, and destroy the sanctity of family life'.⁹³

Michael Mulkey argues that this change can be partly explained by the renewed emphasis on 'traditional' morals that followed the 1979 election of Margaret Thatcher's Conservatives.⁹⁴ Keen for a 'return to Victorian values', members

of her government spoke regularly about the need to reaffirm social principles undermined by the 'permissive' Bills on homosexuality, abortion and capital punishment that were passed during the 1960s. Anti-abortion organisations such as LIFE and the SPUC, which remained marginal while the Conservatives were in opposition, now had the opportunity to alter the 'rhetoric of British political life'.⁹⁵

These changes certainly helped transform attitudes to IVF. Whereas Edwards and Steptoe presented the recipients of IVF as married couples during the 1970s, supporters of 'traditional' morals now framed IVF as a potent threat to the nuclear family. They claimed that there was nothing to prevent single women from having multiple embryos implanted in one IVF cycle, or homosexual couples from paying third parties to act as commercial surrogates.⁹⁶ Some even foretold an 'Oedipus tragedy', in which a fertilised embryo⁹⁷ was implanted into a surrogate and, years later, grew into an adult who unwittingly married their biological mother. Although the lawyer Geoffrey Robertson was not an advocate of 'traditional' morals, he highlighted this as a potential problem in the *Observer* and argued that such children should be entitled to discover the identity of their genetic parents 'for the better avoidance of incest'.⁹⁸

But research on embryos *in vitro* undoubtedly became the most controversial issue. In a television documentary screened in February 1982, Robert Edwards admitted to experimenting on embryos that he had no intention of implanting into patients and claimed 'these spare embryos can be very useful ... they can teach us things about early human life'.⁹⁹ The immensely critical response to this admission indicated just how much opinion had swung against IVF – especially when we consider that embryo experiments had prompted little controversy when either Edwards or Gordon Dunstan discussed them in the 1970s. Within a week, the Labour politicians Leo Abse and Gwyneth Dunwoody had urged the Prime Minister to establish an 'urgent' inquiry.¹⁰⁰ A *Times* editorial argued that embryos 'ought not to be regarded as dispensable matter' and joined calls for an inquiry into 'which of the many strange possibilities now opening up are acceptable, which need controls, and which are unacceptable'.¹⁰¹ When Edwards again admitted that he had experimented on fifteen 'spare' embryos, representatives from LIFE demanded that he be immediately prosecuted and warned that 'unless test tube technology is brought under immediate control, we will find that manipulation of life on a horrifying scale has overtaken us'.¹⁰²

While it was clearly a significant factor, the resurgence of 'traditional' morals only partly explains why IVF and embryo research became so contentious in the 1980s. Criticism of these practices also reflected, and bolstered, growing calls for external involvement with scientific and medical ethics. While Ian Kennedy used a range of examples to endorse 'bioethics' during his Reith Lectures, calls for outside regulation centred almost exclusively on IVF from 1982 onwards. Leo Abse, for one, claimed that the establishment of inquiries into IVF by the MRC, the BMA, and the Royal College of Obstetricians and Gynaecologists was insufficient as the procedure raised ethical questions 'too enormous to be left to doctors'.¹⁰³ The only adequate solution, he argued in Parliament, was to convene an 'inter-departmental and inter-disciplinary inquiry'.¹⁰⁴

In her *Observer* column, the journalist Katherine Whitehorn similarly criticised Edwards for protesting that 'he didn't understand what the fuss was about'. She argued that his indifference highlighted the inadequacies of self-regulation and showed that 'if ever there was a case where it shouldn't be left to doctors and scientists alone, where society ought to have a say, as Ian Kennedy insisted in last year's Reith Lectures, this is it'.¹⁰⁵ In a letter to *The Times*, Kennedy used the controversy over embryo experiments to reiterate that decisions 'cannot be left simply to one professional group, whether doctors, lawyers or whatever'.¹⁰⁶ Geoffrey Robertson also claimed that the backlash against IVF 'shows the threadbareness of the claim "leave it to the professionals"', and called for an inquiry whose members were 'representative of the entire people'.¹⁰⁷

These demands resonated with the Conservative enthusiasm for outside scrutiny and regulation of professions. It is no surprise, then, that when ministers responded to 'repeated calls [from] both inside and outside Parliament' and decided to hold an inquiry into IVF in April 1982, they stressed that it should involve members of several professions and at least 'four or five non-experts'.¹⁰⁸ As civil servants at the Department of Education and Science (DES) noted in correspondence to the MRC, ministers felt that there was 'a strong case' for a diverse committee, because none of the professional inquiries were 'sufficiently broadly based or sufficiently representative to be regarded as a source of authoritative advice to Government'.¹⁰⁹

Civil servants prioritised the appointment of 'an outside chairman' once they began to organise the inquiry.¹¹⁰ During April and May, officials at the DES and DHSS, which co-sponsored the inquiry, suggested possible chairs with no connection to IVF or reproductive medicine. Although their initial preference was for a legal chair, and 'perhaps a judge from the family division', they eventually settled on four candidates.¹¹¹ These were Sir Norman Lindop, an osteopath; James Sutherland, a specialist in commercial law; Lady Gillian Wagner, head of the children's charity Dr

Barnardo's; and Mary Warnock, then a senior research fellow at St Hugh's College, Oxford, and still chair of the Home Office advisory committee on animal experiments.¹¹²

Warnock was the favoured candidate from the outset, with civil servants identifying her as 'very well qualified for the job'.¹¹³ But these qualifications only stemmed partly from her 'non-expert' status. Warnock was a typical member of the so-called 'Great and Good' whom politicians and civil servants regularly turned to when selecting public inquiries; she was Oxbridge educated, well-connected and had proved her reliability on previous inquiries. In some respects, the decision to appoint Warnock as chair embodied the longstanding Whitehall belief that eminent and non-partisan figures were critical sources of policy advice, which persisted during the 1980s despite Margaret Thatcher's disdain for the 'Great and Good'.¹¹⁴ Newspapers that profiled Warnock following her appointment certainly highlighted this background, portraying her as 'a well-seasoned member of the great and good who fight honourable battles in the committees and quangos of British public life'.¹¹⁵

It was also nothing new for politicians to select an educationalist or philosopher to chair an inquiry into a moral issue, as Kenneth Wolfenden and Bernard Williams had led inquiries into the legalisation of homosexuality and the regulation of pornography during the 1950s and 1970s.¹¹⁶ But the undoubted novelty of Warnock's appointment lay in the fact that a philosopher now led a public inquiry into science and medicine, where doctors and scientists had long been recognised 'as key holders of expertise'.¹¹⁷ This represents a subtle but important change in British politics. Although the government still looked to Establishment figures for regulatory advice, they now sought individuals who had no connection to the profession or field under scrutiny.

This preference for 'non-experts' provides an example of how the Conservatives sought to break from the form of government associated with the welfare state, in which politicians had believed that professional expertise was vital to the development of public policy.¹¹⁸ Thanks to their distrust of self-regulation and enthusiasm for public accountability, the Conservatives believed that policy should now be shaped by 'outsiders' who functioned as a proxy for different stakeholder and consumer interests. Warnock acknowledged this herself when she claimed that her appointment demonstrated how 'politics had entered medical ethics' during the 1980s. She argued that declining trust in professional expertise transformed what were once 'matters of professional behaviour' into 'questions of public policy, which merit public discussion and therefore, because we are a democratic society, ultimate discussion in Parliament'.¹¹⁹

In June 1982 Warnock received a letter from Norman Fowler asking her to chair the government's inquiry into human fertilisation and embryology. She was initially hesitant, because of a heavy teaching load at Oxford, her workload as chair of the animals advisory committee and fears that the inquiry would bring unwelcome publicity.¹²⁰ But she accepted the invitation after realising that it presented her with the chance to engage with two philosophical issues. The first involved questions surrounding the relationship between morality and the law, which had interested her following Wolfenden's report on homosexuality and a 1978 book on *Public and Private Morality*.¹²¹ The second was the longstanding question of when in development a human embryo attained moral status, which dated back to Aristotle's work on embryogenesis and 'seemed to many people to raise fundamental questions about the nature and value of human life'.¹²²

After agreeing to chair the inquiry, Warnock met Norman Fowler and civil servants at the DHSS in order to select the other members. This resulted in the appointment of seven doctors and scientists, with different religious backgrounds, and eight individuals from other professions, including a solicitor, a court recorder, two social workers, two managers of a healthcare trust, a theologian and the vice-president of the UK Immigrants Advice Service. Conservative politicians dwelt on the fact that members of other professions out-numbered doctors and scientists when they discussed the inquiry. During a Commons statement that announced its formation, in July 1982, Norman Fowler distinguished it from the 'examinations already underway by medical bodies', dwelling on its 'broad-based' membership and stressing that it would 'hear from many lay and religious viewpoints'.¹²³

Like Fowler, the committee also viewed their diverse backgrounds as a means of ensuring public accountability. During their second meeting, in December 1982, they criticised representatives from the MRC for only having one non-scientist on their inquiry and noted that the individual in question, the Bishop of Durham, used to be a scientist anyway. They claimed that this would simply increase distrust since 'it might be seen by the public as a situation when scientists who had an interest in this research quite naturally gave it their approval'.¹²⁴ In these early meetings, committee members also endorsed Fowler's claim that opinions on IVF and embryo research should be sought from a 'wide range of interested bodies'.¹²⁵ They invited written or oral evidence from over three hundred organisations and individuals, including scientists such as Robert Edwards; anti-abortion, family planning and feminist groups; marriage

counsellors and adoption agencies; university departments such as law, theology and medicine; and representatives of all the major religious denominations.¹²⁶ They also sought the views of Ian Kennedy, who praised Warnock's appointment as 'evidence that progress along the lines I advocate has recently been made'.¹²⁷

The amount of evidence that it was due to hear and the range of issues it considered, including IVF, donor insemination, egg donation, surrogacy and embryo experiments, meant that Warnock's committee was not due to publish its recommendations until 1984. In the meantime, newspaper reports continued to demand greater public scrutiny and influence over IVF. An *Observer* editorial stated that test-tube babies were 'now a public subject' and claimed that if scientists were allowed to proceed unchecked, 'then we can hardly complain at the lack of faith shown by the public [in science]'.¹²⁸ And a *Mail on Sunday* editorial, entitled 'why we must ALL have a say on test tube babies', similarly argued that 'the time has come for the public to be involved in the decisions which are being made in the laboratory'.¹²⁹

At the same time Warnock became a public advocate of external oversight herself. In a 1983 edition of the *Philosophical Quarterly*, she argued that her committee's main priority was to ensure that discussion and even regulation of IVF 'be taken, not in the private, but in the public sphere'.¹³⁰ The only way to render IVF publicly accountable, she claimed, was to establish a 'system of surveillance' that ensured that it was 'constantly watched, not merely by the medical profession and the research biologists, but the lay as well'.¹³¹

In several newspaper interviews published before the committee's report was issued in July 1984, Warnock claimed that their key recommendation hinged on the establishment of 'a monitoring body to keep all innovations and technical developments under constant review'.¹³² These articles and interviews clearly high-lighted Warnock's enthusiasm for external oversight, which she had acquired during her spell on the animals advisory committee.¹³³ They also demonstrate how she became publicly synonymous with 'applied ethics' following her appointment as chair of the IVF inquiry, with one journalist detailing how 'her influence runs deeper than the usual philosophy don's, as a moulder of moral policy for generations yet unborn by methods as yet not fully explored or developed'.¹³⁴

Warnock's promotion of oversight, and public demands for an external 'watchdog', clearly influenced the committee's thinking.¹³⁵ The minutes from a 1983 meeting show that members voiced 'scepticism ... about the effectiveness of self-monitoring by doctors and a strong desire that, especially on sensitive issues, there should be a mechanism for reflecting the views of the general public'.¹³⁶ This belief underpinned large sections of the committee's report when it was published in July 1984. The committee claimed that the formation of a supervisory body was the 'most urgent' of their sixty-four recommendations and stressed that it must not be 'exclusively, or even primarily, a medical or scientific body'. In order to ensure that it would not be 'unduly influenced' by professional interests, they proposed that it should have a wide-ranging membership and, crucially, 'that the chairman must be a layperson'.¹³⁷ Warnock justified this proposal in the *New Scientist* by framing the public as increasingly empowered stakeholders in science and medicine. She claimed that when research raised a moral dilemma:

there is no reason why scientists should be responsible by themselves for solving it ... A society in which what might or might not be done was decided solely by those committed to the advance of knowledge would not be acceptable to those of us who are not scientists. There are other values to be considered. *Increasingly, and rightly, people who are not experts expect, as of right, to help determine what is or is not a tolerable society to live in.*¹³⁸

Her calls for outside involvement distinguished Warnock from other British philosophers involved with applied ethics, who clarified the moral aspects of specific practices but rarely, if ever, claimed that 'outsiders' should help establish professional standards. But this did not mean that she was a radical critic of science. Like Ian Kennedy, Warnock regularly stressed that outside involvement would benefit scientists and doctors. She argued that it would safeguard public and political trust by ensuring 'that no nameless horrors were going on, hidden away in laboratories', and that this would allow scientists 'to get on with their work, without the fear of private prosecutions, or disruption by those who object to what they are doing'.¹³⁹

Biomedical journals endorsed this positive view of external oversight. A 1983 editorial in *Nature* argued that it would help make IVF 'socially palatable' and supported Warnock's call for a statutory body that would 'exert a supervisory influence, consider difficult questions as they arise, and keep the general public informed'.¹⁴⁰ Following the publication of her committee's report, the *British Medical Journal* similarly claimed that scientists 'will welcome the suggestion that a new licensing authority should be set up to regulate infertility services, monitor new developments, and vet individual research projects'.¹⁴¹ And a *New Scientist* editorial also welcomed the prospect of oversight when it

asserted that: 'Science policy should not be left entirely in the hands of scientists and matters as important as those addressed by the Warnock committee *should* remain under public scrutiny and regulation.'¹⁴²

While Warnock and Kennedy both echoed the government's enthusiasm for 'non-experts', their differing political affiliations show how support for bioethics had broad social and political origins. While Kennedy was influenced by civil rights campaigns and a leftist critique of authority, Warnock confessed to being a 'dripping wet Conservative'.¹⁴³ She recalled that

from the age of about fifteen, I knew I was a natural Tory. All my instincts and loves were Trollopan. I loved the thought of a landed aristocracy ... I loved hunting; I loved time-honoured hierarchies; I loved cathedrals. I wanted to become an old-fashioned scholar. Nothing could be further from the politics of the Left.¹⁴⁴

Perhaps more strikingly, Warnock may also have played a role in encouraging the Conservatives to adopt neo-liberal ideologies. Like many members of the 'Great and Good', she moved in the same social circles as senior politicians. When they were in opposition during the late 1970s, Keith Joseph asked Warnock for help in finding a worldview that would help the Conservatives 'justify the overriding value of individual choice and minimise the power of the state'.¹⁴⁵ She recommended that Joseph and colleagues read Robert Nozick's 1974 book *Anarchy, State and Utopia*, which argued that governments should only concern themselves with protecting citizens against force, theft and fraud, leaving everything else to individual choice and market forces. Warnock recalls that Joseph 'certainly read this book' and passed it on to other senior Conservatives.¹⁴⁶ Although there is no evidence that Margaret Thatcher read Nozick's book herself, debates on embryo research demonstrate that she and Warnock had similar views on ethics and individual choice.

Embryo research and 'moral experts'

While the Warnock committee, the press, scientists and politicians all agreed on the need for external oversight, there was less consensus when it came to deciding specific policies for embryo research. By 1983 Warnock and her committee had identified embryo experimentation as 'the most significant of the moral problems posed by *in vitro* fertilization techniques'.¹⁴⁷ This was partly due to the fact that it touched on difficult questions about life before birth, including when in development embryos began to deserve legal protection. But as Warnock was finding, it also stemmed from the fact that supporters and opponents of research both mobilised equally valid but incompatible claims to support their case.

As the *Daily Telegraph* outlined in 1983, the Warnock committee faced an 'ethical log jam of conflicting evidence' when they came to consider embryo research.¹⁴⁸ They heard strong support from the Royal Society, the BMA and the MRC, who argued that embryo experiments were vital to understanding development and improving IVF techniques. These groups agreed that work should be permitted up to an agreed cut-off point, corresponding either to the beginning of implantation *in utero* at around five days, the end of implantation at eleven days, the point where cell differentiation began at around fourteen days, or the point where the nervous system began to form between seventeen and twenty-three days. Supporters of research argued that experiments were justified before these points as the embryo equated to little more than a bundle of cells and was 'not recognizably human'.¹⁴⁹

However, a committee memo noted that this 'essentially pragmatic and utilitarian' stance ran counter to the 'substantial body of opinion which is opposed to the use of embryos in any circumstance'.¹⁵⁰ Individuals such as the Chief Rabbi, Immanuel Jacobovits, told the committee that 'upholding the sanctity of life' from conception onwards was 'an overriding moral imperative' that outweighed utilitarian considerations.¹⁵¹ A delegation of Catholic bishops similarly argued that permitting embryo research 'involved people sitting in judgement on another's life and treating that life as a mere means to an end, which undermined the basic dignity of human beings'.¹⁵² Opponents of research, which also included anti-abortion groups and the Women's Institute, notably stressed that their stance was not anti-science or based simply on religious dogma. For the Guild of Catholic Doctors, it was supported by the fact that 'as any microgeneticist will tell you, whether or not more individuals result, the genetic coding is laid down on fertilization and [is] discernable as human on the first mitosis'.¹⁵³

The seemingly irreconcilable nature of this division was captured by representatives from the Family Planning Association, who told the committee that 'debate continues without advancing, largely due to the fact that we lack any common basis for resolving these ethical issues of what can be done to the embryo, and we do not know who should decide, and on what grounds, where the ethical line should be drawn'.¹⁵⁴ When the committee began to draft their recommendations later in 1983, Warnock tried to bypass this problem by persuading members that the 'central issue'

was not 'when does life begin', which she argued was 'a matter of belief as much as of science'.¹⁵⁵ It hinged instead, she claimed, on using scientific evidence to determine when in development embryos should be accorded moral status and legal protection.¹⁵⁶

Yet this move offered little resolution, and remained as much a 'matter of belief as of science'. The fact that scientists disagreed on when to implement any cut-off indicated that there were several potential stages when an embryo could be afforded moral status and legal protection.¹⁵⁷ No one stage appeared objectively more significant than another, and a person's moral preferences still conditioned where they believed the line should be drawn.

Perhaps unsurprisingly, given the lack of scientific clarity and their 'broad-based' membership, there was little consensus when the committee attempted to draw up proposals for embryo experiments. Three members argued that since scientific observation and philosophical reflection 'cannot answer' the question of when an embryo attained moral status, it should be protected from fertilisation onwards 'because of its potential for development to a stage at which everyone would accord it the status of a human being'.¹⁵⁸ While the majority believed that experiments were essential for understanding development and overcoming infertility, they disagreed on where to draw the cut-off and whether embryos should be created specifically for research.

This division became public early in 1984, when an unnamed committee member broke ranks and spoke to journalists.¹⁵⁹ A lengthy *Times* report subsequently detailed 'growing concern among members that they will be unable to produce a unanimous view at a critical time'. It argued that these differences had placed the committee 'in a quandary' and ensured that 'the Government is likely to face serious difficulties in deciding on controls over test tube baby developments and research on human embryos'.¹⁶⁰

Following these leaks, Warnock admitted to newspapers that there was 'no compromise between the view that no research at all should be done on embryos and the scientists' views that it should and must'.¹⁶¹ Like Glover and Ayer, she argued that the dispute hinged on irreconcilable premises that could not be settled by either philosophical argument or scientific evidence. 'Neither side', she wrote in the *New Scientist*, 'can be disregarded. Neither party can say of the other that it is mad or stupid or frivolous ... No accusations of ignorance or prejudice will dissipate such strongly held beliefs.'¹⁶²

While the Warnock committee was disagreeing over embryo research, Robert Edwards used the prospect of moral disagreement to revive his opposition to outside involvement with science and medicine. In a *Horizon* lecture for the BBC, he argued that it was unrealistic to expect 'philosophers, theologians and lawyers' to provide guidance for IVF and embryo experiments, since this 'search for advice, for leadership from the traditional purveyors of moral standards, usually ends in frustration'.¹⁶³ Edwards outlined how there was 'great confusion between the religions of the world. The Roman Catholics are absolutists, stressing that fertilization begins life and that embryos must have full moral protection.' He contrasted this to the more liberal view of Anglican figures such as Gordon Dunstan, who searched instead 'for the stage of life where moral protection must be given to the embryo' and supported 'conclusions remarkably similar to those that we as scientists have reached'.¹⁶⁴ Edwards then stated that there was similar confusion among philosophers, where 'different schools define good and harm in their own way'. And he regarded lawyers as even more ineffectual, as 'they demand a clear lead from the moralists, whoever they are, before any law is written. But a clear answer will not be forthcoming if the attitudes of different religions or philosophers are any guide.'¹⁶⁵ Despite the public clamour for oversight and external involvement, Edwards again concluded that: 'It would be far better to leave standards of practice primarily to the scientific and medical societies, especially those well-versed in those affairs. In this way, new procedures can be adapted smoothly to the public needs, and unacceptable methods can be suppressed'.¹⁶⁶

Warnock, by contrast, believed the divisions within her committee proved that they were fulfilling their role as a proxy for the public. She told the *Observer* that ministers would be more worried if members had 'presented a united front, because the whole country is split on this'.¹⁶⁷ In another interview, she reiterated that had members agreed on embryo experiments, they 'would have been a very strange, unrepresentative committee'.¹⁶⁸

But Warnock also recognised that the committee had been charged with making policy recommendations, and acknowledged that there was no way of arriving at a proposal that satisfied all of the social and professional groups with an interest or a stake in IVF. She admitted that committee members were 'no longer in the business of working out exactly what is right or wrong', and argued that any solution therefore lay 'in the messier, less tidy business of compromise ... of attempting to come up with a solution which, while retaining as many of the calculated benefits to society as possible, will nevertheless offend and horrify people as little as possible'.¹⁶⁹

For all the emphasis on its 'broad-based' membership, the committee fell back here on the expertise of the developmental biologist Anne McLaren, who Warnock later identified as 'indispensable'.¹⁷⁰ McLaren advised the committee to adopt fourteen days after fertilisation as a cut-off for embryo experiments. Around this point in development, cells in one pole of the rudimentary embryo condense to form the so-called 'primitive streak', which differentiates into the antecedents of the spinal cord and nervous system.¹⁷¹ McLaren argued that scientists could legitimately experiment on embryos before this stage in development, as there was no possibility of them experiencing pain. And she also claimed that the primitive streak could be framed as the beginning of individual development, since it marked the last point where the embryo could cleave to form twins. McLaren claimed that it was only once the primitive streak had formed that:

we can for the first time recognise and delineate the boundaries of a discrete human entity, an individual, that can become transformed through growth and differentiation into an adult human being. If I had to point to a stage and say "This was when I began being me", I would think it would have to be here.¹⁷²

McLaren argued that the term 'pre-embryo' should be used before the primitive streak formed.¹⁷³ This new term had biological and ethical significance – portraying specimens younger than fourteen days as 'different in kind from the later, more complex, and ontologically distinguishable organism known as the embryo'.¹⁷⁴ It ensured that the 'pre-embryo' was 'safely bounded off from personhood, and hence could be an object for research, as opposed to the embryo proper, the authentic precursor of human life'.¹⁷⁵

McLaren's arguments satisfied the majority of the committee, including Warnock, who sought to permit research up to a specific stage in development. Their report subsequently recommended fourteen days as the cut-off for embryo experiments. In doing so, it portrayed the primitive streak as a significant biological and ontological landmark, where a 'loosely packed configuration of cells' attained the 'first features of the embryo proper'.¹⁷⁶ Warnock even claimed that the primitive streak settled longstanding questions of when a human individual began and asserted that:

Up to the [primitive streak] it is difficult to think of the embryo as an individual, because it might still become two individuals. None of the criteria that apply to me, or Tom or Dick or Harry, and distinguish us from the others, are satisfied by the embryo at this early stage. The collection of cells, though loosely strung together, is hardly yet one thing, nor is it several ... But from the fourteenth or fifteenth day onwards, there is no doubt that it is Tom or Dick or Harry that is developing.¹⁷⁷

But these arguments did not appease those individuals and groups who believed that embryos attained moral status at fertilisation and should never be used in research. The three committee members who opposed any experiments refused to endorse the fourteen day cut-off and set out their objections at the end of the report.¹⁷⁸ They received support from the Christian gynaecologist Ian Donald, a founding member of the SPUC and longstanding opponent of embryo research. In several publications and the television programme *Credo*, Donald claimed that divisions within the committee highlighted the 'fatuous inconsistency in seeking to differentiate the rights of a 13 day embryo from those of a 15 day old one'.¹⁷⁹ He attacked the committee's proposals as 'atheistic and amoral' and called for 'a halt to experimentation until the public as a whole, and Parliament in particular, do not find themselves on a slippery slope they cannot hope to remount'.¹⁸⁰ He was joined by members of LIFE, who argued that embryo experiments were 'not in keeping with the respect due to human life' and called for legislation banning all research.¹⁸¹

For a while it appeared that Parliament would do just this. After debates in which many MPs and Lords criticised the fourteen-day limit, and after strenuous lobbying by LIFE and the SPUC, the Ulster Unionist and former Conservative politician Enoch Powell introduced a Private Member's Bill late in 1984 which sought to prohibit all research on embryos. This Unborn Children (Protection) Bill was only defeated after a pro-research lobby, including Mary Warnock, distinguished the early 'pre-embryo' from an 'unborn child'¹⁸² and warned politicians that a total ban would stifle essential research.

At the same time, others attacked the fourteen-day limit as too restrictive. Articles in *Nature* and the *New Scientist* urged the government to 'devise more liberal legislation' to ensure that important research was not halted prematurely.¹⁸³ In a letter to the MRC, meanwhile, Robert Edwards claimed that he saw 'no reason' why the primitive streak gave embryos any particular moral status, and warned that 'many fundamental studies on differentiation, human anomalies and other major advances may require more days *in vitro*'.¹⁸⁴

Describing the fourteen-day limit as 'particularly unfortunate' for the same reasons, Michael Lockwood suggested that research should be permitted on embryos up to six weeks after fertilisation, as before this point there was 'not the remotest possibility of the brain structures that are a *sine qua non* of human existence having developed'.¹⁸⁵ Another philosopher, John Gray, went even further on *Credo* and suggested that experiments should continue until the foetus had attained elements of consciousness, even if this meant allowing research up to birth.¹⁸⁶ And John Harris claimed that if scientists developed the technology to maintain foetuses to term in the laboratory, then research should be permitted up to and including the third trimester. Experimentation was justified until this late stage, he argued, because the embryo or foetus was not yet capable of valuing its own existence and was therefore not a person whose interests outweighed the potential beneficiaries of research.¹⁸⁷

The growing number of philosophers who publicly commented on 'where to draw the line' shows how Warnock's engagement with IVF pushed medicine and science to the forefront of applied ethics. This was clear in May 1984, when the Society for Applied Philosophy announced that its next annual conference would be on 'bio-ethics'. Conference organisers drew up a list of speakers who they considered to be leading figures in this new field, including Ian Kennedy, John Harris, Jonathan Glover, Gordon Dunstan and Mary Warnock.¹⁸⁸ When the Society for Applied Philosophy began to arrange this 'bio-ethics' conference, it claimed that attendees 'showed a strong bias' for discussing IVF and set aside a whole day to discuss the Warnock report.¹⁸⁹ In its autumn 1985 newsletter, it reported that most of the conference 'was directed to the issues generated by new reproductive technologies' and argued that this focus 'justified the Society's major interest in issues in the field of medicine'.¹⁹⁰

In his 1986 book on *Applied Ethics*, Peter Singer claimed that Warnock's engagement with IVF showed how 'the broader community has willingly accepted the relevance and value of philosophers to practical issues', and argued that this was 'particularly noticeable in bioethics'.¹⁹¹ Michael Lockwood also believed that Warnock had raised the profile of moral philosophers, and claimed that they should thank her for helping 'the powers that be recognise and value the philosopher's peculiar kind of expertise'.¹⁹² But he also noted that her spell as chair had been viewed 'with somewhat mixed feelings', since philosophers often disagreed 'at a rather fundamental level' and 'a fellow philosopher may wonder, therefore, whether the philosophically trained chairman of a government committee is providing the right sort of guidance'.¹⁹³ These 'mixed feelings' were illustrated, of course, by the various criticisms of the fourteen-day cut-off. But Warnock's role as chair also prompted more specific discussion about the nature of ethical expertise and exactly what form bioethics should take.

Her major critic here was Richard Hare, who used discussion of the Warnock report to voice his frustration at much work in bioethics. This was already clear in 1982, when Hare complained to the Society for Applied Philosophy that 'the increase in philosophical interest in medical ethics is generating what I call a "garbage explosion", because the philosophers who jump on the bandwagon have either given no attention to problems in theoretical ethics or do not understand them'.¹⁹⁴ Although his target here was A. J. Ayer, Hare turned his attention to Mary Warnock during a 1985 lecture at Oxford. He argued that she had failed 'to do a lot of hard *philosophical* work' when it came to embryo experiments by not getting her fellow committee members to scrutinise the 'good and harm that would have come from allowing or forbidding such research'.¹⁹⁵ Hare believed that by not persuading members to think in utilitarian terms, Warnock was simply

content with the second best alternative, which was perhaps all she could manage. This was to find some conclusions, which the members of the committee, or as large a majority as possible, would sign, and not bother about finding defensible reasons for them. Since the members were fairly typical in their moral attitudes or prejudices, it might be hoped that conclusions to which they would agree would also be acceptable to the public.¹⁹⁶

Hare continued that by allowing committee members to reach decisions based on 'expressions of moral conviction without any support', Warnock had ensured that the committee failed to provide firm guidance to politicians and the public.¹⁹⁷ And this, he concluded, meant that opponents of research had 'a field day and the public is still floundering'.¹⁹⁸

In 'abjuring utilitarianism', Warnock fell below Hare's estimation of how philosophers should behave when engaging with practical affairs. He believed that a philosopher was a 'specialist in ethics', who had a duty to provide a 'sound and generally accepted method of argumentation, with which those who start with different views can ... in the end, we hope, reach agreement'.¹⁹⁹ This was through adhering to a broadly utilitarian framework, which yielded 'clear answers that would commend themselves to anyone who had a firm understanding of the questions he was asking and

of the facts'.²⁰⁰ Hare's argument here drew on Peter Singer and Deanne Wells's 1984 book *The Reproduction Revolution*, which claimed that governments would only get clear policy advice if bioethics functioned as a vehicle for 'ethical experts', who answered questions through 'reason and logical argument' and employed 'general principles which depend on no sectarian allegiances'.²⁰¹

Warnock responded to this criticism by stating that Hare and Singer were mistaken in presuming that 'morality, like logic, is a matter of reason only'.²⁰² Echoing A. J. Ayer, and citing David Hume's claim that morality was 'more properly felt than reasoned', she argued that moral opinions could not be divorced from sentiment and 'that such a divorce, if attempted, would spell the end of morality itself'.²⁰³ 'Ethical decisions', she claimed, 'cannot be taken without the examination of ethical feelings', and utilitarianism alone could not answer the question of whether eight-cell embryos were morally significant enough to be included in the calculus of benefits and harms.²⁰⁴ Warnock countered that when it came to her committee, it was little help to 'say that the utilitarian party were reasonable, their opponents irrational' since 'it is the nature of morality to be at least partly irrational'.²⁰⁵ This meant that while a philosopher could help to clarify the properties and consequences of a particular moral standpoint, they could not 'prove or otherwise show conclusively that one view is to be preferred to another'.²⁰⁶

Warnock claimed that such disagreement was 'unavoidable' as pluralistic societies lacked 'an agreed set of principles which everyone, or the majority, or any representative person believes to be absolutely binding'.²⁰⁷ It followed from this, she argued, that no one field or approach should dominate ethical oversight and decision-making. Warnock encapsulated this position in the after-word to a popular edition of her committee's report, where she argued that:

In matters of life and death, of birth and the family, no-one is prepared to defer to judgements made on the basis of a superior ability in philosophy. For these are areas that are central to morality, and everyone has a right to judge for himself. Such issues indeed lie at the heart of society; everyone not only wants to make their own choices but are bound to do so. And this is why there cannot be moral experts. Everyone's choice is his own.²⁰⁸

In line with the broader distrust of experts and the emphasis on public accountability, she believed that simply replacing the expertise of doctors and scientists with that of philosophers was 'not only out of place, but simply unacceptable'.²⁰⁹ Warnock argued that government inquiries should instead provide a form of 'corporate decision-making', where various professions and interest groups sought a 'middle way' between competing claims and moral worldviews.²¹⁰

Warnock's dismissal of 'moral experts' reflected several underlying concerns in applied ethics. Many philosophers believed that engagement with practical issues was limited by the presence of equally valid but incompatible moral premises. Jonathan Glover, A. J. Ayer, Bernard Williams, Alasdair MacIntyre and Mary Warnock, among others, argued that philosophers could not provide 'correct' answers, since there 'was no rational way of securing agreement' in pluralist societies.²¹¹ The best they could do, in this view, was to help clarify the differing moral viewpoints associated with a particular issue. As Warnock told the BBC programme *Talk of the '80s*, which selected her as one of the most influential people of the decade, philosophy was simply a 'useful analytical tool' that helped different groups examine the consequences of their own and rival viewpoints.²¹²

The belief that philosophy was 'a clarifying rather than a critical activity' set many of the British philosophers who engaged with bioethics apart from their American counterparts, who claimed that ethical issues could be resolved by applying universal principles such as respect for persons, beneficence and justice.²¹³ This view, which underpinned the *Belmont Report* and Tom Beauchamp and James Childress's influential *Principles of Biomedical Ethics*, ensured that Hare and Singer's view of 'moral experts' carried more weight in the United States than Britain. It also ensured that the strongest critics of principle-based methods in the United States were British philosophers such as Stephen Toulmin and Alasdair MacIntyre, who both emigrated in the 1970s. Toulmin, for example, criticised the 'tyranny of principles' in the *Hastings Center Report*, while MacIntyre claimed that the 'character of moral debate in our liberal, secular, pluralist culture' meant there was 'no rational method' to resolve ethical problems.²¹⁴ Warnock also criticised this principles-based approach in the 1990s, when she dismissed 'the suggestion that bioethics has a tool box, ready to hand, out of which it extracts a finite number of tools to hack at ... certain problems involving cases of life or death'. She instead hoped that 'serious practitioners of philosophy, even perhaps the numerous class of bioethicists, do not feel themselves limited to certain preformed off-the-shelf tools, but are able to survey new problems with their usual weapons of common sense and their ability to draw distinctions'.²¹⁵

Warnock's criticism of 'moral experts' also drew on an individualistic view of ethics, where the only authority that moral viewpoints possessed was that which particular agents chose to give them. This subjective viewpoint permeated

Language, Truth and Logic, and underpinned Ayer's public discussion of the Arthur case. During the 1980s, moreover, it resonated with the neo-liberal conviction that the individual consumer was the prime locus of decision-making.²¹⁶ This was embodied by Margaret Thatcher's famous belief that 'choice is the essence of ethics: without choice there would be no ethics'.²¹⁷ In a 1979 conference speech Thatcher had argued that 'morality is personal' and denied there 'was such a thing as a collective conscience'.²¹⁸ Her conviction that individual choice was the best route to social change dovetailed with Mary Warnock's dismissal of 'moral experts' and claim that 'everyone's choice is his own'.²¹⁹ By the mid 1980s, when Warnock became a 'moulder of public policy' and the Conservatives won a landslide second election, their rhetoric helped²²⁰ produce a sociopolitical climate that defined people primarily in terms of their ability to make autonomous choices.

The synergy between Warnock and the government's view of ethics, their shared distrust of experts and belief in oversight, all help explain why she became 'synonymous with British bioethics' during the 1980s.²²¹ After being appointed to the House of Lords as a cross-bench peer in 1985, Warnock contributed the first two articles to a new journal of *Bioethics*, continued to publicly discuss the ethics of IVF, gene therapy and animal experiments, endorsed the formation of a national bioethics committee, and was the first British representative on a new European Council on Bioethics.²²² By 1990, when her committee's recommendations were passed into law in the Human Fertilisation and Embryology Act, she was undoubtedly the most recognised figure in the growing 'ethics industry'.

Conclusion

There is no doubt that Mary Warnock's appointment as chair of the IVF inquiry was a significant moment in the history of British bioethics. Alastair Campbell recalls that 'a lot of us were very encouraged by the composition of that committee and felt that the government actually was taking notice of something other than the medical profession in defining its legislation and its policies for emerging medical technologies'.²²³ The composition of Warnock's committee illustrates how the demand for external oversight found expression in neo-liberal forms of government, with Conservative politicians recruiting 'non-experts' in order to make procedures such as embryo experiments publicly accountable. Warnock also became a figurehead for bioethics during and after her spell as chair, promoting external oversight in her committee's report, in academic journals, lectures and popular media. The various spheres in which her arguments resonated demonstrates how bioethics is a multisited activity, functioning as the basis for policymaking and a new form of public discourse on the morality of medical and scientific practices.

Warnock's inquiry also provided a model for later committees. When they assembled inquiries into gene therapy and human-animal transplants during the 1980s and 1990s, Conservative and New Labour governments appointed Cecil Clothier and Ian Kennedy to chair groups that again included several 'non-experts'.²²⁴ But Warnock remains the most influential of these outside chairs. Nearly thirty years after her committee's report was published, scientists continue to work to rules that it suggested for IVF and embryo research. The former head of the Human Fertilisation and Embryology Authority (HFEA), the 'monitoring body' that Warnock proposed, argues that 'rarely can an individual have had so much influence on public policy'.²²⁵ Even those who disputed her proposals agree that Warnock was invaluable²²⁶ for raising the profile of bioethics and asserting the value of outside involvement with medicine and science.

Examining why Warnock became so influential highlights the value of actor-centred studies of bioethics. As this and the previous chapter have demonstrated, bioethics did not simply emerge thanks to the reforming ambitions of neo-liberal politicians during the 1980s. It arose thanks to the way in which certain individuals engaged with the political demand for oversight and framed bioethics as beneficial to the public, politicians, doctors and scientists. Like Ian Kennedy, Warnock echoed broader criticism of self-regulation and simultaneously promised that oversight would safeguard research. This ensured that her calls for a 'monitoring body' received support from politicians, the press and biomedical journals, and that Robert Edwards was now firmly in the minority when he endorsed self-regulation in his *Horizon* lectures.

At the same time, Warnock also positioned herself as an intermediary between different groups when she argued that philosophers and other 'lay' members had to 'work with scientists' in order to develop recommendations for a specific issue.²²⁷ In working with scientists to determine 'where to draw the line' for embryo experiments, she engaged in what Jasanoff terms 'ontological surgery'. By criticising her proposals as either too lax or severe, other bioethicists, doctors and pro-life groups demonstrated how this 'dual work of biological classification and moral clarification' is an ongoing and often public process.²²⁸ It is, crucially, also a historically contingent one. By prioritising questions of when in development embryos began to deserve legal protection, instead of questions over costs and equal access to IVF, these

public debates both reflected and helped shape a sociopolitical climate that was preoccupied with notions of individual personhood and rights.²²⁹

But perhaps Warnock's greatest engagement with the broader climate, and the reason for her enduring influence, lay in her dismissal of 'moral experts'. This chimed with the contemporary distrust of expertise, where many people believed 'no profession should become a law unto themselves'.²³⁰ Echoing the Conservative distaste for experts, and Margaret Thatcher's claim that 'there is no such thing as society', Warnock argued that when it came to ethics 'there is no such thing as authority'.²³¹ She believed that the presence of incompatible viewpoints on issues such as embryo research meant that bioethics should function as a proxy for the different views that existed in pluralistic societies, 'where we are compelled to accept that "common morality" is a myth'.²³² In doing so, Warnock framed moral pluralism and disagreement not as a problem for bioethics, but as the source of its utility, in that it provided various professions and groups with the chance to facilitate what Roger Brownsword calls 'the process of practical decision-making'.²³³

This line of thought was clearly influential, and continues to determine how many people view bioethics today. To the political philosopher Onora O'Neill, a former student of Mary Warnock and founding member of the Nuffield Council on Bioethics, 'bioethics is not a discipline' but has instead 'become a meeting ground for a number of different disciplines, discourses and organisations'.²³⁴ The philosopher David Archard, a member of the HFEA who shares Warnock's distrust of 'moral experts', similarly believes that disagreements between individuals and groups can be read as a sign of 'robust good health' in bioethics rather than 'evidence of systematic ignorance'.²³⁵

This is crucial to understanding the growth of the 'ethics industry' during the 1980s and 1990s. Bioethics became a valued enterprise in this period not because it provided a vehicle for experts to provide obviously 'correct' answers, but precisely because 'the problems multiply and the proffered solutions are disputed'.²³⁶ Bioethics emerged thanks to a broader distrust of experts and demand for public accountability, both in government and beyond, and its continued growth stemmed from the way in which figures such as Warnock endorsed the neo-liberal conviction that '*everyone's choice is his own*'.²³⁷

Footnotes

- 1 Jasanoff. *Designs on Nature*. p. 173.
- 2 Warnock Mary. *A Question of Life: The Warnock Report on Human Fertilisation and Embryology*. London: Basil Blackwell; 1985. p. xiii. Emphasis added.
- 3 Anon. *Embryology Needs Rules, Not New Laws*. *Nature*. 1983;Vol. 302:735–744. [PubMed: 11643989] (p. 735).
- 4 Kenny Anthony. *A New History of Western Philosophy*. Oxford: Oxford University Press; 2012. p. 944.
- 5 For more background, see MacIntyre. *Short History of Ethics*. Berlin Isaiah. *The Crooked Timber of Humanity: Chapters in the History of Ideas*. London: Pimlico; 2003. Warnock Mary. *Ethics since 1900*. 3rd edn. Oxford: Oxford University Press; 1978.).
- 6 Warnock Mary. *Government Commissions*. In: Bertazzoni U, Fasella P, Klepsch A, Lange P, editors. *Human Embryos and Research: Proceedings of the European Bioethics Conference, Mainz 1988*. Frankfurt and New York: Campus Verlag; 1988. pp. 159–168. (p. 165).
- 7 Warnock Mary. *Moral Thinking and Government Policy: The Warnock Committee on Human Embryology*. *The Millbank Memorial Fund Quarterly. Health and Society*. 1985;Vol. 63(no. 3):504–522. [PubMed: 3852077] (p. 518); Warnock. *Government Commissions*. :166.
- 8 Warnock. *Government Commissions*. :167.
- 9 Warnock. *A Question of Life*. p. 97.
- 10 Mary Warnock, interview with the author (House of Lords, London, March 2009). On bioethics as 'corporate decision-making' see Warnock Mary. *Embryo Therapy: The Philosopher's Role in Public Debate*. In: Bromham DR, Dalton ME, Millican PJR, editors. *Ethics in Reproductive Medicine*. London: Springer Verlag; 1992. pp. 21–31. (p. 31).
- 11 On Warnock's early life and education, see Warnock Mary. *People and Places: A Memoir*. London: Duckworth; 2000. especially pp. 1–15.
- 12 *Ibid*, p. 18.
- 13 *Ibid*, p. 49.
- 14 *Ibid*.

- 15 Hare RM. Universalisability. *Proceedings of the Aristotelian Society*. 1955;Vol. 55:295–312. See also Price AW. Richard Mervyn Hare (1919–2002). *Oxford Dictionary of National Biography*. , www.oxforddnb.com/view/article/76706 (accessed 21 February 2014); Singer Peter. R. M. Hare's Achievements in Moral Philosophy. *Utilitas*. 2002;Vol. 14(no. 3):309–317.
- 16 Hare RM. Man's Interests. In: Porter Ruth, Ramsey Ian, editors. *Personality and Science*. London: CIBA Foundation; 1971. pp. 97–101.
- 17 Warnock, interview with the author (2009).
- 18 Warnock. *Ethics since 1900*. :204.
- 19 *Ibid*, p. 204.
- 20 Warnock. *People and Places*. :53–54.
- 21 Foot Philippa. *Moral Arguments*. *Mind*. 1958;Vol. 67:502–513. (pp. 504–5). See also Foot Philippa. *Moral Beliefs*. *Proceedings of the Royal Aristotelian Society*. 1958–59;Vol. 59:83–104.
- 22 Warnock. *People and Places*.
- 23 Warnock. *Ethics since 1900*. :206.
- 24 Warnock. *People and Places*. :54.
- 25 Foot Philippa. *Virtues and Vices*. Oxford: Oxford University Press; 2002. 'The Problem of Abortion and the Doctrine of Double Effect', reprinted in Phillipa Foot; pp. 19–31.
- 26 Onora O'Neill, interview with the author (Royal Society, London, June 2009); Warnock, interview with the author (2009).
- 27 The philosophy faculty initially rejected John Harris's PhD on political violence, on the grounds that it was a non-philosophical matter. They only relented after his supervisor, Ronald Dworkin, persuaded them that it was a legitimate topic. John Harris, interview with the author (University of Manchester, November 2011). See also Singer. R. M. Hare's Contribution to Moral Philosophy. :316.
- 28 See Glover Jonathan, Scott-Taggart MJ. It Makes No Difference Whether or Not I Do It. *Proceedings of the Aristotelian Society*. 1975;Vol. 49:171–190.
- 29 Hare RM. What's Wrong with Slavery? *Philosophy and Public Affairs*. 1978;Vol. 8:103–121. Hare RM. Rules of War and Moral Reasoning. *Philosophy and Public Affairs*. 1972;Vol. 1:166–181. Although these were his first articles dedicated to applied ethics, Hare devoted the final chapter of his 1963 book *Freedom and Reason* to a practical discussion of racism, contending that for a racist argument to truly carry weight, the perpetrator must be prepared to universalise their own beliefs and be subjected to racism themselves. See Hare RM. *Freedom and Reason*. Oxford: Oxford University Press; 1963. pp. 202–224.
- 30 Warnock Mary. *Nature and Morality: Recollections of a Philosopher in Public Life*. London: Continuum; 2004. p. 14. Warnock. *People and Places*. :23.
- 31 Warnock. *People and Places*. :23.
- 32 Warnock, interview with the author (2009).
- 33 Singer Peter. All Animals are Equal. *Philosophic Exchange*. 1974:10–16. reprinted in Singer Peter, Kushe Helga, editors. *Bioethics: An Anthology*. Oxford: Blackwell; 2000. pp. 461–470. (p. 461). See also Singer Peter. *Animal Liberation: Toward an End to Man's Inhumanity to Animals*. London: Cape; 1976.
- 34 Harris John. The Survival Lottery. *Philosophy*. 1975;Vol. 50:81–87. [PubMed: 11664454] Harris John. The Marxist Conception of Violence. *Philosophy and Public Affairs*. 1974;Vol. 3(no. 2):192–220.
- 35 Hare RM. Abortion and the Golden Rule. *Philosophy and Public Affairs*. 1975;Vol. 4:201–222. [PubMed: 11661183] (p. 205).
- 36 *Ibid*, p. 208. Applying this rule led Hare to conclude that abortion was prima facie wrong 'in default of sufficient countervailing circumstances'. While this initially seemed to support the anti-abortion lobby, he continued that the prevalence of often serious illness and disability which did real harm to the foetus ensured that 'such countervailing circumstances are not too hard to find in many cases'. See *Ibid*, p. 221.
- 37 *Ibid*, p. 202.
- 38 *Ibid*, p. 201.
- 39 Hare RM. *Medical Ethics: Can the Moral Philosopher Help?* In: Spicker Stuart, Engelhardt H. Tristram, editors. *Philosophical Medical*

- Ethics: Its Nature and Significance. Dordrecht: Riedel Publishing; 1977. pp. 49–63. (p. 49).
- 40 Harris, interview with the author (2011). Details of the 1981 course on ethics are held in the files relating to the London Medical Group at the Wellcome Trust Library for the History of Medicine: file GC/253/A/31/8.
- 41 Downie RS. Ethics, Morals and Moral Philosophy. *Journal of Medical Ethics*. 1980;Vol. 6:33–34. [PMC free article: PMC1154783] [PubMed: 7373642] (p. 34). See also Honey Colin. Acts and Omissions. *Journal of Medical Ethics*. 1979;Vol. 5:143–144. [PMC free article: PMC1154744] [PubMed: 490574] McGrath Patrick J. Is and Ought. *Journal of Medical Ethics*. 1975;Vol. 1:150–151. [PMC free article: PMC1154485] [PubMed: 1214269]
- 42 Warnock. *Ethics since 1900*. 3rd edn. p. 139.
- 43 We should be wary of seeing these appointments as evidence of a political enthusiasm for non-professional involvement. As I noted in chapters 2 and 3, this first emerged with Callaghan's Labour government and was fully implemented by the Conservatives during the 1980s. Warnock believes that she was appointed chair of the education committee in 1974 because she had been headmistress of a reputable school and had also served on the Oxford County Education Authority – i.e., she was an 'insider'. Warnock, interview with the author (2009).
- 44 For more detail on debates surrounding the replacement of animals with tissue culture, see Wilson. *Tissue Culture in Science and Society*. :81–91.
- 45 *Ibid*, pp. 87–8.
- 46 Hampson Judith. *Animal Welfare – A Century of Conflict*. *New Scientist*. 1979 October 25;:280–282.
- 47 Warnock. *Nature and Morality*. :149.
- 48 *Ibid*, pp. 152–3. For criticism of the LD50 test, see Ryder. *Victims of Science*. :42–43.
- 49 Lord Geoffrey Cross (chair), *Report on the LD50 Test*. London: Home Office; 1979. p. 12.
- 50 Cross. *Report on the LD50 Test*. :12. For criticism of the report, see Ryder. *Victims of Science*. :153. Anon. *Bitter Dose for Laboratory Animals*. *New Scientist*. 1979 July 12;:24.
- 51 Cross. *Report on the LD50 Test*. :12.
- 52 *Ibid*, pp. 12, 19.
- 53 Warnock. *People and Places*. :174–175.
- 54 Despite this broad composition, animal rights campaigners criticised the government for 'inadequately' representing their interests. See Ryder. *Victims of Science*. :157.
- 55 Warnock, interview with the author (2009).
- 56 *Advisory Committee on Animal Experiments. Report to the Secretary of State on the Framework of Legislation to Replace the Cruelty to Animals Act 1876*. London: Home Office; 1981. p. 33.
- 57 Lockwood Michael. Ethical Dilemmas in Surgery: Some Philosophical Reflections. *Journal of Medical Ethics*. 1980;Vol. 6:82–84. [PMC free article: PMC1154805] [PubMed: 6999156] (p. 84).
- 58 Collini. *Absent Minds*. :403.
- 59 Following her spell as chair of the education inquiry, Warnock wrote a popular book and several newspaper columns on education. See Warnock Mary. *Education: A Way Ahead*. London: Blackwell; 1979. She also reviewed children's books and encyclopedias for the *Times Literary Supplement*. See, for example, Warnock Mary. *Looking It Up*. *Times Literary Supplement*. 1980 September 19;:1034.
- 60 The original charge of murder was reduced to attempted murder after it became clear that the drug could not be proved to have caused the baby's death. For a useful summary, see Brazier. *Medicine, Patients and the Law*. :344–345.
- 61 Anon. *The Vindication of Dr Arthur*. *The Times*. 1981 November 6;:12.
- 62 Anon. *When a Child is Born*. *The Times*. 1981 November 6;:15. See also Anon. *Vindication of Dr Arthur*.
- 63 Glover Jonathan. *Letting People Die*. *London Review of Books*. 1982 March 4;:3–5. (p. 3).
- 64 Glover Jonathan. *Causing Death and Saving Lives*. Harmondsworth: Penguin; 1977. p. 16.

- 65 Glover. Letting People Die. :5.
- 66 Ibid, p. 4.
- 67 Ibid, pp. 3, 5. For a longer dismissal of the 'ight to life'argument, see Glover. Causing Death and Saving Lives. :39–58. 150–168.
- 68 Ayer AJ. Why the Dr Arthur Verdict is Right. The Times. 1981 November 16;:14.
- 69 Ibid.
- 70 Ayer, quoted in Rogers. A. J. Ayer. :319–320.
- 71 Society of Applied Philosophy. Mission Statement. 1981 November; Uncatalogued archive, held at the University of Lancaster at the time of writing. See also Rogers. A. J. Ayer. :319.
- 72 R. M. Hare to Brenda Cohen, 17 February 1982. Society of Applied Philosophy archive, University of Lancaster. Cohen informed Hare that Ayer had been selected as president due to his ongoing support for the society, and in the hope that his public profile would be of 'enormous value' in promoting their work. Brenda Cohen to R. M. Hare, 23 February 1982.
- 73 Glover. Letting People Die. :5.
- 74 Ibid.
- 75 Glover. Causing Death and Saving Lives. :35.
- 76 Ibid.
- 77 For more detail, see Rogers. A. J. Ayer. :329.
- 78 Ayer. Why the Dr Arthur Verdict is Right. See also Rogers. A. J. Ayer. :328–329.
- 79 Ayer. Why the Dr Arthur Verdict is Right. Emphasis added.
- 80 Ibid.
- 81 Hare. Medical Ethics: Can the Moral Philosopher Help? :55.
- 82 Hare RM. *In Vitro* Fertilization and the Warnock Report. In: Chadwick Ruth, editor. Ethics, Reproduction and Genetic Control. London: Croom Helm; 1987. pp. 71–90. (pp. 71, 77). See also Singer Peter. Moral Experts. Analysis. 1972;Vol. 32(no. 4):115–117.
- 83 Society for Applied Philosophy, 'Spring Newsletter' (1985) p. 1. University of Lancaster archive.
- 84 Anon. Why We Must ALL Have a Say on Test Tube Babies. Mail on Sunday. 1984 May 20;:16.
- 85 Edwards, Steptoe A Matter of Life. :106.
- 86 In their article assessing Edwards's funding application to the MRC in the early 1970s, Johnson et al. note that 'In marked contrast to the debate during the 1980s, which came to focus on the moral status of the embryo, only Glenister [an MRC referee] addressed this point ... However, other referees were more concerned that those embryos to be placed *in utero* might be abnormal.' See Johnson, et al. Why the MRC Refused Robert Edwards and Patrick Steptoe Support; p. 2166. [PMC free article: PMC2922998] [PubMed: 20657027] See also Mulkay Michael. The Embryo Research Debate: Science and the Politics of Reproduction. Cambridge: Cambridge University Press; pp. 11–12.
- 87 Culliton, Waterfall Flowering of American Bioethics. :1270. [PMC free article: PMC1608567] [PubMed: 709314]
- 88 Tucker Anthony. Brave New World of Test Tube Babies. Guardian. 1978 July 27;:11.
- 89 For more on British and American responses to the birth of Louise Brown, see Turney. Frankenstein's Footsteps. :182–185.
- 90 Hawkes Nigel. The Making of Baby Brown. Observer. 1978 July 30;:9.
- 91 Hadley Katherine. Tinkering With Life. Daily Express. 1982 June 21;:10.
- 92 Warnock. Nature and Morality. :74.
- 93 Baron Alan Campbell of Alloway, cited in *Parliamentary Debates: House of Lords*, Vol. 432 (9 July 1982) col. 1001.
- 94 Mulkay. The Embryo Research Debate. :15–16.
- 95 Ibid, p. 15. See also Yoxen Edward. Conflicting Concerns: The Political Context of Recent Embryo Research Policy in Britain. In: Varcoe Ian, McNeill Maureen, Yearley Steve, editors. The New Reproductive Technologies. London: Macmillan; 1990. pp. 173–200.

- On unsuccessful pro-life attempts to reverse the 1967 Abortion Act, see Davis Gayle. Goold, Kelly, editors. *The Medical Community and Abortion Law Reform: Scotland in National Context*, c. 1960–1980. *Lawyer's Medicine*. :143–165. (p. 161).
- 96 Hadley. *Tinkering with Life*.
- 97 Clark George. Test-Tube Babies “Could Bring Oedipus Tragedy” *The Times*. 1982 February 9;:3.
- 98 Robertson Geoffrey. *The Law and Test Tube Babies*. *Observer*. 1982 February 7;:8.
- 99 Williams Peter, Stevens Gordon. What Now for Test Tube Babies? *New Scientist*. 1982 February 4;:311–316. [PubMed: 11655400] (p. 313). This article was based on the television programme ‘Test Tube Explosion’, which the authors directed and which was screened on ITV on 2 February 1982.
- 100 Anon. Debate Call over Test Tube Babies. *Guardian*. 1982 February 10;:2.
- 101 Anon. A Matter of Origins. *The Times*. 1982 February 10;:11.
- 102 Davies Murray, Badford Ronald. Test Tube Baby Doctor Warned Off. *Daily Mirror*. 1982 September 28;:7.
- 103 On these professional inquiries, see Goold, ‘Regulating Reproduction in the United Kingdom’.
- 104 Anon. Debate Call Over Test Tube Babies. :2.
- 105 Whitehorn Katherine. Embryonic Problems. *Observer*. 1982 October 3;:27.
- 106 Kennedy Ian. Ethical Guidelines on Fertilization. *The Times*. 1982 February 11;:17.
- 107 Robertson. *The Law and Test Tube Babies*.
- 108 Richard Norton, Department of Education and Science, to David Noble, Medical Research Council, 13 April 1982. National Archives: FD7/2307.
- 109 Ibid.
- 110 Ibid.
- 111 Ibid.
- 112 Keith Newton to Dr Vickers, Medical Research Council (24 May 1982). National Archives: FD7/2307.
- 113 Ibid.
- 114 The ‘Great and Good’ have constituted an important part of the British Establishment since the eleventh century. Their role in policymaking became increasingly contested during the late twentieth century, however, and Margaret Thatcher portrayed herself as ‘an anti Great and Good’ Prime Minister (although her government still selected esteemed figures such as Sir Oliver Franks, Cecil Clothier and Mary Warnock as chairs of public inquiries). For a comprehensive account of the ‘Great and Good’ in postwar Britain, see type="author"> Hennessy Peter. *WhitehallLondonFontana1990540586*
- 115 Anon. The Good Woman of Oxbridge. *Observer*. 1984 June 24;:7.
- 116 See Hennessy. *Whitehall*. :551, 578–579.
- 117 Moran. *British Regulatory State*. :61. See also Fisher. *Risk Regulation*. Gummatt. *Scientists in Whitehall*. :91–116.
- 118 See Moran. *British Regulatory State*. :61–62. Rose. *Powers of Freedom*. :150–154.
- 119 Warnock Mary. The Politicisation of Medical Ethics. *Journal of the Royal College of Physicians of London*. 1999;Vol. 33(no. 5):474–478. [PubMed: 10624668] (p. 474).
- 120 Warnock. *Nature and Morality*. :73.
- 121 Warnock, interview with the author (2009). See also Hampshire Stuart, Scanlon TM, Williams Bernard, Nagel Thomas, Dworkin Ronald, editors. *Public and Private Morality*. Cambridge: Cambridge University Press; 1978.
- 122 Warnock. *Nature and Morality*. :72.
- 123 Norman Fowler, cited in *Parliamentary Debates: House of Commons*, Vol. 28 (23 July 1982) col. 329.
- 124 Warnock committee meeting minutes (14 December 1982). National Archives: FD7/2307.
- 125 DHSS correspondence to University Grants Committee (1982). National Archives: FD7/2307.

- 126 Warnock committee meeting minutes (14 December 1982); DHSS to University Grants Committee (1982). National Archives: FD7/2307.
- 127 Kennedy. *The Unmasking of Medicine*. :152.
- 128 Anon. Test Tube Babies Are Now a Public Subject. *Observer*. 1984 May 20;:18.
- 129 Anon. Why We Must ALL Have a Say on Test Tube Babies.
- 130 Warnock Mary. *In Vitro* Fertilization: The Ethical Issues (II). *The Philosophical Quarterly*. 1983;Vol. 33:238–249. [PubMed: 11651765] (p. 249).
- 131 *Ibid*, p. 249.
- 132 Lowry Suzanne. Birth of a New Ethic. , newspaper clipping (*circa* July 1984) held at Archives and Manuscripts, Wellcome Trust Library for the History of Medicine: file PP/MLV/C23/1/6.
- 133 Warnock, interview with the author (2009).
- 134 Lowry. Birth of a New Ethic.
- 135 Anon 'Why We Must ALL Have a Say on Test Tube Babies'; Warnock, interview with the author (2009).
- 136 Warnock committee meeting minutes, 'Other Questions' (October 1983). National Archives: FD7/2307.
- 137 Warnock. A Question of Life. :79.
- 138 Warnock Mary. Scientific Research Must have a Moral Basis. *New Scientist*. 1984 November 15;:36. [PubMed: 11658551] Emphasis added.
- 139 Warnock. Moral Thinking and Government Policy. p. 514.
- 140 Anon. Embryology Needs Rules. :735.
- 141 Anon. A Welcome Report. *British Medical Journal*. 1984;Vol. 249:207–208. (p. 207).
- 142 Anon. Embryonic Research. *New Scientist*. 1984 September 27;:2. Emphasis in original.
- 143 Anon. The Good Woman of Oxbridge. :7.
- 144 Warnock. People and Places. :135. Warnock's support for the Conservatives wavered during the 1950s and early 1960s, when she joined the Labour Party. She returned to the Conservatives after Harold Wilson became Labour leader in 1963. See *Ibid*, pp. 135–69.
- 145 *Ibid*, p. 182.
- 146 *Ibid*.
- 147 Warnock. *In Vitro* Fertilization. :238.
- 148 Pallot Peter. Towards a Brave New World. *Daily Telegraph*. 1983 April 27;:11.
- 149 Royal Society submission to DHSS Committee of Inquiry (1983). National Archives: FD7/2308.
- 150 Warnock committee memo, 'Experiments on Embryos: Key Questions' (October 1983). National Archives: FD7/2307.
- 151 Immanuel Jacobovits, quoted in Anon, 'Are the Baby-Makers Going too Far?', *The Sunday Times*, 27 May 1984, p. 13.
- 152 Anon. Embryo Experiments Ban Urged. *Guardian*. 1983 May 12;:3.
- 153 Spencer SJG. Human *In Vitro* Fertilization and Embryo Replacement and Transfer. *British Medical Journal*. 1983;Vol. 286:1822–1823. [PMC free article: PMC1548044] [PubMed: 11653505] (p. 1823).
- 154 Family Planning Association, statement to the Warnock committee, 16 February 1983. National Archives: FD7/2307.
- 155 Warnock committee, 'Experiments on Embryos: Key Questions' (1983).
- 156 *Ibid*.
- 157 Warnock committee, 'Other Questions' (1983).
- 158 See Carriline Madeline, Marshall John, Walker Jean. 'Expression of Dissent: B. Use of Human Embryos in Research', in Warnock. A Question of Life. :90–93. (p. 90).

- 159 Warnock later identified this 'mole' as the gynaecologist Dame Josephine Barnes. See Warnock. *Nature and Morality*. :104–105.
- 160 Prentice Thomas, Timmins Nicholas. *Surrogate Mothers and Embryo Research Put Committee in a Quandary*. *The Times*. 1984 February 6;:3. See also Warnock. *Nature and Morality*. :78–79.
- 161 Mary Warnock, quoted in Lowry, 'Birth of a New Ethic'.
- 162 Warnock. *Scientific Research Must Have a Moral Basis*. :36. [PubMed: 11658551]
- 163 Edwards RG. *The Horizon Lecture. Test Tube Babies: The Ethical Debate*. Listener. 1983 October 27;:11–19. (p. 12).
- 164 *Ibid*, p. 12.
- 165 *Ibid*.
- 166 *Ibid*, p. 19.
- 167 Anon, 'Good Woman of Oxbridge'.
- 168 Lowry, 'Birth of a New Ethic'.
- 169 Warnock. *Do Human Cells have Rights?* *Bioethics*. 1987;Vol. 1:1–14. [PubMed: 11649757] (p. 8). This article is the text of a 1986 lecture that Warnock gave at Ormond College, Melbourne.
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- 172 *Ibid*, pp. 111–12.
- 173 *Ibid*, p. 106.
- 174 Jasanoff. *Making the Facts of Life*. :65.
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- 180 *Ibid*, pp. 8, 12. In a special edition of *Credo* dedicated to the Warnock report, Donald again called for a ban on research and declared that 'every human baby has a beginning and conception is it'. *Credo: The Warnock Committee* (screened July 1984), held at the British Film Institute, London.
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- 191 Singer. Introduction. :4.
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- 195 Hare. *In Vitro* Fertilization and the Warnock Report. :83–88. Emphasis in original. This paper was initially delivered as a 1985 lecture at the University of Oxford.
- 196 Ibid, p. 82.
- 197 Ibid, p. 88.
- 198 Ibid.
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- 201 Singer Peter, Wells Deanne. *The Reproduction Revolution: New Ways of Making Babies*. Oxford: Oxford University Press; 1984. p. 199.p. 202.
- 202 Warnock. *Government Commissions*. p. 167.
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- 204 Ibid, p. 520.
- 205 Warnock. *Government Commissions*. p. 166.
- 206 Warnock. *Embryo Therapy*. :21.
- 207 Warnock. *A Question of Life*. :xi.
- 208 Ibid, p. 96.
- 209 Ibid.
- 210 Warnock. *Embryo Therapy*. :31. Laura Stark's work on IRBs in the United States shows how ethicists and scientists similarly negotiate differing views to fashion policies for biomedical research, then have to justify their recommendations to particular stakeholders, e.g., researchers, funding bodies and politicians. In a claim that evokes Warnock's endorsement of the fourteen-day limit, Stark notes that "“good” recommendations are, by my account, social achievements and not reflections of the inherent qualities of the recommendations themselves". See Stark. *Behind Closed Doors*. :39.
- 211 MacIntyre Alasdair. *After Virtue*. 3rd edn. Notre Dame: University of Notre Dame Press; 2007. p. 6. See also Williams Bernard. *Ethics and the Limits of Philosophy*. London: Fontana; 1985. Warnock. *A Question of Life*. Glover. *Causing Death and Saving Lives*. On the historical background to this belief, see MacIntyre. *A Short History of Ethics*.
- 212 *Talk of the '80s: Mary Warnock* (screened BBC 1, 7 December 1989). Recording held at the British Film Institute, London.
- 213 MacIntyre. *A Short History of Ethics*. :235. On the growth of principles-based approaches in the United States, see Evans. *Sociological Account of the Growth of Principlism*.
- 214 Toulmin Stephen. *The Tyranny of Principles*. *Hastings Center Report*. 1981;Vol. 11(no. 6):31–39. [PubMed: 7037683] MacIntyre Alasdair. *How Virtues Became Vices: Values, Medicine and Social Context*. In: Engelhardt H. Tristram Jr, Spicker Stuart, editors. *Evaluation and Explanation in the Biomedical Sciences*. Dordrecht: Riedel Publishing; 1975. pp. 97–111. (pp. 97–8); MacIntyre Alasdair. *Why is the Search for the Foundations of Ethics so Frustrating?* *Hastings Center Report*. 1979;Vol. 9(no. 4):16–22. [PubMed: 385551] MacIntyre served as a consultant to the National Commission and became interested in the sources of medical error during the 1970s. He nevertheless claimed that his 'encounters with bioethics were by and large frustrating' because 'its practitioners did not take seriously the deep-cutting moral disagreements of our culture'. Alasdair MacIntyre, correspondence with the author (April 2009).

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- 217 Margaret Thatcher, quoted in Campbell John. *Margaret Thatcher, Volume One: The Grocer's Daughter*. London: Vintage; 2007. p. 377.
- 218 Margaret Thatcher, notes for 1979 Conservative Party conference speech, 'Thoughts on the Moral Case 1', 3 October 1979. These notes have been archived as part of the Margaret Thatcher Foundation and are available online at www.margaretthatcher.org (accessed 14 February 2014).
- 219 Warnock. *A Question of Life*. :96.
- 220 Cooter. *The Ethical Body*. :460–462. Rose. *Powers of Freedom*. Lowry. *Birth of a New Ethic*.
- 221 Jasanoff. *Designs on Nature*. :152.
- 222 Ibid. See also Warnock. *Do Human Cells Have Rights?* [PubMed: 11649757] Warnock Mary. *The Good of the Child*. *Bioethics*. 1987;Vol. 1:141–155. [PubMed: 11649830]
- 223 Campbell. interview with the author. 2009
- 224 See, for example, Cecil Clothier (chair), *Report of the Committee on the Ethics of Gene Therapy*. London: HMSO; 1992.
- 225 Suzi Leather, quoted in Brown Andrew. *The Practical Philosopher*. *Guardian*. 2003 July 19;
- 226 Harris, interview with the author (2011); Singer. Introduction. Lockwood. *The Warnock Report*.
- 227 Warnock, quoted in *Talk of the '80s*. See also Warnock. *Embryo Therapy*. :28–30.
- 228 Jasanoff. *Making the Facts of Life*. :61.
- 229 On how public and ethical debates overlooked issues such as patient welfare and equal access to IVF, which ultimately ensured that NHS coverage was patchy and forced most patients to seek treatment at private clinics, see Pfeffer Naomi. *The Stork and the Syringe: A History of Reproductive Medicine*. London: Polity Press; 1993. pp. 165–175.
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- 231 Warnock. *Government Commissions*. p. 67.
- 232 Warnock. *A Question of Life*. :xi.
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- 235 Archard David. *Why Moral Philosophers Are Not and Should Not Be Moral Experts*. *Bioethics*. 2011;Vol. 25(no. 3):119–127. [PubMed: 19659852] (p. 123).
- 236 Ibid, p. 122.
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