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### A partial summary for instructors and students

**Thomas F. Banchoff** *Embryo Politics: Ethics and Policy in Atlantic Democracies*  
**Stem Cells & Policy: Values & Religion**

Prepared by Michael Pettinger & Eric A. MacPhail

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## Background of the Author:

Thomas F. Banchoff's *Embryo Politics: Ethics and Policy in Atlantic Democracies* is a useful background resource for any one interested in studying or teaching the ways in which different polities have addressed the complex issues surrounding scientific research on human embryos, including in vitro fertilization (IVF), reproductive and therapeutic cloning, and human embryonic stem cell (hESC) research.

Banchoff is currently an associate professor of Comparative Government at Georgetown University, as well as the director of the Berkley Center for Religion, Peace, and World affairs. He received his doctorate in politics from Princeton after completing his master's degree in Germany at the University of Bonn. Judging from the books he is listed as the editor and author of prior to *Embryo Politics*, his research has revolved around religious pluralism, globalization, global politics, human rights, German political institutions and policies, and the European Union. His website states that his interests concern the intersection of ethics or values, religion, history, and institutions in European politics.

*Embryo Politics* examines the ways in which the previous historical experience shapes ethical argumentation and institutional and legislative regulation of stem cell related technologies, research, and clinical practices in four "Atlantic democracies" – the United States, the United Kingdom, Germany, and France. This "historical institutionalist approach to comparative politics" has its limitations. It necessarily privileges large institutions – national governments, churches, political parties, patient-advocacy and research-advocacy groups, etc. – over the cultural, economic, and political situation of the individual. It is also of note that Banchoff overlooks the colonialist and late-capitalist underpinnings of his own decision to focus on these particular nations.

But within those limitations, Banchoff's work is very valuable. It provides a useable historical narrative of four decades of ethical and political debate. Its comparative approach allows students to see that which might seem the most salient in the American context viewed differently elsewhere, not simply because of a vague notion of "cultural difference," but because of "path-dependent effects of historical experience," or the ways in which institutional decisions frame and help determine the course of future deliberation and decisions. Banchoff aims for a balanced approach. In so far as he takes a position in the debate, he is less invested in specific outcomes, and more concerned about tone, arguing that the current, polarized state of affairs was preceded by a more fluid approach, one in which all parties tried to strike a balance between the desire to respect embryos as some form of human life and an ethic of healing that sees potential to alleviate human suffering through embryo research. It is important to note that he does not address investment in the social model of heal and chooses to contextualize his overview within the medicalized approach to disease and disability which often focuses on treatment and cure, rather than social support.

Banchoff's book is 258 pages long, excluding bibliography, and densely argued. Its length might make it unusable for a broadly focused, undergraduate course, though it could find its place in a more advanced seminar focused on history and public policy. Below, we have provided a table of contents with chapter headings and subheadings, in order to give instructors and students a sense of the scope and organization of Banchoff's argument. This is followed by a summary of the Introduction to *Embryo Politics*, in which Banchoff sketches the history of debate in the four Atlantic democracies. The summary is given in outline form. The headings and subheadings of the outline are clearly keyed to those of the chapter. Numbers in parentheses

indicate the pages on which one will find the material that has just been summarized. Additionally, we have provided charts that allow comparisons at a glance of the policies in four developed nations alongside the Vatican (US, UK, Germany, and France). While we believe that this will summary will be useful, readers interested in greater detail are urged to consult the book itself.

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## SUMMARY of the *INTRODUCTION*

### Abstract:

The introduction provides a synthesized overview of the various themes and topics discussed in the following chapters. The regional scope of the book consists of four 'Atlantic democracies:' the United States, the United Kingdom, France, and Germany. The historical legacies of each of these four countries influence the tone and value-rooted popular attitudes expressed in their ethical arguments. The different types of secular and religious philosophies that inform public debates are briefly described, as are the electoral dynamics behind the embryo politics in each of the the nations discussed. The progressive development of embryo politics in these nations has been marked by technological innovations. That forty-year history is divided into two phases. The first (1968-96), triggered by the first fertilization of an egg in the laboratory (1968) culminated in the formulation of the first research regimes for scientific study of human embryos. While these regimes differed among themselves, they set the parameters in their respective nations when a second phase (1997-2008) was triggered by the cloning of the sheep Dolly (1997), and the isolation of human embryonic stem cells (hESC) (1998). He introduction ends with a recognition of the relatively small geographical focus of his book, and thoughts on the possible outcomes of future embryo politics.

### In Depth Outline:

- 1) The first fertilization of a human egg outside the womb, carried out by Robert Edwards and Patrick Steptoe in Cambridge, England in 1968, and the subsequent birth of the first child conceived by invitro fertilization (IVF) in 1978, led to flurry of public debate and the regulation. The diverse responses taken by the United States, the United Kingdom, Germany, and France in response to research on human embryos exemplifies the importance of ethics in political debate. "A better understanding of the history of embryo politics over the last four decades" can help us engage in "critical reflection and debate – not polemics or accusations of bad faith" as we confront new issues in these fields. (3)
- 2) ***Paths of Embryo Politics*** (3-4). Differences in they way these four nations responded to the issues surrounding research on human embryos can be explained in terms of the critical role played by their respective historical legacies. (3) In the United States and the United Kingdom "recent clashes over abortion informed the struggle over embryo research," while "in Germany and France, the historical legacy of Nazism and eugenics provided a more salient frame." (3) By 1995, these nations had formulated policies on such research that, despite some liberalization, have remained largely in place despite subsequent developments in the field. (4)
- 3) ***Main Contours of Ethical Controversy*** (4-8) Public controversy over scientific ethics can be traced to the revelations of Nazi experimentation at the Nuremburg Trials and experiments conducted on African American airman at Tuskegee. (4) Developments in IVF led to questions regarding the point at which fully human life begins and the conditions under which embryos can be created and destroyed to advance scientific knowledge to provide cures. "The scientific method alone cannot answer these issues." (5) By the 1980's all sides of these debates recognized two core values: "the protection of human life" and "the alleviation of suffering." Both of these values find "roots in Christianity, the dominant religious tradition on both sides of the Atlantic, as well as in Judaism and Islam, the most significant minority communities. (6) At the same time, both ethics can be expressed in terms of Utilitarianism and Deontological ethics. Anti-research arguments are rooted in "*respect for the embryo* as a human individual." (Blanchoff's italics) "The central proresearch argument is centered on an *ethic of healing*. In this view, the embryo is an early form of human life, but not a human individual or a person. It can therefore be utilized under some circumstances to advance knowledge that can reduce human suffering. It should be emphasized that both the pro- and antiresearch arguments drew on support from sources that might be considered religious or secular. (7-8)

- 4) ***The Evolution of the Conflict*** (8-12) A series of scientific and technological breakthroughs, including “the fertilization of an egg in the laboratory (1968), the birth of a child through IVF (1978), and the freezing of surplus IVF embryos (1983)” led to the establishment of ethics bodies intended to reflect critically on the issue raised by these developments “and to frame the policy alternatives facing political leaders” at the national level. (8) There was relative fluidity in the early 1970s, with various opinions on the point after fertilization at which research should stop. The Ethics Advisory Board (EBA), the first national bioethics committee to address the issue in the U.S., “backed research only through the implantation stage and solely in order to improve IVF as an infertility treatment.” (9) In Britain, public comments on the possible implications of embryo research in the study of cancer and congenital disease led to the formation of the Committee of Inquiry into Human Fertilisation and Embryology, the Warnock Committee (WC), which recommended in 1984 that “embryo experimentation should remain legal as long as it focused on the development of IVF and related ends.” It also “supported the deliberate creation of embryos for research in some cases.” (9) By the time the German Benda Commission (BC) began to meet, a child had been successfully conceived and born from a human embryo that had been frozen and thawed, leading to a multiplication of frozen embryos for possible later implantation. The BC eventually “opposed research in principle but made an exception for such surplus embryos.” (9-10) “The French National Consultative Ethics Committee (CCNE) arrived at a similar conclusion,” though it “supported research with those [embryos] no longer part of any ‘parental project.’” Neither of these two committees approved the creation of embryos strictly for research purposes. (10) These findings set the parameters for a second phase of political controversy, triggered by the cloning of Dolly (1997), the isolation of human embryonic stem cells (hESC) in 1998, and the emergence of Induced Pluripotent Stem cells (IPS). In this second phase, “There was generally less deliberation at the intersection of the moral status of the embryo and the promise of biomedical research and more polarization between fixed positions centered on one or the other.” (11)
- 5) ***From Ethical Contestation to Policy Struggle*** (12-19) “How did ethical controversy shape policy struggles and outcomes over four decades? Why did some ethical arguments prevail over others in the political process?” In part, it was due to interests, such as biotech companies, and patient-advocacy groups, religious organizations, scientific organizations, and others, that claimed a stake in embryo research and sought to translate their policy preferences into legislation. These entities formed coalitions with one another, as well as with political parties and individual politicians in the various branches of government whose fortunes rose and fell with the cycles and trends of the electoral system of each country. (12) This is not to underestimate the importance of the national ethics bodies, which set the agenda and defined the key issues for their respective nations. The initial work of these committees largely defined the terms of later debate for the remaining decades. This is in line with an “historical institutionalist approach to comparative politics,” one that “explores the path-dependent effects of historical experience and established institutions on subsequent politics and policy.” (13) “Even something as radically new as embryo research did not create its own radically new politics but flowed instead into established channels. During the first phase of embryo politics, through the mid-1990s, two historical legacies provided national frames for the policy struggle: the legalization of abortion in the United States and the United Kingdom, and Nazi eugenics in Germany and, to a lesser degree, in France.” (13)
- a. ***The First Phase of Embryo Politics, 1968-96*** (14-16) The Abortion Act of 1967 in the United Kingdom and *Roe v Wade* in the United States in 1973 “provoked strong reaction, particularly from Catholics and later from evangelicals.” This reaction led to the mobilization of “principled opposition to embryo research where there had been little organized resistance” previously. (14) In the case of the U.S., Reagan and the first Bush administrations, which were unwilling to offend these constituents, resisted calls “to revive the Ethics Advisory Board and take up its recommendations for federal funding of research.” While the Clinton administration formed the Human Embryo Research Panel (HERP), which “advocated federal funding for work with surplus IVF embryos and for the deliberate creation

of embryos for research,” the Republican sweep of the mid-term election led Clinton to reject those recommendations, while the Republican Congress passed the Dickey Amendment, “which banned any expenditures of federal funds for research involving the destruction of embryos.” (15) In Britain, the report of the WC inspired pro-life interest groups to push legislation to ban all embryo research. But the Thatcher government was less dependent on their support than American republicans, and successfully delayed the legislation until pro-research advocates could organize and pass the Human Fertilisation and Embryology (HFE) Act of 1990, which permitted experiments on surplus IVF embryos as well as the creation of embryos for research purposes in certain circumstances. (15) In Germany and France, the abortion question was less pertinent, as the governments had arrived at a “compromise solution – principled opposition to abortion and pragmatic acceptance of it in most cases.” (15) Instead, the argument in these countries was dominated by memories of the Nazi eugenics. In Germany, the principle that “Human Dignity is inviolable” is enshrined in Article 1 of the Basic Law of the Federal Republic. A “cross-party coalition, supported by the Catholic and Lutheran churches,” combined with “skepticism of technology among Social Democrats and the new Green Party ” led to the passage of the 1990 Embryo Protection Law (EPL), which “made all destructive embryo research a criminal offense.” (16) In France, the post-war constitution also emphasized the value of human dignity. “Here, recent history intersected with the deeper historical legacy: the French Revolution and its secular emphasis on the sanctity of human rights.” The Catholic Church played a marginal role in the debate, but the humanist tradition in France provided secular grounds for opposition to embryo research. Thus, while the Socialist Party of then President François Mitterand had given initial approval to legislation that permitted limited research on surplus IVF embryos, a conservative sweep of the legislature eventually led to the passing of the comprehensive Bioethics Law of 1994, which “banned all research in France involving the destruction of human embryos.” (16)

- b. *The Second Phase of Embryo Politics, 1997-2008.* (16-19) The outcomes of these initial phase “provided a shared framework for national struggle,” not only because of the political forces that had supported them, but because those who opposed recognized them as “the legitimate outcome of earlier political battles.” Thus, while there were attempts to complete revise and overturn these decisions, opposition ultimately sought only incremental change. (16-17) In the U.S., arguments surrounding abortion continued to shape the debate, but “hopes for a new era of regenerative medicine and the rise of ethic-of-healing arguments changed the political constellation. Thus, efforts to ban therapeutic cloning failed, and in August 2001, then president George W. Bush permitted federal funding for research on already existing human stem-cell lines, a move that “disappointed many of his Catholic and evangelical supporters.” The midterm elections of 2006 brought a proresearch majority to Congress, but its attempts to extend the August 2001 cutoff date were vetoed. The Obama administration did lift this restriction in 2008, but did not attempt to overturn the Dicky Amendment. “The 1995 research regime, with its sharp dichotomy between prohibited federal and permitted private embryo research, remained.” (16-17) In the United Kingdom, abortion opponents were effectively marginalized, and the Blair government, like Thatcher’s, pursued a proresearch agenda. Thus, in 2002, a parliamentary majority was able to argue that if the destruction of embryos was already permitted to treat infertility and related problems, there was no objection to extending permission to other areas of research aimed at reducing human suffering. In 2008, the Brown government “won parliamentary approval . . . for a further adaptation of the existing regime designed to get around a shortage of human eggs: the creation of animal-human hybrid embryos as a source of stem cells.” (17-18) As noted above, abortion was not the dominant frame for debates surrounding embryo research in Germany and France. In Germany, there was little desire to amend the EPL to permit the derivation of stem cells in Germany and therapeutic cloning, but the rise of an ethic of healing and the promise of hESC research led the Bundestag to approve the importation of human stem cells lines derived before specific dates. Nevertheless, “the EPL, with its absolute ban on embryo destruction, cloning, and hybrids, remained the focus of

broad political consensus.” (18) The situation was more volatile in France, where there were serious efforts under the Socialist government of Lionel Jospin to change key provisions of the Bioethics Laws in order to allow the importation of human embryonic stem cells, derivation of hESC lines from surplus IVF embryos in France, and even therapeutic cloning. But France has a dual executive system, and conservative president Jacques Chirac was able to force Jospin to drop cloning from the legislation. While the proposal for deriving stem cells from surplus IVF embryos won initial support in the National Assembly in 2002, a conservative sweep in the national elections annulled those results, and in 2004, the revised Bioethics Laws “banned the destruction of embryos to derive stem cells in principle, but allowed for some exceptions over a period of five years.” (18) While subsequent chapters of the book will explore the cross-border connections among the parties involved in debate in these four countries, “in the end, embryo politics has played out on a national stage and has been shaped most powerfully by agendas and politics with particular historical and institutional roots.” (19)

- 6) *The Way Forward* (19-20) The scope of the book is limited geographically to these four “leading Atlantic scientific powers,” and needs to be taken in a much broader context, in which many other nations, including Australia, South Korea, Singapore, Israel, China, and India are making significant contributions in the fields of embryo, stem cell, and cloning research. At the same time, ethical debate on these issues has emerged “not just in Europe and North America, but also in the former Soviet Union, Latin America, Asia, and the Middle East.” (19) But focusing on these four countries allows for a more detailed comparison and analysis of shifting political dynamics and suggests two lessons for the future. “First, the variety of different national responses to the same scientific and technological breakthroughs underscores the existence of choices going forward. Prohibition is an option, as the German and French experiences suggest, as is a more permissive regime along U.S. and U.K. lines. Political decisions matter. Second, serious ethical reflections and deliberations can have an independent impact on those decisions. Concern about how to combine the protection of life and the alleviation of suffering can inform political contestation and the policy struggle, as it did into the 1990s. Or a polarized confrontation that obscures core ethical dilemmas can dominate embryo politics, the trend during the first part of this century. A willingness to confront and debate new issues through constructive dialogue will not guarantee wise policy decisions going forward. But it will make them more likely.” (19-20)

**Comparison Charts of Policy, Committees Established, & Research Agendas follow on the next page.**

## Timelines

The United States of America	The United Kingdom of Great Britain and Northern Ireland	The Federal Republic of Germany	The French Republic	The State of Vatican City
<i>Roe v. Wade</i> (1973)	Abortion Act (1967)	The constitution of 1949 declares “human Dignity is Inviolable”	The 1946 constitution of the Fourth Republic underscores value of human dignity	The Catholic Church
Informed Consent in wake of Tuskegee experiment (1932-1973)	Warnock committee (est. 1982)	Benda Commission (est. 1984)	The 1958 constitution of the Fifth Republic makes human dignity one of the basis of its jurisprudence	Pope Pius XII Campaigns against "artificial" insemination and contraception (1939-1952)
Ethics Advisory Board (EAB, est. 1977)	WC recommendation to maintain embryo research focused on IVF, including creation (1984)	BC opposes research in principle, except w/ surplus IVF embryos (1985)	National Consultative Ethics committee (CCNE, est. 1983)	Pope Paul VI produces the encyclical <i>Humanae Vitae</i> condemning interference with human sexuality (1968)
EBA backs research through implantation stage only for IVF, but never adopted (1979)	Unborn Child (Protection) act defeated w/ delay of parliamentary action until 1990 (1985)	The Embryo Protection Law (EPL) criminalizes all destructive embryo research and outlaws cloning – affront to human dignity (1990)	CCNE report defines Embryos as “potential persons” w/protection except when not part of a “parental project” (1986)	Vatican publishes the <i>Donum Vitae</i> rejecting IVF, argues for the full humanity of the embryo, and categorical condemnation of all embryo research (1987)
HERP advocates federally funded work w/IVF surplus & deliberately created embryos, & limited creation (1993)	The Human Fertilization and Embryology Act (HFE) allows research w/surplus IVF embryos (1990)	The German Bundestag (parliament) votes to allow the importation of foreign hES cells made before January 2002 (2002)	President Mitterrand’s Socialist Party endorses surplus IVF embryo research (1992)	Pope John Paul II’s encyclical <i>Evangelium Vitae</i> makes a strong link between embryo research, IVF, and abortion issues - the pro-life movement (1995)
HERP recommendation rejected due to Republicans sweeping mid-term elections (1994)	PM Blair wins approval to extend Research covered by federal funding beyond infertility (2002)	Bundestag moves cut-off date to 2007 (2007)	The Bioethics Laws bans all research involving embryo destruction in France (1994)	The State of Vatican City
The Dickey-Wicker amendment banning federally funded research involving embryo destruction passed (1995)	PM Blair, then Brown win parliamentary approval to federally fund animal-human hybrid embryo creation for stem cells (2008)		National Assembly votes to support research w/ surplus IVF embryos, then annuls this vote (2002)	The Catholic Church
President Bush allows federal funding for research w/ hESCs derived by August 2001 (2001)			CCNE report defines Embryos as “potential persons” w/protection except when not part of a “parental project” (1986)	Pope Pius XII Campaigns against "artificial" insemination and contraception (1939-1952)
President Obama lifts ex-President Bush’s restrictions regarding the Aug 2001 date, and signs the Dickey Wicker Appropriations Rider (2008)				Pope Paul VI produces the encyclical <i>Humanae Vitae</i> condemning interference with human sexuality (1968)



## National Ethics Committees

<i>Country:</i>	The United States of America	The United States of America	The United Kingdom of Great Britain and Northern Ireland	The Federal Republic of Germany	The French Republic	The State of Vatican City
<i>Institutional Body:</i>	Ethics Advisory Board (EAB, est. 1977)	Human Embryo Research Panel (HERP est. 1993)	Warnock committee (est. 1982)	Benda Commission (est. 1984)	National Consultative Ethics committee (CCNE, est. 1983)	The Catholic Church
<i>Rhetoric of Recommendations</i>	Accommodationist/ Utilitarian (Perceived)	Accommodationist/ Utilitarian (Perceived)	Accommodationist/ Utilitarian (Perceived)	Deontological	Deontological	Sacredness of Embryo/ sanctity of Human Life
<i>Extent of Research on Embryos</i>	Infertility Treatment and/or Case-by-Case Basis	Infertility Treatment, Congenital Disease, and ESC	Infertility Treatment and hESCR	Infertility Treatment and "medical findings of great value"	Infertility Treatment	Nothing/ Not Allowed
<i>Deliberate Creation of Embryos</i>	Allowed and Federally Funded	Allowed and Federally Funded	Allowed and Federally Funded	Banned	Banned	Banned
<i>Frozen Embryos Research Cut-off</i>	14-days	14-days	14-days	Freezing of Embryos Banned	7-days	Freezing of Embryos Banned

## Research Regimes

<i>Country:</i>	The United States of America	The United Kingdom of Great Britain and Northern Ireland	The Federal Republic of Germany	The French Republic
<i>"Framing" national legacy:</i>	Roe v. Wade; The abortion parallel; Laissez-faire	Catholic minority; Marginalized pro-life movement; The abortion parallel to a lesser degree	Nazi Legacy; Post-war German Constitution	Nazi legacy; Enlightenment ideals; French Revolution and Republicanism; Secularism
<i>Major contributing political elements:</i>	Popular pro-life movement; acquiescent politicians;	Proresearch politicians and Anglican Church; majorly mobilized proresearch coalition	Unified antiresearch Catholic, protestant, leftwing, and conservative parties; disenfranchised proresearch community	Presidential initiative; prolonged deliberation over recommendations and possible legislation
<i>Conservative legislative sweep:</i>	Yes, decisive	Yes, but short-lived and indecisive	No need	Yes, decisive
<i>Prevailing rhetoric:</i>	Pro-life	Ethic of Healing	"Right to Life"	Human Dignity and Threat of scientific abuse
<i>Prevailing fear:</i>	Moral status of the embryo	Undue restrictions on scientific progress and alleviation of human suffering	Eugenic	Eugenic
<i>National ethics committee recommendations were:</i>	Ignored	Listened to	Ignored	Ignored
<i>How liberal of a research regime:</i>	Most Liberal (deliberate creation federally funded)	Second most liberal (research allowed in public sector)	Restrictive (criminalized)	Restrictive (criminalized)