

# Test-Tube Embryology in the Dock

*London.* A special license should be required for all experiments involving the use of live human embryos, and any unlicensed research should be considered a criminal offense, according to a special committee of inquiry set up by the British government to look at the implications of recent developments in human fertilization and embryology.

The 16-member committee, which contained scientists, doctors, theologians, and laypeople, was chaired by philosopher Mary Warnock, Mistress of Girton College, Cambridge. The majority of its members rejected demands that have been made by different groups and individuals in Britain for a complete ban on all research using human embryos. However, the committee does suggest that such research should only be carried out within a strict legal framework. Each experiment would have to be justified and require a separate license; no experiment would be allowed on an embryo more than 14 days old (a point selected primarily because that is when the so-called primitive streak appears within the embryonic disk, which the committee describes as the first recognizable feature of the embryo proper); and any research carried out in defiance of such rules should be treated as a criminal offense.

Such offenses would include keeping an embryo alive for more than 14 days, the unlicensed use of transspecies fertilization using human gametes, placing a human embryo in the uterus of another species for gestation, and the unauthorized sale or purchase of human gametes or embryos.

The Warnock Committee was set up by the British government in July 1982 to consider what policies and safeguards should be applied to recent and potential developments in medicine and science relating to human fertilization and embryology. It was largely prompted by the wide publicity given to the birth of the first "test-tube baby" but used the opportunity to examine a broad range of issues raised by surgical techniques, ranging from artificial insemination to surrogate motherhood.

The main thrust of its report is that, while none of these techniques should be prohibited, sufficient concern exists about their implications to warrant strict regulations. In most cases, this would be done through a new statutory body, appointed by the government with broad lay participation, and with responsibility for licensing and monitoring both various types of fertility treatments (including that leading to test-tube babies) and research with human embryos.

Evidence submitted to the committee revealed considerable reservations about the latter from the scientific community. The Royal Society, for example, wrote expressing its hope that "rigid legislative restrictions will not be imposed on the use of human germ cells and early embryos for research purposes."

It described as "unduly restrictive" a proposal from the U.K. Medical Research Council—broadly in line with that subsequently endorsed by the committee—that fertilized eggs should not be cultured in vitro beyond the implantation stage. And rather than setting up a new regulatory agency, the Royal Society suggested that the acceptability of particular experiments planned for various stages of the

development of the embryo "is a question best handled by local ethical committees."

Furthermore, several scientists, focusing on the apparent arbitrariness of the 14-day restriction on research on live embryos, have claimed there would be a double standard involved in outlawing such research when Britain's abortion laws make it legal to terminate a pregnancy—and thus the life of a fetus—up to 168 days after fertilization.

However, the committee also heard from many others, particularly those representing religious groups, that fertilized eggs of any age should be treated as full human beings. The report itself claims the committee felt a duty to balance pragmatic and moral arguments, since "reason and sentiment are not opposed to each other in this field" and "there must be some barriers that are not to be crossed, some limits fixed."

Even so, its recommendations about where the barriers and limits should be placed were not endorsed unanimously by the committee's members. Three of the 16 signed a minority report suggesting that all experimentation on the human embryo be banned, and that the research for which scientists claim such embryos are necessary should be carried out by other means, for example, with animals.

Four other members dissented from the additional recommendations that scientists should be permitted to fertilize eggs merely for research purposes, rather than use only those created as the by-products of fertilization treatment. Their main argument was that it is immoral to create a potential human being when there is no intention or possibility of this potential being realized.

Another controversial suggestion made by the committee is that it should be made illegal for any agency or individual to arrange a surrogate pregnancy—to find a woman prepared to bear the child of another woman unable, for medical or other reasons, to do so.

Two members of the committee, dissenting from this conclusion, argued that forbidding the creation of any surrogacy agency—one of which already exists in England—would risk depriving some women of the potential afforded by modern surgical techniques of having their own children brought to term. They argued that effective regulation would minimize the potential legal, social, and psychological problems that might occur.

The rest of the Warnock committee, however, after an apparently lengthy debate in which it was finally felt that the hazards outweighed the benefits, decided to recommend that it should be made a criminal offense to assist in the establishment of a surrogate pregnancy. Furthermore, the committee adds that new laws should be introduced to confirm that "all surrogacy contracts are illegal contracts and therefore, unenforceable in the courts."

Other legal changes recommended by the committee include:

- When a child is born to a woman following donation of another's egg, the woman giving birth should, for all purposes, be considered as the mother of that child;

- Any child who is born through artificial insemination by husband and who is not in utero at the death of its father, shall be disregarded for the purposes of succession to and inheritance from the latter.—**DAVID DICKSON**