

RELIGION, THE LAW, AND MEDICAL ETHICS

Democracy, embryonic stem cell research, and the Roman Catholic church

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The Roman Catholic Church in Australia has lobbied politicians to prohibit embryonic stem cell research, on the grounds that such research violates the sanctity and inherent dignity of human life. I suggest, however, that reasoned reflection does not uniquely support such conclusions about the morality of stem cell research. A recent parliamentary standing committee report recommended that embryonic stem cell research be allowed to proceed in certain circumstances, and there appears to be widespread support in the Australian community for this position. I argue that the moral value of democracy requires parliamentarians to acknowledge the informed views of the wider community here, and to resist lobbying by church leaders on this issue.

Skene and Parker raise important questions about religious doctrine influencing law and public policy when the Roman Catholic Church is granted *amicus curiae* status to intervene in civil litigation involving cases with significant legal ramifications.¹ Parallel concerns arise when the church invokes religious doctrine in attempting to determine public policy and law more directly, through the lobbying of politicians, in cases where the church's view is at odds with the informed views of the wider community.

Just as judges have role-based obligations to decide cases by appeal to legal principle, so too, politicians have role-based obligations to acknowledge the informed views of the broader community, in deciding on matters of public policy and legislation. The legal regulation of embryonic stem cell research is another area where the Roman Catholic Church has endeavoured to make the law reflect church teachings, not through the courts but through politicians themselves.

In Australia, for example, the Catholic Archbishop of Melbourne, Denis Hart, urged Prime Minister Howard to enact a total ban on embryonic stem cell research, on the grounds that such research violates the sanctity and inherent dignity of human life that is present in its earliest stages. And, unhappy at being outvoted by the federal parliamentary standing committee he chaired, Catholic MP Kevin Andrews reportedly lobbied federal cabinet to prohibit stem cell research on spare IVF embryos.

Those who support a total ban on embryonic stem cell research sometimes talk as if theirs are the only views based on moral principle. But whatever else might be said in response to their arguments, there is another moral ideal that is often lost in this debate. This is, of course, the value of democracy.

Democracy is a political ideal so cherished that some have been prepared to sacrifice their lives to help secure it. The 18th century political philosopher Jean-Jacques Rousseau argued that democratic processes are the very foundation of civil society.

These democratic processes deserve protection from those, both inside and outside parliament, who would seek to subvert them. And taking the value of democracy seriously entails that legislation which ought to be passed will sometimes not reflect a particular parliamentarian's own moral convictions, no matter how deeply they are held.

Recent surveys suggest that there is widespread support in the Australian community for allowing embryonic stem cell research. For example, a Morgan survey reported in *The Bulletin* on 24 July last year indicated that nearly three quarters of Australians approve of such research, where it has a genuine chance of leading to treatments for diseases such as cancer, diabetes, and

Alzheimer's.² And a survey conducted by the Institute of Applied Economic and Social Research, reported in *The Australian* on 4 March this year, produced similar results.³

Creating ethically sound public policy in a democratic society is not, of course, simply a matter of counting heads. People need to be adequately informed and need to engage in reasoned reflection about the issue at hand. But why think that reasoned reflection leads inexorably to the conclusion, held by the church as an article of faith, that all embryonic stem cell research is immoral?

In late February, a UK House of Lords select committee ruled that regulations permitting the creation of embryos for stem cell research in certain circumstances can now take effect.⁴ Among other things, these regulations allow stem cells to be taken from human embryos created by somatic cell nuclear transfer, the best known form of cloning procedure. Describing the committee's deliberations, its chairman, Anglican bishop Richard Harries, said: "After looking at all the issues very carefully, the Committee was not persuaded that it would be right to prohibit all research on early human embryos".⁴

Stem cell research in the UK will now be strictly controlled by a licensing system administered by a government body, the Human Fertilisation and Embryology Authority. The authority can issue a licence for research carried out for the purpose of increasing knowledge about embryonic development, increasing knowledge about serious disease, or enabling any such knowledge to be applied in developing treatments for serious disease.

The evidence suggests that community attitudes to embryonic stem cell research in Australia would predominantly favour such an approach being used there. Those deciding what embryonic stem cell research is to be permitted have a moral duty to acknowledge the informed views of the community and the findings of their own parliamentary standing committee. They have a duty to resist lobbying by church leaders who apparently fail to recognise that reasoned reflection does not uniquely support their own conclusions about the morality of embryonic stem cell research. Taking those sorts of duties seriously is what the moral ideal of democracy is all about.

REFERENCES

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