

Nuffield Council on Bioethics

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Dear Dr Gibson

Human Reproductive Technologies and the Law

Thank you for giving the Nuffield Council on Bioethics the opportunity to contribute to the Science and Technology Committee's inquiry into Human Reproductive Technologies and the Law. We welcome the opportunity to submit evidence to the inquiry.

The Terms of Reference of your inquiry include consideration of the challenges posed by the selection of genetic characteristics. One of the most important uses of genetic information is undoubtedly to inform reproductive choices. The Council has published a number of Reports addressing ethical and social issues raised by new developments in genetic screening and testing. In particular, I would like to draw your attention to recommendations made in the Report ***Genetics and human behaviour: the ethical context***, published in 2002.

This Report considered human behaviour within the normal range, as opposed to traits that are defined as illnesses or diseases. Traits discussed included intelligence, personality, antisocial behaviour and sexual orientation. Discussion and recommendations made in the Report concerning the selection of genetic characteristics for these traits, using prenatal diagnosis or preimplantation genetic diagnosis, is at **Annex A**.

We would be pleased to discuss these issues with you in more detail.

Yours sincerely

Dr Sandy Thomas
Director

ANNEX A

Prenatal selection of behavioural traits within the normal range

- 1 Law and clinical practice support the use of genetic information to provide informed choice for prospective parents. But professional and public opposition has been voiced, for a variety of reasons, to the use of non-clinical attributes, including behavioural traits within the normal range, in testing and selection. There seems to be a consensus in clinical genetics and in public opinion against use of preimplantation genetic diagnosis (PGD) or prenatal diagnosis in order to select babies on the basis of non-clinical characteristics. **In the case of prenatal diagnosis (PND), we share this view. Setting aside the contested issue of the ethics of abortion on social grounds, which is outside the scope of the Report, we take the view that the use of selective termination following PND to abort a fetus merely on the basis of information about behavioural traits in the normal range is morally unacceptable** (paragraph 13.65).
- 2 But the issues raised by the use of PGD are different. Whereas selective termination following PND is applied to a fetus that has already implanted and is developing in the womb, PGD is used to select which embryos to implant. Thus, PGD does not precede the termination of a potential human life, but precedes instead the choice as to which embryo, among those created by IVF, is to be given a chance of developing into a human being. And in this context, it is not so clear that it is morally unacceptable to make this choice on the basis of genetic information about the traits that are the focus of this Report. Whereas PND would be used to end a life, PGD is, in effect, used to choose which life to start. Hence, the moral prohibitions which apply in the case of PND, do not apply in the same way in the use of PGD. Nonetheless, the potential use of PGD to select embryos that are more or less likely to exhibit particular behavioural traits is widely thought unacceptable.
- 3 One line of argument in favour of the use of PGD is described in terms of a 'right to procreative autonomy' which would include a right to employ safe and reliable methods for the selection of children with a genetic predisposition for enhanced abilities within the normal range. However, we identify a number of arguments against the use of PGD for traits in the normal range. In particular, we addressed the question of 'natural humility'.
- 4 At present, parents accept their children as they find them in an attitude of 'natural humility' to the unchosen results of procreation. This attitude is an important feature of parental love, the love that parents owe to their children as individuals in their own right; for this is a love that does not have to be earned and is not dependent on a child having characteristics that the parents hoped for. Parental love which includes this element of natural humility is, therefore, incompatible with the will to control. It is not compatible with attempts to interfere in the life of a child except where the interference is in the child's own interest. Equally, it is not compatible with the practice of prenatal selection which seeks to identify, as a basis for choice, genetic predispositions for enhanced abilities or special character traits. For this is an attempt to determine the kind of

child one will have – which is precisely not the unconditional, loving acceptance of whatever child one turns out to have.

- 5 Given that we are dealing here with only speculative possibilities, and since the likely small effects of individual genes may make accurate predictions of future behaviour very difficult, it is hard to evaluate the disagreement between the contrasting positions. In particular, it may be that the contrast between the affirmation of a right to procreative autonomy and the defence of natural humility is too simple. It might turn out that there are possibilities for modest applications of PGD in relation to the traits considered in this Report which would not seriously undermine the present relationship between parents and their children. **While not entirely persuaded by this conservative line of argument, we do accept that, at present, the case for permitting prenatal selection based on the identification of genetic predispositions for enhanced abilities remains to be made. We recommend, therefore, that the technique of preimplantation genetic diagnosis, which is currently restricted to serious diseases and disorders, should not be extended to include behavioural traits in the normal range such as intelligence, sexual orientation and personality traits (paragraph 13.78).**

The full Report, *Genetics and human behaviour: the ethical context*, is available to download from: www.nuffieldbioethics.org/behaviouralgenetics