

Taking the Power of Ideas Seriously:

The Case of the 2008 Human Fertilisation and Embryology Bill

Steven Kettell

Department of Politics and International Studies
University of Warwick
Coventry
CV4 7AL

Paul Cairney

Department of Politics and International Relations
University of Aberdeen
AB24 3QY
paul.cairney@abdn.ac.uk

Abstract

To ‘take ideas seriously’ is to recognise the symbiotic relationship between power and the role of ideas, rather than explain policy primarily in terms of influence and material interest. Yet, this statement alone does not take us very far. The definition and ‘independent effect’ of ideas is open to question, while explanations based on power may compete with, as well as supplement, explanations based on ideas. This article addresses these issues in two ways. First, it explores the role of ideas in the public policy literature. Second, it examines the potency of ideas through an analysis of the UK Government’s 2008 Human Fertilisation and Embryology Bill. Although widely seen as a battle of ideas competing to be translated into policy action, the Bill’s progression cannot be sufficiently explained with reference to ideas or political power alone. Rather, both ideas and power relations need to be taken into account when considering the causes of policy change.

Keywords: Policy-Making, Ideas, Power, Human Fertilisation and Embryology Bill

Introduction

The relationship between power and ideas is a central theme in political science, but all too frequently their interconnections are treated in an imprecise, implicit and underdeveloped fashion. Moreover, while theoretical modelling of this relationship is essential to its understanding, the exact processes involved can only be revealed through detailed empirical investigation. This article seeks to explore the relationship through an analysis of the 2008 Human Fertilisation and Embryology Bill. One of the most contentious and far-reaching pieces of legislation to have come before the British Parliament in modern times, the Bill was typically framed as a 'battle of ideas' between two opposing sides (not least due to the absence of the usual political divisions along party lines), contrasting potential medical and human rights benefits with claims about the ethical rights of embryos and warnings of the social dangers of an unregulated science. Yet, the progression of the Bill demonstrates the insufficiency of explanations based exclusively on the role of ideas at the expense of power. The story of the Bill's progression highlights the interactive influence of both political and ideational factors at various points in time.

To 'take ideas seriously', then, is to recognise the symbiotic relationship between power and ideas; to treat explanations for policy outcomes as more than the mere extension of power politics or the battle of ideas. Yet, this is easier said than done. The very definition of 'ideas' and the identification of power relationships is often problematic, while the assertion that policy derives from a meshing of power and ideas risks failing to identify their independent effects or gauging in any meaningful way their respective (and varying) contributions to explanation. In addressing these issues, the article has two main aims. First, it outlines the definitions and treatment of ideas in the public policy literature. It explores the extent to which ideas are treated as independent or dependent variables, our ability to separate power and ideas analytically, and the problems faced by assuming that ideas, rather than interests masked as beliefs, drive policy change. Second, the article examines the 2008 Human Fertilisation and Embryology Bill as a policy process in which the power of ideas appears to take centre stage. This analysis shows that, while the conceptual and discursive frameworks

surrounding the Bill *were* undoubtedly fundamental both to its construction and progression, so too was the particular nexus of political power from which the Bill emerged, and in which its path to the statute book was embedded.

Ideas and power

There are three main problems in ‘operationalising’ the role of ideas. The first is that they are difficult to define. Within the public policy literature a wide and diverse range of ideas are identified. These include world views, paradigms, norms, ideologies, knowledge, beliefs, forms of language, visions and policy proposals. The explanatory value of ideational factors also varies, with categories ranging from ideas as viruses which infect political systems to policy proposals which may or may not be accepted by policy-makers (Axelrod, 1986; Cairney, 2009a; 2009b; Campbell, 2002; John, 1998; 2003; Majone, 1989: 25; Richardson, 2000). These distinctions are important for discussions which analyse different types of ideas with different levels of explanatory value. For example, Hall (1993) suggests that established norms or paradigms may undermine the adoption of new policy proposals, while the advocacy coalition framework suggests that new knowledge is mediated through belief systems (Sabatier and Jenkins-Smith, 1993).

The second problem is that the language of political science does not yet allow us to sufficiently separate ideas from power analytically without exaggerating the importance of the former (particularly when polemical accounts seek to ‘bring ideas back in’ – Jacobsen, 1995: 309). For example, while Axelrod (1986: 1095) argues that ‘an established norm can have tremendous power’ as a ‘mechanism for regulating conflict in groups’, the focus of his analysis is less on ideas themselves and more on observable behaviour; on the use of sanctions to punish a departure from a norm, and on adherence to norms for fear of sanctions (1986: 1097). In a similar fashion, John (2003: 486) discusses the belief that ideas have independence, but is really concerned with the way in which ideas are used by practitioners and other relevant parties, focusing on ‘the process of

collecting evidence, the creativity in generating the ideas, and the skills at deploying them'. A similar point is made by Richardson (2000). Examining the independent impact of ideas on policy communities in Western Europe during the 1980s, Richardson utilises the analogy of a virus, asserting that the infection of the policy process creates a new agenda for policy-making and limits the scope of public debate. Yet, here too it remains difficult to distinguish between ideas as-such, and ideas as part of practical politics; the main purpose of the analysis being to explore the way in which the policy agenda is promoted by governments (Richardson 2000: 1010, 1018-19). Similarly, Hay's argument that 'ideas can exert an independent causal role', is quickly qualified with respect to non-ideational forces:

By talking of the 'independent' causal role of ideas I do not mean to suggest that ideas exert whatever causal influence they exert in isolation from, or independently of, other material factors, but that this affect is not reducible to such material factors (Hay, 2004: 144; 162).

For Baumgartner and Jones (1993) the ability of ideas to 'catch fire' is very unusual. Instead, the focus moves from the power of ideas to their promotion. In this, problem definition is a crucial issue since this determines the level of attention and the nature of any government response. Since decision makers, the media and the public all have limited resources (time, knowledge, attention etc.) they cannot deal with the full range of policy problems, so will ignore most and promote a few to the top of their agenda. This helps to explain the existence of policy communities and monopolies: issues are framed as humdrum and/or technical, and this limits the number of participants who can be said to have a legitimate role in the policy process. In turn, those excluded have an interest in challenging this image. In their efforts to do so, the role of knowledge and new evidence become crucial as a means of diverting attention to other aspects of the same problem. If these attempts to establish a new and competing image are stifled by policy communities, however, then groups will subsequently 'venue-shop' to seek influential audiences elsewhere (such as the courts, other levels of government, the media or the public). In some cases this produces a shift

from negative to positive feedback; from a position in which policy-makers ignore, or are resistant to, new ideas to one in which ideas are given disproportionate attention by policy-makers focussed acutely on one issue at the expense of others (Jones and Baumgartner, 2005). One consequence of devoting an intense level of attention to one idea, which may produce radical change, is that most other ideas are ignored (Cairney, 2009).

Baumgartner and Jones' theory of 'punctuated equilibrium' shares Hall's (1993) focus on the ability of ideas and 'social learning' to cause or inhibit change.¹ Here, three orders of change are defined. First order change is *incremental* – a change in policy instrument settings while maintaining the instruments themselves as well as the government's overall goals – and learning is internalised by civil servants and experts. Second order change is also based on adapting to past experience while maintaining overall goals, but with more wholesale changes to policy instruments. While outside interests are more involved, their views are used by officials to promote changes that are sanctioned from within. Third order change, in contrast, refers to rare and *radical* shifts in the 'hierarchy of goals behind policy', which is comparable to Kuhn's (1970) idea of a 'paradigm shift'. In this conception, policy instruments are underpinned both by policy goals and a 'policy paradigm':

A framework of ideas and standards that specifies not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of the problems they are meant to be addressing ... this framework is embedded in the very terminology through which policymakers communicate about their work, and it is influential precisely because so much of it is taken for granted and unamenable to scrutiny (Hall, 1993: 279).

Third order change therefore requires a major departure from the way that policy-makers think and act. Typically, this follows significant policy failures which command widespread political attention, and which undermine the advocates of current policy thinking. This produces a shift of power, either with new governments taking over and introducing radically different policies, or with existing policy-makers rejecting one set of experts and/or policy prescriptions for another.

Two roles can therefore be ascribed to ideas. The first is that ideas as paradigms can undermine and

inhibit radical change. Here, policy-makers establish policy assumptions and a language that excludes most participants from the decision-making process. First or second order changes are associated with the use of knowledge to insulate civil servants and experts from external critique, while third order change only occurs when policy failures are sufficiently significant as to displace existing policy-makers or cause experts to fall out of favour. The second is that when new ideas are adopted they sweep aside existing monopolies (Baumgartner and Jones, 1993: 237) and change the way that policy is understood within government (Hall, 1993: 287). Typically, the choice of a new paradigm follows a swell of outside attention that undermines the ability of officials to maintain a policy monopoly and which produces enthusiasm for a new way to solve a perceived problem. This enthusiasm grants long-term legitimacy to those involved in policy-making and implementation. If attention moves on (perhaps based on the belief that the problem has now been solved) then policy participants may form a new monopoly which may endure for a long period. The overall process is therefore characterised by ‘the presence of a policy paradigm [generating] long periods of continuity punctuated occasionally by the disjunctive experience of a paradigm shift’ (Hall, 1993: 291).

Also useful here is Kingdon’s (1984) multiple streams analysis. Like Hall’s notion of paradigms, this too emphasises the improbability of new ideas being adopted. In this approach, ideas are not accepted, and policy does not change significantly, unless three separate streams come together at the same time: *problems* (policy issues that require attention), *policies* (ideas proposed by pressure participants) and *politics* (changes in the political system that affect the receptivity to ideas) (Kingdon, 1995: 165-6). While ideas as policy solutions may exist, their proponents must wait for the right opportunity to present them and have them adopted. This shifts the focus from an ‘idea whose time has come’, suggesting inevitability, to the need for a range of conditions to be satisfied before a policy will change, suggesting uncertainty and that the receptivity to, and acceptance of, the idea is more important than the idea itself. As Lieberman (2002: 709) suggests, an idea’s time

only comes when it ‘finds persuasive expression among actors whose institutional position gives them both the motive and the opportunity to translate it into policy’.

A greater degree of prominence is given to the (albeit unequal) ‘battle of ideas’ by proponents of the ‘advocacy coalition framework’ (Sabatier, 1998; Sabatier and Jenkins-Smith, 1993). This describes competition (for the support of a neutral ‘policy broker’) between coalitions of policy participants within policy subsystems containing a large number of groups, experts, journalists, officials and ‘legislators from multiple levels of government’ (Sabatier, 1998: 103). The glue that binds actors together is represented by ‘belief systems’ which circumscribe the effects of new information. Beliefs take three main forms: ‘core’ (e.g. on the relative priorities of values such as freedom and security), which are unlikely to change; ‘policy core’ (e.g. the proper scope of government), which may change following external ‘shocks’ to the system (such as changes in socio-economic conditions); and ‘secondary aspects’ (such as policy delivery) that are more subject to change following policy-learning. Potential change can come from two main sources: either from within a coalition which engages in learning (or adapts its secondary beliefs) to protect its position, or from a shift in power following a ‘shock’ to the political system. In either case, the role of ideas is not straightforward. While ideas can be used to overcome a dominant coalition, the more frequently observed practice is that knowledge is assimilated by coalitions seeking to maintain their policy positions and world views.

The main (potential) flaw in the advocacy coalition framework introduces our final problem with ideas: it is difficult to demonstrate that individuals or groups are acting on their beliefs rather than stating beliefs in order to legitimise action based on material interests (Dowding, 2004: 138). These issues are dealt with in the following analysis of the 2008 Human Fertilisation and Embryology Bill by outlining the ideas used and the beliefs *expressed* during debates, by mapping the main ways in which power was exercised to further those ideas, and by interpreting the results with caution, using established models of ideas in public policy as our guide.

A new embryology paradigm?

The 2008 Human Fertilisation and Embryology Bill was the latest in a series of measures designed to regulate research using human embryos in the UK. The legislative process involved provides a useful case study into the relationship between ideas and power since the Bill's passage cannot be fully understood as a 'battle of ideas' without recognising the political forces marshalled by those on either side of the debate. A full explanation needs to consider the main subjects of contention, the ways in which opposing positions were articulated, and the ways in which the mechanisms of government were used to promote particular ideas over others.

The context for the 2008 Bill was shaped by the circumstances surrounding the original Human Fertilisation and Embryology Act in 1990. This was driven by advances in reproductive technologies, with the birth of the world's first baby from in vitro fertilisation (IVF) in 1978 thrusting questions about the relationship between science, society and the state onto the political agenda. In 1982 the Conservative government established a committee of inquiry headed by Mary Warnock to examine the issues, which, two years later, recommended that embryological research should be permitted within the bounds of a regulatory framework (White, 2008). At this point, the balance of political opinion was against such a step. In 1985 a private members bill to prohibit embryological research, introduced by the Conservative backbencher Enoch Powell, was backed by anti-abortion groups and a majority of MPs, many of whom harboured concerns about the ethical status and rights of the unborn. In the ensuing debate, the discursive framework coalesced around two competing forms, described by Mulkay (1993, 1996, 1997) as rhetorics of 'hope' and 'fear'. The former emphasised the potential medical and reproductive benefits of embryo research, highlighting the prospect of treatments for incurable and degenerative conditions. The latter focused on the inalienable moral qualities of a human embryo and the ethical and social implications of allowing scientific advances to proceed unchecked.

But the ideational upper-hand held by opponents of embryological research did not translate into policy action. Instead, supporters were able to harness their political advantage to shape the course both of the debate and the policy-making process. In particular, key government ministers were hostile to the idea of a ban and wanted research to proceed as the Warnock report suggested. To this end, the government used its control over parliamentary processes to declare that the House of Commons was deeply divided on a matter of conscience, and that the policy decisions involved should, by convention, be freed from the usual rules and constraints of party politics. On this basis, it delayed the second reading of Powell's bill by a year, ostensibly to grant more time to find a compromise (Richardt, 2003).

In the meantime, proponents of embryo research seized the opportunity to mobilise and press their case. In 1985 a Voluntary Licensing Authority for overseeing embryo research was established by the Medical Research Council (MRC) and the Royal College of Obstetricians and Gynecologists (RCOG), followed by the establishment of a broad-based lobbying group, 'Progress', in 1986. To assist their cause, the pro-research lobby promoted the concept of a 'pre-embryo' (defined as the first 14-days from fertilisation prior to the point at which embryonic cells start to become differentiated) as a means of disconnecting the themes of embryo research and abortion in the minds of MPs, and made great efforts to ensure that as many MPs as possible visited IVF laboratories to witness their activities. This strategy proved to be an effective antidote to the discourse of fear. When the issue returned to Parliament the ideational contours of the debate had shifted sufficiently in favour of embryo research and Powell's Bill was defeated (Kirejczyk, 1999; Richardt, 2003; Fink, 2007). In November 1987 the government produced a White Paper permitting licensed research on embryos for up to 14 days after fertilisation, and shortly thereafter introduced the first Human Fertilisation and Embryology Bill. The government's control of the legislative process was used again, as ministers introduced the Bill in the House of Lords in the hope of minimising controversy, then limited the risk of a party split by allowing a free vote on human

embryo research. After extensive debate the Bill was passed by a large majority in the House of Commons in 1990 (Kirejczyk, 1999; Ricdardt, 2003; Fink, 2007; White, 2008).

The parameters established by the 1990 Act marked the emergence of a new paradigm regarding reproductive technology and embryo research in the UK, enshrining a new set of relations between science, society and the state based on a discourse of hope. Over the next decade, however, breakthroughs in cloning and stem cell technology pushed the capabilities of science beyond the boundaries covered by the regulatory framework. Amidst social and political concerns about the uncontrolled use of such technologies (fuelled by stories such as the cloning of 'Dolly the Sheep'), the New Labour government addressed this growing discrepancy. It broadened the regulatory parameters in 2000 (Plomer, 2002; Banchoff, 2005, 2005a; Herrman, 2005), and announced a review of the Act in 2004. This was followed by a Department of Health consultation in 2005, a White Paper in December 2006, and a new Human Fertilisation and Embryology Bill in 2007 (White, 2008).

The new Bill was controversial and wide-ranging. The most contentious aspects provided for: the creation of human-animal hybrid embryos, designed to circumvent a shortage of human eggs for the production of stem cells by inserting a human nucleus into an animal casing (the main type of 'cytoplasmic' hybrid remaining 99.9% human); the selection of embryos to create a 'saviour sibling' (screening embryos for a tissue match for an existing ill sibling who might benefit from a donation of stem cells); and the removal of a clause stipulating the 'need for a father' for those in receipt of IVF. A further issue to emerge (although not originally discussed in the Bill) was abortion. This entered the debate as pro-life campaigners capitalised on the Bill's embryology remit to table amendments to reduce the legal time limit for terminating pregnancy. This prompted a counter-reaction from pro-choice campaigners, many of whom sought to liberalise the existing legislation by lowering the threshold for abortion approval and by extending the abortion law to Northern Ireland.

In contrast to the 1980s, the ideational and political terrain on which the Bill was contested favoured those in support. The political strength of those opposed to the Bill – primarily religiously motivated organisations and individuals – had been diminished by the continuing spread of secularisation, a fragmentation and dilution of the anti-abortion movement, the social acceptance of most of the related technologies, and the electoral collapse of the Conservative party (the largest parliamentary source of opposition). Conversely, the strength of those in favour of the Bill, drawing largely (though not exclusively) from secular bodies, including the Human Fertilisation and Embryology Authority (created by the 1990 Act), the Medical Research Council, the Royal Society, patient groups and the vast majority of Labour MPs, had increased (Plomer, 2002; Banchoff, 2005, 2005a; Herrmann, 2005).

Debating the Bill

The Bill debate again revolved around the discourses of 'hope' and 'fear', contrasting the potential reproductive and medical benefits of embryo research with the moral dangers of unregulated scientific advances. However, given the contemporary backdrop and broader range of themes addressed by the Bill, these discursive frames now assumed an expanded form, extending to broader social issues of child welfare, societal decay and citizenship rights. Both supporters and opponents of the Bill engaged in this 'battle of ideas' by combining arguments based on empirical evidence and claims about their respective moral and ethical positions (agenda-setting represents 'a mixture of empirical information and emotive appeals' - True et al, 2007: 161). These evidential and moral arguments are examined respectively below.

The main areas of concern for opponents of the Bill were the issues of abortion, the creation of hybrid embryos, and the removal of the 'need for a father' clause for IVF treatment. The key evidential arguments to challenge abortion were that medical advances had now made it possible for babies to survive outside the womb at less than the current 24 week abortion limit, and that a

majority of the public were in favour of a lower limit. Christian Concern For Our Nation (CCFON, 2008), for example, emphasised research claiming that nearly two-thirds of the public wanted the existing limit reduced, while the Conservative MP, Edward Leigh, highlighted poll evidence claiming that 58% of respondents believed that abortion should be restricted to 20 weeks or less (House of Commons debates (hereafter 'HC') 26/5/08, Cl.226).

The key evidential claim on hybrid embryos centred on the absence of any therapeutic gains from embryo research. As Christian Action Research and Education argued, research using embryonic stem cells had 'not given rise to a single therapy' and was 'unlikely to do so for at least 10 years', while the use of ethically sound adult stem cells had 'given rise to over 70 therapies' (Memorandum to the Joint Committee on the Human Tissue and Embryos (Draft) Bill, Ev.66. June 2007).² Labour MP, Claire Curtis-Thomas, stated that embryonic stem cells 'have not produced any therapies despite 18 years of research', while adult stem cells had 'already produced more than 80 treatments' (HC 12/5/08, Cl.1133). Conservative MP, David Amess, declared that there was 'no particular disease that could only ever be threatened or cured by research on embryonic stem cells', and that science should therefore 'forget about these unethical proposals and concentrate on adult stem cells....which represent areas of research that have resulted in a number of cures' (HC 12/5/08, Cls.1147-8). According to Edward Leigh, research using embryonic stem cells was 'ethically wrong and almost certainly medically useless' (HC 19/5/08, Cls.22-25).

Evidential arguments concerning the removal of the 'need for a father' clause focused on the welfare gains of a traditional upbringing: the Lawyers' Christian Fellowship maintained that 'where evidence is available on same-sex parenting, there is proved to be a negative impact on the child' (Ev.52. June 2007); the Church of England insisted that a 'child's right not to be deliberately deprived of having a father is greater than any right of a gay couple to commission a child by IVF' (Ev.68. June 2007); and Baroness O'Cathain claimed that there was an 'overwhelming weight of evidence' to show 'that a child is most likely to have good outcomes living in a family with both a

mother and a father' (House of Lords debates (hereafter 'HL') 21/1/08, Cl.64). Iain Duncan-Smith, the ex-leader of the Conservative party, told the Commons that the evidence showed that children with absent fathers were more likely to fail at school, fall into drug and alcohol addiction, and endure 'some form of unemployment or welfare dependency' (HC 20/5/08, Cl.169), while Labour MP Geraldine Smith asserted that there was 'abundant evidence' to show that children raised by a mother and father 'develop much better socially and emotionally, and attain higher levels of educational achievement than their counterparts in other types of family unit' (HC 12/5/08, Cl.1097).

The empirical arguments marshalled by supporters of the Bill were principally geared towards refuting the empirical claims made by its opponents. The line taken on the issue of abortion was that the most recent research (EPICure2 and Trent studies) showed no statistically significant improvement in survival rates for babies born before 24 weeks during the past 18 years, and that lowering the legal time limit would not therefore be a life-saving measure (see e.g. comments by Chris McCafferty, HC 12/5/08, Cl.1118; Dr. Evan Harris, Cl.1140; and Dawn Primarolo, HC 20/5/08, Cl.245). On hybrid embryos, claims about the futility of research using human embryo stem cells were rejected, with supporters contending that the principal reason for the lack of clinical benefits was the novelty of the technology, not its inherent deficiencies. Liberal Democrat MP, Dr Evan Harris, argued that such research had only been permissible in the UK since 2001 (HC 12/5/08, Cls.1137-8), and rejected assertions that it was a dead-end as an 'outrageous allegation' (HC 19/5/08, Cls.52-3). Conservative MP, John Bercow, similarly reprimanded opponents for directly comparing the results of embryonic and adult stem cell research, given that the latter had been around since the 1950s while the former had been operational for half a decade (HC 20/5/08, Cl.64). In the upper House, Labour peer Lord Robert Winston stated that it was 'simply not true' to suggest 'that a wide body of scientific opinion believes that we should abandon embryonic stem cell research, or even downgrade it' (HL 4/2/08, Cl.876).

On the removal of the need for a father clause, the line from supporters centred on the lack of evidence: Walter Merricks, Chairman of the Donor Conception Network argued there was nothing to suggest that the absence of a father was detrimental to children, and that the evidence related more to parenting quality than gender balance (evidence 20/6/07, Q.686). John Bercow told the House of Commons that 'the only compelling academic evidence ... shows that there is no detriment to the child who is brought up by lesbian parents' (HC 20/5/08, Cl.190). Dawn Primarolo, the Minister of State at the Department of Health, observed that social research 'shows that children of same-sex couples develop emotionally and psychologically in a similar way to children born of heterosexual donor-inseminated couples ... what counts is the quality of parenting' (HC 20/5/08, Cl.191).

Claims based on morality and ethics also featured prominently in the debate. The moral case was made with particular fervour by those opposed to the Bill. On abortion, Cardinal Keith O'Brien, head of the Catholic church in Scotland, accused the government of 'a barbaric indifference to the rights of the unborn' (Independent Catholic News, 2008), while the Bishop of Lancaster declared that the government was promoting a 'state-sponsored culture of death' linked to rising levels of violence, criminality and a 'darkening of conscience' in society (Peterton 2008). The creation of hybrid embryos was also attacked, with many considering it to breach 'the much-repeated biblical prohibition of the mixing of "kinds"' (for example see Christian Medical Fellowship, Ev.26. June 2007). O'Brien further denounced the proposals as 'grotesque', 'hideous', and a 'Government endorsement of experiments of Frankenstein proportion' (Gledhill and Lister, 2008), while similar views were also on display in Parliament, where hybrids were variously described as 'monstrous' (Claire Curtis-Thomas, HC 12/5/08, Cl.1133), 'utterly repellent and repugnant' (Lord Ahmed, HL 21/11/07, Cl.845), and 'a radical violation of human dignity' (David Amess, HC 12/5/08, Cls.1147-8).

Similar arguments were used against the creation of 'saviour siblings'. Christian Concern For Our

Nation denounced the plans as promoting nothing less than the creation of 'spare part children' (CCFON, 2008), a view supported by the Church of Scotland, which criticised the move towards an instrumentalist view of human life in which an embryo was selected because of 'its usefulness against certain criteria' (Church of Scotland, Ev.97. 2007). The Shadow Home Secretary, Dominic Grieve, similarly argued that the proposals would be tantamount to the creation of 'designer children' (HC 19/5/08, Cls.106-7). In the case of the need for a father, a concern for child welfare also appeared to be paramount: David Amess spoke of 'the natural right of a child to a father and mother' (HC 12/5/08, Cl.1148); Claire Curtis-Thomas declared that a 'child's right to a mother and a father....should never be outweighed, particularly not by the supposed rights of adults to choose to engineer the structure of their family as they please' (HC 12/5/08, Cl.1134); and Andrew Selous described the right to a father as 'the most fundamental human right that any child in the world could ask for' (HC 20/5/08, Cl.170). Accompanying these moral and ethical statements were arguments relating to the 'slippery slope' thesis; namely that allowing scientific advances to proceed in an uncontrolled fashion risked triggering a broader state of social and ethical deterioration. Dr. Malcom Brown, the Church of England's Director of Mission and Public Affairs, cautioned that any 'erosion of the unique moral status of the human embryo opens the door....at the top of a 'slippery slope' to treating human beings as less than ends in themselves' (Revis, 2008); ProLife warned that if the Bill was not stopped that British society would 'continue down an irresistible slide towards even more abhorrent experiments' (ProLife, 2007); and Baroness Paisley told the House of Lords that hybrids would 'unleash an untameable monster on an already morally diminished people, the end result of which is too fearsome to contemplate' (HL 21/11/07, Cls.836-7).

The moral and ethical arguments from supporters of the Bill highlighted the potential benefits to be gained. The major point of contention here concerned research into human embryo stem cells, which, it was claimed, held the 'potential for new knowledge that will make a significant contribution to human health' (Royal College of Physicians, Ev.106. June 2007), and offered the

'promise for advances in the treatment of serious diseases' and 'innovative new therapies' (Multiple Sclerosis Society, Ev.60. June 2007). Supporters also challenged opponents' claims to hold the upper hand on ethical matters, asserting that the debate did not pit science against morality, but, rather, was one containing 'morality and ethical codes on both sides' (Evan Harris, HC 12/5/08, Cl.1137). Labour MP, George Howarth, for example, stated that 'no one side has a monopoly on moral argument' (HC 19/5/08, Cl.88), and the Prime Minister, Gordon Brown (whose son suffers from cystic fibrosis, one of the conditions to potentially benefit from stem cell research), framed his own support for the measures in ethical terms, stating that MPs had a 'duty' to support the Bill, which he described as an 'inherently moral endeavour' that could save millions of lives (Hinsliff, 2008a).

Supporters also criticised opponents for misrepresenting the Bill's contents. Lisa Jardine, chair of the Human Fertilisation and Embryology Authority, attacked the criticisms from the Catholic church as an attempt to intervene 'with a technical piece of legislation in highly emotive, emotionally charged terms' (Byrnes, 2008; Templeton, 2008), and Dr Stephen Minger, director of the stem-cell biology laboratory at King's College, attacked senior church figures for their 'cynical' use of 'intentionally inflammatory' language (Summers et al, 2008). This theme was also adopted by the Liberal Democrat MP, Norman Lamb, who accused church leaders of resorting to 'exaggeration or sensationalism' (HC 12/5/08, Cl.1086), and by Labour MP, Dr Ian Gibson, who chastised opponents for presenting the Bill as the 'stuff of science fiction', replete with imagery of 'evil people in white coats' (HC 12/5/08, Cl.1112). In the words of George Howarth, opponents of the Bill had sought to present the case that 'the moral argument lies entirely in one direction and that the legislation has been drafted by a latter-day Mary Shelley who wants to allow scientists to create monsters (HC 19/5/08, Cl.88).

Proponents of a discourse of hope also utilised the language of civil and human rights. These were most apparent on the question of abortion, where the arguments in favour of lowering the existing

limit were typically framed in terms of a woman's right to choose. Labour MP, Julie Morgan, for instance, explained that the 'moral issue is whether it is right to force a woman to carry on with a pregnancy if she feels that she cannot do so' (HC 20/5/08, Cl.269). This category of argument was also prominent on the issue of removing the 'need for a father' clause in the provision of IVF treatment, a move that was presented by its supporters as a technical and legal, rather than an intrinsically ethical matter. Outlining the government's policy in the Lords, the Under-Secretary of State at the Department of Health, Lord Darzai, explained that retaining the clause 'would be inconsistent with the wider government policy of promoting equality' and might also be incompatible with the European Convention on Human Rights (HL 21/1/08, Cl.55). Making the case in the Commons, Dawn Primarolo argued that retaining the clause 'would be inconsistent with other legislation that has been passed by Parliament to recognise civil partnerships and to remove discrimination on the ground of sexual orientation' (HC 12/5/08, Cl.1159).

Power and politics

For many commentators the Human Fertilisation and Embryology Bill invoked a battleground between two sets of opposing ideas (in part due to the absence of the usual party split on the issue), typically framed in terms of the worldviews of science and religion. According to the former, the debate was one of 'godly interventionists' seeking to block the efforts of progress (McKie, 2008), or of 'restless busybodies....inflicting their ignorant opinions on others' (Richard Dawkins, Independent on Sunday, 30/3/08). According to the latter, *science* had become 'the new fundamentalism....particularly in the field of embryonic stem cells' (CORE, Ev.79, August 2007); the Bill was, for some, the latest thrust from a 'militantly atheist and secularist lobby' expressing its 'tyrannical' belief in the right to 'kill unborn children and surplus old people' (Tom Wright, Anglican Bishop of Durham, in McKie, 2008).

From this perspective, the passing of the Bill with all its substantive provisions intact and unaltered would appear to mark a clear victory for a progressive, secular-scientific worldview over the conservative or reactionary stance taken by its religiously motivated opponents. In the absence of any breakdown in the dominant paradigm established by the 1990 Act, the discourse of fear had little scope for overcoming the ideationally dominant position of the discourse of hope. On this, however, there are three points worth noting. First, while the debate polarised arguments from representatives of science and religion, the political cleavage was not rigidly fixed between mutually exclusive positions. While it is certainly true that most campaigners motivated by religious belief were opposed to the Bill, it is not the case that all secular campaigners were in favour of its proposals (Kettell, 2009). The second point of note is the difficulty of confirming that the dominance of the discourse of hope is now reflected in public opinion. While both sides of the debate cited evidence of public support for their arguments, much of this depended on the way in which the various issues and questions had been framed, and an objective, robust and comprehensive survey of public opinion on these matters has yet to be carried out (Joint Committee on the draft Bill, House of Lords, 2007, paras.22-23). What matters then is the way that public opinion was gauged and then used. For example, the public consultation conducted by the Human Fertilisation and Embryology Authority in 2007 found that while 56% agreed with the use of human embryos for research purposes (22% opposed), this figure rose to 79% if the rationale involved potential medical benefits for those with degenerative conditions. Similarly, in the case of research using hybrid embryos, the initial support of 35% (with 48% opposed) rose to 61% with the addition of potential therapeutic benefits (HFEA, 2007: Appendix F).

The third issue for attention concerns the way in which the legislative process was shaped by the power relations between the two sides. Indeed, the mechanics of the Bill's passage proved to be a major source of contention. For opponents, a key issue was the amount of time that had been given by the government for considering its more contentious aspects. The Lawyer's Christian Fellowship,

for example, complained that the three week public consultation in the summer of 2005 was 'entirely inadequate' given the proposals' 'magnitude and importance for society' (Ev.52. June 2007), while the All Party Parliamentary Pro-Life Group expressed concerns about the 'short timescale' available for deliberations during the drafting process (Ev.92. May 2007). In the Commons, David Burrowes criticised the shortage of debating time as 'bringing the House into disrepute' (HC, 12/5/08. Cl.1129), while Baroness Knight in the Lords claimed that the time constraints were 'a serious misuse of Parliament' (HL 29/10/08, Cl.1660). Lord Waddington accused the government of 'draconian timetabling' (HL 29/10/08, Cl.1665).

The criticisms were dismissed by supporters. Dawn Primarolo argued at the final reading in October that the Bill had enjoyed '81 hours of debate thus far', and had been granted 'two days on the Floor of the House – unique for this type of Bill – including time for the debate on abortion, without restriction on the subjects on which amendments could be tabled' (HC 22/10/08, Cl.334). Or, as Earl Howe put it, the Bill had been 'long in gestation', having followed 'a House of Commons Select Committee report in 2005, a public consultation, a government White Paper, a draft Bill, pre-legislative scrutiny of that Bill by a Joint Committee of both Houses and a government response to the Joint Committee's report'. It could, 'by no stretch of the imagination....be regarded as having been fashioned in haste' (HL 21/11/07, Cl.862). For supporters, the existing legislative and ideational paradigm also provided a useful body of argument on which to draw. Alongside the economic case for the Bill – the need to support Britain's leading world position in this area – supporters claimed that the Bill's measures were not as far-reaching and radical as opponents claimed, but represented a mere updating of the legislative position. As Dawn Primarolo argued, the Bill was 'primarily an overhaul of legislation that was passed 18 years ago ... [i]ts overall effect is that of evolution, not revolution' (HC 12/5/08, Cl.1157).

Nevertheless, the progression of the Bill *was* defined by the government's control of parliamentary processes. As with its predecessor, the Bill was introduced in the Lords, and was subject to whipped

voting in both Houses to minimise the risk of its contents being diluted. This, however, also gave ammunition to the Bill's opponents, who called on the government to allow a free vote by appealing to parliamentary convention on matters of conscience; a call which chimed with the views of many Labour MPs, whose sense of iniquity was heightened by the free votes allowed by the Conservative and Liberal parties. By the spring of 2008 rumours were circulating of a Cabinet split involving several Catholic ministers, whips and junior ministers, a concern compounded over Easter by a series of public attacks on the Bill, and calls for a free vote, by high profile figures within the Catholic church (Oliver and Oakeshott, 2008; Hinsliff, 2008; Henderson et al, 2008). Unwilling to risk a damaging rift at a time when the popularity of the government was already under strain, Gordon Brown relented to a compromise, permitting Labour MPs a free vote on the most contentious measures in the Bill if they did not oppose the government at the final vote (BBC News, 2008; Byers, 2008).

The most extensive Commons debate on the Bill took place during its second reading stage in May, at which MPs voted by a large majority to retain its key provisions, effectively ending any oppositional hopes that they could be defeated or undermined. Expectations that the Bill would then routinely pass through its third and final reading, however, were dented in mid-July when the Leader of the Commons, Harriet Harman, announced that the vote would be put back until after the summer recess. The apparent reason for this was to allow more time for debate given the contentious nature of the issues, though for many the decision was thought to be influenced by Labour's poor showing in the polls ahead of a tight-fought by-election in Glasgow East: a constituency, with a significant Catholic population, whose retention by Labour was widely believed to be crucial for Brown's Premiership (*The Scotsman*, 2008; *The Sunday Times*, 2008). The result of the election, which Labour subsequently lost to the SNP by 365 votes, demonstrated how precious every vote had now become.

The Bill's re-emergence after the recess was also marked by political controversy. In September the

resignation of Ruth Kelly, the government's most high-profile Catholic minister, thrust the issue back onto the headlines, with many viewing her departure as linked to her opposition to the Bill (McElvoy, 2008). The final Commons vote the following month, too, was shaped by political concerns, with the government setting a timetable deliberately designed to block attempts by pro-life and pro-choice campaigners to alter the existing legislation on abortion. Notwithstanding a small rebellion from 16 Labour MPs, the Bill was passed by a large majority (354 votes to 129).

Conclusions: power and ideas revisited

To take ideas seriously is to combine the analysis of power politics with an analysis of how ideas are defined and promoted, and how receptive decision-makers are to them. To this end, this article has set out to map the ideas used, and the beliefs expressed, during debates on the Human Fertilisation and Embryology Bill, against the main ways in which political power was exercised to further those ideas. The controversy over the Bill marked the latest in a long-running series of clashes over the field of human embryo and stem cell research in the UK, and pitted its supporters, who advanced a discourse of hope as a means of promoting and justifying their claims, against opponents, who utilised a discourse of fear. However, while advocates of a discourse of hope may have possessed a more popular and a more persuasive set of arguments than their opponents, the story of the Bill's route to the statute book was not one driven by the strength of argument and the persuasiveness of discourse alone, but was crucially shaped and conditioned by political factors. In this, opponents of the Bill, lacking the political resources available to the government, turned to headline-grabbing initiatives in the media (such as the Easter attack on the Bill by senior figures in the Catholic church) and the tabling of amendments (most controversially in the case of abortion) in their effort to galvanise support and to undermine the Bill's main provisions. For the government, political support and intervention was principally facilitated by its control of the parliamentary timetable and the legislative process. Here, the attempt to manage the controversy surrounding the

Bill and to prevent it from succumbing to opposition amendments and wrecking motions was manifest in a number of ways, including the introduction of the Bill in the Lords, the imposition of whipped voting in both Houses, a delay to the final reading, and the use of a programme motion to curtail debate when it finally arrived after the summer recess. The government's use of such measures suggests that any discursive advantage held by the Bill's supporters was not considered sufficient to allow the parliamentary process to proceed in a free and open manner.

How then does this process relate to models of public policy which seek to explain the role of ideas? One conclusion is that the above analysis does not support the view of ideas as a virus or a sweeping tide. The time for those ideas contained in the discourse of hope may well have come, but translation into policy was not without the need for a significant exertion of political power. Moreover, while there is more evidence to support Hall's (1993) discussion of paradigms, legislation on human embryo research since the 1980s was not accompanied by any third order change. Policy change, in this instance, was not based on the emergence of crisis resulting from the *failure* of a former paradigm, but, rather, signified an extension into new territory of a much broader medical-scientific paradigm (led formally by the Department of Health) as technological changes moved questions of embryology from the hypothetical to the practical. In the case of human embryo research, then, the emergence of a dominant set of norms occurred in a context where no policy framework or established pattern of participation was established (bar the usual channels between medical professionals and civil servants in the Department of Health). Further, the perceived need for new legislation during the early years of the twenty-first century, and the subsequent debates that took place on the issue, demonstrate that this paradigm was not, as Hall's model would suggest, so deeply embedded in the language of policy-making that its first principles were not questioned. Instead, while technological advances again produced a crisis, this eventually served to reinforce, rather than break down, existing arrangements. In both cases the fight was won by supporters of the discourse of hope, but this 'paradigm' was challenged and did not demonstrate overwhelming

superiority. The dominant idea was insufficient without its reinforcement by key players in the policy process.

Similarly, although it is perhaps possible to identify a policy monopoly (or at least a much-reduced degree of parliamentary and public attention) between the Acts of 1990 and 2008, this was not founded on a groundswell of enthusiasm and a feeling that the problem had been definitively solved. Rather, this monopoly was based on a broad discourse of hope supplemented by successful re-definitions of the problem (such as the use of the term 'pre-embryo' in the 1980s debate, and the casting of parts of the 2008 Bill in terms of civil rights and legislative revision) in order to portray the issues as legal and technical matters, and to thereby minimise external attention. Indeed, the shift from negative to positive feedback may have been driven in both cases from *within*, rather than by groups that had been excluded from the monopoly. The technological advances which produced the need for both Acts were often highly publicised, and indeed the moral and ethical issues were often highlighted by doctors and clinicians themselves. This desire to engage not only on the 'technical' but also moral and ethical issues certainly seems unusual.

The 1980s experience also serves to qualify the idea of an emergent 'window of opportunity' in 2008. This policy window first opened in the 1980s following the identification of a new policy solution (medical advances such as IVF) which drew attention to a new problem (whether or not these advances should be sanctioned by the state). However, with the decision-making environment proving insufficiently receptive to positive policy change, this window closed before the solution was adopted, only to open one year later following intense group lobbying and government support. The process in 2008 was similar, but was marked by a reduced need to redefine the problem and by fewer problems with receptivity to policy change. Interestingly, in both cases, receptivity to positive policy change did not require some sort of 'shock' to the political system (such as the election of a new government). Rather, overall parliamentary receptivity was influenced most by successive governments largely committed to supporting medical and scientific advances.

Finally, the evidence from both time periods is explained well by the advocacy coalition framework. While beliefs are often difficult to separate from material interests, the discursive context in which the Human Fertilisation and Embryology Bill developed suggests that the rhetorics of hope and fear utilised by competing coalitions *were* largely based on fundamental beliefs; namely, those regarding the right to life and the sanctity of nature on the one hand, and the secular belief in science as the driver of progress and enlightenment on the other. There is also considerable evidence of coalitions competing to interpret and to learn from empirical evidence (including the results of stem cell testing, the limits of foetal viability and the effect of absent fathers or same-sex relationships on children) in the light of their core beliefs. Yet, a key problem remains in that it is difficult to identify the relatively neutral policy broker in this relationship. In other words, did the 'hope coalition' gain and maintain their dominance because the government, as the policy broker, favoured its arguments? Or, did it remain dominant because most government ministers (both Conservative and Labour) were powerful actors *within* the coalition?

In sum, the case of the 2008 Human Fertilisation and Embryology Bill does not fit easily into one theory of policy-making. Further, one of the main themes to have emerged from the Bill's progression is that this demonstrates neither the independent effects of ideas, nor the dominance of power relations alone. Rather, what is shown in the above inquiry is that the course of the Bill, both in terms of its content as well as the particular circumstances involved in its progression, was crucially shaped by ideational factors and power relations together; with both ideas and positions of political power being used to reinforce a dominant medical-scientific image of human embryo research. The conclusions presented here certainly qualify the approaches contained in existing policy-making models, though whether this particular case-study presents a serious challenge or merely raises a series of interesting caveats is one that can perhaps only be addressed with the support of other empirical studies into such 'anomalous' policy cases. What *is* clear, however, is that if the call to 'take ideas seriously' is to be taken seriously itself, then such analyses will have to

reflect carefully on the various ways in which ideas and power combine to produce policy action.

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¹ Although Hall uses 'punctuated equilibrium' to refer to a different literature.

² This and all subsequent memos submitted to the committee are designated by their prefix 'Ev', and are contained in House of Lords (2007a).