

# Conflict Overrules Consensus

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**Kieron O'Hara**

*Intelligence, Agents, Multimedia Group  
School of Electronics and Computer Science  
University of Southampton  
Highfield  
Southampton SO17 1BJ  
[kmo@ecs.soton.ac.uk](mailto:kmo@ecs.soton.ac.uk)*

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June 2004 is the twentieth anniversary of the completion of the *Report of the Committee of Inquiry into Human Fertilization and Embryology*. Better known as the Warnock Report, it was a high point in the endeavour to explain complex moral and scientific issues, and reconcile deeply opposed points of view, in order to create public consensus. The trustworthiness of science and technology has never been more prominent on the social and political agenda – BSE, GM foods, the MMR vaccine – so now is as a good moment as any to ask whether similar attempts to create consensus could help, and why, in so far as they have been tried, they do not seem to have been conspicuously successful.

The philosophy behind Warnock was this. Given a novel scientific procedure whose effects on society may be large but unpredictable, a problem of public trust of the procedure arises; in that case, there may be pressure on government to regulate. For regulation to inspire public trust – and we must be careful to distinguish here between the *trustworthiness* of the *procedure*, and the public's *trust* of the *safeguards* – then there must be generally held perceptions that the regulations are well-crafted, they are drafted in all stakeholders' interests, they will be equitably policed with sanctions properly and fairly applied. In other words, trust requires *consensus* about the costs and benefits of the procedure, and the regulatory regime.

One method of establishing consensus is the process of inquiry and report. The report selects a potentially consensual position, which can be shown to be consensual by the public display of the inquiry process, and, *en passant*, provides the intellectual justification for marginalising those opinions that cannot be reconciled. Such marginalisation may be more or less politicised, of course.

Following this philosophy of public epistemology, the 1984 Warnock Report became the basis of a general social consensus about the moral issues associated with IVF, and the starting point for the 1990 Human Fertilization and Embryology Act. The consensus, in policy-making circles at least, has held remarkably well, although technological change has caused some rethinking (not least by Warnock herself, who two years ago announced that she had lifted her unconditional opposition to human cloning). Compare the calm British debate with the partisan arguments taking place in America over the same topics.

Yet the fascinating thing about the Warnock report is that, despite the committee's brilliance at picking their way through the moral difficulties, there was always a

substantial body of opinion on the committee and elsewhere opposed to the majority conclusions of the report. For example, Enoch Powell's last major contribution to British politics, a private member's bill designed to outlaw precisely that which Warnock wished to make legal, had substantial support in the House of Commons.

1984 was firmly in the bygone days of the twentieth century; the report competed for headlines with the miners' strike for instance. We were hearing the last hurrahs (or harumphs) of socialism, paternalist Gladstonian liberalism and authoritarian conservatism, which, despite their differences, at least agreed that society contained important and hierarchical structures.

By contrast, ideologies fashionable now, such as postmodernism, Rawlsian liberalism and neo-liberalism, all place value on the *individual's* own idea of the good. The idea that an authoritative consensus can be created from the centre by due reflection and careful study by a trained mind has been undermined by these ideological changes over the last 20 years. In the new climate, diversity is celebrated, not unity. We promote difference. If you take my autonomy seriously, then my opinion is as good as Warnock's; if you are serious about valuing difference, then value the difference between me and Warnock.

Indeed, the whole idea that there may be a cadre of the 'great and the good' comes under pressure. No 21<sup>st</sup> century Warnock would be given the time and the space to make her deliberations. She would have the *Daily Mail*, the *Guardian*, and sundry crazies on the Internet on her back from day one; alternative assessments of the evidence (not to mention conspiracy theories) would be floating around the ether long before she could report in depth. Far from creating consensus, such a process is more likely to polarise opinion by crystallising conflict.

As, no doubt, Lord Hutton would testify.

*Kieron O'Hara is a senior research fellow in Electronics and Computer Science at the University of Southampton, and the author of Trust: From Socrates to Spin, published by Icon Books in 2004. This paper is based on a talk presented at the Royal Society of Arts and Commerce in April 2004.*