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THEOLOGICAL REFLECTION AND THE NEW BIOLOGY

DAVID H. SMITH†

Lately I have had many opportunities to discuss recent developments in biology and medicine with colleagues and students interested in science, law or theology. Almost invariably I am asked to “raise the religious issues” or “comment on the effects of these developments on religious belief.” As my companions settle back for what they expect to be either pious drivel or a jeremiad, I have experienced many moments of acute inner torment for I have come to realize that the listener is not only asking the impossible, he doesn’t know that he is doing it.

To relieve that sense of torment I have tried in the essay that follows to say some of the things that I have thought of saying out loud but have always stifled. I have tried to give the reader some sense of the vitality of contemporary theology and theological ethics by tracing certain important recent developments. I then suggest the great differences in style to be found in contemporary Christian ethics and close by illustrating this in the debate over new modes of reproduction. Although my own arguments do not appear as a set of constructive theses, I trust the reader will sense the direction of my judgment.

It would be nice if this kind of essay did not have to be written. But the fact, paradoxical as it may be, is that for a “religious” people we are virtually illiterate and antiintellectual when it comes to religion. We cannot begin to decide whether or not it is wise for symposia to include “religious” spokesmen, let alone assess the merit of their suggestions, until we have hauled ourselves out of our intellectual ooze.

DEVELOPMENT OF CHRISTIAN THOUGHT

Religion is a notoriously hard thing to define, almost as hard as ethics. One thing that is clear is that neither in fact nor in American law can religion be adequately defined using the categories of traditional Western theism. An adequate definition will have to be generic, whether it be “what a man does with his solitariness” or man’s response to power. An important consequence of this fact is that religious phenomena may well appear outside of “religious” institutions. There is

† Associate Professor of Religious Studies, Indiana University.
3. I G. VAN DER LEEUW, RELIGION IN ESSENCE AND MANIFESTATION 23-28 (1963) (Torchbook ed.).
no reason to equate American religion with what happens in churches on Sunday morning or synagogues on Friday night and Saturday morning.

If, in fact, the really operative gods in our culture are success, freedom and immortality—and I only use this list as a tentative hypothesis—it would follow that a thorough discussion of religious ethics and the new biology would have to analyze the relationship between the "worship" of these gods and contemporary medical sciences. In such an analysis, questions like these would be of prime concern: Why do we make research rather than clinical care an overriding medical priority? Whose interests are served in such a decision? Why do physicians frequently oppose federal control of medical practice? Why do moralists insist on an absolute right of patients to know about and be sovereign over their own treatment? And why do we make elimination of death our goal, rather than care for the dying?

At the moment our objective is more modest. I will assume that, whatever else it may be, religion denotes the worship, thought and ethics of Christianity. We will concern ourselves simply with the question of the relationship between this one religion and biology or medicine. This limitation is required both by space and the author's competence. It has the advantage of making our subject clearly delimited. And the result may not be totally unimportant in a culture saturated with Christian history, vocabulary and institutions—to say nothing of possibly viable belief.

In order to appreciate the work of Christian writers in this area, some general remarks about the history of recent Christian thought are essential. To start with, we must realize that Christianity has always insisted that beliefs should manifest themselves in conduct. Therefore, reflection about values, obligations and virtues has always been a part of the task of the Christian thinker. Christian thought, in other words, includes ethics as well as a set of beliefs about God and Christ. Of course, there are many types or styles of Christian ethics; it is almost totally meaningless to refer to "the" Christian ethic on a given issue. But theologians have virtually never held that the behavior of the Christian person was religiously irrelevant.

4. For examples of this type of analysis see May, Attitudes Toward the Newly Dead, 1 Hastings Center Studies 3 (1973); May, The Sacral Power of Death in Contemporary Experience, 39 Social Research 463 (1972).

5. Christian theologians have supported war and pacifism, laissez faire capitalism and socialism, slavery and black power. Moreover, they have disagreed over the criteria with reference to which the choices between these alternatives shall be made.

6. Thus, the distinction in law between beliefs and behavior, e.g., Reynolds v.
Second, it is important to realize that Christian moralists always thought that their reflections about conduct should be informed by the revelation of God's will in Jesus Christ. That is to say, when they reason about ethics they treat revelation not as a speculative uncertainty but as a fact. The Christian moralist, as such, does not try to prove the truth of revelation; he works on the hypothesis of its significance. The basic point could be generalized and applied to any religious person or group: the religious object, deity or god, is, by definition, powerful for the believer. Whatever it is, it is ethically relevant.\(^7\)

In saying this I do not mean to gloss over the obvious fact that Christian faith or belief is as frail and fallible as any other. But we must note that the attempt to argue for the truth of that faith (commonly called apologetics) is different from the attempt to spell out its ethical implications. Our concern here is with the latter venture.

Third, since the revelation of God in Christ is the most relevant datum for Christian ethics, Christian theological ethicists have had to explain what that revelation is, how and to what extent it is true. A full discussion of this question of theological epistemology, perhaps the central issue among academic theologians for the past 250 years, lies well beyond the scope of this paper. But if the contemporary discussion is not to be misunderstood, a little background is in order.

Many Christians and a few Christian theologians have held that every word in the Christian Bible is inspired, if not dictated, by God. This claim applies with especial force to the sayings and story of Jesus. The corollary of this view for ethical theory is the claim that the Christian can solve his moral dilemmas by appealing to God's will which is propositionally recorded in Scripture. Thus, for some the sayings of Jesus about violence settle the question of whether the Christian may ever participate in war; for others the example of God's annihilation of Onan\(^8\) proves the illegitimacy of many forms of artificial contraception.

There are some important strengths to this literalist tradition in Christian ethics. One is that it preserves an objective and definite religious norm which may force the believer to take a stand against his culture. Furthermore, it enables two Christians who are both literalists to have

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7. For example, if sexual fulfillment were one's god, the question of its relevance to decisionmaking would never arise. What might arise is the question of the relevance of other considerations such as economic security, fidelity and intellectual community. Analogously, for the Christian believer, the question of whether God's revelation in Christ is relevant does not arise. What does arise is the question of the relevance of other considerations.

a common reference point in questioning each other's arguments. Religious moral discourse has a public and, in an odd sense, scientific character.

However, the drawbacks of the literalist approach are at least as significant as its strengths. The most general of these lies in the difficulties created for a literalistic reading of Scripture by the past 200 years of scholarship. The cosmology, astronomy, psychology, geology and biology on which we all now rely are totally different from those taught or presupposed throughout Scripture. Moreover, scientific criticism of the scriptural texts has made clear that the Bible is, in point of fact, an anthology, the more or less religious literature of various peoples and authors produced over about a 500 year period. The authors of the latter portions were at least as far separated from the first writers as we are from Shakespeare or Henry VIII. And, of course, the written documents are compilations of material long circulated in oral tradition.9

Perhaps all this is reconcilable with a literalist position, but there is still another difficulty. Supposing that somehow the text of Scripture were literally inspired, which version of the text shall we refer to? There are 5,000 versions of the Greek manuscript of the New Testament alone. Most of the variations are relatively minor10 but they create a very serious problem on principle for the literalist. How can literalism be true in the face of this uncertainty?11

Finally, literalism has serious liabilities as the basis for religious ethics. These arise from the fact that the moral precepts to be found in the Bible are often either unclear or contradictory. Although Jesus condemns violence, he drives moneychangers from the Temple with a whip and says that he has come to bring not peace but a sword. The Jewish Bible, accepted as Scripture by Christians for over 1500 years, not only tolerates but sometimes commands war and killing. The story of Onan, referred to above, may suggest God's opposition to artificial contraception, but if it contains any permanent moral at all, it seems far more likely that it suggests Onan's culpability for failure to comply with the rule of levirate marriage rather than implying a scruple about his technique of noncompliance.


This need for interpretation of God's will should not surprise us if we view the Bible as the human document it is. But for the literalist, interpretation means the dissolution of an apparently clear-cut and objective authority. The result is atoms from which individual literalists may pick and choose arbitrarily. One can prove almost anything with literal scriptural referents.

For all of these reasons, and other more theological ones which we shall consider presently, literalism has been out of favor among most educated Christian writers for at least 100 years. The attitude which immediately displaced it and which is now itself largely dated, we shall call liberalism.

Theological liberalism is different from political liberalism. Indeed politically, theological liberalism often led to socialism and opposition to the individualism of 19th century America. Its hallmark for our purposes lies in its claim that from the encrusted and mythology-laden body of scripture a core of historically true and ethically significant teachings emerge. The liberal Christian authors appealed to the teachings of the historical Jesus which lay behind and had been distorted by the interpretations of the early Church.

According to the reasoning of the liberals, once these teachings have been isolated they provide Christians with the basic principles needed for resolving moral dilemmas. Most typically, the liberals discovered that Jesus taught, first, that love for the fellowman was divine and, second, that all society was becoming more and more like the kingdom of God. Thus two difficulties of literalism are overcome. On the one hand, the dated science and metaphysics are discarded; on the other, a simple and coherent ethic is discovered. The nucleus of a modern theology or philosophy of life can be seen behind the Bible.¹²

This view may sound unbelievably modern to some ears. But it faces serious difficulties. The first of these arises from its presupposition that a significant core of historical truth can be extricated from the scriptural, and, in particular, the New Testament documents. Advanced scriptural studies, proceeding on the assumption of the importance of oral tradition, have tended to suggest that this core must be very small, if it exists at all. Furthermore, scholars point out, one must take into account the fact that the Bible was written by individuals already committed to Christianity, and written so as to persuade other people to join the Christian

movement. It is not in any sense a neutral document; in no way is it analogous to a textbook. These considerations suggest that the Scripture is a primary source for the beliefs of the early church or synagogue; it is only a secondary source for the events it recounts.13

As if this were not enough, problems arise concerning the actual conclusions by the liberals. Insofar as we know anything about the Jesus of history, he does not fit the liberal ideal. This has been clear since Albert Schweitzer, paradoxically a saint in the pantheon of some liberals, published his Quest of the Historical Jesus in 1906.14 The important thing about Schweitzer's work is his demonstration that Jesus' proclamation and ministry were inseparable from a specific eschatology. Jesus taught and lived on the assumption that a cosmic world transformation was to be expected immediately. In this he was evidently mistaken, but that is only the beginning of the repercussions for the liberal attitude toward Christian ethics. It follows further from Schweitzer's analysis that the "kingdom of God" was not taught by Jesus as a social blueprint or utopia. He was convinced of its ideality, but not of the possibility of our making historical life approximate it. Finally, Jesus' teaching about love must be seen in relation to his eschatology. Did he mean love to be a norm after the kingdom had come; or did he mean that it ought to bind us in the (short) interval before that event? In either case, love can scarcely be treated as a norm in an era which disbelieves in eschatology.

For all these reasons the liberal attempt to base Christian ethics on a historically sound core of Christian truth has been more or less abandoned. Neither Jesus nor his teachings are modern. Yet this has not meant that Christianity must cease to exist as a religion in the modern world or that it cannot serve as a source of ethical ideas.

Generally speaking, the post-liberal attitude (the word often used is neo-orthodox) toward the Bible is that it is true but not historically accurate. Just how that can be so has been the subject of extensive theorizing among contemporary theologians, but the recurring point is that the scripture is more like poetry than like a newspaper. When Robert Burns wrote "my love's like a red red rose,"15 no one imagined he was providing literal description of an unusually attractive Scottish girl. A young woman who looked like a rose would be, at best, grotesque. But we know what Burns meant: the beauty of his beloved is as wonder-

13. Rudolf Bultmann is probably the best known post-liberal student of the New Testament. For his only description of the message of Jesus in a work of 700 pages see 1 R. BULTMANN, THEOLOGY OF THE NEW TESTAMENT 3-32 (1951).
ous as that of a rose. In fact his metaphor conveys a truth about the girl that no attempt to accurately translate it ever will capture.

On this analogy, Scripture is the poetry of the first Christians and Jews. It is accurate in the sense that it is, in fact, a description of the way they reacted to certain events and persons. It tells us nothing about the way a modern person, uninvolved with those events and persons, might see them. The Christian, however, is not uninvolved. He has in some way identified himself with the first century disciples. Therefore their poetry provides him with a kind of normative response to a mysterious action by God.¹⁶

There are many theological and philosophical problems created by this theory. Our concern here is with its effect on theological and, in particular, Christian ethics. That effect is the suggestion that the whole Scripture is interesting, a source of cosmic disclosure and ethical insight but that none of the specific propositions or rules in Scripture is literally or finally true. The task of the Christian ethicist, therefore, is different from what it was under either the literalist or the liberal model. For the literalist the ethicist tries to find the most appropriate prooftexts; for the liberal he discovers the historically accurate core. Post-liberals see the ethicist as more like a literary critic. He must extract central and recurrent themes or motifs from Scripture. These generalizations, then, serve as the postulates of an ethical theory.

Put differently, we could say that the post-liberal ethicist insists that there must be a set of intermediate concepts—theology—standing between religious revelation and ethics. As will emerge, contemporary theologians differ over such questions as what those concepts ought to be and, in fact, how precisely one can generalize about the poetry. An old saying has it that "something is always lost in translation" and some writers on Christian ethics are much more worried about the loss than others. But they agree, and in this they are like most Christian writers before the 18th century, that the liberal or literalist attempts to bypass the theological foundation of religious ethics are counterproductive.

Ethical Themes: The "Citizen" and "Fulfillment" Paradigms

We can discern two very different tendencies among the contemporary religious moralists who have addressed questions of medical ethics. For some of these writers a modern religious man should see himself as a citizen of a kingdom ruled by God; for others he should see himself

¹⁶. An excellent discussion of this idea can be found in H. R. Niebuhr, The Meaning of Revelation (1941) (MacMillan Paperbacks ed.).
as an individual for whom God wills fulfillment. Let me try to explain each of these tendencies.  

The notion that man should understand himself fundamentally as a citizen begins in the literature of Ancient Israel. The whole presupposition of that literature is that God has chosen Israel, saved its people from Egyptian slavery and made a covenant with them. This covenant or contract between the community and God establishes a political entity that is literally a theocracy. God is the king and Israel is his kingdom. The rules or standards for behavior in the kingdom are spelled out in the Torah or law of Israel.

Identification between the laws of a particular state and God's will was destroyed by historical developments of various sorts, not least among them the political destruction of Israel as a sovereign state. But destruction of the actual theocracy did not mean desertion of the theocratic idea. On the one hand, much Jewish tradition extrapolates the meaning of the laws of an earlier theocracy for the continuing Jewish community. By studying older formulations, new and contemporarily relevant formulations can be produced. These are found in the Talmud and serve as a basis for continuing reflection and development. On the other hand, the Jewish community looked forward to the re-establishment of the theocracy. This re-establishment was associated in various ways with a particular figure, an heir of the annointed Israelite kings of the past or messiah.

Given the limited purposes of this sketch, the important point here is that much, if not all, of the earliest Christian literature falls within this Jewish tradition. The message and impact of Jesus is unintelligible apart from it. The central category in his preaching was the kingdom of God, its reality and imminence, and a very important title assigned him by his followers was Christ (the equivalent of messiah in Greek). The relevant ethical implication is that one who acknowledges the "Christhood," messiahship, or kingship of Jesus is, in effect, saying that he is a citizen of a new community. The Christian is the person who sees himself as a citizen of the kingdom of God.

Innumerable difficulties are raised by this interpretation. Where is

17. I claim no more originality for the schematization than for the preceding survey. The basic distinction has been very clearly made although with different emphases in H. R. Niebuhr, The Responsible Self 47-68 (1963) [hereinafter cited as Niebuhr].

18. I do not assume that the English word law accurately reflects all the connotations of the Hebrew Torah.

19. An excellent discussion of this ongoing process of midrash can be found in M. Adler, The World of the Talmud 35-49 (1963).

this kingdom? Some theologians have seen it as a kind of Platonic ideal form; others see it as a future historical possibility to be brought about by either a miracle or our own efforts; still others tend to identify it with the institutional church. We will not debate the relative merits of these theses here. For our purposes it is more important to note some significant consequences that tend to follow for the theologian who begins his ethical reasoning by using the paradigm of the citizen of the kingdom of God.

First, use of the “citizen” paradigm implies limits to human sovereignty. If God rules, one corollary of this is that people do not. Such a principle need not imply sweeping taboos about scientific progress, but if it means anything at all, it means that there are some things which it is possible for people to do that they ought not do. Rightness of action is determined by conformity to God’s will rather than by scientific or technological possibility.

Second, it tends to follow from the “citizen” paradigm that the primary motivation for ethical action is conformity to God’s will rather than the desires or needs of the individual. Just as men who have contracted to play basketball must play according to the rules of the covenant (or contract) which they established, so a Christian must act in fidelity to the rules of the kingdom of which he is a part. In both cases, individual exigencies might make infidelity convenient or rewarding; in neither case would that convenience justify the infidelity.

Thus the citizen model is deontological rather than teleological. For a citizen-type religious moralist, usefulness to the self or group is always a necessary but never a sufficient justification for either act or practice. In addition to meeting a criterion of usefulness, the behavior in question must also meet a test of faithfulness or conformity to God’s will (although that will may be formulated in very general terms as we will explain).

Third, use of the “citizen” paradigm suggests that ethical reflection should lead to the formulation of universal principles or rules. Just as we expect federal, state and local laws to be nonarbitrary, to apply to anyone who happens to behave in a particular way, so the citizen-type moralist expects God’s will to be nonarbitrary. This does not mean that the citizen-moralist must formulate sweepingly broad generalizations (e.g., never take responsibility for killing). A universal rule may be very specific (e.g., surgeons should never operate after drinking six martinis). But the citizen-moralist will apply all rules without arbitrariness.

Finally, the central principle within the Christian citizenship model tends to be that citizens should relate to other people as God has related Himself to them. This principle of replication is derived from various scriptural components and it gives a very characteristic stamp to the views
of, at least, the modern users of the "citizen" paradigm. Two dimensions of God's commitment to his people are singled out: first, that commitment, according to the Bible, was made apart from the merit or worth of its recipients, and, second, it was not made because of God's need but because of human neediness.

When these characteristics are translated to the social level they suggest that a person should be totally committed to others and unconcerned about himself or the merit of the particular other person involved. This is the fundamental rule for Christian users of the citizen-type paradigm. They summarize it by use of the Greek word agape (usually translated as love): The Christian should love.\(^{21}\) Love, the central requirement of the Christian life, is the central rule of life. It implies faithful service to others; what faithful service implies is to be defined in universal, non-arbitrary terms.

The most important alternative to this citizen paradigm for our purposes is the notion that God wills fulfillment for each individual. In the fulfillment model the crucial concept derived from Scripture is not fidelity to a particular source of salvation. Instead, this model sees Scripture as repeated stories of the encounters between individuals and God. These encounters result in the transformation of individual lives. It is the experience of conversion and growth that Scripture promises individuals; and the way to achieve the goal is also articulated.

H. Richard Niebuhr referred to this as a "man-the-maker" theory,\(^{22}\) suggesting that ethicists who reason this way define rightness and goodness in terms of those qualities and kinds of behavior which will make the individual whole and fulfilled. These moralists see man as a seeking being and they see Scripture as providing guidance and a goal for the human quest. In other words, this theory is a kind of religious teleology.

In its traditional form, the "fulfillment" paradigm suggested that the goal of human life was reached in the loving of God. The human search for joy in terrestrial things was not basically wrong, but it was misdirected. This supernaturalism implied neither otherworldliness nor self-hatred. The fundamental needs of the ego, as it was understood, were respected but the claim was that those needs could only be met in devotion to an absolute being or God. Worldly things, including human selves, were to be utilized in ways appropriate to the loving of this loving god.\(^{23}\)

\(^{21}\) Good examples of the deontological stress on love can be found in 1 K. Barth, Church Dogmatics pt. 2, at 362-454 (1956); 4 id. pt. 2, at 727-840; A. Nygren, Agape and Eros (1969) [hereinafter cited as Nygren]; P. Ramsey, Basic Christian Ethics (1950).

\(^{22}\) Niebuhr, supra note 17, at 48-51.

\(^{23}\) When I speak of the traditional "fulfillment" theory, I have in mind the
A fundamental presupposition of this theory is the existence of a transcendent being. Consequently, those in the modern age who have lost confidence in this transcendence have found it hard to continue to utilize this paradigm in its traditional form. What has been retained by modern "fulfillment" theories is the notion that God (whose identity remains uncertain) wills the completion of human personality. This completion is found not through devotion to a transcendent being but through reason, decision and care for one's fellow man.

The result is an ethic with two characteristic foci. On the one hand, the full development and integrity of individual personality is viewed as the highest good. No tradition, set of customs, or expectations derived from an earlier epoch should limit human possibilities for the future. If a given practice, technique or action will benefit individuals, then it should be thought of as good, however foreign it may now seem to us.

Therefore, the "fulfillment" theorist holds a religious viewpoint that is much more eager to embrace new medical and scientific possibilities than is the "citizens" paradigm. A difference in burden of proof emerges: for the "citizen" moralists the user of a new development or therapy must show its conformity to rules of fidelity; for the "fulfillment" theorist the same procedure is acceptable unless overriding harm to individuals can be shown. If the user of the "citizen" paradigm tends to ask "why?", the user of the "fulfillment" theory asks "why not?"

On the other hand, "fulfillment" theorists tend to say that a given action or treatment need conform to only one rule in order to be correct, the rule that one ought to "love." However, love is understood in a very different way than among "citizen" moralists. The notion of love for God central to the whole Augustinian tradition, disappears from the scene and is replaced with a commitment to personality. Further, and partly in consequence, there is no prior model or form (such as the example of Christ) to which each loving act must correspond; benefit to personality is a sufficient criterion to determine whether an action is loving.

The result of this is that the "fulfillment" paradigm tends to be more overtly and totally situational than the "citizen" one. Far from wanting to spell out general duties or obligations, the "fulfillment" theorist tends to attack those socially sanctioned practices and taboos which hurt people. Thus, he will be very critical of "moralism" and "intrinsicalists." 24

broadly Augustinian theology refined in the middle ages and still operative both inside and outside Roman Catholicism. A very clear, if oversimple, exposition of this theory is to be found in Nygren, supra note 21. A short, clear statement of Augustine's views can be found in Augustine, On the Morals of the Catholic Church, in 1 Basic Writings of Saint Augustine 319-57 (W. Oakes ed. 1948).

24. A lively example of this, in a rather popular vein is J. Fletcher, Situation Ethics (1966). A much more professional discussion, much of which is critical of
In the religious-moral literature on medical ethics, then, we find two very different tendencies in operation. Both the “citizen” and “fulfillment” theories base their views on certain elements of the scriptural “history” or mythology; but they select in very different ways and formulate ethical priorities which differ markedly from each other. A full evaluation of these paradigms would be impossible and inappropriate here. Suffice it to say that an obvious difference between them is that the “citizen” paradigm retains more of the original religious tradition than its counterpart. While this probably is a strength for it as a religious ethic, it may be a liability when it comes to addressing a modern secular audience. There may be a point at which the religious moralist must choose between being right and being popular.

**Modern Reproductive Modes and the Religious Moralist**

Finally, I would like to illustrate these differences among religious moralists by commenting on some issues of medical ethics. I shall illustrate the different ways these issues may be posed and different conclusions that may be reached.

Various modes of reproduction, undreamed of by our ancestors, are now possible. Professor Hudock has discussed these in some detail. They include: artificial insemination either from husband donated sperm (AIH) or sperm from a donor (AID); *in vitro* fertilization and transfer of the embryo into the uterus making possible all sorts of relationships between gamete donors and historical parents; artificial implantation of an unfertilized egg with fertilization through intercourse; and cloning. Although only the first of these possibilities is an immediate issue, we have learned that we tend to underestimate the gap between possibility and reality. These biological possibilities are greatly troubling to many moralists. There is at least one issue that bothers all of them: will the use of these techniques lead to harm or exploitation of people? To answer that they ask: Who are the parties who might be harmed?26

One party might be the child conceived in a novel way. Some might suggest that this is an irrelevant consideration. Without the new modes

Fletcher, is *Norm and Context in Christian Ethics* (G. Outka & P. Ramsey eds. 1968).


of technology the artificially conceived child would have no existence at all. Surely it is better for him to exist than not. Consequently, possible danger to him such as deformity or, especially in the case of cloning, uncertain identity is easily compensated for by the possibility of existence. Indeed, it is very questionable whether it makes sense to worry about dangers to the child before he exists as a personality.

Other writers are less willing to dismiss the child's interests so quickly. They argue that all of these procedures, with the exception of artificial insemination, carry an as yet untested risk of harm to the embryo, fetus or person. This risk in itself suggests caution, but the argument can be pushed further. Most specifically, it is noted that these risks, however great they may be, are risks to which the potential person has not and could not have consented.

This is not simply an attempt to question any proxy consent for fetus or child. Presumably an already conceived child would consent to risky therapy on his own behalf. Rather, this argument suggests that in the use of new reproductive technologies, the parents are responsible not only for deciding how to find a way out of a dangerous situation, but they are also responsible for the creation of that situation in the first place. They have chosen to procreate a being at risk. Nor is this responsibility avoidable if the reproductive procedure is successful. A party can be wronged without being harmed (as, for instance, if I give a student an A without reading his work). This wronging of a person does not contribute to the fulfillment of either victim or perpetrator and ought, therefore, to be avoided.

In other words, preoccupation with harm to the child can lead to two very different conclusions: reproductive experimentation never harms because existence is always preferable to nonexistence; or such experimentation always harms since the consent of the child is never obtainable. The same is true when the focus is on the parents. One liberal religious personalist has suggested that use of new reproductive technologies may be more fully human than traditional coitus since the outcome may be more rationally planned. This conclusion is quite logical if the essence of human personality is seen in the cognitive and volitional aspects of the human psyche. The more control possible and the less natural or random the particular reproductive decision is, the better it will be considered.


In contrast, one may stress the abuses to which parents are subjected when they involve themselves with these technologies at an early stage of technological development (as, of course, some must do if the technology is ever to be refined). Many such potential parents may think that they have a much greater chance of becoming real parents than they actually do. Many may not know the uses to which their gametes will be put. Womb donors may be reduced to the level of animated incubators. In sum, the suffering involved in childlessness may be a much less dehumanizing kind of experience than becoming pathetically passive in order to attain the highly desirable end of parenthood. Thus, among religious moralists it is possible to agree on the frame of reference for moral discussion without agreeing on a conclusion which will follow.

What is more important for our purposes here is to note that many religious moralists will want to raise questions beyond those considered by the personalist. Specifically, they will worry about the separation between expressions of sexual love and procreation in the new reproductive technology. They say love-making and baby-making should go together. New technologies give us new ways for rupturing this desirable connection.

The justification for such a claim may take either of two forms. On the one hand, it has been asserted that to be authentic, a human sexual act must be procreative (which is not to say that it must actually result in procreation). Although there are hints of this view earlier in Western tradition, it was first coherently formulated by Augustine. In his day a religio-philosophical cult called the Manichees thought that the created world was essentially the product of a conflict between two supernatural powers. Salvation, the goal of life, involved the separation of good forces from the cultists' presently corrupted state. This task would be hindered by further embodiment of souls, i.e., procreation. Thus, the ideal sexual act for the Manichees was precisely the nonprocreative one. According to their orthodox Christian critics, indeed, they practiced ritual coitus interruptus.

Augustine's opposition to Manicheeism may be explained in many different ways. It is certain that he was himself once a Manichee and that

29. Kass, supra note 27, at 32; see Ramsey, supra note 26.
30. As it happens, the best known religious personalist takes a liberal view on the question of the use of new technologies for reproduction. New Beginnings, supra note 28, at 87. But, it is not clear that his basic theological commitments would require this conclusion.
31. One good discussion of Augustine and the Manichees is to be found in J. Noonan, Contraception: A History of its Treatment by the Catholic Theologians and Canonists 107-39 (1966). In my opinion Professor Noonan tends too much to reduce Augustine's views to the status of unfortunate products of his sexual career.
his own sexual life was something less than ideal by any standard. Thus, the passion and polemical tone of his anti-Manichean writings may represent some form of sublimated self-hatred. Yet, it is also clear that the gist of Augustine's theology is thoroughly nondualistic and that opposition to the Manichean sexual practices is a consistent outgrowth of his monotheism.

In any case, Augustine opposed the Manichean sexual ethic on theological grounds. Sexual intercourse and its product, the child, are good because they are part of the Creator's plan for human existence. Sexuality has other goods associated with it: as a bond joining two people, it may signify or symbolize the bond joining God and man, and it provides refreshment and release from human torment when properly ordered in marriage. Most importantly for our purposes, sexuality is fulfilled, not distorted, when it leads to new life. The most true and authentic sexual act is the procreative sexual act.

All the intestine developments of Christian thought on this subject need not concern us. Augustine dreamed of few of them. One dogma that was seldom, if ever, given theological sanction was a direct imperative to maximize procreation. But the recurrent theological theme is a prohibition: acts of sexual love should never be non-procreative. In order to begin to understand this rule of fidelity within contemporary religious ethics, one must see that it means exactly what it says. It does not, as mentioned, say that one must procreate. It does not say that one must be fertile in order to legitimately copulate. Sterile individuals can behave procreatively. Finally, it does not say that one must want to procreate or desire procreation as the consequence of a particular sexual act. What the rule does suggest is that if, out of love, a couple choose to express themselves sexually, they should perform the authentic sexual act, an act they have not deprived of its procreative character.

Consequently, there is a magnificently clear statement of this view: "[E]ach and every marriage act... must remain open to the transmission of life."32 The reason for this is that there is an "inseparable connection, willed by God and unable to be broken by man on his own initiative, between the two meanings of the conjugal act: the unitive meaning and the procreative meaning."33 A sexual act deprived by its doers of its procreative character is an illegitimate sexual act. Contraception, other than use of the rhythm method, is forbidden. This is the most infamous consequence of this viewpoint, but it has other implications for the new technologies of reproduction with which we are concerned.

32. PAUL VI, HUMANAE VITAE ¶ 11, at 9 (1968) (Paulist Press).
33. Id. ¶ 12, at 10.
First, any form of conception which uses donor gametes would seem to be ruled out as a separation of acts of love from acts of procreation.

Second, the morality of artificial insemination with husband donated sperm (AIH) hinges on the method by which the sperm is collected. If the collection is not done through masturbation (itself an illegitimate act because nonprocreative), then AIH may be viewed as permissible. The one form of new technological reproduction that may be routinely accepted on these terms is artificial innovulation with the wife's own egg combined with fertilization in vivo (i.e., the only "artificial" element is the movement of an egg around a blocked fallopian tube).  

Nonspecialists who automatically identify this sort of reasoning with the Roman Catholic tradition may be startled to learn that, in fact, it is not utilized by many Catholic moralists. Part of the reason for this lies in the revolution in Roman Catholic moral theology in the years since Vatican Council II. That revolution has seen a definite shift away from the neo-Thomist natural law tradition which was intent on specifying the "essence" of certain acts, and a concentration on the faithful, loving responses of persons.

This traditional understanding of the relation of love and procreation is of great interest to us, however, for two reasons. First, it gives us a clear example of a "citizen" type morality in action. Given the condemnations of contraception and AID which follow from this analysis, these condemnations hold even if, in the facts of the case, engaging in the prohibited behavior would be "fulfilling" for the parties involved. One must ask more than: "Would it be good for me?" He must also ask: "Is it congruent with the basic commitments and principles through which my life takes on meaning?"

Second, this most conservative religious tradition is of interest because of some of its weaknesses. These cluster around what one of its critics has called its penchant for "single act analysis." By this he means the tendency to claim not only that one's sexual love and procreation should be products of the same exclusive relationship, but also the further

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35. Even the "old fashioned" Catholic moral theology could be much more liberal in substance than most of its secular critics realize. Cf. 2 J. Ford & G. Kelly, Contemporary Moral Theology (1964). A regular reading of the publication Theological Studies will show the reader how far contemporary moral theologians are from his stereotypes. Two excellent and relevant collections of essays by the "new breed" are Absolute in Moral Theology? (C. Curran ed. 1968); Contraception: Authority and Dissent (C. Curran ed. 1969).

claim that each and every act done by these partners must be both loving and procreative. Why, in the last analysis, is it important that love and procreation go together? Some moralists who defend this connection seem to rely on intuition or a sense of mystery. But a contemporary religious moralist is more likely to try to find a justification for the claim within the scriptural poetry. Such a justification may be found in the recurrent scriptural theme in which the love of husband and wife is compared to the love of God for the world.

We have already noted that a characteristic of the “citizen” moralist is use of this kind of analogy. As God behaves toward us, so we ought to behave toward each other. What, then, are the relevant characteristics of the God-world relationship? The most important one for our purposes is the recurrent notion that God both creates and loves one and the same world. Perhaps it is put better in reverse: People look to the same being as both their creator and their source of redemption. This is clear both in the Jewish and the Christian reworking of the story of the world’s creation. Creation and commitment, love and creation are aspects of one and the same relationship.

The ethical transposition of this unity is the notion that a person’s relationship of fully committed love or marriage and his community of procreation should be the same. One ought not have two different relationships: the one loving and the other procreative. This principle would be violated in the case of a man who maintained a marriage for breeding and reasons of status while keeping a mistress on the side. It may also be violated by use of some of the technologies for reproduction which are now available. It would not be violated by contraception.

Use of donor gametes fertilized in vivo or in vitro will be rejected by followers of this unity principle on the ground that such use creates two different communities, one procreative and the other loving. The donor becomes a partner, perhaps anonymous, in a relationship that ought to be exclusive. The result is not adultery, but it is analogous to adultery. Intensity of fidelity to the marriage partner limits what one should do, even on the partner’s behalf. Similarly, allowing one’s womb to be used by another couple is analogous to allowing use of one’s body solely for the sexual pleasure of another.

In itself the principle of unity of loving and procreation would seem

38. Cf. Hosea; Ephesians 5.
39. This point is made in a somewhat different way in Ramsey, supra note 26, at 88.
40. Theoretically, it would be quite possible for a people to write a myth in which this was not true. In fact, such a myth might better reflect the dualistic mentality of our age. But neither the ancient Jews nor Christians produced such a document.
to allow both contraception and technological manipulation of the married couple's own gametes so long as these actions are in the interest of all actual and potential parties involved. In these practices no new community is established. In contraception the couple merely decides not to procreate at a particular time; they are not willing to procreate or cohabit with anyone else. Similarly, when the union of their gametes occurs in a novel way the basic relationship remains unbroken. Of course, technological manipulation of the couple's own gametes may not be in its collective interest or the interest of the potential parents as individuals. Personalist arguments against such procedures may be compelling for some couples. That is, the force of the personalist considerations will vary from couple to couple. But the citizen's norm of a loving-procreative community would never be compatible with use of donor gametes, to say nothing of fertilization and gestation in vitro, completely apart from a personal community of love.

CONCLUSION

I hope the reader who has persevered to this point now understands the torments of which I spoke at the outset. The basis of a religious morality is complex. The conclusions to which representatives of one religious tradition may be forced are disparate. There is certainly no one simple set of religious considerations let alone one solution to the manifold problems raised by biology and medicine. Instead, there is a set of problems, perhaps families of problems, and there are recurring emphases in attempts to solve them.

What is the relevance of these moral considerations to our common life and debate? Nothing I have said proves that there is such a relevance. But perhaps enough has been said to show that some grounds for assuming irrelevance are mistaken. Certainly attempts to discredit religious morality by identifying it with a dated world view or a particular set of normative conclusions are as ill-informed as they are sweeping.

Finally, one further conclusion may emerge from this discussion. We cannot have both a vital religious tradition, Christian or any other, and a policy of laissez faire in medical technology. So long as religious people think at all, some of them will come to conclusions which require a thorough inspection of the road ahead, if not emergency braking. Conforming our individual or common behavior to their suggestions may be very inconvenient. No one's views should be canonized; religious moralists are neither unusually reliable nor especially moral people. However, if we fail to see that medical technology, including new reproductive technologies, must serve us—our opinions, traditions and values—then we will have forsaken their very raison d'être.