

MADE IN THE IMAGE OF MAN:  
THE VALUE OF CHRISTIAN THEOLOGY FOR PUBLIC MORAL DISCOURSE ON  
HUMAN CLONING

BY

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## ABSTRACT

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Simeon O. Ilesanmi, Ph.D., J.D., Associate Professor of Religion

Human cloning has over the past few decades moved from the realm of clever science fiction into the realm of controversial biotechnological reality. As a result, public discourse about the morality of human cloning has intensified. Contrary to the claims of some secular bioethicists, political philosophers and others who would exclude religious reasons from the democratic public square, I contend that we should welcome religious considerations as *prima facie* appropriate contributions to public moral discourse. Moreover, recent contributions of Christian church bodies and theological ethicists to moral discourse on human cloning reveal that the rich moral resources of Christian theology are particularly valuable for public bioethical discourse, evidencing the ability to expand the moral imaginations of a pluralistic public and corresponding with widely shared experiences, values and moral reasons.

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## INTRODUCTION

More than fifty years before the controversial cloning of Dolly the sheep in 1997 and the subsequent successful cloning of a human embryo in 2001, C.S. Lewis prophetically cautioned:

If any one age really attains, by eugenics and scientific education, the power to make its descendants what it pleases, all men who live after it are the patients of that power ... Man's conquest of Nature, if the dreams of some scientific planners are realized, means the rule of a few hundreds of men over billions upon billions of men ... Human nature will be the last part of Nature to surrender to Man. The battle will then be won. But who, precisely, will have won it?

For the power of Man to make himself what he pleases means, as we have seen, the power of some men to make other men what *they* please.<sup>1</sup>

We are now standing on the banks of the biotechnological Rubicon Lewis warned us not to cross. Human cloning, together with attendant biotechnological possibilities such as genetic discrimination and germline intervention, is the ship that promises to carry us irreversibly to the other side. A select group of scientists from around the world have already begun to wade in and test the waters. However, as evidenced by the hesitancy of many other scientists to set sail toward this new horizon,<sup>2</sup> the waters of the morality of human cloning are murky and the fog of scientific uncertainty remains thick. Though no one is quite sure what negative effects cloning may entail for human society, nor how many casualties we may suffer along the way, some radical representatives of

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<sup>1</sup> C.S. Lewis, *The Abolition of Man* (San Francisco: Harper San Francisco, 2001), 57-59.

<sup>2</sup> In a conversation following his February 1, 2007 lecture at Wake Forest University entitled "What can we do and should we do it?" former Roslin Institute fellow and co-creator of Dolly, Keith H. S. Campbell, explained to me that the unanimous opinion of his colleagues in developmental biology is that while animal cloning may have many agricultural and medicinal benefits, human reproductive cloning should not be pursued. In fact, according to Campbell, even the Italian fertility specialist Serevino Antinori, who just years ago claimed to be on the fast track to bringing a cloned embryo through gestation to birth, has now come to agree with Campbell and his colleagues. For more on the scientific community's response to the controversial claims of Antinori and other would be cloners, see Helen Pearson, "Prospect of human cloning poses dilemma for journals," *Nature* 421 (2003): 199.

the biotech industry and their proponents press forward with unfettered zeal motivated by the supreme value and guiding principle of Western science since the Industrial Revolution—progress. In the name of progress, we are told, if some new scientific advance can be made it must be made. Christian social commentator and political activist Charles Colson has referred to this definitive doctrine of modern science as the “technological imperative” and he warns that rather than concluding that we *ought* to do something simply on the basis that we *can* do it, we must first ask whether we *should* do it.<sup>3</sup>

Indeed, the twentieth century is replete with abuses of scientific technology in the name of progress, such as the early twentieth-century eugenics programs of the U.S. and other Western nations that paved the way for the Nazi “final solution” which claimed the lives of over six million Jews. One is also reminded of the Tuskegee Syphilis Experiment conducted by the U.S. Public Health Service from 1932 to 1972 in which scientists purposefully withheld medical treatment from nearly four hundred poor black men and allowed them to suffer and die from the ravages of the disease in hopes that the autopsies of the victims might further medical understanding. In order to avoid such tragic inhumanity, too often the result of an unbridled quest for scientific progress, responsible science—science in service of humanity—must be practiced within appropriate moral boundaries.

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<sup>3</sup> Charles W. Colson, introduction to *Human Dignity in the Biotech Century: A Christian Vision for Public Policy*, ed. Charles W. Colson and Nigel M. de S. Cameron (Downers Grove, Ill.: InterVarsity Press, 2004), 14. Readers should note that Colson’s warning does not challenge the familiar principle of Kantian ethics that “ought implies can,” but rather denies the reversal of Kant’s categorical imperative, i.e., the claim that “can implies ought.”

Raising the stakes for the current debate over human cloning is the fact that once it has been accomplished it will never fade back into the realm of mere ideas, but will forever remain a present and internationally viable reality. Thus, there exists a pressing need for a moral consensus not merely national but international on the appropriate ethical boundaries for future human cloning research and experimentation.

Of course, even if existing opposition to the moral regulation of scientific progress could be overcome, achieving any meaningful moral consensus on the appropriate boundaries for future research is no easy task in a society as religiously and morally pluralistic as our own. The far reaching consequences of human cloning and the nature of the moral questions it evokes has and will continue to elicit a variety of responses from theological ethicists, secular bioethicists, policymakers and others representing a plethora of moral traditions. It is in regard to this daunting, yet necessary project of delineating the moral boundaries for human cloning that I have set out to examine the contributions of Christian theology to the current debate over human cloning and to evaluate the appropriate role, if indeed there is any, of such theological moral reasoning for public bioethical discourse.

As human cloning has, over the past few decades, moved from the realm of clever science fiction into the realm of controversial biotechnological reality, church bodies and theological ethicists representing a variety of Christian traditions have led the way in providing theologically-informed perspectives on the issue for consideration in the public square. The pioneering efforts of such thinkers as Paul Ramsey, Richard McCormick and James Gustafson in the sixties and seventies exemplify the Christian genesis of contemporary (especially American) bioethics. Even among these pioneers of theological

bioethics, however, there existed a tendency to refrain from directly religious or theological argumentation. As Roman Catholic ethicist Lisa Cahill has commented, “even major figures such as Paul Ramsey and Richard McCormick often limit or avoid directly religious appeals in the interest of expanding their audience and hence influence.”<sup>4</sup>

In recent years the landscape of bioethical discourse has become even less friendly to explicit and direct theological participation. Despite the willingness to hear theological concerns that has been demonstrated by some prominent political advisory groups such as the National Bioethics Advisory Commission and the President’s Council on Bioethics, the field of bioethics has been largely co-opted by secular bioethicists working exclusively from non-religiously-based moral traditions. Out of concern for wider appeal, greater social influence and academic respectability theologians working in bioethics today are thus even more inclined than their predecessors to couch their bioethical reasoning in terms of “deontology,” “non-malevolence,” and “human rights,” rather than utilizing theological categories to contribute to public understanding of the issues. Setting aside for now the problem of viewing the former set of terms as tradition-neutral,<sup>5</sup> we must ask what it says about the current state of public discourse that the contributions of theological ethicists have increasingly little that is distinctly theological about them.

In the introduction to her recent book, *Theological Bioethics*, Cahill describes the current landscape well:

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<sup>4</sup> Lisa Sowle Cahill, “Can Theology Have a Role in ‘Public’ Bioethical Discourse?” *The Hastings Center Report* 20, 4 (1990): 10.

<sup>5</sup> To view moral values or terms as “tradition-neutral” is to assume that they derive from some universally agreed upon source of moral truth that exists independently of competing economic, political, religious, philosophical or otherwise comprehensive worldviews. The problems with such an assumption will be discussed below, especially in chapter two.



Secular bioethicists and policymakers seem anxious to keep explicitly religious views off the table and assume that religion leads in a socially conservative direction, obstructing scientific advancement and going against the tide of enlightened social policy. Many theologians react either by accusing most theological bioethicists of having been co-opted by the minimalist morality of the policymakers or by giving up entirely on the prospect that theological engagement in the public sphere will have any significant social results.<sup>6</sup>

The question before us then is whether distinctly religious engagement, with specific attention to Christian theology, has anything of value to contribute to the public discussion on the morality of human cloning. In the following chapters I will argue not only that religious considerations are appropriate in the public square, but also that the rich moral resources of Christian theology have the potential to contribute positively to the moral consciousness of a pluralistic public on the pressing bioethical issue of human cloning. In short, Christian theology contains moral resources that are both appropriate and valuable for public bioethical discourse on human cloning.

In the following chapter, I will set forward definitions of some of the key terms that are central to my argument. First, I will clarify the nature of the biotechnological process of human cloning with which I am presently concerned. As with any discussion of the morality of biotechnology, an understanding of the technology itself is necessary for informed moral deliberation. Following this introduction to human cloning, I will then offer a working definition of the idea of public discourse according to which the public life of every citizen extends far beyond mere electoral support for or opposition of political candidates and legislative policies. Lastly, I will offer a broad definition of theology that is inclusive of all the foundational doctrines, narratives and practices of one's comprehensive religious worldview.

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<sup>6</sup> Lisa Cahill, *Theological Bioethics: Participation, Justice, Change* (Washington, D.C.: Georgetown University Press, 2005), 1.

In chapter two, I will argue for an understanding of the public square according to which theological participation in public bioethical discourse is not only appropriate and even unavoidable in some sense, but also of significant social value. I will respond to two popular philosophical proposals for the partial exclusion of religious considerations from public debate in a liberal democracy and I will also briefly discuss the relevance of constitutional law for theological participation in public discourse. After arguing that neither exclusionary philosophical proposal, nor the relevant constitutional considerations, justifies the exclusion of theological considerations from the public square, I will conclude chapter two with a positive presentation of my religiously inclusive proposal for public discourse in a pluralistic democratic society.

Having defended the notion that theological considerations are appropriate subject matter for public moral deliberation, in chapter three I will provide an overview and analysis of some important moral responses to human cloning that have already been offered by official church bodies and representative Christian ethicists. Through this examination I intend to demonstrate the significant social value for public moral discourse of Christian theology and by extension the potential social value of theological/religious considerations in general.

Though I will make suggestions throughout the first three chapters concerning the appropriate role of religious reason and theology in public discourse, in chapter four I will conclude my project by clarifying the relevant etiquette and scope of effective theological participation in public discourse and by concisely identifying two primary public-value-creating properties of theological reasons.

CHAPTER 1:  
HUMAN CLONING, PUBLIC DISCOURSE AND THEOLOGY DEFINED

A prevalent difficulty for any attempt to engage in moral reasoning with one's neighbors is the proverbial scaling of the language barrier. Particularly in public discussions of morality it is crucial not only to identify clearly one's intended conversation partners, but also to maintain an awareness of the sources of moral guidance from which one draws insofar as this is possible. If public discussions of bioethical issues are to be effective and meaningful at all, it is likewise crucial for participants in such dialogue to have at least a basic working knowledge of the medical practice or biotechnology in question. Having laid out my thesis in the Introduction, I will in this chapter attempt to clarify the nature and scope of the present project by defining some of the central terms of this discussion.

Human Cloning

For the purposes of this paper, I will follow The President's Council on Bioethics in defining human cloning as:

The asexual production of a new human organism that is, at all stages of development, genetically virtually identical to a currently existing or previously existing human being.<sup>7</sup>

Accordingly, the term "human cloning" will be used to refer both to the cloning of human embryos intended for research purposes only (i.e., to be destroyed in the research process or subsequently discarded) and to the cloning of human embryos intended for implantation into a womb resulting in gestation and birth. The technology to produce the cloned embryo is exactly the same in both instances (see discussion below),

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<sup>7</sup> Leon Kass, et. al. *Human Cloning and Human Dignity: An Ethical Inquiry* (Washington D.C.: The President's Council on Bioethics, July, 2002), xxiv.

though the latter elicits a wider range of moral concerns. When necessary, I will again follow the Council in distinguishing these divergent purposes for human cloning as “cloning to produce children” and “cloning for biomedical research.”<sup>8</sup>

Though many of the moral arguments under consideration in chapter three focus more on the individual and social consequences of cloning humans than on the actual procedure involved (i.e., the arguments apply to cloning in principle and are therefore applicable even to currently unforeseen technological methods of cloning), there are some significant moral concerns that ethicists have raised about the process itself. A brief description of the process is therefore in order.

The most common cloning technology in use today is somatic cell nuclear transfer (SCNT), in which the nucleus of a human somatic cell is removed and introduced into an oocyte (egg), the nucleus of which has also been removed or inactivated.<sup>9</sup> The cellular product is then stimulated into cell division. The result is a human embryo, the genetic constitution of which is identical to that of the donor of the somatic cell, save the very small amount of mitochondrial DNA supplied by the enucleated egg.

In the interest of clarity, I will use the term “donor” to refer to the individual from whom the somatic cell was retrieved, regardless of whether that person or another willed the retrieval and cloning of the donated cell. In theory, somatic cell donors may be adults or children, alive or even recently deceased. It is, of course, important to distinguish the donor of the somatic cell from the donor of the oocyte.<sup>10</sup> While the former could

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<sup>8</sup> Kass, et. al. *Human Cloning and Human Dignity*, xxiv.

<sup>9</sup> Somatic (“body”) cells from multiple types of tissues may be used. Dolly the sheep was created from a mammary cell, hence her somewhat boorish namesake in the popular female country music star.

<sup>10</sup> Any donor of an oocyte could in principle be a donor of a somatic cell, but the converse is obviously not true.

potentially be any human person, the donor of the oocyte must be, for obvious reasons, a female capable of releasing eggs. The requirement of donated eggs for the success of this technology is important to keep in mind. For, the limited availability of human eggs raises some serious moral concerns about the effects human cloning, if practiced on a large scale, may have on women, the natural suppliers of the necessary “raw” material for the technology.

With this basic introduction to cloning technology as a starting point for our discussion of the value of theology for public bioethical discourse, let us now consider the notion of public discourse itself.

#### Public Discourse

For the purposes of the present discussion I will at times use the term “public” to refer very broadly to the community of individuals who may be affected, or are concerned by the potential (and increasingly actual) individual and societal ramifications of human cloning. In this sense, the community with which we are here concerned is very much an international one. Indeed, the international pursuit of biotechnology and the potentially universal impact on humanity of certain biotechnologies (e.g., human cloning to produce children) demonstrate the need for bioethical discourse that is capable of transcending cultural and political boundaries, even if, as the case may turn out to be, a truly global bioethics is ultimately unattainable.

By public discourse, then, I mean dialogue between any and all who are, or perceive themselves to be, affected by biotechnologies such as human cloning and who desire to contribute to the development of the moral consciousness of others and to the formation of national and international public policies on these issues. I will typically

refer to “public discourse” instead of “public debate,” as the latter seems unfortunately to have come to be associated more with political shouting matches than with cordial and informative public deliberation.

Public discourse, so conceived, can take a variety of forms. In addition to the more obvious venues for engaging in public discourse such as television news programs and congressional debates—venues not accessible to a vast majority of the public—I also have in mind discussions on local radio stations, lectures and debates at universities and community colleges, letters to the editor of newspapers and other periodicals, discussion group meetings of all varieties, and even “performance-as-discourse” such as voting, volunteering with social action organizations, and boycotting. Public moral discourse happens when a member of the public utilizes any of these or other similar forms of public communication and interaction as mediums for the discussion of moral issues or as platforms for encouraging support or opposition for a particular public policy on moral grounds.

As demonstrated in the following chapter, there are some who argue that citizens of a liberal democracy such as our own have a moral obligation to refrain from relying on religious considerations when engaging the public in at least some of the aforementioned ways, particularly when one is advocating certain types of public policy or supporting political candidates. Some ground this moral obligation in the nature of liberal democracy itself, while others posit constitutional reasons unique to the United States as grounds for at least partially excluding religion from the public square. Consequently, despite the inherently international nature of the biotechnology in question I will, especially in the following chapter, confine my analysis of the value of theology for public discourse to

the liberal democratic and constitutional context of the United States; however, I submit that the value of theology in our societal context, as well as the appropriateness for theological participation in our national public square, is indicative of the value of theology for public policy discussions in other socio-political contexts (i.e., other national “publics”) as well. In fact, almost all of the public policy recommendations of the individuals and organizations examined in chapter three are recommendations not only for the United States, but also for all nations around the world. Also, though I am here primarily concerned with the current state of public bioethical discourse in the United States, I will not exclude from consideration the contributions of theological ethicists from other countries (e.g., Oliver O’Donovan) who have been particularly influential in the field of theological bioethics in our society.

To clarify, while I will argue that Christian theology contains moral resources that are valuable for public discourse, in the sense of international bioethics discussion and collaboration, I will specifically focus on the context of the political society of the United States as an example of how theology can benefit public discourse broadly conceived. Thus, when I speak of “our society” or “this society” the reader ought to understand those terms as referring to the United States. My use of the term “public” will in most cases also refer to this particular public, but as a type of other nations around the world and as a microcosm of the similarly though more drastically pluralistic international public.

Having thus circumscribed the scope of the public in view, it is important to highlight the complex and morally pluralistic nature of this public. The political public of the United States is made up of individuals whose worldviews are informed by various cultural, religious, moral and philosophical traditions, as well as by divergent personally

and communally formational experiences.<sup>11</sup> Moreover, every individual belongs to a variety of communities that inform their personal identity and their view—moral, political, metaphysical and so forth—of the world around them. As Andrew Lustig has suggested, therefore, “in considering the nature and scope of public moral reasoning, it is important to acknowledge the multifaceted character of our conversation and to appreciate that nearly all of us function in our deliberations as members of several ‘publics.’”<sup>12</sup> Lustig goes on to explain that as members of multiple communities or “publics,” “Virtually all of us ‘wear several hats’ simultaneously, and a key challenge to our role as citizens is to make sense of these disparate claims upon our allegiance.”<sup>13</sup>

One of the difficulties of attempting to exclude theological considerations from public discourse is that the individual whose worldview is informed at its most foundation levels by theological beliefs and whose personal identity is informed primarily by her association with a religious community will find it unnatural and perhaps even damaging to the integrity of her person to check her theological considerations at the door of the public square.<sup>14</sup> For that matter, when one begins to appreciate a broad understanding of participation in public life that extends far beyond support of legislation and other strictly political considerations, it becomes increasingly

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<sup>11</sup> It is important to remind, however, that though “the public” of the United States has always been pluralistic to some degree, the sad reality is that throughout history many have been artificially excluded from membership in the public on the basis of race, gender, economic class, etc.

<sup>12</sup> B. Andrew Lustig, “Human Cloning and Liberal Neutrality: Why we need to broaden the public dialogue,” in *Claiming Power Over Life: Religion and Biotechnology Policy*, ed. Mark J. Hanson, *Hastings Center Studies in Ethics*, ed. Gregory E. Kaebnick and Daniel Callahan (Washington, D.C.: Georgetown University Press, 2001), 40.

<sup>13</sup> *Ibid.*

<sup>14</sup> Nicholas Wolterstorff appropriately suggests therefore that, “We need a politics that not only honors us in our similarities as free and equal, but in our particularities. For our particularities—some of them—are constitutive of who we are, constitutive of our narrative identities.” Robert Audi and Nicholas Wolterstorff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, Mar.: Rowman & Littlefield Publishers, 1997), 111.



apparent that the public square is not an arena from which we can easily, if ever, remove ourselves. Brent Waters explains in this regard that, “To be a public means that we share bonds of relationships and affinities that are given and largely not of our choosing.”<sup>15</sup> It is a mistake to think that one can ever truly extricate one’s private life from one’s participation in public discourse and vice versa. Often it is our personal and sometimes very intimate interactions within the various associations and communities to which we belong that give shape to our public identity. As Waters further explains,

It is within and among such associations as families, religious communities, charitable organizations, corporations and the like (associations that in the United States have oddly come to be perceived as ‘private’) that virtues and values are formed that either serve us well or badly in forming the contours of our common, public life. We learn how to form, navigate, and maintain the fabric of public life largely in our daily interactions with our families, coworkers, neighbors, friends, and strangers, and not simply in resolving controversial political issues or addressing thorny policy questions.<sup>16</sup>

As we explore the appropriateness and potential value of theology for public discourse on human cloning we must therefore consider the role theology plays in informing public moral consciousness through “our daily interactions with our families, coworkers, neighbors, friends, and strangers” and not simply the role it may play in “addressing thorny policy questions.”

### Theology

Before one can evaluate the appropriateness and value of theology for public bioethical discourse, however, one must first be able to distinguish theological

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<sup>15</sup> Brent Waters, “What is the Appropriate Contribution of Religious Communities in the Public Debate on Embryonic Stem Cell Research?” in *God and the Embryo: Religious Voices on Stem Cells and Cloning*, ed. Brent Waters and Ronald Cole-Turner (Washington, D.C.: Georgetown University Press, 2003), 20.

<sup>16</sup> *Ibid.*

participation from non-theological participation.<sup>17</sup> Theology, narrowly defined, can refer to the study of the nature and relationship to humanity and events in the world of gods or a god. This is the sort of conception bioethicist James Gustafson had in mind when he suggested that theology “seeks to determine, on the basis of inferences from the religious dimensions of experience, what qualities and characteristics can be appropriately attributed to the ultimate power, what purposes and intentions can be plausibly claimed for it, and what its relations are to the world.”<sup>18</sup> For our purposes, this conception represents only part of a robust understanding of theology—one that takes into account the broad range of worldview questions answered by theology and the full context of distinctive symbols, language and concepts that grow out of and inform theological worldviews and theological practice.

British New Testament scholar N.T. Wright has suggested that the four major worldview questions answered by theology are “Who are we?” “Where are we?” “What is wrong?” and “What is the solution?”<sup>19</sup> According to Wright, the answering of these questions is still yet only part of the role theology, broadly conceived, plays in the lives of religious individuals. As an overarching system of thought that follows the worldview-pattern Wright lays out in detail in *The New Testament and the People of God*, “theology suggests certain ways of telling the [explanatory] story, explores certain ways of answering the [major worldview] questions, offers particular interpretations of the

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<sup>17</sup> As determined by the context, I will occasionally use the term “religious” as roughly synonymous with “theological,” though the former suggests a broader scope of traditions. So, for example, when I speak, especially in chapter two, of “religious reasons” and “religious commitments” these terms should be understood as roughly synonymous with theological reasons and theological commitments, though the latter pair of terms are really sub-categories of the former.

<sup>18</sup> Gustafson, *The Contributions of Theology to Medical Ethics*, 7.

<sup>19</sup> N.T. Wright, *The New Testament and the People of God*, vol. 1 of *Christian Origins and the Question of God* (Minneapolis: Fortress Press, 1992), 132-3.

symbols, and suggests and critiques certain forms of praxis.”<sup>20</sup> Thus, according to Wright, theology represents a certain (i.e., distinctly theological) way that humans tell explanatory stories about the world that are informed by a “symbolic universe.” Wright explains:

...‘theology’ highlights what we might call the god-dimension of a worldview. Many thinkers, politicians and even biblical scholars notoriously dismiss ‘theology’ as if it were simply a set of answers that might be given to a pre-packaged set of abstract dogmatic questions, but it cannot possibly be reduced to that level. It provides an essential ingredient in the stories that encapsulate worldviews; in the symbolic world which gives the worldview cultural expression; and in the practical agenda to which the worldview gives rise.<sup>21</sup>

It is these symbolic worlds, cultural expressions, and practical agendas of theological worldviews that we must not overlook as we examine the value of theology for public bioethical discourse. Taking these features into account, Cahill explains that “‘Theology’ is essentially a process of reflection on religious experience, in which the systematic coherence of religious narratives and symbols is clarified and their practical ramifications developed.”<sup>22</sup> Accordingly, whether we embrace or exclude theological ethics from the public square, we should understand theological ethics as “the explication and defense of the personal moral and the social behavior required or idealized by a religious tradition,”<sup>23</sup> taking into account all of the resources of theological worldviews, including but certainly not limited to explicitly codified doctrines. As I intend to demonstrate in the following chapters, theological considerations can contribute positively to public discourse on bioethics without requiring others to assent to the

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<sup>20</sup> Wright, *The New Testament and the People of God*, 126.

<sup>21</sup> *Ibid.*, 130.

<sup>22</sup> Cahill, *Theological Bioethics*, 15.

<sup>23</sup> *Ibid.*

theological worldviews out of which such language and symbols (and their corresponding religious practices) arise.

CHAPTER 2:  
A PLACE FOR THEOLOGY AT THE TABLE OF PUBLIC BIOETHICAL  
DISCOURSE

Before asking whether theological participation in the public moral discourse of a pluralistic society might be socially valuable, it is necessary to ask whether such participation is ever appropriate at all. The contentious issue of the relationship between religion and politics has been treated in recent years by many great intellects working in a variety of fields including political philosophy, law, sociology, religious ethics, and theology. Any attempt to survey the literature in even one of these fields would far exceed the scope of this project. Thus, rather than attempt a comprehensive treatment of this issue, I simply propose to join in the discussion by suggesting some reasons why theology deserves a place at the table of public moral discourse in general and public bioethical discourse in particular. I will begin by briefly summarizing and responding to two important philosophical proposals for the exclusion, at least in part, of religious considerations from the public square. I will consider as well some relevant constitutional issues.

Here I am primarily concerned with proposed limitations on the public theological participation of “private” citizens, including professional theologians and religious ethicists, as opposed to public officials. Throughout this chapter I will argue that citizens of a liberal democracy have no legal or moral duty to refrain from appealing to theological reasons in public bioethical discourse; rather, we should welcome theological considerations in public bioethical discourse as particularly relevant and valuable. Nevertheless, if religious citizens desire to contribute effectively to the formation of

public opinion and policy on bioethical issues, they must learn to engage in public discourse thoughtfully and humbly, seeking correspondence whenever possible between their distinctive religious reasons and broadly shared “public” reasons.

Proposed Exclusions of Religious Considerations from the Public Square

One of the most prominent voices on this issue in the twentieth century was that of political philosopher John Rawls. Rawls advocated an ideal of “public reason” according to which judges, government officials and candidates for public office ought to refrain from appealing to any reasons outside the scope of a “political conception of justice” which enjoys the support of an “overlapping consensus,” where “overlapping consensus” refers to “a consensus in which [the reason in question] is affirmed by the opposing religious, philosophical, and moral doctrines likely to thrive over generations in a more or less just constitutional democracy, where the criterion of justice is that political conception itself.”<sup>24</sup> In other words, those holding or seeking to hold public office must limit their political argumentation to appeals to a conception of justice that most if not all reasonable people could embrace.

According to Rawls it is also a moral duty—“the duty of civility”—of all citizens in a constitutional democracy to limit themselves to the use of public reason when publicly advocating or opposing positions on “‘constitutional essentials’ and questions of basic justice.”<sup>25</sup> On these matters “we are to appeal only to presently accepted general beliefs and forms of reasoning found in common sense, and the methods and conclusions

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<sup>24</sup> John Rawls, “The Idea of an Overlapping Consensus,” in *John Rawls: Collected Papers*, ed. Samuel Freeman (Cambridge, Mass.: Harvard University Press, 1999 [paper originally published in 1987]), 421.

<sup>25</sup> John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), 214.

of science when these are not controversial.”<sup>26</sup> As he explains elsewhere, the idea of public reason is an essential ingredient in “a well-ordered constitutional democratic society...because a basic feature of democracy is the fact of reasonable pluralism—the fact that a plurality of conflicting reasonable comprehensive doctrines, religious, philosophical, and moral, is the normal result of its culture of free institutions.”<sup>27</sup> Thus, when acting politically on matters essential to the constitutional structure of society or on matters of basic justice, all citizens are duty bound to forego appeals to “comprehensive doctrines” because such doctrines do not enjoy the sort of “overlapping consensus” that is in Rawls’ mind at least theoretically attainable by purely political conceptions of justice.

To their credit, Rawls’ version of political liberalism and its attendant ideal of public reason do not unfairly exclude appeals to comprehensive religious doctrines from the public political forum; rather, Rawls proposes to exclude equally all appeals to comprehensive doctrines, whether religious or non-religious. Of relevance to the project at hand is Rawls’ distinction between the public political forum and what he terms “the background culture” which “includes...the culture of churches and associations of all kinds, and institutions of learning at all levels, especially universities and professional schools, scientific and other societies.”<sup>28</sup> He also further distinguishes the “nonpublic political culture” which consists primarily of the media.<sup>29</sup> Thus, though Rawls would exclude appeals to comprehensive doctrines from engagements with the “public political forum,” which for the average citizen is limited to taking public stances (e.g., through advocacy, voting, etc.) on constitutional essentials and matters of basic justice, he allows

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<sup>26</sup> Rawls, *Political Liberalism*, 224.

<sup>27</sup> John Rawls, “The Idea of Public Reason Revisited,” *The University of Chicago Law Review* 64, 3 (1997): 765—66.

<sup>28</sup> *Ibid.*, 768 n. 13.

<sup>29</sup> *Ibid.*

for comprehensive theological and philosophical appeals in a variety of culturally formative settings. Rawls is also careful to distinguish the moral duty of civility from legal duties, thus maintaining a thoroughgoing commitment to the freedom of speech.<sup>30</sup> For these reasons, Rawls' qualified exclusion of religious considerations from the public square is far from a secularist attack on religion. This does not mean, however, that it is without shortcomings.

As Phillip Quinn—an advocate of liberalism himself<sup>31</sup>—has pointed out, while Rawlsian liberalism does not unfairly exclude the religious in favor of comprehensive secular doctrines, “it privileges liberal conceptions of justice over their rivals by including the substantive principles, guidelines of inquiry and political values of a liberal conception of justice, or a family of such conceptions, but not those of competing, nonliberal conceptions, within the bounds of public reason.”<sup>32</sup> Indeed, Rawls seems to assume that liberal conceptions of justice—his own in particular—have attained or at least have a strong potential to attain an overlapping consensus by achieving a standard of reasonableness in the minds of all, if not a vast majority, of the rational members of society. Nicholas Wolterstorff has poignantly identified the folly of such optimism:

No matter what principles of justice a particular political theorist may propose, the reasonable thing for her to expect, given any plausible understanding whatsoever of ‘reasonable and rational,’ is *not* that all reasonable and rational citizens would accept those principles, but rather that *not all* of them would do so.

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<sup>30</sup> Rawls, “The Idea of Public Reason Revisited,” 769.

<sup>31</sup> Though liberalism has taken many various forms in nations around the world, liberalism here refers to a family of political traditions, theories, and philosophies according to which individual liberty is the primary value. Variation between liberalisms occurs when liberals disagree about the extent to which government is justified in restricting individual liberty for the sake of the common good. In this case, for example, Quinn’s criticism of Rawls is not intended as a rejection of liberalism, but rather as an argument for the necessity of a liberalism that is more inclusive of religious considerations in the public square.

<sup>32</sup> Philip L. Quinn, “Political Liberalisms and Their Exclusions of the Religious,” Presidential Address, *Proceedings and Addresses of the American Philosophical Association* 69, 2 (1995): 42.



It would be utterly *unreasonable* for her to expect all of them to accept them. It would be unreasonable of her even to expect all her reasonable and rational fellow theorists to accept them; the contested fate of Rawls's own proposed principles of justice is illustrative.<sup>33</sup>

Wolterstorff also rightly identifies the undue restriction that Rawls' proposal would place on the free exercise of religion for those religious individuals whose religious identity directly informs their political participation. Writes Wolterstorff, "It belongs to the religious convictions of a good many religious people in our society that they ought to base their decisions concerning fundamental issues of justice on their religious convictions...Their religion is not, for them, about something other than their social and political existence; it is also about their social and political existence."<sup>34</sup> Indeed, many religious citizens would find the integrity of their person compromised were they to engage questions of basic justice or constitutional essentials apart from the deliverances of their religious worldview. As Wolterstorff concludes, "to require of [these members of society] that they not base their decisions and discussions concerning political issues on their religion" would be "to infringe, inequitably, on the free exercise of their religion."<sup>35</sup>

Moreover, as Quinn demonstrates in his analysis of Rawls' application of public reason to the hotly contested bioethical issue of abortion (an issue which Rawls himself considers to touch matters of basic justice), the minimalist principles of justice available to public reason are not sufficient to resolve at least some matters of basic justice. As we shall see to be the case with human cloning, the questions raised by the issue of abortion are such that in the absence of the deliverances of a comprehensive worldview it is

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<sup>33</sup> Audi and Wolterstorff, *Religion in the Public Square*, 99.

<sup>34</sup> *Ibid.*, 105.

<sup>35</sup> *Ibid.*

impossible to judge between competing claims for justice (i.e., the claim of the woman who wants an abortion on the one hand and the claims of those defending the fetus' right to life on the other). For,

...commonsense is divided on or simply perplexed by the question of abortion and probably will remain so, and uncontroversial science is and is likely always to be silent on the question of whether the early fetus is a person and so should be protected by a strong right to life. Hence it seems that resources of [Rawlsian] public reason cannot get us beyond a standoff between two sides in this debate, a standoff that is likely to persist.<sup>36</sup>

Thus, Rawls' proposal would seem to lead, more often than not in questions of bioethics, to a persistent political stalemate. Out of a justifiable desire to end or preemptively avoid such a stalemate, secular bioethicists and policymakers would likely appeal to comprehensive secular views disguised as "thin" traditions of justice. Though appeals to social utility and cost-benefit analyses may seem "purely political," their validity often rests on unspoken metaphysical or meta-ethical assumptions. Most members of society, however, are not as sensitized to the terminology of comprehensive secular worldviews as they are to religious language; as a result, the former are far more likely than the latter to avoid challenge or even notice in the public sphere. As Wolterstorff explains, "Much if not most of the time we will be able to spot religious reasons from a mile away...Typically, however, comprehensive secular perspectives will go undetected."<sup>37</sup> Therefore, to require that participants in public bioethical discourse refrain from appealing to comprehensive doctrines and to limit bioethicists to the dictates of "common sense" and "uncontroversial science" is at best to privilege the assumed and often unnoticed comprehensive secular doctrines of our day and at worst to force a

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<sup>36</sup> Quinn, "Political Liberalisms," 44.

<sup>37</sup> Audi and Wolterstorff, *Religion in the Public Square*, 105.

persistent ethical stalemate, thus allowing radical proponents of biotechnology to continue uninhibited in their insatiable lust after progress.

With this caution, I now turn my attention to another contemporary political philosopher who agrees with Rawls that liberalism entails a moral obligation incumbent on religious individuals to limit their use of religious reasons when participating in certain forms of public activity. Unlike Rawls, however, Robert Audi's view allows the civically virtuous citizen to appeal to comprehensive views, whether religious or nonreligious, when forming opinions about legislation and candidates and in public expressions of support for laws and public policies "provided (evidentially) adequate secular reasons play a sufficiently important role."<sup>38</sup> Audi defines a secular reason as "roughly one whose normative force, i.e., its status as a *prima facie* justificatory element, does not evidentially depend on the existence of God (or on denying it) or on theological considerations, or on the pronouncements of a person or institution *qua* religious authority."<sup>39</sup>

According to Audi's understanding of the nature of liberal democracy<sup>40</sup> all legislation and public policy, but especially that which is "coercive," must have an adequate secular rationale.<sup>41</sup> Moreover, he contends that civic virtue demands citizens of a liberal democracy to refrain from advocacy or support of coercive policies and

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<sup>38</sup> Audi and Wolterstorff, *Religion in the Public Square*, 35.

<sup>39</sup> *Ibid.*, 26.

<sup>40</sup> Audi understands liberal democracy roughly as a political structure primarily characterized by the autonomous freedom of each individual to live as she sees fit except where the state imposes for the sake of social order limitations to which all reasonable citizens are likely to submit voluntarily.

<sup>41</sup> See Audi and Wolterstorff, *Religion in the Public Square*, 25-28, on Audi's principle of secular rationale. Here, "coercive" simply refers to any legislation or public policy that would restrict human freedom in a meaningful way. Audi explains that this coercion can be direct, as in governmental proscription or mandate of certain behaviors, or indirect, as in governmental use of tax revenue to fund programs not necessarily endorsed by all tax payers.

legislation in the absence of at least one motivationally sufficient secular reason.<sup>42</sup> On Audi's proposal then, the virtuous (or, "conscientious") citizen must not only be prepared to offer an evidentially adequate secular reason for each law and policy she supports, she must also be confident that at least one secular reason justifying the law or policy in question would be sufficient to motivate her public activity (e.g., advocacy, voting, etc.) in the complete absence of religious considerations.

Audi's proposal is motivated by the concern that without such an exclusion of the religious from the public square, laws and policies are likely to be adopted that restrict the personal freedom of some members of society against their will solely on the basis of the religious considerations of others.<sup>43</sup> In addition to his desire to minimize the likelihood of unwarranted restrictions of liberty, Audi is concerned that such laws would have the effect of furthering animosity between competing religious groups and between religious and nonreligious communities, while also potentially sparking intramural strife—which "can be deadly"—within religious communities themselves.<sup>44</sup> Though Audi wishes to allow the use of religious reasons in conjunction with secular ones, he warns that this must be done with discretion. For, the use of religious reasons may be "highly divisive"<sup>45</sup> and may "polarize discussion."<sup>46</sup> Indeed, he worries that, "What begins as candor and a search for a better understanding of the issues can easily degenerate into an unnecessary hardening of positions that might have been reconciled."<sup>47</sup>

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<sup>42</sup> Audi and Wolterstorff, *Religion in the Public Square*, 28-33 on Audi's principle of secular motivation.

<sup>43</sup> *Ibid.*, 51.

<sup>44</sup> *Ibid.*, 28.

<sup>45</sup> *Ibid.*, 135.

<sup>46</sup> *Ibid.*, 50.

<sup>47</sup> *Ibid.*, 35.

Like Rawls' proposal, Audi's involves only a partial exclusion of religious considerations from the public square. In a similar way that Rawls confined his exclusion of comprehensive views first to the public political forum and then to questions of constitutional essentials and basic justice, Audi limits the reach of his exclusionary principles first to the realm of public policy and legislation and further to those policies and laws deemed coercive.<sup>48</sup> One primary difference between the two proposals, already mentioned above, is that whereas Rawls would exclude the influence of comprehensive views completely, Audi's proposal allows the religious individual to be informed and even motivated by religious considerations as long as such religious considerations do not take the place of, but rather lend support to evidentially adequate and motivationally sufficient secular reasons. Audi, a Christian theist himself, considers this sort of evidential and motivational "overdetermination" for public engagement to be a desirable feature of rationally viable religious worldviews.<sup>49</sup> Accordingly, he does not find it overly restrictive of the public expression of religious faith to suggest a "principle of theological equilibrium" which states that "where religious considerations appropriately bear on matters of public morality or of political choice, religious people have a prima facie obligation—at least insofar as they have civic virtue—to seek an equilibrium between those considerations and relevant secular standards of ethics and political responsibility."<sup>50</sup>

Interestingly, Audi, unlike Rawls, does not seem to think that the standard of civic virtue excludes comprehensive secular worldviews from influencing participation in the

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<sup>48</sup> For Audi's discussion of the scope of human activity to which his principles do not apply, see Audi and Wolterstorff, *Religion in the Public Square*, 36.

<sup>49</sup> See Audi and Wolterstorff, *Religion in the Public Square*, 12-15.

<sup>50</sup> *Ibid.*, 37.

public square. Presumably, the deliverances of such comprehensive secular views belong to that set of secular reasons from which religious citizens must draw validating justification and motivation for their religiously informed public views. To quench Audi's thirst for secular support of religiously justified and motivated views, the religious individual must either draw from the wells of comprehensive secular moral views (e.g., full-blown utilitarianism, Kantian universalism, etc.), or from the shallow waters of a "thin" tradition of justice such as that envisioned by Rawls' criterion of overlapping consensus. As argued above, secular sources of the latter variety, i.e., "thin" traditions, do not admit of the resources necessary to sufficiently guide policy formation on many important issues of public morality, not the least of which are questions of bioethics such as the morality of human cloning.

In light of the fact that minimalist—"thin"—moral traditions do not show much promise for resolving bioethical debates, it remains to consider whether it is fair and equitable to require religious persons to appeal to comprehensive secular views with which their own religious worldview may very well be in conflict. It seems that such a moral obligation is anything but fair and equitable. Why should the secular pro-choice individual be considered as acting within the ethic of the citizen when she assumes her moral and metaphysical understanding of human life, whereby the developing fetus does not have a defensible moral status as a human being, while the conscientious pro-life advocate must refrain from relying on her competing understanding of the beginning of morally significant human life? One might think that the answer to this question is quite simply that, contrary to Quinn's suggestion above, the fetus' lack of moral status equal to that of the post-natal infant is based on relatively uncontroversial scientific fact.

Rather than resolving the bioethical controversy, however, such a response—all too common in popular debates over this issue—belies the tendency to view comprehensive secular views as “purely political” considerations or as uncontroversial “brute facts” of science. The question of when morally significant human life begins is by its very nature a metaphysical and moral question that one cannot conclusively answer by peering through a microscope, examining an ultrasound, taking a blood sample, or even monitoring brain activity. In fact, one might reasonably argue—as many scientists, medical doctors, philosophers, and bioethicists have—that the empirical evidence (e.g., that the early fetus is substantially similar in many biologically relevant ways to the newborn baby, including cell reproduction, metabolism, the ability to react to stimuli, and cognitive and physical development) supports the notion that the early fetus is in fact a living human with a defensible right to life. The ongoing debate between competing interpretations of the empirical data serves to support Quinn’s contention that *uncontroversial* science is likely to remain silent on this question.

Another difficulty for Audi’s proposal, which has more to do with practical application than with theory, is that Audi’s principles of secular rationale and secular motivation require a great deal more self-awareness than one might reasonably expect the average citizen to achieve. Take, for example, a Roman Catholic man who votes in favor of a ban on embryonic stem cell research based at least in part on his religiously-informed belief that embryos are human persons with a defensible right to life. Suppose he is also aware of and perhaps even motivated by certain secular reasons, such as his concern for women—particularly those experiencing economic hardship—who may become exploited in the harvesting of eggs for the production of embryos for the

research. Now suppose that this latter concern is ultimately informed by his conviction that all human persons are deserving of protection from exploitation because they are made in the image of God—a truth taught in the Bible and by church authority. It would not be surprising if our voter, however conscientious and intelligent, were to find it difficult if not impossible to identify whether his concern for the protection of women is sufficiently secular, let alone whether it is evidentially adequate or motivationally sufficient, especially in light of his attendant religious opposition to the destruction of embryos for research.

As Quinn has stated the case mildly, “Ordinary citizens cannot be expected to be perfect judges of the adequacy of secular reasons or flawless in understanding and managing their own motivations.”<sup>51</sup> Indeed, we would do well here to learn from the observations of “postmodern” epistemologists who have come to acknowledge, even if somewhat overly-pessimistic in their analysis, the inherent difficulty of obtaining an objective perspective on the historically and communally contextualized sources, justifications, and motivations for the constituent beliefs of one’s own worldview. In light of this difficulty, it is unreasonable to expect ordinary citizens to be even minimally adept, let alone perfect, at identifying the adequacy and motivational sufficiency of their secular beliefs. Accordingly, it seems unwarranted to claim that our hypothetical voter would be acting in a non-virtuous manner by voting for the ban simply because he cannot discern whether he has at this time a strong enough secular reason in favor of it. Such a judgment of non-virtuous citizenship would seem especially unwarranted if he were to express his public opinion civilly and advocate with similar conviction the search for medical cures through the advancement of non-embryonic stem cell research.

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<sup>51</sup> Quinn, “Political Liberalisms,” 37.



If neither Rawls' nor Audi's highly qualified proposal adequately demonstrates the moral obligation to limit appeals to religious considerations in the public square, is there an alternative? In his response to proposed liberal exclusions of the religious reasons from public debate, Wolterstorff has suggested quite simply that we "Let citizens use whatever reasons they find appropriate—including, then, religious reasons."<sup>52</sup> To protect against the social divisiveness and political polarization about which Rawls and Audi are worried, Wolterstorff suggests three restraints be placed on citizens of a liberal democracy.<sup>53</sup> First, he argues that the ethic of the citizen imposes a moral restraint on the manner of public dialogue; that is, the virtuous citizen will conduct herself civilly in public discussion. Wolterstorff's second restraint requires that "the debates, except for extreme circumstances, are to be conducted and resolved in accord with the rules provided by the laws of the land and the provisions of the Constitution."<sup>54</sup> This restraint does not entail that all arguments to change or repeal current laws, even constitutional ones, are unjustified; rather, it simply calls for orderly public dialogue according to the already given structure provided for in the Constitution. Lastly, Wolterstorff suggests that the conscientious citizen is morally restrained from pursuing individual interests over political justice as the goal of public debates.

Before proceeding to an evaluation of what such an inclusive public square might look like, the second of Wolterstorff's proposed restraints suggests that we must ask whether the inclusion of religious considerations in public debate is in fact consistent with our own constitutional law. The First Amendment to the Constitution of the United States prohibits congress from making any law "respecting an establishment of religion,

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<sup>52</sup> Audi and Wolterstorff, *Religion in the Public Square*, 112.

<sup>53</sup> *Ibid.*, 113.

<sup>54</sup> *Ibid.*

or prohibiting the free exercise thereof.” While both of the “religion clauses” of this constitutional amendment have been the subject of much legal and political debate virtually since the ratification of the Constitution, in recent decades the Supreme Court has relied on the interpretation adopted in *Lemon v. Kurtzman* 403 U.S. 602 (1971) when determining those actions of the state that impermissibly “establish” religion. In *Lemon*, the Court utilized a three-prong test, the failure to satisfy any prong of which renders the governmental action in question unconstitutional. The three criteria are as follows:

First, the statute must have a secular legislative purpose; second, its principle or primary effect must be one that neither advances nor inhibits religion; finally, the statute must not foster ‘an excessive government entanglement with religion.’<sup>55</sup>

Former Justice Sandra Day O’Connor offered further commentary on this doctrine in her concurring opinion in *Lynch v. Donnelly*, 465 U.S. 668 (1984), suggesting that:

The purpose prong of the *Lemon* test asks whether the government’s actual purpose is to endorse or disapprove of religion. The effect prong asks whether, irrespective of the government’s actual purpose, the practice under review in fact conveys a message of endorsement or disapproval. An affirmative answer to either question should render the challenged practice invalid.<sup>56</sup>

If we desire, as all who cherish constitutional democracy should, to abide by Wolterstorff’s restraint which constricts appropriate public debate within its constitutional boundaries, we must consider the restraints on governmental action imposed by this *Lemon/Lynch* analysis. Particularly of interest for our present discussion is the “purpose” prong of “the *Lemon* test,” along with its corollary interpretation by Justice O’Connor in *Lynch*. The “purpose” prong requires that the state must have a secular legislative purpose (i.e., according to O’Connor, one that does not endorse or approve of religion) in order to avoid violating the “no establishment” clause of the First

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<sup>55</sup> *Lemon v. Kurtzman* 403 U.S. 602 (1971) at 612-13, citations omitted.

<sup>56</sup> *Lynch v. Donnelly* 465 U.S. 668 (1984) at 690.

Amendment. Though one may argue, as some indeed have, that the *Lemon/Lynch* interpretation of the “no establishment” clause is too restrictive, it is nonetheless the currently accepted judicial interpretation of constitutional law and must be respected as such. And, while this analysis and the First Amendment itself is designed to restrict the actions of the state, the religious citizen is not unaffected by the fact that any law enacted with a perceived or actual purpose of endorsing religion is likely to be deemed unconstitutional by the Court.

Indeed, though this *Lemon/Lynch* analysis and the First Amendment itself places limits only on governmental action, as opposed to the actions of citizens, it is nonetheless relevant to our present discussion of the role of religious reason in public discourse. While a citizen’s employment of religious reasons in public discourse is not challenged in any way by the First Amendment, if religious citizens desire to contribute to a public discussion that will lead to the formulation of constitutional legislation or public policy, they must recognize that legislators and policy makers must appeal to secular reasons for the law or policy in question. In other words, while religious citizens’ use of religious reasons in public discourse is not restricted by constitutional law, religious citizens must not think that their religious reasons alone are sufficient constitutional grounds for governmental enactment of a law or policy. Thus, to ensure that one’s voice is most effective when supporting legislation or public policies, the religious citizen would do well to demonstrate correspondence between her religious reasons and more widely held “secular” or “public” reasons.

It is not clear, however, that this requires any more of the religious citizen than her morally pluralistic political interlocutors already require of her. In many if not most

cases, laws and statutes lacking adequately persuasive “public” purposes (or, “reasons”) are not likely to be voted into law by the political representatives or individual voters of a pluralistic society. Even Wolterstorff admits that, “Of course, if the religious person wants to persuade the non-religious person, or the person of another religion, of his position, he will have to do more than offer his own idiosyncratic religious reasons.”<sup>57</sup> Yet, as Wolterstorff continues, “that is a requirement of strategy, not a requirement embodied in the ethic of the citizen in a liberal democracy.”<sup>58</sup>

Thus, if the religious citizen is to be an effective participant in public discourse in our pluralistic society, she must be willing to find support for her religiously held positions in sources of reason that transcend the idiosyncratic scope of her particular religious tradition whenever possible. In my view, however, she is not required by the ethic of a citizen to call on the support of such secular reasons. She may therefore be acting entirely within the bounds of virtue even if she brings nothing more to the public discussion than her religious beliefs (or reasons). In fact, even if the state is required to provide secular reasons as a prerequisite for constitutional legislation and policies, the public moral consciousness of a pluralistic democracy is best served when every citizen brings her best reasons, whatever their source, to the table of the public square.

### Rethinking the Shape of the Public Square

As demonstrated above, one of the difficulties inherent in any proposed exclusion of religious considerations from the public square is that “secular” reasons are often themselves also informed by unshared presuppositions about the nature of reality, truth and moral meaning. It is a mistake to think that any perspective voiced in the public

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<sup>57</sup> Audi and Wolterstorff, *Religion in the Public Square*, 164.

<sup>58</sup> *Ibid.*

square is uninfluenced by value presuppositions. The fact that religious perspectives on moral issues ultimately rely on such value judgments for their genesis does nothing to distinguish them from the perspectives brought to the public square by non-religious individuals. Everyone has a worldview and everyone's worldview is brought to bear on discussions of public morality. As Lisa Cahill has aptly noted, "all ethical analysis begins in, and is indebted to, some concrete moral tradition, religiously identified or not, explicitly recognized or not, and whether moving under the aegis of church authority, humanistic universalism, or Kantian rationality."<sup>59</sup> In her more recent work Cahill has gone as far as to suggest that the "religion of liberal democratic capitalism" resembles traditional religions through its own "narratives, moralities, liturgies, and institutions."<sup>60</sup> She argues further that "the three main contenders" for "priority, precedence, and presumed authority within the patterns of social exchange about ethics and ethical behavior" are the "thick" traditions of science, economics and liberalism.<sup>61</sup> And, she proposes that "along with the 'religions' of science and market capitalism, the traditions, symbols, and practices of liberal individualism provide a framework of meaning and transcendence that deserve a challenge from theology."<sup>62</sup>

Whether one is persuaded by Cahill's suggestion that such secular comprehensive traditions as scientism and democratic capitalism are themselves "religious" traditions, her insights rightly highlight the fact that the line between traditional religions and comprehensive "secular" traditions, the value presuppositions of which often go unnoticed and unchallenged in the marketplace of ideas, is not thick; nor is it clear.

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<sup>59</sup> Lisa Sowle Cahill, *Sex, Gender, and Christian Ethics*, vol. 9 of *New Studies in Christian Ethics*, ed. Robin Gill (Cambridge: Cambridge University Press, 1996), 234-35.

<sup>60</sup> Cahill, *Theological Bioethics*, 31.

<sup>61</sup> *Ibid.*, 27.

<sup>62</sup> *Ibid.*, 31.

Virtually all public discourse on ethical questions is informed to a significant degree by some comprehensive worldview. As exemplified by Rawls and Audi, two alternatives available to those who would exclude religious considerations from public debate are to exclude both religious and secular comprehensive traditions in favor of a minimalist consensus on justice, or to exclude religious considerations while allowing appeals to those comprehensive worldviews traditionally understood to be secular. While the latter smacks of political inequality and unfairness, the former effectively calls for the end of the democratic project of government by the people by excluding any and all substantive considerations, which are necessary for meaningful discussions of important moral questions.

What is needed then is an alternative whereby religious considerations are neither legally, nor on the basis of virtuous citizenship, excluded from the public square. But, what would such a public square look like? At the very least, the invitation to bring religious or otherwise comprehensive philosophical or moral perspectives into public discussion must not be understood as an unqualified invitation to express dogmatic appeals to religious convictions apart from an attitude of humble self-critical reflection and self-restraint.

Though at times his disdain for organized religion has led him to suggest far too restrictive exclusions of religion from public life, Richard Rorty has rightly identified the folly of those participants in public dialogue who in the absence of persuasive reasons appeal to “conversation stoppers,” i.e., “unarguable first principles, either philosophical or religious.”<sup>63</sup> Indeed, the religious individual who publicly objects to human cloning on

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<sup>63</sup> Richard Rorty, “Religion in the Public Square: A Reconsideration,” *Journal of Religious Ethics* 31, 1 (2003): 148-149.

the basis of an appeal to church authority or as a “matter of faith” alone, apart from rational explanation of the grounds for such an appeal, has done little if anything at all to advance the public discussion and has indeed effectively stopped any productive public conversation that might have otherwise taken place.

Not all appeals to religious reasons are, however, conversation stoppers. In fact, it is entirely possible that even relatively unsophisticated appeals to religious reasons may actually contribute to public moral discourse by steering it in new directions of moral inquiry. To refer back to the hypothetical voter mentioned in the previous section, it is not hard to imagine a situation in which a conscientious religious citizen’s theologically motivated concern to oppose the oppression of women might actually be the catalyst for a more widespread public focus on the impact of embryonic stem cell research, human cloning and related biotechnologies on women.

In point of historical fact, the theologically informed concerns of Christian ethicists such as Richard McCormick and James Gustafson gave birth to the field of bioethics as it exists today. As ethicist Ron Hamel explains, “bioethics had its beginnings in theological ethics (especially Roman Catholic and Jewish), and theologians were prominent among the first scholars in the field as it emerged and began to take shape in the mid-1960s and early 1970s.”<sup>64</sup> Far from inevitably halting public dialogue, therefore, theological considerations can actually play an import role in getting public moral conversation off the ground. We should thus welcome into the public square the honest expression of theological grounds for moral commitments not only because to do so would foster a “safe” environment for fruitful, wholly integrated moral reasoning on the

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<sup>64</sup> Ron Hamel, “Speaking of God: Must Theology Remain Silent in Bioethics and Public Debate?” *Second Opinion* 18, 3 (1993): 83.

part of the religious citizen, but also because such theological reflection can contribute profoundly to the enhancement of public moral imagination and conscience, helping to chart new and necessary courses for moral inquiry.

In attempting to contribute in such a positive way to public moral discourse, the virtuous religious citizen will exemplify certain socially valuable attitudes. As we saw above, Wolterstorff's proposal includes an apt appeal to 'civil' public dialogue. Michael Perry has similarly argued that "a certain constellation of attitudes and virtues or habits of character is prerequisite to fruitful participation in the practice of ecumenical political dialogue."<sup>65</sup> Among the habits of character Perry proposes are fallibility and pluralism. According to Perry, to be a fallibilist "is essentially to embrace the ideal of self-critical rationality"<sup>66</sup> and to be a pluralist "is to understand that a morally pluralistic context, with its attendant variety of ways of life, can often be a more fertile source of deepening moral insight—in particular, a more fertile soil for dialogue leading to deepening moral insight—than can a monistic context."<sup>67</sup> In other words, fallibilists are willing to modify their beliefs whenever those beliefs are found to be in conflict with right reason and pluralists recognize that engaging in dialogue with those who do not share one's moral, philosophical, or religious presuppositions can often be a valuable way to identify whether one's beliefs are consistent with right reason, i.e., whether they are in need of modification. If all citizens, religious and nonreligious, approached public discourse with

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<sup>65</sup> Michael Perry, *Love and Power: The Role of Religion and Morality in American Politics* (New York: Oxford University Press, 1991), 99.

<sup>66</sup> *Ibid.*, 100.

<sup>67</sup> *Ibid.*



such a commitment to fallibility and pluralism, political debate as we know it would substantially change for the better.<sup>68</sup>

In addition to these existential requirements for effective religious participation in the pluralistic public square, religious individuals should also be willing to demonstrate correspondence between their religious beliefs and more broadly held “public reasons” whenever possible. In agreement with Jeffrey Stout’s observations in *Democracy and Tradition*, Wolterstorff explains that “in our religiously and irreligious pluralistic society, if one is to be persuasive one has to find arguments whose appeal goes beyond one’s coreligionists.”<sup>69</sup> While the religious individual is therefore well within her rights and within the ethic of a citizen of a liberal democracy to voice religious considerations in the public square, if she is to be persuasive (i.e., effective) then she should be willing to seek a certain measure of agreement between her religious considerations and the pluralistic beliefs and values—“public reasons”—held by her fellow citizens.

Despite the differences in terminology between secular and public reasons, this proposal resembles Audi’s in that it encourages the religious citizen to seek out a “theo-

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<sup>68</sup> It might be objected that I am here privileging rationalist religious traditions (i.e., roughly those according to which human reason, as opposed to divine revelation for example, is the highest authority in matters of religious belief). While commitment to Perry’s principle of fallibility is certainly consistent with rationalist religion, it is also consistent with what I would like to refer to as rational religion. A rational religion, as opposed to a rationalist one, is committed to the idea that human reason can contribute to the formulation and clarification of religious beliefs, while remaining in a state of cooperative authority with and perhaps ultimate submission to another authoritative source of religious belief (e.g., divine revelation). Thus, while my proposal does in some ways privilege rational religions over non-rational religions (i.e., those not entailing a commitment to the potential of reason to clarify and perhaps even challenge religious beliefs), it does not privilege rationalist religious traditions over rational ones; nor does it privilege rational religious traditions over rationalist ones. Moreover, my proposal encourages even adherents of non-rational religious traditions to voice their religious beliefs in public discourse in an effort to expand the moral imaginations of the public at large; I am simply less optimistic about the ability of such religious citizens to contribute meaningfully to public moral discourse apart from a willingness to alter their views on the basis of sound reasoning.

<sup>69</sup> Nicholas Wolterstorff, “Jeffrey Stout on Democracy and Its Contemporary Christian Critics,” *Journal of Religion Ethics* 33, 4 (2005): 637.

ethical equilibrium” between her distinctively religious reasons and her public reasons (i.e., both proposals value a “justificatory overdertermination”); however, my proposal is less restrictive than Audi’s in two ways. First, contra the proposals of both Audi and Rawls, I do not suggest that appeal to secular reasons is *necessary* for virtuous citizenship, but only that appeals to reasons held outside of one’s own religious community are *helpful* for effective, non-polarizing political participation.<sup>70</sup> My proposal also differs from Audi’s in that it does not require the religious citizen to refrain from engaging in public debate in the absence of secular reasons. Rather, my proposal encourages the religious citizen at all times to act according to and publicly express her best reasons, whatever their source.

One value of this proposal over Audi’s is that it allows religious citizens to participate confidently in public discourse even when self-reflection does not clearly identify the nature (e.g., religious or secular) or relative motivational or evidential strength of their complex beliefs. This proposal also allows religious citizens to express their religious reasons in public before having already identified complimentary public reasons in hopes that corresponding public reasons may become clear through the process of public discourse. Moreover, this proposal encourages all citizens who wish to be effective participants in public discourse—not merely adherents to traditional religions—

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<sup>70</sup> Audi may here suggest that it is precisely because the virtuous citizen will strive to be an effective participant in public dialogue that such corroboration of her religious reasons with secular or public reasons is a prerequisite of virtuous citizenship. While there is certainly something attractive about an ideal of virtuous citizenship whereby every citizen is an effective and fruitful (as opposed to merely a sincere and dedicated) political participant, the problem still remains that many virtuous citizens may not be capable of identifying or accurately measuring the evidential adequacy and motivational sufficiency of their secular reasons. Thus, while we may say that the desire to be an effective political participant and a certain measure of corresponding effort are prerequisites of virtuous citizenship, to require success in those efforts, especially as Audi envisions it, is to require too much.

to seek out and demonstrate overlap between their own views and those of their conversation partners, all the while adopting the humble perspectives of fallibility and pluralism that manifest in civility. If treated in this way, the public square could be reshaped from a platform for polemic and polarization into a valuable environment for learning from one another toward the goal of achieving consensus on the substance of concepts such as “justice” and “the public good.”

In keeping with this proposal then, religious individuals like all members of society whatever their worldview should demonstrate whenever possible that their policy recommendations are consistent with broader human experience and values. Theological ethicists must learn to draw on the riches of their unique traditions while reasoning beyond their traditions for the sake of forging broad social agreement on the important moral issues of our day. When this is accomplished, not only will the requirements of the First Amendment be more likely satisfied by any legislation that arises out of such public moral discourse, but also “theological ethics can help move the understanding of rationality commonly presupposed in bioethics policy from an ideal of a tradition-free ‘public realm’ and a transcendent reason, to an ideal of critical conversation within and among communities on the basis of shared (and to that extent, ‘public’) values.”<sup>71</sup>

Such an inclusive public meeting ground is preferable to those proposals which suggest that theological reasoning and language must be shed before entering the gates of the public arena. As has been well argued, such an exclusion would ultimately result in a naked public square, or rather “an increasingly vacuous public square” in which moral debate is conducted “more by ghostly apparitions than by flesh and blood human

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<sup>71</sup> Cahill, *Sex, Gender, and Christian Ethics*, 236.

beings.”<sup>72</sup> To avoid contributing to such a vacuous public square, while simultaneously protecting against the potential polarization that can be the result of religious appeals, Brent Waters has challenged theologians to “argue from the strength of their convictions,” acting as participants in a public moral discussion with the intent of informing as well as learning from the convictions of other moral communities.<sup>73</sup> By rising to Waters’ challenge, theological ethicists can help transform public discourse from a verbal civil war in which all sides compete with pithy soundbytes and persuasive slogans for the support of public opinion to an informative policy shaping public conversation.

If enough citizens would adopt this proposal, our democratic public square might come to resemble the legendary “round table” of Breton lore, wherein no individual’s worldview or reasons are given *prima facie* preference, but where representatives of all traditions can come with a commitment to civility, fallibility and pluralism to present their best reasons for the consideration of their fellow citizens. Such a reshaping of the public square, according to which even theology has a place at the table, is necessary for the success of public moral discourse on bioethical issues such as human cloning.

#### Moral Vision vs. Moral Reason in Bioethics

The necessity of setting a place for theology at the table of public bioethical discourse becomes clear when one examines the sorts of questions that lie at the foundation of bioethical reasoning. Technologies such as human cloning that promise to carry us into what some have called a “post-human” future pose many questions that lie

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<sup>72</sup> Brent Waters, “What is the Appropriate Contribution of Religious Communities in the Public Debate on Embryonic Stem Cell Research?” in *God and the Embryo: Religious Voices on Stem Cells and Cloning*, ed. Brent Waters and Ronald Cole-Turner (Washington, D.C.: Georgetown University Press, 2003), 24.

<sup>73</sup> Waters, 27.

within the proper, though not the exclusive, domain of theological reflection, such as questions concerning the nature and purpose of human life and the appropriate limits on human manipulation of nature (in this case human nature). As Adrian Holderegger explains, a distinctive characteristic of bioethics is that “it touches not only questions of method and reason in the strict sense, but rather at the same time it reaches wide into those fields in which the basic concepts of nature, life, and person, and the anthropological concepts of life and death, of capability and finitude, of creation and fate must be handled anew.”<sup>74</sup> Issues such as these require far more for their full evaluation than the elusive “thin” tradition of minimalist public morality envisioned by proponents of a thoroughly secular bioethics. Indeed, the questions of bioethics beg for more than mere moral reasoning centered on questions of the rights and liberties of individuals; they call for robust moral vision grounded in a comprehensive view of human history and human future. The questions underlying bioethical discourse are questions in answer to which religious communities have immense historical and intellectual resources from which to draw. Accordingly, Hamel astutely recognizes that “a major contribution of theology to bioethics may be to raise basic human questions that are generally left unaddressed by bioethics, thereby broadening our moral vision.”<sup>75</sup>

Here it is worth considering the work of twentieth-century theologian Reinhold Niebuhr who recognized that religion, despite limitations on account of its idealism, is an essential element in the creation of a moral society. Niebuhr prophetically warned that “The growing intelligence of mankind seems not to be growing rapidly enough to achieve

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<sup>74</sup> Adrian Holderegger, foreword to *Theologie und biomedizinische Ethik: Grundlagen und Konkretionen*, ed. Adrian Holderegger and Denis Müller, vol. 97 of *Studien zur theologischen Ethik*, ed. Adrian Holderegger (Friburg im Breisgau: Herder, 2002), 7.

<sup>75</sup> Hamel, “Speaking of God,” 87.

mastery over the social problems, which the advances of technology create.”<sup>76</sup> Though Niebuhr no doubt had in mind the weapons technology that contributed to the carnage of World War I, his observations aptly describe the contemporary situation in which public bioethics is engaged in a constant game of catch-up with the ever expanding biotechnology of the twenty-first century. Just as Niebuhr saw the need in his day for the influence of religion as a check on the inherently selfish character of society, so must we recognize the need in our own day for religion’s moral vision for public bioethical discourse.

Moreover, a vision of human nature and human destiny necessarily lies at the heart of any bioethical reasoning, whether bioethicists make their comprehensive visions explicit or leave them implicit. By allowing theological considerations into the public square, public moral discourse will benefit from the ability of theology to challenge the often assumed and unquestioned secular moral visions that inform important ethical and political concepts such as “justice” and “the public good.” With regard to the notion of the good, Andrew Lustig aptly notes that “because a ‘good life’ may involve the pursuit of various goods, morality necessarily involves ‘articulating a vision’ rather than simply ‘offering a reason.’”<sup>77</sup> And, with regard to the concept of justice, Niebuhr recognized that, “Religion will always leaven the idea of justice with the ideal of love. It will prevent the idea of justice, which is a politico-ethical ideal, from becoming a purely political one, with the ethical element washed out.”<sup>78</sup> As the insights of Lustig and Niebuhr bear out, to exclude theological considerations from discussions of such concepts as “the good life”

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<sup>76</sup> Reinhold Niebuhr, *Moral Man and Immoral Society: A Study in Ethics and Politics* (New York: Charles Scribner’s Sons, 1960 [originally published 1932]), 50.

<sup>77</sup> Lustig, “Human Cloning and Liberal Neutrality,” in *Claiming Power over Life*, ed. Mark J. Hanson, 45.

<sup>78</sup> Niebuhr, *Moral Man and Immoral Society*, 80-81.

and “justice” is to do a great disservice, not only to religious citizens, but to society as a whole.

Contrary to a common worry, it is not necessarily the case that such theological considerations must convert everyone to a particular theological view of the world if they are to be valuable for a pluralistic public square. Indeed, far from inevitably “imposing one’s theology on others,” by appealing to theological concepts and narratives it is possible to persuade others of the appropriateness of a certain course of action without converting everyone to a belief in one’s theological worldview. To make this point, Wolterstorff draws attention to two exemplary democratic and morally persuasive speeches that employed much theological language and reasoning; namely, President Lincoln’s Second Inaugural Address and Martin Luther King, Jr.’s “I Have a Dream” speech. With regard to the latter, Wolterstorff observes that “we are all regularly moved by argumentation which employs premises we ourselves do not accept. We make allowances. Not everybody moved by King’s speech was a Protestant Christian.”<sup>79</sup>

Theological reasoning is often capable of striking a chord with the moral intuitions and values of many in society who may not agree with the theological premises of such reasoning. In other words, as implied by the suggestion in the previous section that theological ethicists must speak out of yet beyond their traditions, there is often significant overlap between religious reasons and more broadly shared public values. By highlighting these points of overlapping values without neglecting the expression of distinctly theological reflection, theological ethicists can help expand the moral imaginations of a pluralistic public without requiring assent to a theological worldview. As Andrew Lustig explains with regard to human cloning, “clear affinities can be found

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<sup>79</sup> Wolterstorff, “Jeffrey Stout on Democracy and Its Contemporary Christian Critics,” 637.

between a number of religious and secular arguments made against human cloning, and...such overlapping values can provide resources for richer and more substantive conversation in the crafting of appropriate public policy.”<sup>80</sup>

Toward the goal of fostering a “richer and more substantive conversation,” Christian theologians ought to bring all of the richness of their theological resources to bear on the issue of human cloning, all the while communicating in publicly accessible language the ways in which their theological concepts resonate with basic human experiences and shared “public” values. As we will see, many of the theological ethicists examined in the following chapter are already paving the way for such theologically integrated public bioethical discourse and many of their arguments admit of the kind of affinity with public reasons necessary for informing an appropriate public policy on human cloning.

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<sup>80</sup> Lustig, “Human Cloning and Liberal Neutrality,” in *Claiming Power over Life*, ed. Mark J. Hanson, 37.



CHAPTER 3:  
CONTRIBUTIONS OF CHRISTIAN THEOLOGY TO PUBLIC DISCOURSE ON  
HUMAN CLONING

Having considered in the preceding chapter the appropriateness of theological reasoning for the public square, my thesis that Christian theology contains *valuable* resources for public moral discourse on human cloning requires that we now turn our attention to the moral methodologies and particular theological resources that Christian church bodies and representative Christian ethicists have already employed in response to this pivotal bioethical issue. I will begin by examining the official institutional positions and characteristic moral methodologies of three major Christian traditions: Roman Catholic, Protestant, and Orthodox. I will then structure the remainder of this comparative overview around a selection of the central theological themes that have informed representative Christian ethicists' responses to human cloning.

In keeping with the proposal I defended in the previous chapter, many of the moral methods and theological reasons examined herein exemplify public value, having the potential to expand moral imaginations without requiring assent to theological premises and admitting of the kind of affinity with public reasons necessary for informing an appropriate public policy on human cloning.

Institutional Positions and Moral Methodologies

Roman Catholicism

Though Roman Catholicism, like every major religious tradition, admits of a variety of sub-traditions and splinter groups, Roman Catholic theology and ethics are primarily informed by the biblical interpretations of the central pontifical authority.

Courtney Campbell notes in this regard that “the religious and moral authority for Roman Catholicism is grounded in the witness of God and Jesus Christ in the Bible, as interpreted through the teaching office (magisterium) of the Church.”<sup>81</sup> This does not mean, however, that morality is only ascertainable through the teaching of the Church or the reading of Scripture. According to natural law ethics—the characteristic methodology of Roman Catholic moral theology—that which is morally good, though ultimately grounded in God’s nature and authoritatively revealed in Scripture, is apprehensible through human rationality apart from the special revelation from God to His Church. As Lisa Cahill explains, “a basic premise of the Catholic natural law tradition is that the natural law is not only objective and universal, but is in principle knowable to all reasonable persons.”<sup>82</sup> The natural law tradition thus naturally lends itself to the task of seeking corroborating support for and moral expression of the theology of the Church in publicly accessible reason, while simultaneously providing a theologically informed paradigm for understanding “universal” human experiences and publicly shared moral sentiments.

On the basis of such natural law moral reasoning the Catholic Church condemned cloning in *Donum Vitae*, an encyclical (i.e., an authoritative letter to be circulated among the Church) issued by the Congregation for the Doctrine of the Faith in 1987. According to this official letter of the Church, “attempts or hypotheses for obtaining a human being without any connection with sexuality through ‘twin fission,’ cloning, or parthenogenesis are to be considered contrary to the moral law, since they are in opposition to the dignity both of human procreation and of the conjugal union.” In other words, the use of cloning

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<sup>81</sup> Courtney S. Campbell, “Cloning Human Beings: Religious Perspectives on Human Cloning” (paper commissioned by the National Bioethics Advisory Commission, 1997), 37.

<sup>82</sup> Cahill, *Sex, Gender, and Christian Ethics*, 230.

technology, regardless of intent, violates the intrinsic goods of natural human procreation and human sexuality. According to the Vatican, sex and procreation are never to be separated out of concern for the dignity and nurture of children and out of protection against the devaluing, depersonalization and “disembodiment” of human sexuality. Cahill notes that “for the Vatican, sex, love, and procreation are bound together in each and every act of intercourse or of conception; no intentional disruption of their unity is morally allowed.”<sup>83</sup>

Richard Doerflinger, writing on behalf of the National Conference of Catholic Bishops,<sup>84</sup> affirmed the Church’s condemnation of cloning, further explaining the concerns on which it rests:

Catholic teaching rejects the cloning of human beings, because this is not a worthy way to bring a human being into the world. Children have a right to have real parents, and to be conceived as the fruit of marital love between husband and wife. They are not products we can manufacture to our specifications. Least of all should they be produced as deliberate “copies” of other people to ensure that they have certain desirable features.

... Efforts to clone human embryos are also unethical because they would subject developing members of the human family, who cannot give informed consent, to risky experiments that cannot benefit them as individuals.<sup>85</sup>

Opposition to the commodification of humans (i.e., the treatment of humans as products or commodities) and support for a patient’s right to informed consent are clear examples of publicly shared values, or public reasons. As I intend to demonstrate below,

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<sup>83</sup> Cahill, *Sex, Gender, and Christian Ethics*, 220. Far from being limited in relevance to the question of human cloning, the Vatican’s commitment to the intrinsically good connection between sex, love, and procreation touches on many contemporary ethical issues including abortion, birth control, and homosexuality.

<sup>84</sup> The NCCB is the organization responsible for coordinating Catholic teaching in the United States.

<sup>85</sup> Richard M. Doerflinger, “Remarks in Response to News Reports on the Cloning of Mammals,” by the Secretariat for Pro-Life Activities of the National Conference of Catholic Bishops, February 25, 1997, in *Human Cloning: Religious Responses*, ed. Ronald Cole-Turner (Louisville, Ken.: Westminster John Knox Press, 1997), 142.

the Roman Catholic commitment to the intrinsic moral dignity of all human persons, as well as the commitment to the intrinsically good connectedness of human sexuality, procreation, and the nurture of children, are deliverances of Roman Catholic moral theology that evidence much public value on account of their genesis in natural law reasoning. On the basis of these concerns the Roman Catholic Church supports an international ban on all cloning of human life.

### Protestantism

Because Protestant Christianity is represented by multiple and sundry independent denominations, thus lacking the central unifying teaching authority of Roman Catholicism, it is difficult to represent the tradition concisely without much oversimplification. In an attempt to make some generalization possible, Campbell, in his report commissioned by the National Bioethics Advisory Commission (NBAC), helpfully distinguishes between conservative evangelical denominations, such as the Southern Baptist Convention, and mainline Protestantism as represented by seven main denominations: American Baptist, Christian Church [Disciples of Christ], Episcopal, Evangelical Lutheran, United Methodist, Presbyterian, United Church of Christ.<sup>86</sup>

The largest and most politically active representative of evangelical Protestantism, the Southern Baptist Convention (SBC), through their Christian Life Commission, issued a resolution condemning human cloning on March 6, 1997 in response to the first successful somatic cell nuclear transfer cloning of Dolly the sheep. Appealing to the “sanctity and uniqueness of every human life,” the SBC called for an international ban on

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<sup>86</sup> Campbell, “Cloning Human Beings,” 33—36.

human cloning.<sup>87</sup> Though evangelical ethicists vary in the amount of moral weight they place on relevant biblical and theological concepts, there is general agreement among evangelical denominations and moral theologians that human cloning represents a violation of human dignity and poses a serious threat to the wellbeing of children and of society as a whole.

The elusiveness of such agreement in mainline Protestantism is evidenced by the divergence in policy recommendations among the denominations of the tradition. Some within the tradition, such as the United Methodist Church (UMC), have joined together with evangelical and Roman Catholic voices in calling for a complete and permanent ban on the use of cloning technology on humans. In a statement issued September 4, 2001, the UMC General Conference called for “a ban on all human cloning, including the cloning of human embryos.”<sup>88</sup> Suggesting that the potential wastage of human embryos was not their most weighty moral concern, the UMC cited as reasons for their public policy recommendation a long list of “other unresolved and barely explored concerns with substantial social and theological ramifications” including, “exploitation of women, tearing of the fabric of the family, [and] the compromising of human distinctiveness.”<sup>89</sup>

By contrast, the members of the United Church of Christ (UCC) Committee on Genetics have demonstrated openness to the use of cloning technology on humans, stating that they “do not object categorically to human pre-embryo research, including research that produces and studies cloned human pre-embryos through the 14<sup>th</sup> day of

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<sup>87</sup> “Resolution on Cloning,” adopted by the Trustees of the Christian Life Commission of the Southern Baptist Convention, March 6, 1997, in *Human Cloning: Religious Responses*, ed. Ronald Cole-Turner, 146.

<sup>88</sup> “Urgent Action Alert: Urge Senators to Support Complete Ban on Human Cloning,” by the United Methodist Church, in *God and the Embryo: Religious Voices on Stem Cells and Cloning*, ed. Brent Waters and Ronald Cole-Turner, 178.

<sup>89</sup> *Ibid.*

fetal development, provided the research is well justified in terms of its objectives, that the research protocols show proper respect for the pre-embryos, and that they not be implanted.”<sup>90</sup> The UCC Committee has, however, called for a moratorium on human cloning to produce children “at least for the foreseeable future,” citing concerns for social justice.<sup>91</sup>

While the above views demonstrate some of the divergence among denominational perspectives on the issue, even more diversity can be seen in the writings of individual Protestant theologians and ethicists. As Campbell aptly notes, “the primacy of freedom of conscience in Protestantism means that theologians engaged in biomedical ethics may not agree with the views of denominational bodies or their theological peers.”<sup>92</sup>

Despite the variety of policy recommendations from within the Protestant tradition, there exists some general agreement in the methodology of moral reasoning employed throughout the tradition. In general, Protestant moral reasoning relies more heavily on the application of distinctly biblical principles to contemporary moral issues than on the characteristically Roman Catholic appeal to universally recognizable goods or natural law. Even here, however, there is disagreement over which biblical principles ought to receive the most attention. While the mainline Protestant tradition generally emphasizes issues of peace and social justice, evangelical theologians have tended to treat principles of individual rights and individual dignity as paramount.

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<sup>90</sup> “Statement on Cloning,” by the United Church of Christ Committee on Genetics, in *Human Cloning: Religious Responses*, ed. Ronald Cole-Turner, 150.

<sup>91</sup> *Ibid.*, 148.

<sup>92</sup> Campbell, “Cloning Human Beings,” 36.

As a result of widespread failure to appreciate the public value of distinctly religious contributions to public moral discourse, a common perception is that the Protestant emphasis on the biblical witness is at least *prima facie* less amenable to public discourse than the more “publicly accessible” natural law approach. Evangelicals have also been specifically criticized for their strident “biblicism,” according to which evangelical theologians and lay people alike have often been too quick to derive moral imperatives from singular passages of Scripture not necessarily relevant to the contemporary moral issues about which they are thought to speak.<sup>93</sup> Public perception of the deliverances of the biblical witness as irrelevant must be overcome if Protestant Christians are to have success in contributing effectively to public discourse on human cloning. Below we will consider some instances in which Protestant theologians have effectively spoken from, yet beyond their tradition of biblical moral authority.

#### Orthodox Christianity

Orthodox Christianity relies both on the Bible and on tradition as authoritative guides for theological and moral reasoning. Orthodoxy is primarily represented in the U.S. by the Greek Orthodox Archdiocese of America and the Orthodox Church in America. Though individual theologians representing both denominations have opposed human cloning, the latter has also taken a strong institutional stance on the issue. In their statement “Embryonic Stem Cell Research in the Perspective of Orthodox Christianity” the Holy Synod of Bishops of the Orthodox Church in America unambiguously rejected “any and all manipulation of human embryos for research purposes as inherently immoral

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<sup>93</sup> Cf., e.g., Dennis Hollinger, “Can Bioethics Be Evangelical?” *The Journal of Religious Ethics* 17, 2 (1989): 161-179.

and a fundamental violation of human life.”<sup>94</sup> In this statement the Orthodox Church expressed its conviction that “human life is sacred from its very beginning, since from conception it is ensouled existence. As such, it is ‘personal’ existence, created in the image of God and endowed with a sanctity that destines it for eternal life.”<sup>95</sup> As grounds for their understanding of the human embryo as a human being, the Church appealed to both the Bible and the scientific reality of the genetic uniqueness and cellular differentiation of the embryo from the moment of conception. Such attempts to demonstrate morally relevant overlap between the deliverances of theology and those of science exemplify the publicly valuable project of seeking theological-public (or, theological-secular) overdetermination for one’s political views.

A few months after publishing their statement on embryonic stem cell research, in response to the announcement of the first successful cloned human embryo by Advanced Cell Technology, the Holy Synod of Bishops issued another statement, this time specifically condemning human cloning and calling for a federal ban against the practice. In this statement the Bishops rejected the notion that cloning for biomedical research is non-reproductive, again affirming the status of the unimplanted embryo as a human being: “All cloning is reproductive. It always involves creating an embryo, recognized by the Church (and by much of the scientific community) as an individual human being.”<sup>96</sup> Arguing that all efforts should be made to perfect the harvesting of stem cells from non-embryonic sources, the Bishops are not opposed to the progress of medical science.

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<sup>94</sup> “Embryonic Stem Cell Research in the Perspective of Orthodox Christianity: A Statement of the Holy Synod of Bishops of the Orthodox Church in America,” (17 October 2001), in *God and the Embryo*, ed. Ronald Cole-Turner and Brent Waters, 175.

<sup>95</sup> *Ibid.*, 172.

<sup>96</sup> The Holy Synod of Bishops, “The Cloning of Human Embryos,” January, 2002, <http://www.oca.org/Docs.asp?ID=51&SID=12>.



However, they oppose any and all cloning of human embryos, regardless of intended use, on the basis of their theologically and scientifically informed conviction that “from conception human life is a sacred gift, one called at every stage of its existence to grow toward eternal participation in the life of God.”<sup>97</sup>

### Theological Themes

As intimated above, many of the following theological themes, like many of the aforementioned institutional positions, evidence public value insofar as they have the potential to expand the moral imaginations of a pluralistic public without requiring, though perhaps persuading, assent to theological premises and insofar as they admit of convergence with widely shared “public” values and moral reasons.

### Imago Dei

The theological principle perhaps most frequently cited by Christian theologians engaged in bioethics is the doctrine of the *imago dei* (image of God). The divine creation of human beings in the image of God, as depicted in the creation account of the first chapter of Genesis, serves as the primary theological foundation for nearly all Christian conceptions of the nature of humanity. The *imago dei* doctrine is thus crucially relevant to the question of human cloning because the morality of human cloning inevitably turns on the definition of human nature—both the moral status of the human person and the stage of the development of human life at which that moral status is fully attained. As Roman Catholic ethicist John Haas notes, “In discussing the possibility of cloning human beings, we are reflecting as a nation on what we believe it means to be human. The

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<sup>97</sup> The Holy Synod of Bishops, “The Cloning of Human Embryos,” January, 2002, <http://www.oca.org/Docs.asp?ID=51&SID=12>.

decisions we make about the moral or legal permissibility of human cloning will have a profound impact on how we treat all human life.”<sup>98</sup>

Though Roman Catholic moral theologians believe that intrinsic human dignity and moral worth can be defended apart from appeal to the theological concept of the *imago dei*, this concept nonetheless serves to motivate and theologically justify Roman Catholic opposition to human cloning. In fact, prolific Roman Catholic bioethicist Richard McCormick explicitly appeals to the image of God in his defense of human individuality and diversity, intrinsic goods that he argues would be sacrificed on the inherently eugenic altar of human cloning. Writes McCormick, “Viewed theologically, human beings in their enchanting, irreplaceable uniqueness and with all their differences, are made in the image of God. Eugenics schemes that would bypass, downplay or flatten human diversity and uniqueness should be viewed with a beady eye.”<sup>99</sup>

Evangelical bioethicist John Kilner has also explicitly appealed to the image of God as support for his opposition to the instrumental purposes of human cloning. “Cloning,” Kilner reasons, “typically involves genetically copying some living thing for a particular purpose.... Such utilitarian approaches may be fine for cows and corn, but human beings, made in the image of God, have a God-given dignity that prevents us from regarding other people merely as means to fulfill our desires.”<sup>100</sup> Kilner goes on to note that “all people are special creations of God who should be loved and respected as such.

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<sup>98</sup> John Haas, “Catholic Perspectives on Cloning Humans,” in *The Human Cloning Debate*, ed. Glenn McGee (Berkeley, Cal.: Berkeley Hills Books, 1998), 206.

<sup>99</sup> Richard A. McCormick, “Should We Clone Humans? Wholeness, individuality, reverence,” *Christian Century*, November 17-24, 1993, 1148.

<sup>100</sup> John Frederic Kilner, “Cloning Human Beings Should Never Be Attempted,” in *Cloning: For and Against*, ed. M.L. Rantala and Arthur J. Milgram (Chicago: Carus Publishing Co., 1999), 147.

We must not demean them by fundamentally subordinating their interests to those of others.”<sup>101</sup>

As we have already seen above, the Orthodox churches also makes use of the *imago dei* as the primary foundation for its understanding of human dignity and the church contends that human cloning violates this dignity. Some Christian theologians, however, have argued that the *imago dei* may actually lend support for human cloning, insofar as the rational and creative capacities that make human cloning possible are themselves divine gifts and expressions of the image of God. One of the pioneers of Christian bioethics, Joseph Fletcher, thus advocated human cloning, seeing it as a beneficial outworking and expansion of human creative freedom.

Proponents of human cloning also appeal to the divine command to exercise dominion over the earth (Genesis 1:26-28) alongside appeals to creative freedom, though this often amounts to little more than a theological version of the dangerous “technological imperative.” Opponents of human cloning conversely cite the command to exercise dominion over the earth along with the divine imperative to multiply throughout the earth (Genesis 1:28) as grounds for the intrinsic goodness of normal human sexual reproduction and the need for appropriate care and responsible stewardship of nature.

Despite these differences in application of the *imago dei* to the question of the morality of human cloning, all denominational bodies and thinkers examined herein agree that were humans ever to be cloned, the human clones would be bearers of the image of God, deserving of as much respect and dignity as all other human beings.

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<sup>101</sup> Kilner, “Cloning Human Beings Should Never Be Attempted,” in *Cloning: For and Against*, ed. M.L. Rantala and Arthur J. Milgram, 147.

As should be obvious, these moral applications of the Christian doctrine of the *imago dei* clearly converge with public moral reasons. No previous commitment to the *imago dei* doctrine is necessary for one to appreciate the importance of protecting the individuality and diversity of human beings and no theological premises need to be invoked to persuade non-religious citizens of the right of all human beings to be treated at all stages of life as ends in themselves rather than instrumental means to be used for the benefit of others. Nevertheless, allowing honest expression of the theological grounds for such moral commitments in the public square not only provides a “safe” and conducive environment for fruitful, wholly integrated moral reasoning on the part of the religious citizen, but also provides a rich context for the enhancement of public moral imagination. By confronting the Christian’s theological motivations and justifications for her moral commitment to protecting human dignity, for example, the reflective non-Christian or non-religious citizen will likely be encouraged to examine the ontological grounds for her own moral commitment to human dignity and then to offer those grounds as further publicly valuable reasons for the moral principle in question.

#### Theosis/Deification and Personhood

Though personhood is typically discussed in relation to the theological concept of the *imago dei*, the uniquely Orthodox doctrine of theosis (or, deification) provides an interesting angle from which to view the issue of human personhood as it relates to human cloning. According to Orthodox doctrine, human life is inherently valuable on two complementary grounds—one ontological, the other teleological. The first, already discussed above, is the creation of each human being in the image of God. The second, i.e., teleological, ground for the intrinsic value of all human life is the goal toward which

every human individual is called to strive; namely, theosis. Orthodox theologian Demetri Demopulos explains that “as psychosomatic beings, humans are called to grow and develop in relationship with God and each other until we are granted the gift of theosis, or deification, ‘and become partakers of the divine nature’ (2 Peter 1:4).”<sup>102</sup> Demopulos further explains that while all human life, at every stage of development, belongs to the class of human beings, a human person is one who has achieved theosis; that is, one who “has grown in the image, and reached the likeness of God.”<sup>103</sup> Nevertheless, he argues that from the moment of conception all human beings are to be treated with the respect and dignity due to authenticated human persons “because it is God’s will that all people become authentic persons, in union with him.”<sup>104</sup> In the Orthodox understanding, therefore, the embryo and the fetus are deserving of the same respect as children and adults on the grounds that they are human beings made in the image of God and that to harm them would be to hinder their growth and development toward the goal of theosis to which they have been called and for which they have been designed by God. While this theosis teleology does not entail that human cloning is immoral in principle (i.e., human clones could still presumably achieve theosis), it does ground opposition to human cloning on the basis that multitudes of human embryos and fetuses would be destroyed—and thus hindered from achieving theosis and true theological personhood—in the experimental process.

Though without the uniquely Orthodox theological basis, many other Christian theologians have helpfully distinguished between human persons on the one hand and

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<sup>102</sup> Demetri Demopulos, “A Parallel to the Care Given the Soul: An Orthodox View of Cloning and Related Technologies,” in *Beyond Cloning: Religion and the Remaking of Humanity*, ed. Ronald Cole-Turner (Harrisburg, Penn.: Trinity Press International, 2001), 126.

<sup>103</sup> *Ibid.*, 127.

<sup>104</sup> *Ibid.*

human life worthy of the respect and dignity due human persons on the other. Christian theologians across traditions have opposed the cloning of human embryos for biomedical research for the reason that it would inevitably lessen our respect and awe for human life. In “Should We Clone Humans?” McCormick argues that the pre-embryo<sup>105</sup> ought to be given the respect and dignity due a full human person because of its intrinsic potential to become a full human person and because to treat it otherwise threatens to lessen society’s reverence for nascent human life.<sup>106</sup>

Lutheran ethicist Gilbert Meilaender has taken this argument a step further. He suggests that given the difficulty of establishing the metaphysical status of the embryo, it is foolhardy for us to proceed with cloning for biomedical research, which necessarily involves treating embryos as nothing more than laboratory objects at our disposal. Meilaender cautions, “If we are genuinely baffled about how best to describe the moral status of that human subject who is the unimplanted embryo, we should not go forward in a way that peculiarly combines metaphysical bewilderment with practical certitude by approving even such limited cloning for experimental purposes.”<sup>107</sup> Robert Song has poignantly summed up this line of reasoning in the title of his essay, “To Be Willing to Kill What for All One Knows Is a Person Is to be Willing to Kill a Person.”<sup>108</sup>

Once again, the moral reasoning of these Christian ethicists is exemplary of public value. The Orthodox church’s expression of theological ethics grounded in theosis serves as a publicly valuable avenue to expand moral imaginations concerning the issue

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<sup>105</sup> As “pre-embryo” is a scientific misnomer—no such entity exists—McCormick’s use of the term should be understood to refer to an embryo in the early days of its development.

<sup>106</sup> McCormick, “Should We Clone Humans?”

<sup>107</sup> Gilbert Meilaender, “Human Cloning Would Violate the Dignity of Children,” in *The Human Cloning Debate*, ed. Glenn McGee, 196.

<sup>108</sup> Robert Song, “To Be Willing to Kill What for All One Knows Is a Person Is to be Willing to Kill a Person,” in *God and the Embryo*, ed. Brent Waters and Ronald Cole-Turner, 98-107.

of the proper destiny of each human life, while prophetically calling for a high degree of reverence for human life at every stage. The publicly accessible reasons offered by McCormick and Meilaender in support of their theological convictions similarly demonstrate the importance of respecting human life at even its earliest stages, while inviting criticisms on rational grounds as opposed to purely theological debate.

### Playing God

Early in the historical discussion on human cloning, moral theologians were quick to warn that the cloning of human beings represents an unwarranted step beyond the bounds of the human prerogative to exercise control over nature. Such warnings were often presented as injunctions against “playing God.” Paul Ramsey, who along with Joseph Fletcher helped pioneer Protestant Christian bioethics, objected that: “Men ought not to play God before they learn to be men, and after they have learned to be men they will not play God.”<sup>109</sup> As Campbell notes, “the appeal to ‘playing God’ serves to remind human beings of their finitude and fallibility. By not recognizing personal limits and human constraints on scientific aspirations, persons enact the Promethean presumption of pride or hubris.”<sup>110</sup>

Though still echoed in popular circles and given much attention by the media, such warnings against playing God have become less frequently used in theological arguments against cloning. Two reasons for the decreasing popularity of such appeals are the theological ambiguity of the phrase “playing God” and the lack of persuasive appeal of such theologically loaded language in our pluralistic setting. Wesley J. Smith has discouraged the unhelpful use of “playing God” rhetoric, arguing that “some of the most

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<sup>109</sup> Paul Ramsey, *Fabricated Man: The Ethics of Genetic Control* (New Haven, Conn.: Yale University Press, 1970), 138.

<sup>110</sup> Campbell, “Cloning Human Beings,” 16.

potent arguments against permitting human cloning have nothing to do with religion or the charge that cloning is ‘playing God.’”<sup>111</sup> John Haas has argued even more emphatically against the use of “playing God” language, suggesting that it is not merely unnecessary and unpersuasive, but also theologically inaccurate. He writes:

It is not as though those who attempt the cloning of human beings are “playing God.” No one can play God. In such cases, scientists are not elevating themselves to be more like God. Rather they are degrading and lowering themselves by treating human beings in their very coming into being as though they were objects, rather than individuals of sublime and inviolable dignity.<sup>112</sup>

In light of their theological ambiguity and limited convergence with publicly shared values, such appeals should be used with discretion in the public square. As with many theological reasons, however, warnings against playing God can serve as moral imagination enhancers for the development of other publicly accessible challenges to the dangerous idolization (another publicly useful theological concept) of human rational and technological achievement.

### Sex, Procreation and Parenthood

Another prominent theme running through Christian responses to human cloning concerns the connection between human sexuality, the procreation of children, and child-rearing through parenthood.

Furthering an argument initiated by Anglican moral theologian Oliver O’Donovan,<sup>113</sup> Gilbert Meilaender has used the Christological language of “begotten, not made” from the fourth-century Nicene Creed to codify his opposition to human cloning as a violation of the dignity of children. Just as the patristic writers understood the Son of

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<sup>111</sup> Wesley J. Smith, “Lessons from the Cloning Debate: The Need for a Secular Approach,” in *Human Dignity in the Biotech Century*, ed. Charles W. Colson and Nigel M. de S. Cameron, 193.

<sup>112</sup> John Haas, “Catholic Perspectives on Cloning Humans,” in *The Human Cloning Debate*, ed. Glenn McGee, 212.

<sup>113</sup> Cf., Oliver O’Donovan, *Begotten or Made?* (Oxford: Clarendon Press, 1984).



God to be “begotten, not made,” thus underscoring His equality of being with God the Father, so too does the nature of human children as begotten and not made firmly establish the equal dignity they share with their human parents. Meilaender explains that “what we beget is like ourselves, equal to us in dignity and not at our disposal. But what we *make* is not just like ourselves; it is the product of our free decision, and its destiny is ours to determine.”<sup>114</sup> As O’Donovan explains, “The development of cloning...will be a demonstration, if it occurs, that mankind does have the awesome technical power to exchange the humanity which God has given him for something else, to treat natural humanity itself as a raw material for constructing a form of life that is *not* natural humanity but is an artificial development *out of* humanity.”<sup>115</sup> According to this reasoning—itself grounded in Christological reflection and language—cloning violates the dignity of children by rendering them products of our rationality and will, rather than unique and mysterious gifts brought into the world through the love-giving sexual union of a husband and wife. Meilaender elsewhere points out that this is consistent with the normative view of Scripture that guides much Protestant thinking on marriage and children; namely, “that the sexual differentiation is ordered toward the creation of offspring, and children should be conceived within the marital union. By God’s grace the child is a gift who springs from the giving and receiving of love.”<sup>116</sup>

While Meilaender does not believe the mystery of the connection between procreation and marriage can be fully explained by appeal to universally apprehensible truths (e.g., the natural law), he does believe that this connection can be justified on the

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<sup>114</sup> Gilbert Meilaender, “A Case Against Cloning,” in *Beyond Cloning*, ed. Ronald Cole-Turner, 82.

<sup>115</sup> O’Donovan, *Begotten or Made?*, 16.

<sup>116</sup> Meilaender, “Human Cloning Would Violate the Dignity of Children,” in *The Human Cloning Debate*, ed. Glenn McGee, 191.

basis of human experience. Meilaender argues that “maintaining the connection between procreation and the sexual relationship of a man and woman is good both for that relationship and for children.”<sup>117</sup> He argues that it is good for the marital relationship of the man and the woman because procreation reminds us that sexual intercourse is ultimately an act of self-giving, not a personal project of self-fulfillment. O’Donovan explains this idea in the following way: “When erotic relationships between the sexes are conceived merely as relationships—with no further implications, no ‘end’ within the purposes of nature—then they lack the significance which they need if they are to be undertaken responsibly. They become simply a profound form of play.”<sup>118</sup> According to Meilaender, maintaining the connection between sex and procreation is as important for children as it is for marital relationships because, “when the sexual act becomes only a personal project, so does the child.”<sup>119</sup> And, if we begin to view children as personal projects, it will prove very difficult indeed to continue to think of them and treat them as equal in dignity with ourselves.

Emphasizing the dictates of the natural law as apprehended through basic human experience and “common sense,” John Haas has also argued that the connectedness of procreation and child-rearing is best for the child. Maintaining that every child has a fundamental right to the nurture and engendering of its own parents, Haas contends that the child produced through cloning would, on account of the nature of cloning itself, be denied this opportunity. For, the donor of the genetic material for the clone would be more akin to an older identical twin than a parent. However, it seems unlikely that the

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<sup>117</sup> Meilaender, “Human Cloning Would Violate the Dignity of Children,” in *The Human Cloning Debate*, ed. Glenn McGee, 192.

<sup>118</sup> O’Donovan, *Begotten or Made?*, 17.

<sup>119</sup> Meilaender, 192.

cloned child would be able to have anything like a normal relationship with the donor as either older sibling or parent. Cloning elicits a number of related problems as well, such as the question of ownership of the clone. What right would the genetic donor have? Would the parents of the genetic donor be considered the parents of the clone if the donor were a child? Haas warns that the mere fact that such questions of ownership would be raised by human cloning demonstrates the problematic objectification and commodification of human persons entailed by the technology.<sup>120</sup>

Again we see that though the concerns enumerated above originate in theological and scriptural commitments, opposition to the artificial severing of the connection between sex and procreation on the basis of the effects that it would have on societal attitudes toward sexual relationships and toward children are commensurate with publicly shared values. One may very well wonder then why it is that the overlapping theological reasons ought ever to be raised in the first place. The answer, which has begun to emerge from the discussion in this and the preceding chapter, is that the theological riches mined from the historical depths of Christian tradition, such as the creedal conceptual distinction between begetting and making, have the ability to provide immensely valuable moral categories and morally useful terminology when offered as reasons in public moral discourse. Not only so, but welcoming theological reasons in public discourse helps to foster a safe environment for robust moral reasoning on the part of the theologian, without which the correspondence of overlapping theological and public reasons (and the consequent strengthening of both) may not be realized.

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<sup>120</sup> Haas, "Catholic Perspectives on Cloning Humans," in *The Human Cloning Debate*, ed. Glenn McGee, 205-213.

## Social Justice

One final theological concept that has been formative in Christian responses to human cloning is the biblical theme of social justice. This theme has found its most robust treatment in the works of scholars writing from within the tradition of mainline Protestantism.

As mentioned above, the call for a ban on human cloning by the Committee on Genetics of the United Church of Christ relies heavily on their concerns for social justice. They express concern that the vast financial resources that would be used to promote cloning research were it to receive the support of the government would be better spent ameliorating many of the more pressing social crises we are currently facing, particularly those that effect the often overlooked segments of society. The UCC Committee is also concerned that despite promises to improve the lot of humanity, cloning technology would ultimately be used, as other recent biotechnologies such as IVF have been used, to better the lives of the already well-off. To this end they wrote:

When the world groans with hunger, when children are stunted from chronic malnutrition, when people die of famine by the thousands every day—when this is the reality of the world in which we live, the development of any more technologies to suit the desires of those who are relatively privileged, secure, and comfortable seems to fly in the face of fundamental claims of justice.<sup>121</sup>

Ethicist Karen Lebacqz echoes these concerns in her opposition to human cloning. Though she appreciates the potential of human cloning to make it possible for gay and lesbian couples to have genetically related children, she laments that the benefits of human cloning technology would more than likely not be made accessible to this socially oppressed group. She notes that the prospect of human cloning admits of a paradox of

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<sup>121</sup> “Statement on Cloning,” by the United Church of Christ Committee on Genetics, in *Human Cloning: Religious Responses*, ed. Ronald Cole-Turner, 148.

justice: “Cloning is both warranted in order to extend privileges and rights to oppressed people and unwarranted in light of the fact that oppressed people are not likely to reap the benefits of cloning.”<sup>122</sup>

Another concern that falls under the rubric of social justice, is the concern expressed by many African American churches and liberation theologians that human cloning poses a threat to minority races. Peter Paris has argued along these lines that, “since Europeans and Euro-Americans have never been able to affirm the value of the world’s darker races as equals, there is little reason to believe that their scientists would not seek to rid the world of some of its racial diversity by combining the science of eugenics with that of human cloning.”<sup>123</sup> Paris’ concern thus echoes McCormick’s worry that human cloning, if ever practiced, is likely to turn out to be an inherently eugenic project.

Though the theology is occasionally implicit, these concerns for social justice and human equality find their genesis and motivating force at least partly in theological reasons—particularly the teachings on justice found in the writings of the Hebrew prophets and Jesus himself. The public value of such arguments should nevertheless be clear despite their genesis in theological commitments. And, anyone who has ever heard and been moved by the prophetic speeches of Dr. Martin Luther King, Jr. should find it easy to imagine how quoting biblical prophets could inspire a pluralistic public to fight for justice, equality, and basic human rights without requiring assent to theological

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<sup>122</sup> Karen Lebacqz, “Genes, Justice, and Clones,” in *Human Cloning: Religious Responses*, ed. Ronald Cole-Turner, 55-56.

<sup>123</sup> Peter J. Paris, “A View from the Underside,” in *Human Cloning: Religious Responses*, ed. Ronald Cole-Turner, 47.

commitments such as the divine inspiration of the Bible, the Messianic hope of the prophets, or the deity of Jesus.

In light of the far-reaching public value of the diverse theological engagement of public bioethical discourse on human cloning that has already been exhibited by Christian ethicists and institutions, secular bioethicists, policymakers and the media ought to embrace theological considerations on this and other pressing moral issues. Meanwhile, religious institutions and individual religious citizens ought to continue to bring their best reasons to bear on topics of public moral discourse humbly and civilly, always seeking not only to inform, but also to learn from the distinctive perspectives of their fellow citizens.

CHAPTER 4:  
VALUABLE THEOLOGICAL PARTICIPATION IN PUBLIC DISCOURSE ON  
HUMAN CLONING AND BEYOND

The evidence and arguments presented in the preceding chapters not only reveal that religious citizens can appropriately appeal to theological reasons in the public moral discourse of a pluralistic democracy, but also that Christian theology in particular has much of value that can inform public moral consciousness about human cloning without necessarily requiring assent to theological premises. In this final chapter I will revisit material introduced in the previous chapters in order to concisely identify the relevant etiquette, scope, and public-value-creating properties of theological participation in a pluralistic, democratic public square.

As argued in chapter two, the right of religious citizens to express publicly their religious reasons as potentially persuasive support for their positions on public issues does not mean that religious citizens should be held to a lower standard of civility than their fellow citizens. Though I believe it misguided to claim that the standards of morally virtuous citizenship require religious citizens to refrain from appealing to their religious reasons in public discourse, the worries of those who propose such exclusions of religious reason from public discourse, (e.g., worries about the tendency of religious argumentation to incite unnecessary social discord and worries that a religious majority may impose religious restrictions on the freedom of others without adequate justification), are not entirely unfounded. Though we should allow religious reasons to inform the public lives and public dialogue of religious citizens, we are no more obligated to tolerate less than charitable behavior on the part of religious citizens than we

are obligated to tolerate such behavior from non-religious public participants. In other words, while theology certainly deserves a place at the “round table” of public moral discourse, religious citizens are not exempt from the requirements of table manners.

It is important here to note, however, the distinction between civility or appropriate manners for public discourse and inoffensive behavior. History reveals that socially entrenched moral injustices are rarely corrected without the harsh, unpopular, and “impolite” words and actions of social reformers. The boycotts and sit-ins of civil rights activists in our own society were no doubt viewed by many at the time as offensive and politically incorrect. In fact, so many were incensed by the civil rights movement and its quest for racial equality that peaceful demonstrators were attacked by police dogs and fire hoses and many innocent women, men and children were killed. In response to such sad realities, it is certainly appropriate at times to express outrage toward injustices even when the perpetrators and enablers of such injustices are likely to perceive any criticism as rude, uncivil, or even inherently evil. However, when concerned members of the various publics to which we each belong afford us the opportunity to defend our views and actions we should refrain from unnecessary invective against our interlocutors and present instead a reasoned and respectful case for the justice we seek. It is this attitude of respect for all people, as opposed to non-confrontational allowance of injustice, which lies at the heart of the etiquette of public discourse.<sup>124</sup> Theological ethicists, whether professional or lay, should exemplify such etiquette if they desire to contribute to public moral discourse in a publicly valuable way.

Religious participants in public moral discourse should also consider the relevant scope of theological contributions to public moral discourse. In chapter one, we saw that

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<sup>124</sup> I am indebted to Fred Horton for helping me arrive at this important insight.



the scope of public discourse reaches far beyond mere debate over legislation and political candidates. Indeed, everyone belongs to multiple communities (i.e., many “publics”) at the same time, though perhaps with varying degrees of influence and fidelity. As demonstrated in chapter two, both Rawls and Audi recognize this reality and though they would restrict religious reasons from influencing the “public political forum” or “coercive” public policies and legislation, respectively, they are both willing to allow religious reasons to inform what Rawls has referred to as “the background culture.”<sup>125</sup> As I have argued contra such religiously exclusionary political liberalism, we should adopt a reasonable skepticism concerning the ability of rational citizens to psychologically extricate themselves from the epistemological influence of religious reasons when engaging dialogue over basic issues of justice or coercive public policies; however, the value of the kind of robust religiously informed discourse for which even Rawls and Audi would allow in the many non-political associations to which we each belong cannot be overstated.

Religious citizens have the moral and legal right, unchallenged by even the exclusionary liberal proposals of Rawls and Audi, to influence public opinion through academic pursuits, informal dialogue between friends and family members, certain types of social action, etc. Of course, for both Rawls and Audi, there is a point at which such religious influence must cease (i.e., when the conversation turns to questions of basic justice or coercive public policies). In addition to the other problems examined in chapter two for such exclusionary visions of the public square, the trouble with attempting to eliminate the influence of religious reasons on certain varieties of public political content is that theology, as broadly defined in chapter one, is not only integral to the religious

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<sup>125</sup> Rawls, “The Idea of Public Reason Revisited,” 768 n. 13.

citizen's basic moral worldview, but is also often influential for the basic moral worldviews of non-religious citizens as well. In fact, though a detailed examination of this phenomena lies beyond the scope of this project, it can be (and has been) argued that many of the foundational political concepts grounding the idea of liberal democratic society actually have their origin in theology.<sup>126</sup> In his *The Desire of the Nations* Oliver O'Donovan has, for instance, argued that the narrative structure of liberal society reflects in many ways the narrative structure of the church, which is itself "a recapitulation of the narrative structure of the Christ-event."<sup>127</sup> One example O'Donovan cites of the influence of Christian theology—specifically ecclesiology—on Western society is the liberal democratic ideal of merciful justice. Here, it is worth quoting O'Donovan at length:

Secular justice could not itself effect what church justice set out to achieve, the repentance and regeneration of the sinner. The more it assumed the role of adjunct reinforcement to the church's pastoral discipline the more it risked concealing, in a mask of piety, the true limitations of its secular role. The clemency of human judgment cannot be like divine mercy, making all things new; it can only be a response to it, founded in humility, gratitude and fellow-feeling with sinners. It can only point, it cannot reach, to the place where justice and mercy are entirely one. When asked to say what that pointing might consist of, Christian thinkers could only reply that it involved the restraint of force to the minimum necessary. An imprecise answer, but one which has had some profound effects in Western civilization, where the elimination of anything that looked like extravagance in sanctions or penalties has been a consistent theme. To this was added a second strand, which required the interpreter of secular law to bring to the task virtues of mercy and humility in order to discharge the office.<sup>128</sup>

As O'Donovan's historical analysis bears out, the far-reaching "public" ideal of merciful justice can be shown to have arisen out of the influence of ecclesiological practices, themselves grounded in distinctively theological conceptions. Thus, when one

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<sup>126</sup> Cf., e.g., Nicholas Wolterstorff, "Do Christians Have Good Reasons for Supporting Liberal Democracy?" *The Modern Schoolman*, LXXVIII (2001): 229-248.

<sup>127</sup> Oliver O'Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology* (New York: Cambridge University Press, 1996), 250.

<sup>128</sup> *Ibid.*, 260.

appeals to the mercy that ought to be shown by the state to guilty individuals as a “secular” reason to support a particular law or policy, one may unknowingly be appealing to a historically influential theological narrative. This realization alone should be enough to make us wary of any proposal which would require the average citizen (or any citizen for that matter) to distinguish between those reasons which are inherently religious and those which are adequately secular. When viewed in light of O’Donovan’s observations, such a requirement turns out to be nothing more than an exclusion of religious reasons until they have become widely enough accepted over a long enough period of time that few still recognize their inherently theological nature.

The significance of such a realization for the scope of theological ethics is profound. Religious citizens have the right and the ability not only to appeal to public reasons and values that overlap with their own religious reasons, but also to influence the development of such public reasons and values quite apart from debates over particular public policies. Consider the theologically informed argument against human cloning, examined in chapter three, which appeals to the publicly shared value of treating people as ends rather than instrumental means to be used for the sake of another. Far from limiting their theologically informed public participation to such appeals, religious individuals and institutions can strengthen the persuasive force of such appeals by living out the proclaimed value within their own religious communities. By demonstrating in deed, rather than in word alone, that people are ends in themselves, religious individuals can help to solidify public commitment to this value so that when public policy discussion arises about controversial issues such as human cloning, the public will be

even more persuaded than they otherwise would have been by appeal to the theological-turned-public value in question.

This sort of social influence may, when explicitly encouraged, be chided as an underhanded way of “forcing” religious views on an unsuspecting public. In response, I simply submit that this is precisely the way that ideas develop and take hold in society. To imagine that public values are public because they arose out of some tradition-neutral well of ideas is naïve at best. As explained in chapter two, all publicly shared reasons, values, and ideas ultimately arise out of some tradition, which more than likely has its own set of narratives, doctrines, and rituals. Though the central focus of these traditions may be science, politics, economics, or theology, they are all “thick” traditions nonetheless as they all rest on assumptions about the nature of ultimate reality and the nature, function and destiny of humanity within that reality. A competition exists between these traditions on the level of cultural influence and if theological communities are to be successful in challenging the predominant worldviews and traditions of our day, they must do more than thoughtfully and civilly proclaim truth in public discourse; they must persuasively live out truth in every corner of the all-encompassing public square.

Both proclaiming and living truth, however, must be practiced with an attitude of humility. Religious citizens concerned for the welfare of society would therefore do well to commit themselves to the virtues of fallibility and pluralism encourage by Michael Perry.<sup>129</sup> If all participants in public discourse would commit to bringing their best reasons to bear on issues of public policy, humbly willing to learn from the varied insights and experiences of their pluralistic interlocutors, the public square could actually become a meeting ground for informative discourse directed toward social agreement on

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<sup>129</sup> Perry, *Love and Power*, 100.

the nature of the public good and the best means of achieving it. Theological ethicists, whether professional or lay, would do society a great service by leading the way in such humble public participation.

While theological ethicists can affect the development and maintenance of “public” values, it should be acknowledged that certain distinctive religious observances (e.g., the observance of the Sabbath, prayer, etc.) and theological belief in general are never appropriately mandated by the state for a pluralistic public. It is for this reason that a legal distinction between secular and religious reasons remains helpful in a pluralistic democratic society. The constitutional freedom to practice one’s religion entails that all members of society enjoy such freedom. Thus, theological ethicists who would seek to inform public policy discussions with theological reasons should privilege theological considerations that evidence the following public-value-creating properties: First, theological reasoning exhibits public value when it has the potential to expand moral imaginations without necessarily requiring, though perhaps persuading, assent to theological premises.<sup>130</sup> Secondly, theological reasons exhibit public value when they correspond with other widely held public values or reasons. Thus, theological participants in public discourse should attempt to demonstrate correspondence between their religious

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<sup>130</sup> The reader should not confuse this with a requirement of virtuous citizenship. Here is where my proposal differs most sharply from those of Rawls and Audi. On my proposal it is not necessary for a religious citizen to identify whether a religious reason exhibits this value before appropriately offering that religious reason in the public square; for, it might well be the case that the ability of a religious reason to expand the moral imaginations of a pluralistic public will not be identifiable until that reason is offered to the public for consideration. Accordingly, this value-creating property of religious reasons is simply helpful for the reflective religious citizen to keep in mind in an effort to supply the most publicly valuable religious reasons available to her at any given time.

reasons and more widely held public reasons and values whenever this is possible without compromising the integrity of their religious identities.<sup>131</sup>

As we saw in chapter three, many Christian theological ethicists have already suggested a variety of arguments concerning human cloning (most in opposition to the biotechnology) that exemplify both public-value-creating properties. For instance, one need not look far to find other moral communities outside of Christianity that affirm the dignity of children. And, it is likely that just as the various traditions of Christianity have learned from one another, traditions outside Christianity may learn from the distinctly Christian moral analyses of the effects of human cloning on children. In other words, secular individuals may very well resonate with and have their moral imaginations expanded by the concerns for the dignity of children expressed by Christians, though not necessarily accepting the theological principle of the *imago dei* on which such reasoning rests. Similarly, one need not give assent to the moral authority of the Bible in order to recognize the validity of the biblically grounded liberationist concerns for social justice.

Indeed, though Christian ethicists are certainly not all in agreement about the proper moral stance toward human cloning, many of the theological concepts employed nonetheless evidence the ability to expand moral imaginations without requiring assent to theological premises and they overlap enough with public reasons that they can serve as

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<sup>131</sup> Again, contra Audi and Rawls, my proposal allows the religious citizen to offer religious reasons in the public square even apart from correspondence with public reasons without compromising her civic virtue. On my proposal the religious citizen is encouraged to offer her best arguments in the public square, regardless of their source of moral authority, even on questions of basic justice; for, even theological considerations that do not evidence overlap with widely held public values may still have the potential to expand public moral imaginations. Nevertheless, it remains true that, as stated above, the reflective religious citizen who desires to effectively (i.e., persuasively) engage a pluralistic public on controversial moral issues would do well to seek out and demonstrate overlap between her religious reasons and public reasons whenever possible without sacrificing her religious identity.

appropriate grounds for the formation of a constitutional public policy on human cloning. In this way, the theological ethicists examined in this thesis serve as examples for religious citizens of all stripes who wish to bring their religious reasons to bear on public discourse concerning pressing moral and political issues of our day.

Among these pressing issues, human cloning should remain at the forefront of our public consciousness. In the words of Ronald Cole-Turner regarding human cloning and related biotechnologies, “the stakes are very high and...biotechnology calls forth from theology, and from all of its secular alternatives, the most profound engagement.”

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