

ON THE SCANDAL WITHIN THE SCANDAL OF BIOETHICS

ERIK M. CLARY, MDIV, MA, PHD CANDIDATE

In assessing the state of contemporary bioethics, many are now lamenting the secular state of a field that, by some accounts, emerged largely from the wellspring of Christian theology. The origin of bioethics, I believe, is more complicated than this scenario admits, but it is certainly true that overt theological argumentation, while permeating much of the discipline's early discourse, is largely absent from today's mainstream treatments. Labeled as "The Scandal of Bioethics," this diminution of theological voice in bioethics is a cause for serious concern, and so, I applaud CBHD for focusing our attention on the issue during this summer's national conference.

In this brief essay, I wish to extend the discussion begun by the conference's excellent panel of speakers, and more specifically, I propose that we take a look inward. Tempting as it may be to attribute the Scandal to foes whose mission it is to rid the public square of Christian influence, a careful examination of the matter reveals complicity within the camp of those touting theological credentials. In particular, I am speaking of the willingness of some to set aside theological categories and content in favor of philosophical formulations that are incapable of safeguarding the distinctive morality of a truly Christian bioethics. This, I submit, is the scandal within the Scandal.

As evidence of this deeper scandal, I think it sufficient to consider two examples drawn from mainstream bioethics. First, there is the reigning paradigm in contemporary medical ethics commonly referred to as "principlism." Co-developed and tenaciously defended by Yale-trained theologian James F. Childress, the principlist approach, in fact, requires no positive theological commitments.¹ This is no accident as Childress and his coauthor, philosopher Tom L. Beauchamp have, in deference to pluralist concerns, sought to extract their principles from a putative common morality. For warrant, their appeal is not to theology but to the philosophers—Immanuel Kant, J. S. Mill, and W. D. Ross, in particular.² Indeed, not knowing that one of the two chief proponents of principlism had received formal theological training, the reader of their signature work would never arrive at such a conclusion. I expect that Childress would receive such criticism with satisfaction given his apparent desire to deliver a bioethics for the masses, but honestly, I must confess great disappointment not only with

the product—principlism, as Gilbert Meilaender has rightly observed, yields an exceedingly shallow bioethics³—but, even more, with the process. Should not a theologian be reflecting *theologically* on bioethics? Sadly, the error has been compounded as many moral theologians have taken the principlist ball and run with it—reshaping it, perhaps, to accommodate particular preferences, but nonetheless adopting the paradigm and its flawed starting point for ethical discourse.⁴

As a second example of the flight from theological warrant in bioethics, I offer the case of personhood theory. For almost two millennia, the Christian community was uniformly resolute in its condemnation of elective abortion, infanticide, and euthanasia,⁵ but not so in recent decades as some Christian scholars and leaders—evangelicals included—have accommodated their ethics to the proposition that some human beings are nonpersons and thus subject to being used and even destroyed in service to the purported good of those said to reside within the community of persons.

Some influential Christians, like the late W. A. Criswell, a former president of the Southern Baptist Convention, initially accepted the personhood distinction but then rejected it upon later reflection.⁶ Others, however, have been tenacious in their defense of the concept, including Lutheran ethicist-theologian Ted Peters, a staunch supporter of human embryonic stem cell research.⁷

As with principlist bioethics, the personhood distinction constitutes a double, black eye for the Christian theological community—not only have some among our number latched on to such a dubious philosophical concept, but the very fountainhead of the idea is located within our camp. Sadly, it is to theology that secular ethicists, including Peter Singer, point when discussing the origins of personhood ethics. As Singer states,

It is possible to give "human being" a precise meaning. We can use it as equivalent to "member of the species *Homo sapiens*" There is another use of the term "human," one proposed by Joseph Fletcher, a Protestant theologian and a prolific writer on ethical issues. . . . This is the sense of the term that we have in mind when we praise someone by saying that she is "a real human being" These two senses of "human being" overlap but do not coincide.⁸

Christian ethicist Gilbert Meilaender writing in 1993 notes,

The language of personhood has been central to much of the last quarter century's developments in bioethics. It was there at the outset when, in 1972, in the second volume of the *Hastings Center Report*, Joseph Fletcher published his "Indicators of Humanhood: A Tentative Profile of Man."⁹

Those educated in the history of moral theology might object to my invocation of Fletcher and his personhood (humanhood) distinction in this discussion of the Scandal on the grounds that Fletcher had made a very public break with Christianity five years prior to the publication of the article to which Meilaender refers. In response, I would argue that while Meilaender is correct in his identification of Fletcher as the entry point for personhood theory into bioethical discourse, Fletcher had, in fact, hammered out the personhood distinction decades earlier in his 1954 book *Morals and Medicine*.¹⁰ This book was Fletcher's first major contribution to the literature of medical ethics, written ten years into what would be a twenty-four year tenure as professor of pastoral theology and Christian ethics at the Episcopal Theological School. In this seminal work, Fletcher declared: "To be a person, to have moral being, is to have the capacity for intelligent causal action. It means to be free of physiology! It means to have selfness or self-awareness."¹¹ The occupant of the womb, he argued in defense of therapeutic abortion, was best considered a "pre-personal organism" with no "personal value or development at stake."¹² On the other end of life's spectrum, Fletcher contended for the right of a patient to receive physician assistance in committing suicide, believing such to be required by a presumably supreme duty to respect the moral agency of persons.¹³ Against the objection that disease might render a patient unable to recant a previously stated wish to be euthanized, Fletcher commented, "a patient who has completely lost the power to communicate has passed into a *submoral* state, outside the forum of conscience and beyond moral being. Being no longer

responsive, he is no longer responsible."¹⁴ Clearly, we have in Fletcher's 1954 offering the essential features of the developmental view of human personhood that permeates much of present-day bioethical discourse: 1) the category of human nonperson, 2) the concept of personal status as a developed, yet tentative characteristic, 3) a cognitive criterion for assigning personhood status, and 4) the attempt to resolve medico-ethical questions by appeal to personhood.

While admitting in *Morals and Medicine* to a "frame of reference in Christian faith," Fletcher preferred his ethics be characterized in nonreligious terms ("personalist" was his cherished term). Indeed, he made little mention in the book of God, Scripture, or prior

The reluctance of theologians to theologize may seem puzzling, but it is understandable when viewed in light of the deeper crisis in contemporary theology—namely, the crisis of authority. For much of the Church's history, Christians have recognized Scripture as the inspired and infallible Word of God, and thus the chief resource for theological reflection, constituting both its primary source and regulative principle. Aquinas argued that our theological formulations must not "betray the sense of Scripture"¹⁶ and after him, and in more forceful language, Luther spoke of a conscience "captive to the Word of God."¹⁷ Sadly, we encounter in mainstream theology today a much different situation. Propelled by the corrosive judgments of higher biblical criticism,

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theological treatments of the issues at hand, and when he did, such were either superfluous or fodder for his modern triumphalist critique. With no intention to bring theology to bear upon medical ethics, Fletcher could only, as he stated in the preface to his work, "*hope, of course, that the ethical judgments I have reached are within the range and provision of Christian theology.*"¹⁵

In principlism and personhood theory, the two great movements of contemporary bioethics, we have, as the saying goes, "met the enemy, and he is us"—specifically, theologians reticent to make space, much less allow a controlling influence, for theology in ethics. *The Scandal of Bioethics, I submit, is simply the scandal of what theology has become in the present age for many of its presumed caretakers—a burden to be shed, a hindrance to the effort to discern and articulate moral truth.*

contemporary theologians have jettisoned that which God has graciously extended for our "training in righteousness" and "equip[ping] for every good work" (2 Tim 3:16–17). In the place of Scripture, they substitute human reason and experience, and the consequence for ethics is moral error and terror, as both principlism and personhood ethics, with their capacity to justify elective abortion and euthanasia among other evils, attest.

In conclusion, we rightly mourn the dearth of theological discourse in today's mainstream bioethics, but even more lamentable is the extent to which those with formal theological training have facilitated the secularist shift. Tragic as it may be, it is nonetheless expected that a public square hostile to Christianity will seek to exclude theological voices. Shame on us if we aid

and abet the effort! If Christian bioethics is to be heard—and that, I take it, is the general desire of those most concerned with the diminution of theological input—it must, first and foremost, be *Christian*, and that, as I have argued above, entails a firm connection to the primary deposit of divinely revealed moral truth. 🌱👥

- 1 Tom L. Beauchamp, and James F. Childress, *Principles of Biomedical Ethics*, 6th ed. (New York: Oxford University Press, 2008).
- 2 Whereas Kant, Mill, and Ross receive extensive consideration from Beauchamp and Childress, moral theologians garner little attention. Between them, Augustine and Aquinas receive mention only three times, all of which are buried in chapter endnotes.
- 3 Gilbert Meilaender, *Body, Soul, and Bioethics* (Notre Dame, IN: University of Notre Dame Press, 1995), 12-19.
- 4 From the outset, principlism has been criticized for its seeming coronation of individual autonomy as the decisive criterion for medico-ethical decision-making. Of Beauchamp and Childress' other three principles—beneficence, nonmaleficence, and justice—the latter has received significant attention. See, for example, Karen Lebacqz, "Beyond Respect for Persons and Beneficence: Justice in Research," *IRB: Ethics and Human Research* 2, no. 7 (1980). Lebacqz, a Harvard-trained theologian and ordained minister of the United Church of Christ, was one of two ethicists that served on the national commission that, in 1978, brought principlism to the foreground of public bioethical discourse in its publication, *The Belmont Report*.
- 5 For an excellent treatment on the history of Christian moral reflection on the status of the unborn, see David Albert Jones, *The Soul of the Embryo: An Enquiry into the Status of the Human Embryo in the Christian Tradition* (London: Continuum, 2004).
- 6 "Abortion Decision: Death Blow?" *Christianity Today*, February 16, 1973. In the immediate wake of *Roe v. Wade*, Criswell proclaimed, "I have always felt that it was only after a child was born and had life separate from its mother that it became an individual person, and it has always, therefore, seemed to me that what is best for the mother and for the future should be allowed." Criswell reversed course and became a staunch opponent of abortion. See, for example, his sermon entitled "The Marvelous Mystery of Mankind" in Larry Lewis, ed. *Proclaiming the Pro-Life Message: Christian Leaders Address the Abortion Issue* (Hannibal, Missouri: Hannibal Books, 1997), 13-19.
- 7 Ted Peters, *The Stem Cell Debate* (Minneapolis: Fortress Press, 2007); Ted Peters, "Embryonic Stem Cells and the Theology of Dignity," in *The Human Embryonic Stem Cell Debate: Science, Ethics, and Public Policy*, ed. Suzanne Holland, Karen Lebacqz, and Laurie Zoloth (Cambridge, MA: MIT Press, 2001). Peters asserts that personal status (dignity) is acquired through the conferral of relationship by both God and human beings. The embryo assigned to the Petri dish, he contends, cannot be considered a person because it is "not in a dignity-conferring relationship."
- 8 Peter Singer, "What's Wrong with Killing," in *Writings on an Ethical Life*, ed. Peter Singer (New York: HarperCollins, 2000), 127.
- 9 Gilbert Meilaender, "Terra es Animata: On Having a Life," in *On Moral Medicine: Theological Perspectives in Medical Ethics*, ed. Stephen E. Lammers and Allen Verhey (Grand Rapids: Eerdmans, 1998), 393. The essay of Fletcher's referenced by Meilaender is "Indicators of Humanhood: A Tentative Profile of Man," *Hastings Center Report* 2, no. 5 (1972): 1-4.
- 10 Joseph Fletcher, *Morals and Medicine: The Moral Problems of: The Patient's Right to Know the Truth, Contraception, Artificial Insemination, Sterilization, Euthanasia*. (Princeton: Princeton University Press, 1954). This book stems from Fletcher's 1949 Lowell Lectures delivered on the campus of Harvard University.
- 11 *Ibid.*, 218.
- 12 *Ibid.*, 150, 205.
- 13 In 1968, one year after his public apostasy, Fletcher took personhood ethics a step further in arguing for the moral permissibility (and even duty) of killing infants with severe mental retardation. Such infants, he argued were not truly human. "To be a human," he declared, "is to be self-aware, consciously related to others, capable of rationality in a measure at least sufficient to support some initiative. When these things are absent, or cannot ever come to be, there is neither a potential nor an actual person. To be a person is a lot more than just to be alive. . . . The fact that a biological organism functions biologically does not mean that it is a human being." Bernard Bard and Joseph Fletcher, "The Right to Die," *The Atlantic Monthly* 221, no. 4 (1968), 62-64.
- 14 Fletcher, *Morals and Medicine*, 201; emphasis mine.
- 15 *Ibid.*, xix; emphasis mine.
- 16 Thomas Aquinas, *Summa Theologica*, trans. Fathers of the English Dominican Province (New York: Benzinger Brothers, 1947), Ia.29.3
- 17 Luther as quoted in W. Robert Godfrey, "A Question of Transition" in *Scripture and Truth*, D.A. Carson and John D. Woodbridge, eds. (Grand Rapids: Baker, 1992), 227.

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