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ARTICLE

Religion, reproduction and public policy: disentangling morality from Catholic theology

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Abstract Many people look to religion to help resolve the serious moral and legal issues associated with assisted reproductive technologies. Doing so presupposes that religion is the cornerstone of ethics, but this assumption is not well founded. While various faiths are entitled to articulate their views on matters of human reproduction, the contradictions involved in doing so make it unwise to rely on religion in the formulation of law and policy. These contradictions — such as the indeterminacy about what revealed truths means — make moral secular philosophy a better guide for the protection of human welfare.

KEYWORDS: church, ethics, public policy, religion, reproduction, state

Introduction

Contraception, abortion, artificial insemination, IVF, preimplantation genetic diagnosis, preconception sex selection or reproductive cloning: there is literally not a single bioethical issue that Christian and other religions have passed over in silence (Engelhardt, 2000). In itself, there is surely nothing wrong with this. Churches and their clergy are clearly entitled to take a stance on moral matters, but there is something peculiar about the religious statements on these matters. Religious statements claim to be based on a higher authority than statements based on secular evidence. Remarkably, not only proponents of various faiths, but also their opponents grant religious leaders a kind of moral supremacy and tend to believe that theologians are somehow experts on ethical issues. Why is that? One answer is obvious, in that most people still consider religion and ethics to be inseparable. Even more than that, some people believe that religion is the very foundation of ethics, that without theology there can be no morality (Holloway, 1999).

This situation is remarkable because it is not true. In fact, it is so blatantly untrue that one must wonder how this mixing of religion and morality could possibly survive the age of reason. I am not sure how to account for the privilege society gives to religious belief, but I suppose the Western belief that ethics is based on religion is — in part — the result of two millennia of religious cultural dominance and indoctrination. For example, many children are brought up thinking that

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moral rules derive from the Ten Commandments of the Old Testament. The idea that moral rules like 'You shall not lie; you shall not steal; or you shall not kill' are of a religious nature is so engraved in children's minds that that they will hardly ever question their religious nature, not even as an adult. Even the writer Fyodor Dostoevsky seemed to have believed that theology is the cornerstone of morality when he wrote: 'If God did not exist, everything would be permissible' (Anderson, 2007).

Churches and their clergy certainly welcome the assumption that religion is the necessary and indispensable foundation of ethics. They may even feed this belief by raising their fingers and proclaiming social disaster if we don't acknowledge their moral authority. In exactly that spirit, Cardinal Joseph Ratzinger, now Pope Benedict XVI, once warned of an impending 'dictatorship of relativism' if religion is set aside. The main thesis is that if we turn our back on God, we will be literally unable to tell right from wrong, but this thesis is dubious on its own terms.

The Divine Command theory

So why exactly is it wrong to claim that religion is the cornerstone of ethics? The idea that morality is based upon theology is best illustrated by the contradictions that attach to the so-called 'Divine Command Theory of Ethics'. According to the Divine Command Theory, telling right from wrong is easy: right is what God approves of, and wrong is what God disapproves of. For example, since God approves of fidelity and disapproves of infidelity, fidelity is good and infidelity is evil.

The Divine Command Theory is, however, deeply flawed. As the Greek philosopher Socrates had noticed more than 2000 years ago, supporters of this theory are faced with an inescapable dilemma. The dilemma shows itself in answer to the simple and quite innocent question: 'Is charity good because God approved of it, or did God approve of charity because it is good?'

If someone answers that 'charity is good because God approves of it', that person would have to admit that if God happened to approve of cruelty rather than charity, cruelty would be good and charity would be evil. Given that a supporter of the Divine Command Theory will probably not cede God to be an entirely arbitrary lawgiver that way, he will probably hasten to add 'true, but God would never approve of cruelty because He is good'. But this answer doesn't get the supporter of the theory out of trouble; it gets him even deeper into trouble. After all, what can it possibly mean to say that God is 'good'? If 'good' only means to be 'approved by God', then 'God is good' only means that 'God approved of himself', which is true by definition and therefore not an informative claim. In other words, the Divine Command Theory renders God's commands arbitrary and reduces the doctrine that God is good to a tautology.

The only way to avoid this unacceptable conclusion is to say 'charity is not good because God approved of it. God approved of charity because it is good'. Thus, it could be argued that charity is good because it helps relieving human suffering and reducing the amount of misery in the world and that these are the real reasons why God approves of charity. This is certainly a much more reasonable response as an explanation. Moreover, on this response, the doctrine that 'God is good' can actually be preserved because it does not open God's judgments to include outcomes that would contradict that equation.

Those using this response, however, are also faced with a dilemma. By saying that God approves of charity because charity is good, they are admitting that there is a standard of right and wrong that is entirely independent of divine being or intention. It is not God's approval or disapproval that makes some actions right and others wrong. Rather, it is their effect on human welfare that makes some actions right and others wrong, or whatever effect that might divide the good from evil. In other words, God would be relying on a criterion of morality external to divine being.

The British philosopher and logician Bertrand Russell put the matter this way in 1927: 'The point I am concerned with is that, if you are quite sure there is a difference between right and wrong, then you are in this situation: Is that difference due to God's fiat or is it not? If it is due to God's fiat, then for God himself there is no difference between right and wrong, and it is no longer a significant statement to say that God is good. If you are going to say, as theologians do, that God is good, you must then say that right and wrong have some meaning which is independent of God's fiat, because God's fiats are good and not bad independently of the mere fact that he made them. If you are going to say that, you will then have to say that it is not only through God that right and wrong came into being, but that they are in their essence logically anterior to God' (Russell, 2008). Hence, theologians and other religious believers who turn to this explanation — that good exists independently of Divine Will —have virtually abandoned a theological conception of ethics; on this view, it is not clear that God is necessary in order to tell right from wrong. Instead of turning to God to decide what is good and what is evil, we may as well turn directly to the ultimate standard of right and wrong (Rachels, 2006).

The implications of the chain of arguments that Socrates set in motion are evident. Contrary to what Christian and other religious leaders claim, ethics is not based on religion and morality is independent of theology. In this sense, moral theologians do not have a greater claim on moral truth than moral philosophers or any other person willing to use the tools of reason available to them to improve human welfare.

The Natural Law theory

For the reasons just given, the Divine Command Theory has never really been the dominant theory of ethics in the history of Christian theology. At least in Roman Catholicism, the dominant theory of ethics has always been — and still is — the Theory of Natural Law. According to this theory, we are to respect the natural order created by God and to follow the Natural Law that the creator has placed in us. The Natural Law, it is claimed, is written and engraved in the soul of each and every man. It is immutable and eternal and it tells us what we ought to do in the sense that it identifies the goods toward which we are inclined by nature and which perfect us (Narveson, 1999).

Probably the most notorious claims in contemporary Natural Law are the objections to contraception and homosexuality as being 'against nature' or 'unnatural'. According to the theory, everything in nature has a purpose, including our organs. The purpose of our eyes is to see. The purpose of our heart is to pump blood. The purpose of our genitals is to make babies. Using our genitals in any way that defeats their purpose to procreate and is therefore contrary to the Natural Law and is, as such, morally impermissible. Accordingly, the catechism of the Catholic Church teaches: 'Every action which proposes to render procreation impossible is intrinsically evil'. Moreover, the very nature of marriage is said to preclude assisted reproductive treatments because they betray the natural meaning of that union between man and woman (Congregation for the Doctrine of the Faith, 2008).

What are we to make of the Theory of Natural Law? Short shrift, I would say. The idea that everything in nature has a purpose is based on an outdated teleological worldview developed by the Greek philosopher Aristotle. Ever since Charles Darwin's 1859 *On the Origin of Species by Means of Natural Selection*, a teleological worldview that everything is ordained toward an ulterior purpose has lost its power and its charm. From an evolutionary point of view, the purpose of sex is separable from making babies. As asexual reproduction attests, not all procreation needs to involve sexuality and the biological advantages of sexual reproduction are still a hotly debated issue among evolutionary theorists. At this point in history, it is safe to assume that sexuality has many different functions — genetic, reproductive and recreational (Dennett, 2006).

Moreover, the whole idea that everything in nature has a purpose and that it is morally wrong to use it for anything other than its natural purpose is hopelessly obscure. What is the natural purpose of our fingers? To grasp, to climb, to knock? If we choose any one of these functions or a small list of them, are we really to say that it is unnatural and, therefore, immoral to use our fingers to play the Moonlight Sonata?

I first offered the comments here at a meeting in a lecture hall of the Berlin Academy of Sciences, a hall named after the German philosopher Leibniz, which means it is probably tempting fate to mention the name of his antagonist, the French philosopher Voltaire. Yet I cannot help but think of Dr Pangloss in Voltaire's immortal *Candide* who taught 'that things cannot be otherwise than as they are; for as all things have been created for some end, they must necessarily be created for the best end. Observe, for instance, the nose is formed for spectacles, therefore we wear spectacles. The legs are visibly designed for stockings, accordingly we wear stockings'. This satirical treatment of Natural Law teleology is not, of course, the same as a proper philosophical refutation, but it points in the direction of key problems in the theory as an account of ethics. Apart from the problems just mentioned, there is another difficulty for the Theory of Natural Law. According to the Roman Catholic church — and I quote — 'the precepts of Natural Law are not perceived by everyone clearly and immediately. In the present situation, sinful man needs grace and revelation for moral truths to be known'. In other words, Natural Law cannot be complete by itself, by definition. But if this is true, then we are back to square one: how to account for the moral value of revealed truth.

The problem of divine revelation

The problem of identifying divine revelation (is it really divine?) and the problem of identifying the moral significance of that revelation (what does it actually mean?) are problems that face Jewish, Christian and Muslim believers alike. In their own way, all believers accept the idea that God has spoken through sacred texts, such as the Talmud, the Bible or the Koran. In these Holy Scriptures, the Almighty has issued commands that we ought to obey. The Divine Will, as revealed in these sacred texts, tells us what is morally right and what is morally wrong. For millions of religious people, this claim appears to be straightforward. For instance, at Sunday school, Christian children are taught to sing: 'Jesus loves me! This I know for the Bible tells me so'. It may have been songs like this one that prompted the evolutionary biologist Richard Dawkins to condemn religious education as a form of mental 'child abuse', for matters of biblical meaning are much more complicated than that. The very existence of a multiplicity of sacred books — the Talmud, the Bible and the Koran, to name just the most widely known — requires making some kind of choice among them. Each of them claims that they contain the one and only revealed truth. However, given that these scriptures contradict each other, they cannot all be true (though they can all be wrong). In what possible way could human beings decide which of them contains revealed truth as such? As far as I can see, a venture like this must fail because of the insurmountable epistemological problem.

Even if there was a viable solution to this problem of identifying revealed truth as such, we would be faced at once with a new difficulty. Suppose, for example, that Christians were right in believing that their Bible is indeed the true word of God. How could this possibly help us solving the issues we are currently faced with? As we all know, the Old Testament as well as the New Testament are altogether silent on preimplantation genetic diagnosis, preconception sex selection or embryonic stem cell research. Judgments about these contemporary issues must necessarily involve human judgment and moral interpretation made independently of revealed truth.

Someone could continue to defend a theological approach by saying 'no, the Bible doesn't say anything about enhancement, cloning or xenotransplantation, but the Bible is still quite explicit on numerous other issues that could be used as a way to evaluate contemporary issues, including assisted reproductive treatments'. But this very concession opens the door to another epistemological difficulty. It is indeed true that the Bible has quite a lot to say about proper human conduct. For example, it counsels people to 'love your neighbour as yourself' and to 'treat others as you wish to be treated'. However, the Bible also says 'you may not lie with a man as with a woman; it is an abomination'. Doing so is quite literally a deadly sin. Does this mean that we are morally obliged to kill homosexual men and women? Some strict interpreters of this text might accept that interpretation, but most contemporary Christians would not. In fact, most contemporary Christians would reject that obligation

explicitly! But why? Because these believers maintain that God is good and that God cannot be good if he really wanted homosexual men and women stoned to death. But this interpretive methodology raises an important question: how can believers accept the Bible as the revealed word of God and at the same time refuse to do what God tells them to do? In a sense, they can only do this by introducing moral standards that do not derive entirely and exclusively from revealed truths.

Some religious believers claim that the Bible is literally the word of God, but not all believers accept that view. Some accept the idea that certain human perspectives are expressed in sacred texts because they were written by human beings at times very different from our own. In other words, some of the moral precepts do reflect the will of the Almighty, but other moral precepts simply reflect the prejudices of the human authors of the sacred texts. Again, this claim raises an insuperable epistemological problem: how is it possible to decide which divine revelations are genuine and to be taken at face value and which are not? What directives for human beings belong to divine intention and which express only the moral sentiments of the day? If we decide to sort through these issues as most religious believers actually do, by using moral criteria, we are virtually conceding the impossibility of the task. After all, what is the point of browsing through sacred texts when we end up declaring only those moral rules to be approved by God that we happen to approve of for reasons unrelated to Divine Will or readings of Nature?

Instead of relying on sacred texts, some religious believers could resolve this problem by relying on divine revelations made to them personally. Doing so would solve the problem of relying on others' interpretations, but as a solution to the epistemological problem it doesn't get us very far. For example, some say that God has told them to give away their riches; others may say God has told them to sacrifice their only son. No matter the content of the revelation, how could we know a revelation as divine, as against it being an artefact of our psychological lives? Furthermore, if we say that the personal revelation to give everything to the poor is genuine, but the one to kill the only son is not, we are, once again, relying on moral criterion that are external to the revelation itself. It may well be a waste of time to cede moral authority to personal revelations if we then go on to judge those revelations on the basis of our own non-revealed moral standards anyway (Dawkins, 2006). And what is the general meaning of personal revelations: how do they apply, if at all, to others?

To conclude this excursion into the logical difficulties of turning to revealed religion for moral guidance, let me briefly go back to the Pope's claim that a secular society falls victim to a 'dictatorship of relativism'. This statement presumes something that is not true: it presumes that there is one faith and one religious ethics. But as we all know, there is no one religious faith. There are literally hundreds of religious faiths, even within Christianity alone there are hundreds of variations and they disagree about theological matters as well as moral matters. For example, not even all Catholics agree about homosexuality, abortion or assisted reproductive treatments. In this sense, not even revealed religious truth has proved a bulwalk against moral relativism within the ranks of the faithful.

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