

Politics and Religion on the President's Council on Bioethics

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The Bush administration is criticized in broad strokes as being anti-science.¹ Speculative biotechnology had been a prominent issue at the beginning of the Bush Presidency, and early on he announced the establishment of the President's Council on Bioethics (PCBE). It would be chaired by Leon Kass—a choice that was certain to prove unpopular with mainstream professional bioethicists as well as many in the medical profession and industry given Kass's longstanding reputation as an outspoken critic of certain developments in medical research, the progressive agenda within the medical profession, and dominant modes of thought within bioethical discourse. Its mission statement was specified as: "The Council shall advise the President on bioethical issues that may emerge as a consequence of advances in biomedical science and technology,"² and in practice that mandate has been interpreted broadly by the Council. Since the events of September 11, 2001, the fear of violent death, given a duly heightened sense of immediate peril, was largely reprioritized as the foremost concern of government over the hope of postponing natural death and related issues surrounding the creation of new life. The PCBE nevertheless continued its work and published some controversial reports in the following years, starting by addressing issues and policies pertaining to cloning, enhancement, and reproduction. Neither Congress nor the Executive, however, moved with any haste to implement their recommendations. While they never disappeared from

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¹ For example, On 18 February 2004, dozens of leading scientists released a public statement alleging a "distortion of scientific knowledge for partisan political ends" by the Bush administration. See Union of Concerned Scientists, "Restoring Scientific Integrity in Policymaking," <http://www.ucsusa.org/scientific_integrity/interference/scientists-signon-statement.html>. See also Chris Mooney, *The Republican War on Science* (New York: Basic Books, 2005).

² The Council was formally established by Executive Order 13237 on 28 November 2001, available at: <<http://www.bioethics.gov/about/executive.html>>. In a meeting with the Council on 17 January 2002, the President indicated, "And what a vital, vital contribution you're going to make. It'll help people like me understand what the terms mean and how to come to grips with how medicine and science interface with the dignity of the issue of life and the dignity of life, and the notion that life is – you know, that there is a Creator." See Remarks by the President in Meeting with Bioethics Committee, transcript available at: <<http://www.bioethics.gov/transcripts/jan02/presjan.html>>.

the public stage, these issues reemerged again 2004 to enjoy a place of prominence during the election campaign.³ The Council has more recently shifted its focus somewhat away from some the more spectacular hot button issues, such as embryonic stem cells, toward more everyday concerns, like how to provide the best care for the aging and how to best attend to the health of the young. The Council's deliberations remain, as always, a mix between the deeply theoretical and the immediately practical.

The composition of the PCBE has been criticized since its inception. Most notably, the PCBE is expressly not comprised of professional bioethicists. Rather, its membership has been multidisciplinary from the start, reflecting a certain skepticism regarding professional bioethics as a discipline, as being perhaps too limited and too complicit. It combines professionals from the natural sciences and medical profession with experts in the social sciences, humanities, law, and religion. Among its members are many readily-identifiable intellectual conservatives. Given that the administration that had appointed it was Republican, the rightward leaning of the PCBE is not particularly astonishing. Furthermore, several of the members are not only religiously affiliated but, furthermore, some of them are known to emphatically reject the strictest conception of the separation of religion and politics championed by radical secularists. The Council defends itself by claiming to represent a real diversity of credentials and approaches and not some narrow form of academic expertise with shared presuppositions and frameworks. And if the United States is a nation in which a diverse set of religious positions always has and continues to play a public role, if indirectly, and if the particular issues which the Council was established to address are entangled in the same questions that religious views presume to address, then it makes more sense, from a liberal and democratic point of view, to include a range of views with religious dimensions in the Council's discussions than to suppress or exclude them. The Council is intended therefore as a venue in which debate on fundamentals shall take place rather than having them artificially settled at the outset. This makes sense since the questions under investigation deal with fundamental issues regarding human nature and political relations.

Controversy surrounding the PCBE flared early in 2004 when the institution's existence was renewed and some personnel changes were made. Most notably, membership on the PCBE was not renewed for Elizabeth Blackburn. Blackburn had been one of the principal dissenting voices from within the Council, along with Janet Rowley

³ The previous Democratic President enjoyed the luxury of prioritizing domestic politics over foreign affairs. It makes sense that the Democratic candidate in 2004 would combine his criticism of Bush's handling of the war on terror with a criticism of his handling of biotechnological issues. If the threat of violent death from abroad is really not so great, then worries about natural death and diseases among one's own may be reprioritized.

At the Democratic National Convention, Ron Reagan gave an impassioned, polemical and misleading speech promoting federal funding for embryonic stem cell research. The transcript remains available at: <<http://www.pbs.org/newshour/vote2004/demconvention/speeches/reagan.htm>>. In the state of California, Proposition 71 passed, authorizing the creation an institute to arrange for substantial public funding for such research. Vice-Presidential candidate John Edwards promised that in a Kerry administration, people like the late Christopher Reeve would get up out of their wheelchairs and walk again. See Charles Krauthammer, "An Edwards Outrage" 15 October 2004, <<http://www.washingtonpost.com/wp-dyn/articles/A34167-2004Oct14.html>>.

and Michael Gazzaniga.⁴ When, however, Blackburn's place on the Council was discontinued and new members were appointed to the Council, all of whom were recognized as being either conservative or religious or both, public controversy erupted. Blackburn argued in the *New England Journal of Medicine* that the Council is ideologically rigged.⁵ Blackburn and Rowley coauthored a piece, provocatively titled, "Reason as Our Guide" delineating this allegation further in a way which suggested that much of the Council's deliberations were not based on rational thought, but rather, something else.⁶ In 2004, scholars and journalists argued over the question of how political the PCBE is. Kass (who would step down as chair of the PCBE at the end of its second term in late 2005), defended the changes against the charges of politicization.⁷

This paper is intended as an initial look into role of religious ideas in the Council's public deliberations, as part of an intended broader inquiry that will include the Council's published reports, interviews with members of the Council, and relevant publications of Council members in their own names. The Council's meetings are open to members of the public to attend, and transcripts of these meetings are published on the Council's website, located at <www.bioethics.gov>. I am specifically interested in determining the extent to which the claims of religion may be said to exert influence over the Council directly or indirectly. For my purposes, a claim to rule is simply any sort of opinion made by any sort of person on the basis of any criteria, through which that person assumes a right to declare what is right or good or just, or the way things should be, or the way things are going to be. Religion is not extraordinary among competing claims to rule. Liberal democracies which reject the establishment of an official church are, naturally, not supposed to defer to claims to rule based on special knowledge of God's will. The presence of religious ideas in public discourse befits liberal democracy, and they may even be accorded special status in certain circumstances, but generally as exemptions to rules, being recognized as prior to or protected from them, and not as the source of the rules themselves. But every kind of expertise entails a claim to rule, too.

⁴ For example, see their Personal Statements provided in the Appendix to the Council's first report, *Human Cloning and Human Dignity: An Ethical Inquiry* (July 2002), available at: <<http://www.bioethics.gov/reports/cloningreport/appendix.html>>. Michael Gazzaniga wishes that cloning-for-biomedical-research would be referred to as "lifesaving cloning," and in the spirit of the Bush presidency, he exclaims, "Let's roll."

⁵ Elizabeth Blackburn, "Bioethics and the Political Distortion of Biomedical Science," *New England Journal of Medicine* (April 1, 2004) 350: 1379-80.

⁶ Elizabeth Blackburn and Janet Rowley, "Reason as Our Guide," *PLoS Biology* (2004) 2.4: e116.

⁷ Leon Kass, "We Don't Play Politics With Science," *Washington Post* 3 March 2004, A27.

I must admit that the concern over whether or not the PCBE plays politics with science strikes me as strange. All science, and not just political science, is political. Rather, I should say, at least all modern technological science is political. It is always political in the broadest sense, in that it affects the way we conceive of ourselves individually, as a species, and as political communities; it alters our behavior with each other; it affects how we use our resources; it changes the ways in which government and the governed communicate, and it affects relations between nations on the international stage. The very idea that science is or could be apolitical (like the opinion that technological progress is inevitable) is itself a contestable opinion with political presuppositions and purposes.

When experts, including scientific experts, are called upon to give their counsel, there may be a tendency to accord special status to their advice, given their training and experience, and supposing their goodwill and principal interest in the discovering the truth and benefiting mankind. Such deference would mean forgetting that liberal democracy is also established in opposition to the idea that those who presume to know have the most legitimate claim to rule. Liberal democracy, in theory and in practice, rejects the rule of the wise as much as the rule of the godly. The direct rule of experts, however enlightened, is in principle illiberal and undemocratic. There is no denying that the membership of the Council represents a kind of elite. The presence of experts in positions of counsel, however, well befits government by elected representatives. To the extent that the PCBE has no power to legislate or regulate, its being comprised of a variety of recognized experts is not inappropriate. It may be said to exemplify the subordination of an aristocratic element to democratic authority. Indeed, if there is one place in the political process where religion could have a voice without being “established,” it is the domain of counsel.⁸ But there are those who think that the slightest hint of religious language anywhere in an official public body represents an inappropriate intrusion. Moreover, in the common imagination, it is religion which is regarded as the principal source of ideas which may be construed as anti-science. Thus, I am specifically interested in focusing on role of religious ideas on the PCBE. To what extent are religious claims to rule expressed in the Council’s deliberations? How authoritative do they pretend to be?

For the purposes of the present investigation, I am focusing on ten meetings of the PCBE in particular, those which surround the 2004 election—five before it, five after it.⁹ The initial idea behind this decision was that the reelection of Bush might have emboldened members of the Council, if it were the case that it is in some sense anti-science, and especially due to supposedly religious reasons. The public meetings of the Council supply the raw material of their published documents. Because individual members there speak for themselves, the questions raised and opinions expressed are often more candid and direct than the analyses and conclusions offered in the Council’s finalized, formalized published documents, where compromises must be made during the editing process. (Although Personal Statements often included in the Council’s reports have allowed individual members to offset the appearance of faux unanimity.) The present analysis is preliminary, and will primarily involve an attempt to establish something of a typology. I endeavor to identify and distinguish certain types of utterances which contain religiously significant content. The use of a limited number of PCBE meetings is more than sufficient to this purpose. Some provisional conclusions will be drawn as to the ways in which religiously-entangled claims to rule exhibit themselves in the public meetings of the PCBE. Establishing a typology of religiously significant

⁸ A Machiavellian-minded person might suppose that the incorporation of religious voices at the level of counsel is the best way to satisfy and defuse the demand for them without heeding them. Critics of their inclusion might reconsider their concerns given the dearth of legislation based on the Council’s deliberations.

⁹ There have been to date twenty-four meetings of the PCBE. For the purposes of the present analysis I am reviewing the fourteenth through the twenty-third, from October 16-17, 2003 to February 2-3, 2006.

utterances is the necessary starting point for beginning to determine which ones may be properly construed as basing a claim to rule on religious grounds, as if mediating divine authority.

Needless to say, there are difficulties in conducting this typological analysis in any comprehensive and exacting manner, for reasons both great and small. As an initial point, I do not inquire into or make an issue of the personal religious affiliations of any member, let alone their ethnicity. Even these might seem to present us with a convenient shorthand, they can also lead to prejudicial readings and hasty conclusions. Given the inscrutability of the hearts of men, one cannot know precisely what anyone happens to believe, no matter what they happen to do or say.¹⁰ Another matter is the difficulty in deciding what sort of speech is religiously significant or not, the beliefs of the speaker aside. Direct appeals to God Himself or specific revelations tell only part of the story. Taking note of remarks explicitly or implicitly critical of religion is needful as well, as are questions and comments pertinent to religions other than those to which members may adhere. But more than that, men exceedingly well learned in religion know how to and cannot help but think and speak in religiously-informed ways without always making it explicit. More interestingly, men who disavow religious views also happen to draw upon religious language and concepts, sometimes without intending them, careless of their implications and connotations, and at other times, cleverly, for rhetorical effect. There is furthermore a distinction to be made between ideas which are held to be true simply because supernatural revelation says so, which would not be knowable apart from it, and which therefore follow directly from the authority of the divine and those who hear it, and ideas which are discovered to be true by natural reason and experience, without the necessary aid of revelation, but which supernatural revelation also happens to confirm and reinforce. It is a mistake to suppose that simply because someone can draw upon a religious resource in order to support an idea that the idea is simply religious in the narrowest sense conceivable. For the purposes of this analysis, I do not endeavor to merely tally up obviously religious references in the transcripts. A straightforward quantitative summary would only yield superficial conclusions. I recognize and admit that I can only make my own best effort to discern what I can hear, finding myself in the position of any reader, seeing things only in part, and even then, through a glass darkly, as it were.

In what follows, I will provide examples of ten categories of religiously-significant utterances, with commentary. These examples are meant to be exemplary rather than exhaustive. I will then conclude with some preliminary observations regarding the transcripts I have examined, and offer some remarks recommending how I should proceed further in this research.

¹⁰ After all, a man may discourse learnedly on, say, The Book of Genesis, for 600-plus pages, respecting it as a deep source of wisdom, drawing upon the commentary of ancient rabbis as well as modern scholars, and still it proves nothing of whether or not he genuinely believes that the Scripture tells the story of the true God and the beginning of His providential plan for his chosen people.

1. Insignificant Religious References

The examples in this category are politically innocuous. I would break this category up into three parts. The first contains instances in which words with religious connotations are used promiscuously. These are too numerous to count up.

Joseph Beiderman [GS]¹¹ observes, “There is some kind of naïve belief that children are angelical.” (02/03/06-5)¹²

The second part contains autobiographical remarks.

Gilbert Meilaender says of himself and Robert George, “we belong to a tradition that honors its martyrs. We can’t possibly think that death is the greatest evil.” (12/02/04-3)

Gilbert Meilaender mentions that he expects his pastor and others from his congregation, and not just medical professionals, to visit him when he becomes very ill. (12/09/05-1)

And the third part collects instances of humor. (Council proceedings are often remarkably good-humored.)

Gilbert Meilaender notes, “what you learn at your mother’s knee is probably much more important than a Ph.D. in religious ethics.” (09/09/04-4)

Gilbert Meilaender accuses Leon Kass of having “an inadequate understanding of the afterlife,” to which Kass replies, “I’m looking forward to the judgment.” Meilaender assures him, “All will be forgiven.” (12/02/04-3)

Peter Lawler tells Daniel Sulmasy [GS] that he is “more of a Thomist than a Kantian. That’s good.” (02/02/06-2)

2. References to the History of Religious Ideas or Practices

Events, changes or trends in the history of religious ideas and practices may be related without any suggestion of better and worse, truth or falsehood. It is mostly the Council’s invited guest speakers who recount history as part of their presentations.

Thomas Cole [GS] recounts a history of meanings attributed to aging. Before the Enlightenment, aging was understood to be about “bring[ing] one’s self into alignment with the order of the cosmos or into alignment with its creator.” (06/24/04-1); He also discusses how Christians have changed their conception of the life cycle over time. (12/02/04-1)

Daniel Callahan [GS] cites the teaching of Leo XIII as the historical origin of the “communitarian notion of what it is to live together in a society,” with its emphasis on solidarity for mutual protection and caring. (03/03/05-4)

¹¹ Speakers at PCBE meetings who are not Council members are indicated as [GS], for “guest speaker.”

¹² The format used for parenthetical citations referring to the transcripts of PCBE meetings is: (month/day/year-session).

Robert Nelson [GS] says the relationship between religion and technology has changed in America. “Generally,” he states, “the practice of religion in the United States is characterized by harnessing technology for religious purposes, supported by notions of dominion.” But he wonders, “to what extent have the values and beliefs of technical interventions supplanted the values of religious faith?” Life is now said to have “intrinsic” value. The temporal isn’t subordinated to the spiritual anymore, as “technological values are actually corrupting, in some way, spiritual values.” Orthodox doctrine is now emphasized over practices of faith, hope and love. (12/08/05-2)

Patricia Churchland [GS] relates the lack of religious consensus over time on the propriety of medical interventions like organ transplants or anaesthetizing the pains of childbirth. (02/02/06-1)

Daniel Sulmasy [GS] illustrates how the concept of human dignity is not Biblically grounded. Instead, “it’s actually by a retrospective baptism of a Kantian idea.” (02/02/06-2)

3. Remarks on American Political Culture and Law

These items are observational. Normative judgments may well be involved, sometimes with a religious dimension, but there is no pretense of religious authority in them.

James Wilson agrees with Tocqueville that Americans’ enlightened conception of self-interest, which includes caring for others, has a strong religious origins and remains reinforced by religious institutions and beliefs. (09/09/04-3)

Peter Lawler regards America as “the land of religious revival,” compared to Europe, “the story of constant religious decline culminating in some post-religious era.” (09/09/04-3)

Peter Lawler calls the Democratic Party today the “libertarian party.” On regulating technology, they think “sensible people” oppose it and “religious nuts” are for it. (12/02/04-4)

Francis Fukuyama expresses his disappointment that the PCBE has accomplished little in terms of policy and institutional development. Gilbert Meilaender replies that their job is to teach and hope that some might hear. (09/09/05-5)

Peter Lawler remarks, “I like Pope Pius XII, and I am guided by him in many ways. Nonetheless, he can’t guide American law, actually. And under American law, spiritual values really don’t trump the right to life. The right to life stands as its own bottom, so to speak.” (12/08/05-2)

4. Instances Where Ideas are Attributed Wrongly to Religion

Were it the case that religious ideas have no place in public discourse, one can imagine the convenience of dismissing views one is opposed to if one could link them to religion. Religion is easily caricatured and made into a boogeyman. Also, certain views that religious people commonly hold may well be held for non-religious reasons. Religious language has also been used as a pretense or excuse for non-religious purposes or behavior.

Paul Cantor [GS], reading Mary Shelley, claims that she understood modern science as “the will to power” and imagined its abuses based on her familiarity with science and scientists. (01/16/04-5)

Gilbert Meilaender rejects the idea that a religious conversion makes anyone into a “different person,” even if he has been “transformed” in certain ways. (04/02/04-5)

Gilbert Meilaender doubts that a single woman could have “religious reasons” not to tell her parents that she’s pregnant, for fear of being shunned. He argues, “It’s a reason having something to do with her mother and that’s affected by some religions commitments her mother has made, but one wouldn’t ordinarily call that a religious reason.” (12/08/05-3)

Peter Lawler points out that Americans base their understanding of their founding principles on what came before, such as the Bible and the stoics. They rely on Locke, not Kant, for their conception of rights. Jefferson modeled the Declaration of Independence after Locke, aware that Locke is “not so Christian.” (12/09/05-5,6)

Peter Lawler rejects the enlightenment view that the story of the world is that of increasing technological progress, decreasing superstition and suffering, greater “natural capacity for respect, dignity and cooperation.” Technology threatens our humanity, which is something even many non-religious thinkers recognize. (02/02/06-1)

Alfonso Gómez-Lobo objects to categorizing every argument of Aquinas’s as theological. Much of Aquinas comes from Aristotle, not belief in the Bible. (02/02/06-1)

Leon Kass indicates that modern materialists invented the ghost-in-the-machine conception of the soul so that they may disregard questions of the soul. No wonder they can’t find any evidence for it—they fabricated it. (02/02/06-1)

5. Instances Where Appeals to Religious Authority are Direct

This category includes references to specific revelations, doctrines, teachings or institutions regarded as having religious authority. (Note, however, that it is not certain that the speaker is definitely affirming the authority to which he refers in each instance.) It also includes other miscellaneous claims to know divine truths. These are seldom found in the transcripts—at least from the point of view that religion exerts a strong claim to rule in the PCBE.

Some examples discuss what belongs to God.

James Wilson states that if we were to manufacture “humanzee” chimeras, then “by no supposition could they be called God’s creatures. God had nothing to do with creating them. They are our creatures.” (10/16/03-2)

William May indicates that theologically, God as creator goes together with God as providential preserver. These shouldn’t be strictly separated. (10/16/03-2)

Some examples involve appeals to leading interpretations of God’s will.

Gilbert Meilaender cites Augustine on suicide. People have to live out their lives. Killing the baptized is no express ride to heaven. Still, we’re “dying from the time we’re born.” (09/10/04-5)

Daniel Foster acknowledges St. Paul as the greatest teacher of Christians—and one who reminds us not to fear death too greatly. (09/10/04-5)

Occasionally, the Bible is referred to as a resource for reflection.

Joanne Lynn [GS] observes that the Bible has no stories about people suffering from long-term disability, deteriorating with a terminal condition for many years. (03/03/05-2)

Daniel Foster reminds us that the Biblical commandment to love thy neighbor is qualified “as self.” It is not absolute, which means we must be wary of giving medical care to others that we would not want for ourselves. We shouldn’t insist on unrealistic principles. (09/08/05-1)

Paul McHugh expresses interest in the theme of brotherhood, found in Biblical religion, following from the idea that we are all “created equal,” from which we get “the responsibilities and duties we carry.” He thinks that Americans see each other in this way. (12/09/05-6)

William Hurlbut emphasizes that the idea of the good needs to be supplemented with “love,” which is one thing “all Biblical tradition” affirms, that “God is love.” He argues, “Love seems to me to be the notion that carries the coherent wholeness of the good.” (12/09/05-6)

Leon Kass argues, “If you’re a friend of freedom, then you are a friend of the capacity for evil. If you don’t like freedom, then you say, ‘Do not eat of the Tree of Knowledge for good and bad.’”¹³ (12/09/05-6)

Leon Kass draws upon the Noahide Code’s prohibition against murder, noting that God gives a reason why murder is prohibited. It’s because man is made in God’s image. But it’s something earthly that’s forbidden—“spilling blood.” Man is a “psychophysical unity.” (12/09/05-6)

Sometimes members of the Council debate religious concepts.

Benjamin Carson confirms that we now know that seizures aren’t caused by demonic possession... “Well, unless demons caused mesial temporal sclerosis... maybe they do. I don’t know.” Michael Sandel wants to know why the empirical explanation always “supersedes” the religious. Michael Gazzaniga asserts that the empirical findings are “absolutely prejudiced against demons.” Paul McHugh says we don’t look for demons because of the witch-burning fiasco. Alfonso Gómez-Lobo adds that physicians only seek out natural causes, not demons. (06/25/04-5)

Robert George declares, “I think the soul is the substantial form of the body. So the body is the person. Death is the death of the person.” Daniel Foster insists otherwise, “there’s something beyond the body.” Gilbert Meilaender indicates that Foster’s view “is one that Christians have often been tempted to and that the tradition that’s best has always resisted, namely, that there’s some real me separate from the bodily existence.” (09/10/04-5)

Even representatives of Rome have made pronouncements at PCBE meetings.

Richard Doerflinger (of the United States Conference of Catholic Bishops) [GS] announces that the Catholic Church would approve of procedures which could “provide embryonic stem cells without creating or destroying embryos.” The Church is not against the “promised scientific benefits,” only the “exploiting or destroying of human life.” (12/03/04-7)

6. Unspecific References to Religious Possibilities

It is much more common for religious premises or ideas to be advanced or defended in the abstract, or elusively, without doctrinal detail or reference to specific revelations or

¹³ Note the implication that God either doesn’t like freedom, or desired the violation of this prohibition.

authorities. These utterances include tentative expressions, such as maybes, what ifs and how comes. Oftentimes, religion is being defended in general against assumptions that all religion is false, such as one encounters in expressions of what is sometimes called “scientism,” the atheistic ideological faith in scientific progress.

Sometimes a spiritual condition, broadly conceived, is attributed to human nature.

Thomas Cole [GS] asserts, “Human beings are self-interpreting creatures. We are spiritual animals who need love and meaning no less than food, clothing, shelter and health care.” (06/24/04-1)

Gilbert Meilaender claims that a “Human being is not quite a beast and not quite a god, but somewhere in between these two... We can give meaning and point to suffering, for instance.” (12/09/05-5)

William Hurlbut says of a character in a story by Tolstoy, “His heart was bursting with both pity and fear, a sense of purity, a sense of hope, a piece of his soul soaring. These are all things we all want for our lives.” (02/02/06-3)

In places, ruminations point to possible religious views, unexpressed or undeveloped. Religiously significant ideas may be expressed indirectly or implied, leaving the reader to notice or figure out what is left unsaid. This category could include references which certain people would notice but others would miss. If, for instance, anyone on the Council made an oblique reference to, say, the Talmud, I would, regrettably, miss it. Leon Kass sometimes indicates that he draws upon Yiddish proverbs or Rabbinical parables (e.g., 09/09/04-4).

William Hurlbut wonders (inspired by Thomas Cole [GS]) if there is something “spiritually salutary” about the way aging is humiliating (06/24/04-3).

Peter Lawler professes, “I’m all for jettisoning autonomy as fundamentally an evil, unempirical word.” (12/02/04-3)

Daniel Callahan [GS] offers a model for what he calls “economically and socially sustainable” medicine, how society should ration care for aging populations, recognizing that “death is not the enemy.” He insists that he is “a liberal who would like to see liberals deal with the kind of questions that religion deals with in a better way.” But Gilbert Meilaender tells him that “at the bottom, you are a religious thinker” and that “The malady that you discern requires a solution that goes deeper than any you can offer.” Michael Sandel agrees that Callahan’s proposals are entangled in “an underlying religious and/or moral conception.” (03/03/05-4)

Leon Kass suspects that Robert George and Gilbert Meilaender, on principle, won’t admit an instance where it is right to withhold care and let a patient die rather than alleviate their pain—but he finds this “weird” and “cruel” in the most extreme cases. Peter Lawler sees how they won’t and can’t “cave on” any contrived extreme example or draw any such line. (12/08/05-3)¹⁴

¹⁴ Robert George has said that treatment should be withheld “Where the burdensome nature of the treatment was such that it provided an adequate reason”—the main point being, “there are no circumstances under which you would want to treat the life as the burden to be removed, as opposed to the burdens of the treatment.” Meilaender concurs, saying that treating people equally requires avoiding such adverse comparative judgments regarding the inherent value of the lives of others. (12/02/04-3)

Peter Lawler muses, “The bottom line is we are created in a good way by nature, and the undignified modern project taken to an extreme would threaten these goods we were given by nature.” (12/09/05-5); A principal reason for this is that “It’s absolutely beyond our power to create a world beyond good and bad or good and evil.” (12/09/05-6)

William Hurlbut, against the idea that morality is a mere social construct, imagines that a man acting in isolation is still capable of “acts of self degradation” and “acts of degradation against the backdrop of the cosmos that would, in fact, both vitiate my nature and do violence against the larger order of things,” given man’s relationship to the “cosmic whole.” (02/02/06-2)

Robert George sees that the Declaration of Independence recognizes a fundamental equality of all men irrespective of obvious inequalities, and asks if that is merely “a noble myth.” Daniel Sulmasy [GS] affirms it as a truth, and that morality cannot be based on an “as if.” (02/02/06-2)

Gilbert Meilaender suggests that recognizing human beings as a natural kind isn’t enough to recognize the full dignity possessed by every one, indicating that “you’ve got to bring a certain something with you” to see that the worth of each man is inestimable. (02/02/06-2)

With some frequency, Council members make the point that modern empirical technological science, or analytical philosophy for that matter, cannot explain everything.

Peter Lawler affirms that “what a person is” is a “mystery.” (04/02/04-5)

William Hurlbut reports, “we feel with our folk psychology at least, probably correctly, that there is something called freedom” (hence the distinction between mind and brain), and “The mystery of human existence is that there is something called freedom.” Against neurological determinism, he remarks, “it’s much easier to correlate a pathology with a cause than it is freedom. Freedom emerges from the whole being. It’s the right functioning of the whole being.” (06/25/04-5)

Robert George asks why neuroscience is committed to materialism. “Is it a matter of a kind of faith? Is it a postulate of neuroscience?” Or a litmus test for joining “the fraternity”? (09/09/04-1)

William Hurlbut suspects that the materialistic scientist cannot attribute rationality to mankind, though he pretends to acknowledge and use it himself. It involves “smuggling in already a huge premise about the way the mind is” that he cannot account for on his own terms. (09/09/04-2)

Donald Landry [GS] remarks, “the origin of a human person is not a question that science alone can answer.” (12/03/04-6)

Benjamin Carson observes that human beings are capable of things unlike anything other animals do, and they readily act contrary to the principles of natural selection. He expresses doubts that “you can totally divorce that from a religious or spiritual aspect.” (03/04/05-6)

Benjamin Carson wonders what sort of evidence neuroscience would be open to considering as evidence of the soul (suggesting that they have merely excluded it from the outset). (02/02/06-1)

Leon Kass argues that a strictly materialistic account of man leaves us with no basis upon which to establish morality. Mere “neuroelectrochemical functioning” has no dignity. Plus, materialism cannot explain “aliveness.” (02/02/06-1)

Paul McHugh indicates that the lack of agreement among religious thinkers is no argument against all religion, since “scientists get it wrong so often,” too. (02/02/06-1)

Robert George wonders how one could regard the punishment of evil just (and not merely useful) on materialistic assumptions. (02/02/06-1)

But being religious does not necessarily mean being unappreciative of the scientific life.

Daniel Foster maintains that technology “is one of the glories of being human” and sympathizes with the scientist who finds that his work studying the universe is “like a religious experience.” (03/03/05-4)

The practical benefits of nonspecific religiosity are occasionally pointed out as well.

Thomas Cole [GS] finds that “the absence of a culturally-viable life cycle set within a larger frame of transcendent meaning makes it difficult for many people to grasp possibilities of spiritual growth and moral purpose amidst physical decline.” (12/02/04-1)

Peter Rabins [GS] mentions empirical findings that show that caregivers for the elderly suffer less “emotional distress” in their jobs if their “spiritual or religious beliefs explain this situation” (i.e., what they’re dealing with) to them. (09/08/05-2)

7. Instances Where Religion Supports or Confirms Ideas Discovered by Reason or Experience

It is sometimes erroneously supposed that everything religious traditions or people affirm must come from somewhere beyond reason or experience. But no religion would make any sense to anybody if the things it said were wholly foreign to man’s life and thoughts.

Daniel Foster tells stories of his patients and their attempts to understand themselves in light of the story of Christ. (06/24/04-2).

Leon Kass comments, “the Western Biblical tradition makes it a commandment to honor your father and mother (presumably because it needs commanding).” (09/09/04-4)

Peter Lawler says that you don’t need faith to see that we’re different, explaining, “Human beings are the beings with language, who are as a result open to the truth about all things.” (03/04/05-6)

Daniel Foster has a talent for connecting anecdotes to Biblical teachings. On the way children love their parents in their old age because their parents loved them, though imperfectly, he remarks, “Love covers a multitude of sins.” (02/02/06-3)

Diana Schaub observes, “It strikes me that there might have been a good reason why the original formulation, the original biblical formulation, was not what do parents and society owe children, but rather, what do children owe their parents? And the divine commandment says, “Honor thy father and mother.” ...I suspect that we won’t do better on our obligation to preserve, nourish, and educate our children until motherhood is again honored by society and fatherhood is again honored by society.” (02/02/06-3)

8. References to non-Biblical Religion

It is understandable that religious ideas expressed in the PCBE primarily reflect the Judeo-Christian tradition, but it is fitting that they look beyond it as well.

William May explains the idea of the sacred and the taboo in “traditional societies.” (10/16/03-3)

Thomas Cole [GS] recommends “studies of the moral and spiritual lives of older people in various geographic, ethnic, racial, gender, and class situations. We need diverse religious reflections and their translation into practical programs and congregational life... I don’t think we can expect universally-true, decontextualized norms and values to which all elders should be held accountable. In a pluralist society, we need to hear from various religions, ethnic, racial, and political groups.” He adds, “our society, therefore, needs to support a variety of contemplative practices, including, for example, prayer, meditation, self-reflection, yoga, tai-chi, and so on,” to help with spiritual growth in old age. (12/02/04-1)

Daniel Foster shows appreciation for the wisdom of a Hindu friend, critical of Western thinking, who explained that “Death is not the opposite of life; it is the opposite of birth.” We should not fear death so much. Foster connects this with a readiness to recognize that sometimes “life is meaningless, except in some hidden view maybe of the creator of the world,” and so he rejects the effort to keep people alive at all costs rather than allow them to die. (12/02/04-3; cf. 09/10/04-5)

Francis Fukuyama refers to Eastern religions, including Buddhism, Taoism, and Shinto, which do not have a conception of human dignity based on the Judeo-Christian tradition’s strict distinction between human and nonhuman life. It’s important to understand them since these cultures will be contributing so much to biotechnological progress. Fukuyama thinks that it is possible to establish a cross-cultural notion of dignity without basing it in Christianity. (03/04/05-6; 09/09/05-5)

9. Suggestions that Religion is an Indifferent Matter

One way in which the significance of religion is defused is by according it some status that renders it as a matter of indifference, properly seen as irrelevant to science or politics, a private matter of personal preference, a subjective opinion, a mere choice, take it or leave it as you please. Statements like these plainly befit the modern mindset.

Jonathan Cohen [GS] argues that it is a “philosophical,” i.e., not scientific, “organizing frame” of neuroscience that there is no such thing as “chance or something outside of the causal system.” Still, “I am willing to be agnostic as to whether or not there is ectoplasm that exists outside of the material world, or some force of nature, or God, or whatever you want to call it, that has influence,” he says, “But as a scientist that is not the game that we play.” (01/15/04-3)

Robert Michels [GS] admits that he doesn’t know how the brain produces consciousness—but the answer to that question is irrelevant to medicine. (01/15/04-3)

Jonathan Cohen [GS] allows that a man “can be a mystic and still be a scientist, sure.” Cohen himself claims to be agnostic, for the most part, but his personal beliefs are his own, and it’s his “personal prerogative to believe or not believe.” (01/15/04-4)

Michael Sandel imagines that if there are natural causes for criminal abnormalities, then it’s the same for saints. That doesn’t make them less saintly though. (06/25/04-5)

Stephen Morse [GS] thinks one must be a materialist to be a neuroscientist. He figures one could imagine that “a creator” set the matter in motion. He claims to be no materialistic reductionist, but he expects that neuroscience will eventually explain how the mind and the brain are connected. He admits that his own materialism is a “pre-commitment” based on his own “best understanding,” and that his morals are a product of his time and political circumstances. (09/09/04-1)

Herbert Hendin [GS] expresses concern that the religious beliefs of patients will be regarded as a matter of indifference to physicians when euthanasia and assisted suicide are permitted. They will suppose that they know best what compassion and justice require, and will act without the consent of their patients. He offers a story about a Dutch nun to this effect. (03/03/05-1)

Daniel Callahan [GS] insists that enthusiasm for progress in medical technologies is as “embedded in religious communities as nonreligious.” (03/03/05-4)

Paul Weithman [GS] indicates that various religious and non-religious people alike give different reasons for defending some idea of human dignity—but this is why the concept of dignity is “more useful” than the differing “foundational concepts” people use to arrive at it. (12/09/05-5)

Patricia Churchland [GS] maintains that there is no soul and that religion is superstition, although she allows that men may have a “spiritual existence in contact with the natural world.” She is politick enough to say that religion is a private choice, and that science would be glad to hear evidence in favor of the soul, if some could be provided. (02/02/06-1)

10. Explicitly Anti-Religious Statements

Comments which positively contest the claims of religion, directly or indirectly, are rare on the Council. It is difficult, of course, to know what is implied by an absence of speech. Many members who are regular contributors to Council discussions are simply silent on religious questions, but this hardly means that they necessarily object.

Daniel Foster perceives that “scientists in general” are “not only particularly not interested in what something like the Council is doing, but they are fairly hostile toward it because they see it limiting the science.” Edmund Pellegrino [GS] agrees, adding that medical students, too, “have been nurtured on their mother’s milk of logical positivism.” (01/16/04-5)

Michael Gazzaniga argues, “if there was only one person in the world, there wouldn’t be all this talk about morality.” (12/02/04-3); He argues that conceptions of human dignity and morality are all “obviously social constructs.” (02/02/06-1)

Patricia Churchland [GS] maintains that it is superstitious to regard God as the cause of anything. Doing so is the result of man’s ignorance regarding natural causes. Churchland is confident that scientific progress refines our moral ideas. They evolve as it advances. (02/02/06-1)

Janet Rowley also takes evidence that the meaning of the human dignity changes along with scientific progress as evidence that our morals are “evolving.” (02/02/06-2)

To conclude I will be brief, having accomplished what I set out to do for the present with this typology.

First, the extent to which religious ideas are expressed in PCBE meetings does not change strikingly over time. Indeed, this collection of examples inadvertently overstates the prominence of religiously significant discourse in the Council’s meetings as a consequence of its exclusive focus on such instances. The occurrence of religiously significant speech in the transcripts of the Council’s meeting is regular, but hardly overbearing. It occurs at least once in most but not all of the Council’s sessions, in one

form or another. To put it in perspective, while I have not attempted an exhaustive catalogue of all such instances in the ten meetings I have reviewed for the purposes of this paper, the examples included in the typology above easily constitute a sizable majority of those which could be assembled from them. As the examples itemized above indicate, most of these statements are made by only a portion of the Council membership, and by a share of the Council's guest speakers (who often are only answering questions posed by those same few members). The only censorship during the Council meetings is self-censorship. It is implausible that the relative silence of those members who do not contribute religiously significant speech during the meetings could be attributed to a silencing effect enforced by those who do. It would, admittedly, require a comparison of these transcripts with the Council's earlier transcripts in order to make a conclusive statement to the effect that critical ideas which were once expressed are no longer offered. The inclusion of a wide range of ideas for and against cloning expressed in the Council's first formal report suggests that this forum has always allowed open contestation. The Council continues to invite guest speakers whose positions and approaches run decidedly contrary to the views of its more outspoken members on religious subjects.

As the examples provided in the typology demonstrate, the Council hardly speaks with a monolithic voice even when religious ideas are expressed, except in the general sense that a Western, Judeo-Christian lens predominates in its sessions, as it does within the American public. The potential shortcomings of this fact, however, have been recognized within the Council. Individual members rarely advance what could be construed as strong claims on the basis of divine authority. Many religious references are historical, personal, observational and contextual. Only a small proportion of them are direct, positive affirmations of specific claims. A larger number of them are tentative, vague, indirect and defensive.

When the Council holds sessions dealing with public policy specifically, religiously significant speech is especially unusual. Similarly, when the Council is engaged in conversation with a guest speaker on specific issues in health care, whether for the young or the elderly (as these are the subjects most on their agenda during the timeframe under analysis), many sessions pass with no religiously significant speech at all, or but a negligible amount. Certain conversations evoke more religiously significant discourse, including some of those with guest speakers who work in the field of neuroscience. It is, however, during the Council's more theoretical discussions on subjects such as the meaning of human dignity that religiously inspired voices come to the forefront. There were multiple sessions on this subject in December 2005 and February 2006, which explains the noticeable number of examples from these sessions included within the typology.

A more comprehensive inquiry into the role of religion on the PCBE would involve analyzing the transcripts of the remaining meetings, the Council's published reports, as well as other publications by and interviews with Council members. The principal benefit of the present investigation is that the typology here set forth would assist in the sorting of religiously significant ideas so as to identify those which have the

most potential to constitute claims to rule. To that end, categories 5, 6, 9 and 10 have the most relevance and promise.