

Bioethics, the Christian Citizen, and the Pluralist Game

Francis J. Beckwith

ABSTRACT

The ascendancy of Christian activism in bioethical policy debates has elicited a number of responses by critics of this activism. These critics typically argue that the public square ought to embrace Secular Liberalism (SL), a perspective that its proponents maintain is the most just arrangement in a pluralist society, even though SL places restraints on Christian activists that are not placed on similarly situated citizens who hold more liberal views on bioethical questions. The author critiques three arguments that are offered to defend SL: (1) the golden rule contract argument, (2) the secular reason argument, and (3) the err-on-the-side-of- liberty argument. The author concludes that each of these arguments fail to support SL.

AERICAN CHRISTIANS, from a variety of denominational and liturgical traditions, have become participants in the public debates on bioethical issues. The issues that most arouse these citizens to political activism are sometimes called the life issues: abortion, cloning, embryonic stem cell research, and physician-assisted suicide. These are practices that by their very nature touch on one of the most important philosophical questions of the ages: Who and what are we? The theological traditions from which these citizens spring offer a contrary answer on this question to the one suggested by the proponents of abortion, cloning, embryonic stem cell research, and physician-assisted suicide. Thus, for many Christians, the proliferation and legal permissibility of these practices teaches their fellow citizens a mistaken and harmful view of the human person and what constitutes the common good. Consequently, Christian activism in bioethical issues should not be surprising.

In opposition to this activism, some argue that if the views of these Christian citizens were to become enshrined in our law, it would violate a

fundamental principle of liberal democracy: in a pluralist society that includes citizens with conflicting and contrary philosophical and religious beliefs, the law should not embrace any one of these perspectives as correct.¹ Some argue that this principle is supported by America's tradition of church-state separation that supposedly entails that the U.S. Constitution's Free Exercise and Establishment Clauses require that a religious view of the human person and the common good cannot be imposed on citizens who disagree with that view.²

I call this position Secular Liberalism (SL), and I do so for two conjoined reasons. It is liberal insofar as its proponents claim that because all citizens should be treated with equal regard, the resolution of bioethical disputes should be left to the rights-bearing citizen who has a fundamental right to be emancipated from all external restraints in order to properly exercise his liberty under the direction of his own freely chosen view of the good life. This perspective is also secular, for it requires that the only permissible external restraints that may be placed on citizens are those that are both not metaphysically dependent on a religious worldview and help insure that the unencumbered rights-bearing citizen exercise his liberty without being interfered with and without interfering with the same liberty held by others.

Although SL is offered by its proponents as the most rational ordering of the public square so that our civilization may arrive at just public policy in a society in which its citizens embrace conflicting and contrary world-views, I think that there are good reasons to believe that it cannot succeed in this noble purpose. In order to support this conclusion, I critique three arguments that are employed to defend SL: (1) the golden contract

¹ See, e.g., Ronald Dworkin, *Life's Dominion: An Argument About Abortion, Euthanasia, and Individual Freedom* (New York NY: Random House, 1993); John Rawls, *Political Liberalism*, 2nd ed. (New York NY: Columbia Univ. Press, 1996); Judith Jarvis Thomson, "Abortion: Whose Right?" *Boston Review* 20/3 (2005), available at: <http://bostonreview.mit.edu/BR20.3/thomson.html>.

² See, e.g., Paul D. Simmons, "Religious Liberty and Abortion Policy: *Casey* as 'Catch-22'," *Journal of Church & State* 42/1 (2000): 69–88; "Religious Liberty and the Abortion Debate," *Journal of Church & State* 32 (1990): 17–21.

rule argument, (2) the secular reason argument, and (3) the err-on-the-side-of-liberty argument. It is, however, important to understand what I am not trying to do in this article. I am not arguing that the positions held by certain Christian citizens are more philosophically defensible than their rivals, though I have made that case elsewhere on the issue of abortion.³

My point is simply to address three arguments that are employed to prohibit in-principle bioethical legislation informed by religious thought (including Christian theology). Of course, even if I am correct that these three arguments for SL fail, it may be the case that the Christians' arguments for their bioethical positions nevertheless fail on their own merits. But the latter is not the focus of this article. What I am contending here is that there is no good reason in principle why these Christians should not be allowed to make their case in the public square and have their views enshrined in law. There should be, in other words, no metaphysical prior restraint that allows SL to win by default without even permitting its rivals to put up a fight.

THE GOLDEN RULE CONTRACT ARGUMENT

Robert Audi has argued in various works that the religious citizen ought not to employ the power of the state to pass legislation that would coerce disagreeing citizens to act in accordance with that legislation, for the religious citizen would not want the disagreeing citizen to do so the same to her. Audi writes: “[It] is a kind of restraint I would wish to be observed by members of other religious groups who would want to coerce my behavior in the direction of their religiously preferred standards.”⁴ I call this the golden rule contract argument because (1) it seems to be modeled after Jesus's golden rule that we ought to do unto others as we want them to do unto us, and (2) it seems to leave the justification of this rule to a

³ See Francis J. Beckwith, *Defending Life: A Moral and Legal Case against Abortion Choice* (New York NY: Cambridge Univ. Press, 2007).

⁴ Robert Audi, “Liberal Democracy and the Place of Religion in Politics” in *Religion in the Public Square*, ed. Robert Audi and Nicholas Wolterstorff (Lanham MD: Rowman & Littlefield, 1997), p. 51.

social agreement or a contract between disagreeing parties.

There are several problems with this argument. First, it is not clear what to make of the phrase “religiously preferred standards,” since a standard, especially a religious one, is not the sort of thing that acquires its normative strength as a result of those under its authority preferring, or choosing, it. The Ten Commandments, for example, according to the Jewish and Christian traditions, ought to be obeyed, not because Jews and Christians religiously prefer the Decalogue but rather because its source is God and one ought to obey God even if one prefers to do otherwise. To refer to a religious standard as “preferred” assumes a consumer model of religious belief that robs it of its status as a “standard.” For preferences, like matters of taste, do not seem to carry with them any normative power whatsoever. It is one thing to say that I prefer that embryos not be experimented on, but it is quite another to say that embryos ought not be experimented on regardless of what you or I may prefer.

Second, Audi’s argument is set at too high a level of abstraction. Not knowing the specific issue, arguments, or counter-arguments of the disputing parties, Audi’s principle is of no help. Consider this illustration of what I mean. Suppose that Fred, a white slave owner who embraces a religion that requires that its male members practice polygamy, does not agree with a religiously motivated abolitionist, Sam, who wants to criminalize slavery because he believes that black slaves, like their white owners, are made in the image of God and ought to be accorded all the rights that accompany such a status. Fred, relying on Audi’s principle, explains to Sam: “How would you like it if I used the coercive power of the law to require that the male members of your sect practice polygamy, as is required by my faith? You would not like it, would you? So, why don’t you follow my example and show the kind of restraint to me that I have shown to you? Just as I should not force you to practice polygamy, you should not force me to abandon my ownership of slaves.”

There are, of course, non-religious arguments against the practices of slavery and polygamy, as there are non-religious arguments for the bioethical positions held by many American Christians, and Audi seems to

admit such a possibility.⁵ But it is not clear why that should matter, since what seems to be doing the work in Audi's golden rule argument is the fact that because the Christian would not like to be coerced by the state, he ought to refrain from coercing others.

Third, Audi's argument assumes a desire-account of self-interest that puts a premium on a controversial non-perfectionist understanding of liberty, one that equates a person's good with the freedom to achieve what he or she desires in accordance with a chosen life plan. But it is not obvious that this view of liberty is correct, and Audi provides no arguments to defend it. After all, one can assume a perfectionist view of liberty while applying Audi's principle and come to an entirely different conclusion. Recall his principle: "[It] is a kind of restraint I would wish to be observed by members of other religious groups who would want to coerce my behavior in the direction of their religiously preferred standards."⁶ A Christian perfectionist can then reason from this principle: "Because I know that I have a weakness of will, and a propensity to do what is wrong if there are no legal barriers to discourage me, I am grateful when the state forbids a bad activity, such as abortion, cloning, active euthanasia, or embryonic stem cell research. It liberates me from the call of temptation. Virtue is easier to attain when there is encouragement by members of the wider community and that encouragement is reflected in the legal framework. Because I believe that the legal framework ought to make it difficult for me to treat myself and others in a degrading and immoral way, and I am grateful when it does, I owe it to my fellow citizens to help make it easier for them to live a virtuous life as well."

For the Christian perfectionist, the bad coercion occurs when the law is employed to make it more difficult for her and others to live the good life, whether in the form of permissible laws or the sort of metaphysical prior restraints suggested by Audi and other non-perfectionists. Thus, the perfectionist Christian expects her non-perfectionist peers to restrain themselves when they want abortion, euthanasia, and embryonic stem cell research to be more accessible. As John Finnis puts it, a Christian

⁵ Audi writes: "The epistemic autonomy of ethics does not imply its disconnection from other conceptual domains, including theology.... I have argued that we can say at least this: God would surely provide a route to moral truth along rational secular paths—as I think Aquinas, for one, believed God had done. Given how the world is—for instance, containing so much evil—it would seem cruel for God to do otherwise. If there were no secular path to moral truth, the plight of the world would be even worse than it is, and in ways there is good reason to think God would not allow." Robert Audi. *Religious Commitment and Secular Reason* (New York NY: Cambridge Univ. Press, 2000), p. 141.

⁶ Audi (1997), p. 51.

perfectionist's proposed legislation "may manifest, not contempt, but a sense of equal human worth of those people, whose conduct is outlawed precisely on the ground that it expresses a serious misconception of, and actually degrades, human worth and dignity, and thus degrades their own personal worth and dignity, along with that of others who may be induced to share in or emulate their degradation."⁷ The Christian perfectionist's understanding of virtue is, of course, informed by a controversial religious worldview (even if he or she has non-religious arguments for his or her viewpoint). But this is no less true of the non-perfectionist understanding of the good life assumed in Audi's argument. Francis A. Canavan, for example, asks us to consider the case of the legal status of active euthanasia:

The person whose life is to be terminated by euthanasia wants to die. He therefore claims the right to end his life, or have it ended by a doctor, on the premise that the only value of life is a purely subjective one, and his life is no longer of value to him. The argument against letting him choose death—when all subsidiary and distracting arguments about fully informed consent have been settled—must involve the principle that human life is a value in itself, an objective human good, that the state exists to protect. Faced with this issue, the U.S. Supreme Court could not pretend to be neutral by finding euthanasia to be included in the constitutional right to privacy, thus making life and death objects of private choice. So to decide would be to come down on one side of the controversy, that side which holds that life has only subjective value.⁸

Thus, it seems that the golden rule contract argument is not helpful in resolving bioethical disputes, since it achieves contrary results depending on what understanding of liberty is assumed in the disputant's premises. Consequently, it can not serve as a basis for establishing SL.

THE SECULAR REASON ARGUMENT

Audi offers another principle that may be employed to support SL, the secular reason requirement: "[O]ne has a *prima facie* obligation not to advocate or support any law or public policy that restricts human conduct, unless one has, and is willing to offer, adequate secular reason for this advocacy or support (say for one's vote)."⁹ In addition to assuming the controversial view of liberty already assessed above, this principle requires,

⁷ John Finnis, "Legal Enforcement of 'Duties to Oneself': Kant v. Neo-Kantians," *Columbia Law Review* 87/3 (1987): 433-56, at p. 437.

⁸ F.A. Canavan, *The Pluralist Game: Pluralism, Liberalism, and the Moral Conscience* (Lanham MD: Rowman & Littlefield, 1995), pp. 74-75.

⁹ Audi (1997), p. 25.

without argument (remember, it is part of a *prima facie* obligation), that a citizen's reasons be "secular." But "secular" is not a relevant property of a reason that is offered in support of the strength or soundness of the conclusion that its advocate is advancing. "True," "false," "plausible," "implausible," "good," and "bad" are adjectives that we apply to reasons when we assess the property relevant to its purpose as part of an argument. "Secular," like "tall," "fat," "stinky," or "sexy," has no bearing on the quality of the reason that one may offer in an argument to advocate a particular public policy. Consequently, because Audi is offering this principle to restrict the conduct of religious citizens, i.e., they must offer "secular reasons," and because, as we have seen, this principle rests on a mistake as to what properties are relevant to assessing the quality of one's reasons, Audi has not offered adequate secular reason to support his principle. Thus, we may safely ignore it without violating any canon of rationality.

In practice, this requirement for a secular reason functions as a hindrance to properly understanding the bioethical issues addressed, and the positions held, by Christian citizens. Consider the speech given at the 2004 Democratic National Convention by Ron Reagan, the son of the late U.S. President Ronald W. Reagan.¹⁰ Commenting on Americans who oppose embryonic stem cell research, the younger Reagan argued:

Now, there are those who would stand in the way of this remarkable future, who would deny the federal funding so crucial to basic research. They argue that interfering with the development of even the earliest stage embryo, even one that will never be [sic] implanted in a womb and will never develop into an actual fetus, is tantamount to murder.... [M]any are well-meaning and sincere. Their belief is just that, an article of faith, and they are entitled to it. But it does not follow that the theology of a few should be allowed to forestall the health and well-being of the many. And how can we affirm life if we abandon those whose own lives are so desperately at risk?¹¹

Reagan then offers an account of the value of nascent life. He argues that early embryos "are not, in and of themselves, human beings" because they "have no fingers and toes, no brain or spinal cord. They have no thoughts, no fears. They feel no pain." And because the early embryo's cells have yet to develop into the cells of specific organs or systems (i.e., they have not differentiated), and it is therefore just a cluster of "undifferentiated cells multiplying in a tissue culture" and not "a living, breathing person-parent,

¹⁰ Ron Reagan, Speech before the Democratic National Convention (July 29, 2004), available at: www.usatoday.com/news/politicselections/nation/president/2004-08-29-reagan-speech-text_x.htm.

¹¹ Reagan (2004).

a spouse, a child,” the embryo’s stem cells may be used by researchers even if the extraction of those cells will result in the embryo’s demise.

But by sequestering early embryos from the class of moral subjects, Ron Reagan attempts to answer a question of philosophical anthropology¹² to which religious traditions have offered an answer. Reagan presents an argument in order to justify the killing of early embryos by trying to first answer the question of the nature of a moral subject. Those who oppose Reagan’s position, mostly Christians, present arguments and counter-arguments in order to first show that the early embryo is a moral subject and then from there show that killing that entity in the way that Reagan suggests is unjustified. Reagan chooses to call this position “an article of faith,” even though its advocates offer real arguments with real conclusions and real reasons.¹³ Of course, these arguments and the beliefs they support are, for many of their advocates, articles of faith, but they are also offered as deliverances of rational argument. In that case, they should be assessed on their merits as arguments.¹⁴

¹² “Philosophical anthropology” deals with questions about the nature of human beings, such as what constitutes a human being, whether human beings have immaterial natures, souls, or minds and/or whether the absence or presence of those attributes or properties determines a human being’s status as a moral subject.

¹³ See, e.g., F.J. Beckwith, “The Explanatory Power of the Substance View of Persons,” *Christian Bioethics*, 10/1 (2004): 33–54; Beckwith (2007); Patrick Lee, *Abortion and Unborn Human Life* (Washington, D.C.: The Catholic Univ. of America Press, 1996); Patrick Lee, “The Pro-life Argument from Substantial Identity: A Defense,” *Bioethics* 18/3 (2004): 249-63; Patrick Lee and Robert P. George, “The Wrong of Abortion” in *Contemporary Debates in Applied Ethics*, ed. A. I. Cohen and C. Wellman (Malden MA: Blackwell, 2005), pp. 13-26; J.P. Moreland and S.B. Rae, *Body & Soul: Human Nature and the Crisis in Ethics* (Downers Grove PA: InterVarsity Press, 2000);

¹⁴ In the Thomistic tradition some truths of faith may also be truths of reason. As I write elsewhere: “For Aquinas, there are things that can be known by reason, things that can be known by faith, and things that can be known by both or either. For example, the periodic table can be known by reason, the Trinity can be known only by special revelation (faith), and God’s existence can be known by reason (the Five Ways) and faith (revelation), though things known by faith alone can never be contrary to reason. There is no two-tier view of knowledge for Aquinas, for objects of faith are truly known and may count against someone’s apparent deliverances of ‘reason,’ and it is the job of the philosopher to show that such deliverances are in fact against reason. The difference between objects of faith and objects of reason for Aquinas is not in their status as objects of knowledge, but in how the knowledge is acquired by the human mind. Take, for example, the case of God’s existence and nature. According to Aquinas, one can know through reason that there is an eternally existing necessary and personal agent that is the first cause of all that contingently exists. But that such

It goes without saying that the arguments offered by these citizens may not be as strong as their advocates think they are. But this may also be the case with the arguments presented by those, like Reagan, who hold contrary points of view. Consequently, calling the positions of Christian citizens “articles of faith” serves as a type of argument-stopper rather than advancing reasoned discourse. If in fact reason requires that we conclude that bioethical claims connected to theological traditions can never in principle be items of knowledge, then Reagan and his more sophisticated allies would have a point. But that case has yet to be made. And, in fact, it seems that just the opposite is true, that religious believers seem well-prepared rationally to engage their secular opponents on a variety of subjects, including the rationality of religious belief itself as well as a variety of bioethical issues.¹⁵ It seems, then, that there is little justification for believing that as long as we can convince our peers that a view is or may be “religious” we are relieved of our epistemic duty to rationally assess that view as a serious contender to the deliverances of so-called “secular reason.”

There is a legal variation on the secular reason requirement that I will briefly address. Some thinkers have argued that this requirement can be justified by the religion clauses of the First Amendment and the philosophical principles that these thinkers believe gave rise to our contemporary understanding of these clauses. For example, Paul D. Simmons, in writing about the issue of abortion, suggests that the Supreme Court should “examine abortion as an issue of religious liberty and First Amendment

a being is a Trinity—three persons and one eternal substance—is something revealed in special revelation, Scripture, and is not the result of the deliverances of reason. Still, in rebutting the charge that the Trinity is against reason, the philosopher may offer conceptual clarity to the skeptic and show that the doctrine is not incoherent or irrational. In that sense, the philosopher is showing that that which is known by faith (the Trinity) is not contrary to reason, even as he maintains that God’s existence is known by both reason and faith and is thus contrary to neither.” Francis J. Beckwith, “What’s Upstairs?” *First Things: A Monthly Journal of Religion and Public Life* 147 (2004): 54-55.

¹⁵ In addition to the bioethical works cited above, see, e.g., Alvin Plantinga, *Warranted Christian Belief* (New York NY: Oxford Univ. Press, 2000); *God and Other Minds: A Study of The Rational Justification of Belief in God* (Ithaca NY: Cornell Univ. Press, 1967); Richard Swinburne, *The Existence of God* (New York NY: Oxford Univ. Press, 1979); Alvin Plantinga and Nicholas Wolterstorff, eds., *Faith & Rationality: Reason & Belief in God* (Notre Dame IN: Univ. of Notre Dame Press, 1983); William Lane Craig, *The Kalam Cosmological Argument* (New York NY: Macmillan, 1979); Francis J. Beckwith, William Lane Craig, & J.P. Moreland, eds., *To Everyone an Answer: A Case for the Christian Worldview* (Downers Grove PA: InterVarsity Press., 2004).

guarantees.”¹⁶ For, according to Simmons, the position of abortion opponents, that the fetus is a person from conception, is the result of “speculative metaphysics,” indeed “religious reasoning,” and for that reason, ought not to be part of public policy, because if it were it would amount to one religious position being foisted upon those who do not agree with it. This would violate the Establishment Clause, the portion of the U.S. Constitution’s First Amendment that asserts that government may not establish a religion.¹⁷ It would also violate the Free Exercise Clause of the First Amendment, for to allow such a public policy would be inconsistent with the Court’s obligation “to protect the free exercise of the woman’s conscientious (i.e., religious) judgment.”¹⁸

But as we saw in our critique of Reagan, no matter what position the government takes on the nature of the embryo or fetus, it must rely, whether explicitly or implicitly, on some view of the human person that is tied to a metaphysical position that answers precisely the same sort of question that the “religious” positions to which Simmons alludes try to answer. Because these so-called “religious positions,” as I have mentioned already, are often defended by arguments that are public (or secular) in their quality and do not rely on appeals to Holy Scripture or religious authority, it is not precisely clear why a public argument that is informed by a citizen’s religious belief violates the Constitution while a contrary public argument that is informed by a citizen’s secular belief does not.¹⁹

THE ERR-ON-THE-SIDE-OF-LIBERTY ARGUMENT

Philosopher Judith Jarvis Thomson offers the most sophisticated version of this argument. Although she deals with the issue of abortion, one can easily extend her reasoning to other bioethical issues, such as embryonic stem cell research, cloning, and active euthanasia.

In this ingenious argument, Thomson concedes that the pro-life position on abortion is not obviously irrational. Although she concedes the

¹⁶ Simmons (2000), p. 88.

¹⁷ Although the original purpose of the Establishment Clause of the First Amendment was to restrain Congress (“Congress shall make no law respecting an establishment of religion...”), the Supreme Court has incorporated the First Amendment through the Fourteenth Amendment and now applies the former to the states as well. See *Everson v Board of Education* 330 U.S. 1 (1947). The Justices unanimously agreed that the Establishment Clause applies to the States through the Fourteenth Amendment.

¹⁸ Simmons (2000), p. 88.

¹⁹ For a more extensive critique of arguments by Simmons and others, see Beckwith (2007), ch. 3.

religious roots of this position—for she calls one argument for it a Catholic argument²⁰—she does not seem to think that the position’s genesis is relevant to assessing the quality of the case offered for it. Thomson maintains that because she knows of no conclusive argument that would fatally count against the pro-life position, the pro-lifer is not irrational in holding her views about the fetus’s personhood and the moral wrongness of abortion that is entailed by it (and the legal implications of that judgment as well). But this modest assessment of the rationality of pro-life beliefs implies that the pro-choice supporter is not rationally required to accept the pro-life position. Conversely, reason does not require that the pro-lifer change her beliefs about the moral wrongness of abortion. Consequently, the pro-lifer’s position is not so strong that a rational citizen may not reasonably disagree with this view and be within her epistemic rights in denying the fetus’s personhood and thus be perfectly rational if she chooses to procure an abortion.²¹ Thus, from a strictly rational point of view, no one side in this debate can legitimately claim to offer the position that reason requires.

Nevertheless, Thomson supports abortion’s continued legalization. She does so, ironically, by employing to her advantage the dispute’s epistemic impasse. She writes:

One side says that the fetus has a right to life from the moment of conception, the other side denies this. Neither side is able to prove its case.... [W]hy should the deniers win? ...The answer is that the situation is not symmetrical. What is in question here is not which of two values we should promote, the deniers’ or the supporters’. What the supporters want is a license to impose force; what the deniers want is a license to be free of it. It is the former that needs justification.²²

The *prima facie* principle to which Thomson appeals to support this case is this: “severe constraints on liberty may not be imposed in the name of considerations that the constrained are not unreasonable in rejecting.” So, unlike Audi, Thomson is not offering an argument that would exclude *a priori* religiously informed cases for bioethical positions. But rather, she is arguing that when there is deep disagreement over whether a particular act ought to be prohibited by the law, and the best arguments for those on all sides (including religiously informed arguments) are not obviously irrational, society ought to err on the side of liberty and permit the activity. After all, those who want to engage in the activity are not irrational in rejecting the grounds for the prohibition.

²⁰ Thomson (1995).

²¹ See, generally, Thomson (1995).

²² Thomson (1995).

Although this argument seems compelling because it relies on widely held intuitions about liberty and rationality, I believe, ironically, that it fails precisely because of its reliance on these intuitions. Thomson stipulates, without argument, that liberty is the value at stake in the debate over abortion. But if, to borrow Thomson's nomenclature, it would not be unreasonable to reject her stipulation, reason does not require that we accept it. But then we would be free to reject her stipulation without violating any of our epistemic duties. So, let us raise the question: Is it unreasonable to reject her stipulation? I believe that the answer is "no." Consider this example.

Imagine there is a shooting range in Glendale, Arizona that is situated 1000 feet from an elementary school playground. At the request of concerned parents and citizens, the city council passes an ordinance that forbids operation of the shooting range while children are present on the playground during recess time. In its deliberations, which includes expert witness testimony, the council finds that there is a 1-in-1000 chance of a stray bullet striking a child on the playground during recess if the range is operating at full capacity during that time. Suppose that the local marksmen lobbying group, which believes its liberty is being unjustly obstructed by the ordinance, attempts to rebut this reasoning by offering Thomson's principle to the council: "severe constraints on liberty may not be imposed in the name of considerations that the constrained are not unreasonable in rejecting." But this does not seem persuasive. The reason is that Thomson's principle does not provide us with any real guidance when one faction in a dispute is arguing that the exercise of the liberty in question may result in a worse harm than the unjust constraint claimed by the other faction.

To better grasp this problem, imagine that the city council responds to the marksmen's application of Thomson's principle in the following way: "Yes, your principle may be correct, but the city is not unreasonable in constraining your liberty, for it is clearly not unreasonable that you acquiesce to a public policy that protects the innocent from unjust harm even if there is only a 1-in-1000 chance of that harm occurring." The application of this reasoning to Thomson's argument should be obvious: Thomson's principle may be correct, but it would follow from it that one is not unreasonable in incorporating into law the pro-life constraint on the pregnant woman's liberty, for Thomson's argument concedes that the pro-life position on the fetus's personhood is reasonable and thus implicitly admits that most abortions may be cases of unjust homicide. After all, the burden that abortion is employed to terminate, pregnancy, is less of a harm than the wrong that Thomson concedes is not unreasonable for one to believe occurs in the termination of that burden, unjustified homicide. Consequently, if it is reasonable for the city council to limit the liberty of marksmen because there is a chance of endangering moral subjects, then it

is not unreasonable for pro-lifers to employ the resources of law to severely restrict the right to abortion.

CONCLUSION

Secular Liberalism (SL) cannot remedy the deep philosophical conflicts that percolate beneath the public debates on bioethical issues in which Christians have become vibrant participants. For its application results in what Canavan calls the pluralist game,²³ a bait-and-switch in which a religiously neutral public square that respects pluralism is promised so that our legal regime may avoid the imposition of any “sectarian” or “religious” dogma. But that is not what is delivered. What arrives is a legal regime that is no less sectarian than any of the “religious” views it was intended to sequester. For, as we have seen, SL presupposes and entails its own understandings of liberty and the human good that answer precisely the same philosophical questions that the so-called sectarian views answer.²⁴

Consequently, contrary to some depictions of Christian involvement in bioethical debates, these religious citizens seem not to have inserted themselves into the public square because of a desire to “force their morality on others” (if we use the common pejorative description). Rather, they have become politically active in bioethical debates for the purpose of resisting what they believe are understandings of the human person that are contrary to human dignity and thus the common good.

²³ Canavan (1995), pp. 74-75.

²⁴ Canavan (1995), pp. 115-23.

