

Fourth Edition

Moral Choices

An Introduction to Ethics



SCOTT B. RAE

In this highly readable and well-referenced book, Scott Rae patiently works through some of the most relevant and perplexing moral questions of the twenty-first century. Given the nature of these issues, this is not an easy task. His careful analysis is illustrated with many enlightening analogies. Beyond that, many readers will appreciate his answers to foundational questions such as why the topic matters in the first place, how to think morally and the variety of ways people do so, and what distinguishes a Christian approach to ethical analysis from a nonchristian one. Those who desire to navigate the perplexing maze of moral questions and various viewpoints on them will find this book invaluable.

Paul Chamberlain, professor of ethics and leadership, director of
Institute of Christian Apologetics, Trinity Western University

Moral Choices is a treasure. After giving a tour on how to think about ethics, Rae walks us through the array of moral choices one faces in the modern world. Loaded with example scenarios and all kinds of data, this book travels through the labyrinth of moral decisions one faces, especially in the area of medical ethics. Anyone reading this book will not get lost in how to wrestle with such choices and will possess a solid guide on how to think about them.

Darrell Bock, senior research professor of New Testament, executive director of
cultural engagement at the Hendricks Center, Dallas Theological Seminary

Moral Choices is my go-to book on helping students think through challenging ethical issues. I recently took a group of advanced high school students through it, and they loved it. It is clear, compelling, and biblical. I'm thrilled about this update and am honored to offer it my highest recommendation.

Sean McDowell, PhD, speaker, author, associate professor, Biola University

In my twenty years of teaching Christian Ethics, *Moral Choices* has been very helpful for my students because it is biblically grounded, clear, and engaging, and it helps readers both to think through the process of Christian moral reasoning and to apply such reasoning to the issues of our day. This updated and expanded fourth edition is timely, with new chapters on "Creation Care and Environmental Ethics," "Violence and Gun Control," "Race, Gender, and Diversity," and "Immigration, Refugees, and Border Control." Readers may disagree with some of Dr. Rae's conclusions, but all will benefit from his work on critical moral issues.

Ken Magnuson, professor of Christian ethics, Southern Baptist Theological Seminary

I regard Scott Rae's latest book, the fourth edition of *Moral Choices*, as the most impressive work on Christian ethics that I have read in the last few decades. Written by an outstanding teacher and scholar, this is the one book that I would recommend to students, church leaders, and political decision-makers who want a sophisticated but easy-to-read guide through the maze of modern ethical decision-making. Situating ethics within an overall framework of worldview, this work masterfully explains and evaluates the various ethical systems, provides a suggested model for moral decision-making, and offers up-to-date and real life working examples of some sensible and satisfying solutions available to modern ethicists.

Peter Hastie, principal, Presbyterian Theological College, Melbourne, Australia

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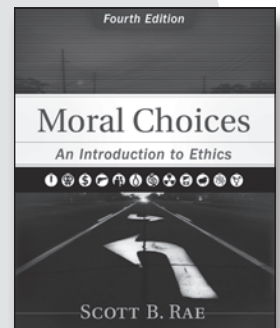
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Moral Choices

An Introduction to Ethics

SCOTT B. RAE

4th Edition

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Moral Choices

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Many thanks to Zondervan for their desire to publish a fourth edition of this book. I trust that it will continue to be a useful tool, now more beneficial with the updates and new chapters made for this edition.

To my wife, Sally, and my sons, Taylor, Cameron, and Austin—thanks for your patience with me when I was getting this finished. You all are such an encouragement, and I am grateful for all that you mean to me.



Introduction

Why Morality Matters

Imagine that you were able to live your life in such a way that you could do whatever you wanted to do, whenever you wanted to do it, and you would never get caught or face any consequences for your actions? That is, you could cheat on exams in school, plagiarize papers, sleep with whoever you wanted to, or embezzle money from your employer, and never worry about getting caught. In Plato's classic work *The Republic*, the myth of Gyges sets out precisely this situation. In a parallel to Frodo putting on the ring in the film trilogy, *The Lord of the Rings*,¹ Gyges was given the opportunity to live as an invisible entity, able to do anything he wanted without anyone discovering what he had done. That is, he could do whatever he wanted and would assuredly get away with it. Given the chance to live life like this, the question Plato raises is "Would a person want to be moral? And if so, why?"² After a good deal of dialogue, Plato concluded that being moral was inherently valuable, apart from any additional benefits it produced or harm that it enabled a person to avoid.

How would you respond to the question "Why be moral?" Since the moral life and moral decision-making are the focal points of this book, you can see that I am assuming being moral matters, and significantly. If you decide that being moral is not very important, then you probably will not spend much time reading this or any other book on ethics. But if being moral is important to you, the content of this book will be helpful in shaping how you view morality.

Morality and the Good Life/Society

Morality matters because most people, when they are genuinely honest with themselves, associate doing well in life with being a good person. Having moral character is still essential to most people's conceptions of what makes a person



flourish in his or her life. For example, it is difficult to imagine a person being considered a success in life if he has gained his wealth dishonestly. It is equally difficult to call a person a success who is at the top of his profession but cheats on his wife, abuses his children, and drinks too much. On the other hand, we rightly hold up a person like Mother Teresa as a model of living a good life, even though she lacked most material goods that society values. One of the principal reasons for being moral is that it is central to most concepts of human fulfillment. For the Christian, being moral is critical to a life that seeks to honor God. We could say that being moral is inherently good because it is foundational to a person's flourishing in life, since doing well in life and being a good person still go together for most people.

The same holds true for society as a whole. Most people would not want to live in a society in which morality was unimportant, in which conceptions of right and wrong carried little weight. In fact, it is unlikely that any sort of civilized society could continue unless it had concern for key moral values, such as fairness, justice, truthfulness, and compassion. Ethics are important because they give direction to people and societies who have some sense that they cannot flourish without being moral. This is sometimes referred to as *social contract theory*, which maintains that as a society, people generally agree to abide by certain moral rules and standards for the sake of social order and peace.³ Thomas Hobbes, for example, insists that something like this social contract is necessary if societies are to avoid his "state of nature," which he describes as a war of all against all. This type of society Hobbes wanted to avoid is exemplified in William Golding's novel *Lord of the Flies* in which a social order without morality degenerates into a world that very few people would want to live.

Many thoughtful observers of today's culture are growing increasingly concerned about a breakdown in morality, particularly among students and young adults. They cite phenomena such as drug use, alcoholism, teenage pregnancies, violence, juvenile delinquency, crime, and sexually transmitted diseases as evidence of the moral fabric of society coming unraveled. Some even suggest that the 2016 US Presidential election is further evidence of character and morality being marginalized. University of Virginia sociologist James Davison Hunter pointedly maintains, "Character is dead. Attempts to revive it will yield little. Its time has passed."⁴ He argues that, culturally, we want a renewal of morality, but we want it without the commitments that accompany a rekindling of the importance of character and ethics. He puts it this way:



We want a renewal of character in our day, but we don't really know what we ask for. To have a renewal of character is to have a renewal of a creedal order that constrains, limits, binds, obligates and compels. This price is too high for us to pay (as a culture). We want character, but without unyielding conviction; we want strong morality, but without the emotional burden of guilt and shame; we want virtue, but without particular moral justifications that invariably offend; we want good without having to name evil; we want decency without the authority to insist on it; we want moral community without any limitations to personal freedom. In short, we want what we cannot possibly have on the terms we want it.⁵

What Hunter means by a “creedal order” is a framework for morality that has substantial authority and is binding on individuals and communities. It is not necessarily a religious framework, but Hunter is not optimistic about a renewal of character apart from some kind of religious reinforcement of moral commitments.

Morality and One's Worldview

Morality matters because moral questions are at the core of life's most vital issues. Morality is primarily concerned with questions of right and wrong, the ability to distinguish between the two, and the justification of the distinction. Closely related are such questions as: What is a good person? What things are morally praiseworthy? What constitutes a good life? And what would a good society look like? These are fundamental to your view of the world. You cannot formulate an adequate worldview without providing answers to these moral questions.⁶ Your view of morality is connected to other critical questions that your worldview must answer. Everyone has a worldview, that is, a set of intellectual lenses through which a person sees the world. Of course, not everyone's worldview is well thought out or entirely consistent; nonetheless, everyone has one. In fact, when someone makes a decision for Christian faith, he or she not only begins a relationship with God but also adopts a new set of lenses through which to see the world. The same is basically true of adopting other faiths or no faith—that commitment comes with a worldview, a set of ideas to which you are also committed. You cannot have an adequate worldview without a view of morality.

A person's worldview consists of the way a person answers questions about *metaphysics*, which ask what is real, or what is the nature of reality? Metaphysics



means “beyond the physical,” and it deals with questions of what exists—is it just the physical world (known as naturalism), or are there real things that exist outside the physical world? Your worldview also involves a viewpoint about *epistemology* (which comes from two Greek words meaning “the study of knowledge”), which asks how we know what we know. It also involves a view about *anthropology* (which also comes from two Greek words which mean “the study of man [humanity]”), which asks what a person is (and, by extension, what happens to a person after death). Anthropology addresses the issues of human personhood: Is a person simply a collection of body parts and physical properties, or does a person consist of something else, something immaterial, like a soul? Your answers to the questions about morality mentioned above connect to other aspects of your worldview, hopefully consistently!

For example, your view of *metaphysics* makes a substantial difference in how you view morality. If God exists, then your view of morality, to be consistent, should take that into account. You might also conclude that God has ordered his world so that morality is built into its framework. If your worldview has no place for God, you might conclude that morality is strictly a human creation. Or you might conclude that morality arose as a result of an evolutionary adaptive advantage, that human beings saw the advantage for survival in having communities that are governed by moral obligations.

Likewise, your *anthropology* is closely connected to your view of metaphysics. If you are a naturalist, human beings are nothing more than a collection of parts and properties with no essence that continues through time and change. How you view the morality of many bioethical issues depends on your view of human persons—what are persons, and when does human personhood begin and end?⁷ A person’s position on abortion, physician-assisted suicide/euthanasia, reproductive technologies, and enhancement biotechnology all depend on your view of human persons, which is often assumed and not made explicit.

Your view of *epistemology* is also very important for understanding how you come to know your moral obligations. If you are an epistemological skeptic, you might hold that even if morality does exist, human beings cannot know its demands. But if you are more of an epistemological realist, you might conclude that morality can be known and what we can know does correspond to what actually exists. How, specifically, it can be known helps to distinguish a divine command view of morality from a natural law view.

Epistemology from a Christian worldview presumes that there is such a thing as genuine moral knowledge. But the existence of genuine moral knowledge is being increasingly called into question in philosophy today as a result of the cultural



dominance of *naturalism*. This demonstrates how a person's view of epistemology is connected to his or her view of metaphysics. Among other things, the naturalist metaphysic maintains that all reality is reducible to that which can be perceived with one's senses. The implication for epistemology is that there is nothing that is real or that counts for knowledge that is not verifiable by the senses. As a result, moral knowledge has been reduced to the realm of *belief* and is considered parallel to religious beliefs, which the culture widely holds are not verifiable. The theist maintains that moral knowledge is genuine knowledge just like scientific knowledge—that “murder is wrong” can be known as true and cannot be reduced to subjective opinion or belief without the risk of all morality being subjective. The theist argues that no one consistently lives as if morality is entirely subjective and that moral truths do exist and can be known.⁸

Morality and Diversity/Pluralism

Morality matters because, in our increasingly diverse global culture, it is critical for solving what may be the most important issue for our survival—namely, getting along with each other peacefully despite a plethora of irreconcilable differences. Os Guinness, in *The Global Public Square*, identifies the problem as such: “How do we live with our deepest differences, especially when those differences are religious and ideological, and when those differences concern matters of our common public life. In short, how do we create a global public square and make the world safer for diversity?”⁹ The most obvious of these conflicts, one that has grown increasingly violent and intolerant in recent years, is between radical Islam and Western culture. But others, though less violent, are showing evidence of increasing intolerance of those who disagree. Take, for example, the response to businesses that choose not to provide services to same-sex wedding ceremonies. The well-publicized bakers and florists, and even Memories Pizza, who, out of sincere religious convictions, opted not to serve a same-sex wedding, found their livelihood destroyed as a consequence.¹⁰ Or take Brendan Eich, founder and former CEO of Mozilla. Eich was forced out of his position because he contributed a small amount of money to Proposition 8 in California.¹¹ In addition, some state university systems and private colleges no longer allow some religious organizations and clubs to have a presence on campus because of their views. Increasingly, religious institutions, including schools, nonprofits, and businesses run by religious believers are finding themselves subject to highly coercive measures that would force them to abandon deeply held religious views or face severe sanctions that would force many out of business.



Morality matters because important virtues and moral principles are at stake in these public issues and because ethics is our best hope for establishing a framework for living together peacefully despite our ideological differences. Guinness insists that what we need goes beyond the traditional idea of religious freedom to what he calls “soul freedom,” which others have referred to as “freedom of conscience.” This extension of religious freedom is necessary because soul freedom applies to all human beings, whether or not they have religious faith. Guinness insists,

Indispensable to solving these challenges is the extension of *soul freedom* for all. Soul freedom is the inviolable freedom of thought, conscience, religion and belief that alone does full justice to the dictates of our humanity. . . . It best expresses human dignity and agency; it promotes freedom and justice for all; it fosters healthy giving, caring, peaceful and stable societies; and it acts as a bulwark against the countless current abuses of power and the equally countless brutal oppressions of human dignity. . . . Soul freedom is about nothing less than our freedom and responsibility to be fully human and to live together in thriving and beneficial communities.¹²

Mutual respect, tolerance, and peaceful resolution of conflicts—these are moral values, so the issue that Guinness raises is fundamentally a moral one. In order to deal with the increasing secularization of the culture, the privatization of faith that often results from the tensions raised by a secular culture, and the changing notion of tolerance (from treating people well with whom you disagree, to actually agreeing with their ideas), we require a new sense of moral pluralism.¹³

Morality and the Professions

Morality matters because practitioners in a wide variety of professions deal with moral questions, whether or not they realize it. For example, morality is fundamental to politics, since politics and law concern the way people ought to order their lives together in society. In addition, medicine and the sciences, such as genetics and molecular biology, have numerous moral overtones because they deal with the morally charged areas of life and death. Further, business practices provide a variety of ethical minefields that can challenge the integrity of the men and women striving to succeed in an ever more competitive global economy.

Morality matters because you face moral choices every day, both in the workplace and in your private life. Every so often you will face emotionally wrenching



moral dilemmas that have no easy answers. Many decisions you make on a day-to-day basis also involve questions of right and wrong, some of which may have easy answers that are difficult to carry out. Ethics provides the basis for those decisions. Most people have an idea of what sorts of things are right and wrong. Explaining why you think something is right or wrong is altogether another question. The basis on which you make moral choices is often as important as the choices themselves. Yet few people have adequately considered how they justify their conceptions of right and wrong.

Finally, morality matters because debates on several issues, including abortion, euthanasia, same-sex marriage, gun control, and capital punishment seem endless and irreconcilable, and they promise to continue far into the future. What many of these issues share is a fundamental disagreement over *the ultimate source of moral authority*. Some individuals hold that moral authority is ultimately a human construction, while others insist that moral authority comes from some transcendent source that is beyond human beings, such as a revelation from God or nature. As you read the newspaper and various news magazines and listen to television news, you will be increasingly aware of the importance of these issues. You will also notice that, apart from legal intervention, most of these issues are no closer to being resolved today than they were ten years ago.

Not only does intractable debate characterize these issues, but society has a general sense of bewilderment over many other issues. Many of these involve matters of science and technology that have run far ahead of ethical reflection. For example, genetic testing, gene editing, enhancement biotechnology, gender selection, various reproductive technologies, and the use of human embryonic stem cells in the treatment of certain diseases all involve moral dilemmas that are far from resolved. Most observers in these areas acknowledge that technology has outpaced society's ability to determine the moral parameters for its use. Yet there remains a general sense that we need ethics to deal with our increasingly technological society.

More people have an interest in ethics today than at any other time in the recent past. Some of that interest is due to the complex issues spawned by technology, while others have an alarming sense of a general moral decline in society. In addition, the numerous scandals that have rocked the business community and other professions have left some to ask if "business ethics" and "professional ethics" are indeed oxymora. Some people are aware of the need to stress ethics and character in various educational arenas, including public schools. Many are also realizing that the value-neutral approach to education is not actually value neutral at all,



and some even suggest that such value neutrality is impossible. Although there is a greater emphasis on character in view of well-publicized business ethics failures, ethics helps determine which character traits are admirable and worth cultivating.

Overview of the Book

As you read this book, you will be exposed both to ethical theory and to the application of that theory to the most pressing moral issues of the day. After this introductory chapter, we will consider how to think about morality. I will distinguish between subjective and objective views of morality and make the case for seeing morality as something objective, something we can know. That is, I will defend the view known as *moral realism* and contrast it with an antirealist view of ethics. Throughout the ages, many philosophers, even some whose inquiries predate the Bible, have wrestled with the questions of ethics and arrived at somewhat different answers. Recognizing, then, that the Bible is not the only source of ethical wisdom, chapter 2 provides a look at some other modes of moral reasoning, such as relativism, utilitarianism, and ethical egoism. We will also examine the major figures who systematized them, including Plato, Aristotle, Augustine, Aquinas, and Kant. These must be brief, but I have included resources, especially original sources, should you wish to study any of these individuals or systems further. For each alternative approach to ethics, I will describe the system and its major advocate, present the strong points of the system, compare it with Scripture, and critique the system, both from within the system itself and from the perspective of Christian ethics. In order to be able to converse with an increasingly secular world about ethics and morality, you need exposure to the ways in which other people have done ethics. Some of these approaches have things to offer to a Christian ethic and aspects of them can fit comfortably in that framework.

Believing that morality ultimately issues from the character of God, I find the most critical and foundational element of ethics to be the direction that God provides, both in his Word (i.e., special revelation) and outside his Word (i.e., general revelation). Chapter 3 will outline the distinctive elements of Christian ethics. Christian ethics is an enormous topic. This entire book could be about Christian ethics. Some works are entirely devoted to this subject. Here you will simply get a synthesis of the main parameters of biblical ethics.

Chapter 4 contains a model for making moral decisions and illustrates its use on some particularly knotty moral dilemmas. This model can be used in virtually any setting and does not require a particular worldview commitment for its profitable



use, though it does presume a blend of deontological principles and virtues. I offer this model not as a type of computer program for generating correct moral decisions, but as a guideline to ensure that all the bases are covered when you make moral decisions. This chapter begins to build the bridge from theory to application that will be more clearly defined in subsequent chapters.

Chapters 5 through 16 deal with some of the current issues that are hotly debated in the culture at large. Discussion in these chapters will recognize the way these issues affect people individually (personal ethics) as well as how they affect public policy, if they do (social ethics). Since medical ethics involves some of the most frequently debated and complex issues, chapters 5 through 8 discuss such issues as abortion, reproductive/genetic technologies, and assisted suicide. Staying within the arena of ethics pertaining to life and death, chapter 9 addresses the issue of capital punishment. Chapter 10 takes up one of the longest running moral debates, the morality of war, which has some new questions raised, particularly in the ongoing war on terrorism. Chapter 11 addresses the subject of sexual ethics, which includes sexual orientation, same-sex marriage, and birth control. Chapter 12 will take up creation care and environmental ethics and deal with more recent issues such as climate change. Chapter 13 will address the intersection of ethics and economics, with an introduction to business ethics and a brief look at the moral assessment of the economic system of global capitalism. Chapter 14 will take up the controversial matter of violence and gun control, made more urgent with the recent mass shootings that have drawn such public attention. Chapter 15 will address issues of race, gender, and diversity, particularly the ethical issues raised by the cultural emphasis on diversity. Finally, chapter 16 will deal with the pressing issues related to immigration both in the United States and in Europe, though the discussion of immigration is quite different in those two contexts.

Introducing Key Terms and Distinctions in Ethics

One of the difficult aspects of studying a subject like ethics is that you are introduced to many terms with which you may be unfamiliar. For example, new members of the hospital ethics committee with whom I consulted were often unacquainted with terminology customarily used by ethicists. So, to keep you from the initial shock of jumping headfirst into a new subject, this section will introduce you to some of the key terms that you will often see as you read this book.

Most people use the terms *morality* and *ethics* interchangeably. Technically, morality refers to the actual *content* of right and wrong, and ethics refers to the



process of determining, or discovering, right and wrong. In other words, morality deals with moral *knowledge* and ethics with moral *reasoning and justification*. Thus, ethics is both an art and a science. It does involve precision like the sciences, but like art, it is an inexact and sometimes intuitive discipline. Morality is the end result of ethical deliberation, the substance of right and wrong.

Major Categories

Three broad categories have traditionally fallen under the heading of ethics. They include (1) *descriptive ethics*, (2) *normative ethics*, and (3) *metaethics*. Normative ethics will be the primary concern in this book. We will be applying our normative ethic to various current issues, so, to be entirely accurate, we will be doing *normative applied ethics* in chapters 5–16.

First, *descriptive ethics* is a sociological or anthropological discipline that attempts to describe the morals of a particular society, often by studying other cultures. Anthropologists often use it in their fieldwork to describe the moral distinctives of other cultures.

Second, *normative ethics* refers to the discipline that produces moral norms or rules. Most systems of ethics are designed to tell you what is normative for individual and/or group behavior, or what is right and wrong, both generally and in specific circumstances. Normative ethics *prescribes* moral behavior, whereas descriptive ethics *describes* moral behavior. When we examine important moral issues in later chapters, we will be trying to establish a set of norms to apply to that particular issue. When most people debate about ethics, they are debating normative ethics, that is, what the moral norms should be and how those norms apply to the issues at hand.

Of course, ethics is not the only normative discipline that is interesting and relevant to ethics.¹⁴ For example, the law produces legal norms but not necessarily moral ones, although law and morality overlap significantly. In addition, there are norms of good taste and social acceptability, which we call etiquette. Further, religion produces behavioral norms, often defined by a religious authority such as a pastor or other church official, that govern one's relationship to God. In chapter 3 we will see that Christian ethics includes a substantial overlap between duties with respect to a person's relationship to God and duties with respect to the community.

Third, *metaethics* is an area of ethics that investigates the meaning of moral language, or the epistemology of ethics, and also considers the justification of ethical theories and judgments. For example, it focuses on the meaning of the major terms used in ethics, such as *right*, *good*, and *just*. The primary focus of technical



philosophers, metaethics has been receiving more attention from a popular audience today since more people are insisting that the language of right and wrong is nothing more than an expression of personal preferences. Accordingly, some argue that the judgment that pedophilia is wrong is not a statement about right and wrong but simply a personal distaste for pedophilia. Morality is thus reduced to matters of taste and preference and has little to do with right and wrong. We will look at this later in chapter 2 when we discuss emotivism.

When discussing whether someone or something is moral, it helps to be very specific. Normally, making a moral assessment involves at least four specific considerations.¹⁵ First, you should consider the *action* itself. This is usually the focus of a moral assessment, but it is hardly the only aspect of moral evaluation. Second, you should evaluate the *motive* of the person (called the “moral actor”) performing the action. In some cases the motive is the only difference between two otherwise identical actions. For example, motive is often the only difference between giving a gift and bribery. Of course, sometimes you might not be able to determine the motive, in which case it cannot be assessed. In many cases, the assessment of motives should be held tentatively and cautiously given our lack of knowledge of someone’s thinking. Third, you should evaluate the *consequences* of your actions and decisions. Doing so does not necessarily commit you to a utilitarian framework for ethics, and regardless of your ethical framework, it is unwise to entirely ignore the consequences of your actions. We will discuss this further in chapter 2 when we get to utilitarianism. Fourth, although a bit more difficult to do than the previous three considerations, you should attempt to evaluate the *character* of the moral actor. Character is the tendency of a person to act in predictable ways over time. Virtue theorists have led the way in insisting that any ethic that does not concern itself with character and virtue is incomplete and reduces ethics to a mere preoccupation with actions, specifically moral dilemmas that people rarely face.

We evaluate character more often than we think. For example, when we decide who we can trust, we are assessing that person’s character, determining whether he or she is trustworthy. We certainly evaluate character when we make decisions about who we will marry, since character is critical to a good marriage. And we are usually asked to evaluate character when we write letters of reference for people. So the assessment of character is not something that should be foreign to us, though we realize that, like our judgment of motives, we may not have all the information we need to make an accurate assessment. In those cases our appraisal must remain somewhat tentative.



Ethical Systems

Moral theories, in their most basic classification, can be either cognitive systems, or noncognitive systems. Noncognitive systems, by definition, do not render judgments about the truth-value of ethical statements because for advocates of noncognitivism moral statements have no truth-value. They are simply expressions of personal approval or disapproval of the action in question. They have no value other than that expression and no relevance to anyone other than the person making the expression. According to noncognitivism, saying “adultery is wrong” is not making a statement that can be either true or false; it is saying, “I disapprove of adultery.” We will look at this further in chapter 2 when we take up the subject of emotivism. Most normative ethical systems are cognitive systems. These different styles of moral reasoning may be classified as either *action-oriented* or *virtue-based* systems. Under these two major divisions are three subcategories by which ethical systems may be further classified: *deontological* systems, *teleological* systems, and *relativist* systems. Most of the technical terms have to do with the action-oriented systems.

First, *deontological* systems are systems that are based on principles in which actions (or character, or even intentions) are inherently right or wrong. There are three primary deontological systems: (1) *divine command theory*, (2) *natural law*, and (3) *ethical rationalism*. Christians tend to be more deontologically oriented because of the emphasis in Christian ethics on the commands of God as moral absolutes and guiding principles. But Christian ethics have a substantial place for virtue ethics too, since a major part of the Christian moral life involves emulating the character traits of Christ and exemplifying the fruit of the Spirit (Gal. 5:13–24).

Second, *teleological* systems are systems in which the morality of an action is based on the result produced by an action. Since the consequences rather than principles determine right actions for teleological systems, no action is inherently right or wrong in a teleological system. Whether an action is right or wrong depends on the consequences of that action. The primary form of teleological ethics is called *utilitarianism*, which holds that the action that produces the greatest good for the greatest number is the moral choice. More specifically, utilitarianism defines the good generally as the greatest pleasure, or preference satisfaction, and seeks that for the greatest number. Another form of teleological ethics is called *ethical egoism*, which maintains that the right thing to do is whatever is in a person’s self-interest. Thus, for the ethical egoist the only consequence that matters is whether it advances his or her own self-interest.

Third, *relativist* systems refer to ethical systems in which right and wrong are not absolute and unchanging but relative to one’s culture (cultural relativism)



or one's own personal preferences (moral subjectivism). Both forms of relativism are widely embraced today. With the current emphasis on multiculturalism and appreciation for the cultural diversity that exists in much of the world, and the importance of a culture's values in its self-definition, it should not surprise us that there is a movement toward accepting every culture's values as equally valid, which is the definition of cultural relativism. Moral subjectivism is advocated every time someone says, "Whatever is right for you is morally right, but what's right for me is also morally right!" Such moral subjectivism is frequently seen in one's view of sexual morality, in which a person is particularly sensitive to having a view forced on him or her, thus reducing sexual ethics to personal preference. This view of morality is often associated with a postmodern view of the world, in which objective truth and objective morality are called into question.¹⁶

Morality and the Law

As you might expect, there is substantial overlap between what is legal and what is moral. Most, if not all laws, have some moral overtones to them. Even laws regarding driving on the correct side of the road imply a respect for life and property. We rightly assume that the person who drives on the wrong side of the road and ignores other similar traffic laws has respect for neither life nor property. Most people hold that for laws to be valid they must have some connection to widely shared moral principles; that is, a law that violates society's widely held values cannot be a valid one. Thus, in most cases there is a significant connection between law and morality.¹⁷ This is not always the case, and thus there are occasions in which civil disobedience is morally justified.

As a general rule, we will assume that the law is the *moral minimum*. Obeying the law is the beginning of our moral obligations, not the end. Be careful about the person who insists, "If it's legal, then it must be moral." That view is that the law is the moral maximum, not the minimum. There are many things that are immoral that are not illegal. Take adultery for example. Most people would agree that cheating on one's spouse is immoral, but no one (at least in the West) goes to jail for it. In addition, lying is immoral in most cases; but only in certain contexts, such as a court of law, would someone be prosecuted for lying. In most cases violating the law is immoral, except in rare cases where the law requires a person to do something that is unethical. For example, if the law required physicians to perform abortions for everyone who requested one, many physicians would consider that an immoral law, and they would be free to engage in civil disobedience—that is, they would follow



their norms of morality, violate the law, and take whatever consequences the law meted out. But cases of civil disobedience are somewhat rare today, but when they occur, the person may follow the biblical dictum that “we must obey God rather than human beings” (Acts 5:29).¹⁸

So the law is the moral minimum. It is the moral floor, not the ceiling! The majority of our most interesting moral dilemmas occur when confronted with the question of how far beyond what the law requires our morality demands us to go. In other words, how far beyond mere compliance with the law do my moral convictions tell me I have to go? Most of the pressing demands of morality are in those spaces where the law is not definitive, where the law is silent, or where the law allows for something unethical.

However, many things that are unethical ought also to be illegal. For example, fraud is immoral, and most forms of fraud are also illegal, and justifiably so. I’m sure you can think of many other immoral activities that should be illegal, such as murder, child abuse, and sexual assault. Be careful of the person who insists, “You can’t legislate morality!” Whether that statement is true depends on what is meant by “morality.” If moral beliefs, motives, or intentions are meant, then those certainly cannot be legislated. In fact, the First Amendment to the Constitution, which guarantees freedom of religion and speech, was written to keep the state out of the business of imposing beliefs on its citizens. A person’s genuine moral intent is changed by persuasion, not coercion, since intent has to do with one’s free choices. But if by *morality* one means “moral behavior,” then that can be, and is, legislated virtually every day around the world. Some cultures, such as Islamic cultures, use the force of law more routinely to enforce private moral behavior among consenting adults. But virtually every law is the imposition of someone’s morality, given the overlap between most laws and the moral principles that undergird them.

Some of the issues we will take up in the later chapters raise this question of whether a moral position should also be legislated in terms of public policy. For example, issues such as abortion, assisted suicide, human cloning, genetic privacy, and same-sex marriage raise important questions of what public policy should be on these matters. A variety of interest groups, including religious ones, attempt to influence what the law should be on these and other issues.

When religious groups or individuals get involved in public policy, it invariably raises questions about “the separation of church and state.” As originally intended, the First Amendment, which established religious freedom, only prohibited the federal government from establishing federally supported and federally sanctioned churches, as had been done in Europe with disastrous results, including religious



wars and harsh persecution. The First Amendment guaranteed religious freedom by prohibiting the establishment of a national church. The government was supposed to be neutral toward all religious groups. This clearly emphasized freedom of religion.

From the separation of church and state, it did not follow that the state was to be neutral or hostile toward religion in general. Many of the founding fathers who wrote parts of the Bill of Rights were very clear that a democracy needed the moral restraints and the grounding for rights that religion provided.¹⁹ The founding fathers never imagined a society in which the state would be neutral or hostile toward the value of religion for civil society. As A. James Reichley of the Brookings Institution said:

The founders' belief in the wisdom of placing civil society within a framework of religious values formed part of their reason for enacting the free exercise clause. The First Amendment is no more neutral of the general value of religion than it is on the general value of the free exchange of ideas or an independent press. The virtually unanimous view among the founders [is] that functional separation between church and state should be maintained without threatening the support and guidance received by republican government from religion.²⁰

Until recently, religious groups have freely attempted to influence public policy without anyone objecting that they are violating the separation of church and state.

Conclusion

You will undoubtedly be introduced to other new terms and ideas as you read this book. But don't let the terminology intimidate you. Every thoughtful person should be concerned about and interested in ethics, since it addresses the ultimate questions about the good life, the good person, and the good society. As Socrates said in Plato's *Republic*, "We are discussing no small matter, but how we ought to live."

Chapter Review

1. How would you answer the question "Why be moral?"
2. What is the myth of Gyges, and how does it relate to the question "Why be moral?"



3. How is ethics important in fields such as business, medicine, and politics?
4. How would you distinguish between ethics and morality?
5. What are descriptive ethics, normative ethics, and metaethics?
6. When a moral assessment is made, what must be assessed besides the action?
7. What is the difference between deontological and teleological systems of ethics?
8. How would you describe the relationship between morality and the law?
9. What would you say to someone who maintains that you can't legislate morality?

For Further Reading

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How to Think about Morality

As people in our contemporary culture wrestle with ethical decisions, they employ a wide variety of methods of moral reasoning. One obvious place to observe this is in the debates over social issues. One of the primary reasons why many of these debates remain unresolved is that often the participants apply different methods of moral reasoning.

Imagine that you are listening to a community panel discussion on the morality of physician-assisted suicide. The participants are (1) an eighty-year-old with terminal cancer and approximately six months to live; (2) the head of the local chapter of the Hemlock Society, an organization that advocates assisted suicide; (3) a physician who specializes as an oncologist, that is, a cancer specialist; (4) a Catholic priest who is an outspoken opponent of euthanasia; (5) an atheistic philosophy professor from the local college; (6) an attorney; and (7) a Protestant minister. Each one will use a different type of moral reasoning in presenting his or her respective position, and each will offer a brief opening statement to define and defend his or her position.

Participant 1: The Eighty-Year-Old with Terminal Cancer (Ethical Egoist)

All this moral discussion of assisted suicide really bothers me. You see, for me it all boils down to the fact that I am the patient, and what I want should be the thing that counts. It's my interests that really matter here, not whether euthanasia violates the Hippocratic Oath or the sixth commandment ("Thou shalt not murder") or the consequences of allowing euthanasia for the general society. I am the patient and the one most directly affected, and that's why it should be my decision. Whatever is in my best interest in terms of physician-assisted suicide should be okay.



Participant 2: The Head of the Local Chapter of Dignity in Dying (Deontologist)

I am in substantial agreement with our first participant, though for a different reason. I too support active euthanasia, or physician-assisted suicide, but from a slightly different perspective. One of the fundamental principles, or rights, that Western societies have affirmed for centuries is the right of individual autonomy and self-determination, that is, the right of people to make private choices concerning their lives without interference from the state. Surely matters of life and death for people are so private that they ought to have the freedom to do as they choose without undue interference from the authorities, as long as no one else is harmed. This is a fundamental right that is based on the principle of respect for persons and individual bodily integrity. I appeal to this fundamental moral principle in order to affirm my support for physician-assisted suicide.

Participant 3: The Physician Who Specializes as an Oncologist (Utilitarian)

In most cases I too support physician-assisted suicide, but for still different reasons than we have heard so far. You see, I hold that it is not principles that determine right and wrong, but the consequences produced by the actions in question. If a particular course of action or decision produces the best set of consequences, then it seems to me that it should be allowed. To put it another way, the action that produces the greatest balance of benefits over harms is the one that is the most moral. So, in the case of assisted suicide, I think that the first two participants have framed the question incorrectly. What is important to determine is whether assisted suicide would produce the greatest good for the greatest number of people. I can see that allowing physician-assisted suicide could produce a lot of good for the people involved. It would relieve the patient of needless suffering, stop the family's anxiety about their loved one's condition, end a needless drain of the family's financial resources, and allow everyone involved to get on with their lives. Now, there may be situations in which assisted suicide may produce more negative than positive consequences. In those cases it should not be allowed. We should be cautious in setting hard-and-fast rules that don't fully consider the consequences.

Participant 4: The Catholic Priest (Deontologist)

I am opposed to all physician-assisted suicide because of a principle that is foundational to our civilization. Even for those without any religious



inclination, the principle “Thou shalt not kill” is still one of the core values on which most civilized people agree. Now I also happen to believe that this principle comes from God, but a person does not have to believe in God to accept the importance of this moral rule. I hold that assisted suicide, especially when it progresses to euthanasia, involves killing an innocent person, and that is something our society should not allow, regardless of the person’s desires. Underlying the moral rule “Thou shalt not kill” is the more important principle of respect for the dignity of a person. Now, again, I believe we should respect people because they are made in God’s image, but you don’t have to believe in God to accept such a basic moral principle. People have an innate tendency toward self-preservation, and that is one of the basic reasons it is immoral to take innocent life. Like my opponent at Dignity in Dying, I too hold a high place for principles, but I differ on how they are applied. For me, the principle of respect for persons does not mean that we should necessarily let them do whatever they want to do. What it does mean is that we should never take innocent life, because life is sacred, and when it shall end is not our prerogative.

Participant 5: The Atheist Philosophy Professor (Emotivist)

I hate to throw a monkey wrench into this whole discussion, but in my view, all of the participants so far are trying to do the impossible. So far each person has attempted to make some kind of determination of what is right or wrong in the case of active euthanasia. I don’t think this is possible. They are really using the language of right and wrong to mask their own personal preferences. What I mean is that anytime a person says that something is right or wrong, all they are saying is that they either like or dislike the action or position under consideration. It is obvious that the elderly gentleman and the representative of the Hemlock Society are really saying that they personally approve of assisted suicide. It is equally obvious that the priest is really saying that he personally disapproves. We should be honest and admit that we’re only talking about our preferences and that we’re simply using moral language to give greater persuasive power to our argument.

Participant 6: The Local Attorney (Relativist)

I wouldn’t go quite as far as my professor friend, but I do think he’s moving in the right direction. I’m not prepared to say that there is no such thing as genuine right and wrong, but I do think that there is no universal, absolute standard of right and wrong. What is moral depends on the situation and on



what the cultural consensus of right and wrong is at that time. In the case of physician-assisted suicide, if the culture has reached a consensus that it should be allowed, then I see no reason why it shouldn't be. Conversely, if the culture is opposed to the practice, I see no good reason why assisted suicide should be forced on them. I know that in the Netherlands, for example, most believe that assisted suicide and euthanasia are both right, and that should be respected. We could say that it is right for them. But in the state of Utah where so many religious Mormons live, or in the Bible Belt that has so many conservative Christians, the culture will undoubtedly be against assisted suicide, and that should also be respected.

Participant 7: The Protestant Minister (Virtue Theorist)

I'd like to put a slightly different slant on the issue of assisted suicide. I believe that there's more to morality than simply making decisions when a person is faced with a moral quandary. There is more to the moral life than simply doing the right thing and making the correct decision. We cannot neglect the place of an individual's character, or virtue, when we consider ethical questions. In my view, the important questions have still not been asked. For example, what does a person's desire for physician-assisted suicide tell us about that individual's character? What does support for assisted suicide, or opposition to it, say about our society? Does it say that we as a society lack compassion for the suffering terminally ill, as proponents of assisted suicide suggest? Or does it say that we have lost some of our reverence for life and our commitment to care for the dying, as opponents of assisted suicide would suggest? No discussion about the morality of physician-assisted suicide should ignore important questions like these.

Each person on this panel has argued his position using a distinctive method of moral reasoning from a specific ethical system (each participant's method is noted in parentheses above). The positions represented are the main positions adopted by people when applying moral reasoning to the moral issues currently debated in society. As you witness the news media's coverage of various debates over ethical issues, watch for the various methods utilized by those engaged in the debates. If you watch carefully, you will likely detect the regular use of most of the systems discussed in this chapter.

The major types of moral reasoning can be grouped roughly into two primary categories. The first set of these categories are what are called *cognitive* and



noncognitive views of morality. Noncognitive views, such as emotivism, maintain that moral statements do not convey a truth-value—they are only expressions of approval or disapproval. Cognitive views of morality maintain that moral statements do indeed have truth-value. For example, take the moral claim “Truth telling is good.” The cognitive views we will examine understand them as follows:

- Utilitarianism—truth telling maximizes the greatest good for the greatest number
- Deontological ethics—truth telling is a moral duty, based on reason, natural law, or God’s commands
- Ethical egoism—truth telling maximizes one’s self-interest
- Virtue ethics—truth telling is essential for human and societal flourishing

By contrast, the moral subjectivist would hold that “I feel truth telling is good.” But the noncognitivist would see the claim that truth telling is good as, “truth telling—yea!”¹ For the noncognitivist, it is simply an expression of emotion about truth telling and doesn’t communicate anything about a moral norm. Most of the views we will examine in this chapter are cognitive views because most people believe that moral statements convey something more than simply moral cheerleading for a particular view.

Cognitive views of morality can be grouped into two additional categories—those that view morality as *objective* or those that view it as *subjective*. Objective morality refers to moral statements and obligations that are true *regardless* of how one feels about them, whereas with subjective morality, the truth of the statement and obligation is *determined* by how one feels about them. In subjective views of morality, moral statements and obligations have been reduced to matters of subjective preference or opinion. I will argue that most people hold that at least some of our moral obligations are objective and that few would choose to live in a world in which morality was entirely a matter of personal preference.

Among objective views of morality, there are also two categories. The first includes those who see morality as something that is *created* by human beings. A second group includes those who see morality as something that *transcends* human nature—that is, morality is not a human creation but is *discovered* by human beings through a variety of means (e.g., reason, intuition, or divine revelation). Most of the ethical systems outlined in this chapter are distinctly human creations, such as utilitarianism, egoism, and relativism. But some view morality as something to be discerned, such as many forms of deontological ethics and some forms of virtue



ethics. However, neither deontological nor virtue ethics *necessarily* involve principles and virtues that arise from a transcendent source. The relevant principles/virtues can also be human creations. In fact, even religion-based forms of ethics can be human creations if they see their scripture as a solely human-generated work. So people who view the Bible as nothing more than the reflections of fallible human beings could hold to a moral theory based on the Bible but still see the principles and virtues as human creations.

Any ethical system involves both a personal and intellectual commitment to follow its dictates. Any view of morality commits a person, whether he or she knows it, to a certain worldview. It commits a person to a certain view of *metaphysics*, or the nature of reality, of which moral values are a part, especially for those that claim to have a transcendent source. It also commits a person to a certain view of *epistemology*, or theory of knowledge, because moral responsibility is linked to a person's knowledge of a particular moral system's rules. Questions of epistemology are especially important for moral systems that appeal to a transcendent source of moral authority because how a person discovers moral values is critical to the viability of such a moral system. Supporting a particular moral system also commits one to a certain view of *anthropology*, or view of human nature, because of the connection between one's ethics and a person's ability to live up to that ethical standard.

As I will suggest in chapter 3, Christian ethics is a blend of virtues and principles, and it employs some other types of moral reasoning in order to support the primary role of virtues and principles. It is one thing to use some of the moral theories discussed in this chapter as a supplement, for example, in order to be more persuasive in one's presentation. But it is a very different thing to appeal to any one of these systems (egoism, relativism, utilitarianism, etc.) as the *sole determinant of morality*. Most advocates of these systems intend them to be *the* system for grounding right and wrong.

Subjective and Objective Views of Morality

It is very common today for people to assert that someone's moral views are simply matters of subjective opinion, particularly in private moral matters such as sexual ethics. Moral statements are seen as categorically different from statements that can be empirically verified, such as matters of science. Subjective views see morality as applicable only to whoever holds them. And so for subjective morality, two diametrically opposed moral views can be right at the same time.



To make sure we all understand the difference between objective and subjective views of morality, we can distinguish between objective and subjective statements in general. Objective statements are either true or false *regardless* of how anyone feels about them. By contrast, subjective statements are true or false *depending* on how someone feels about them. We take objective statements as facts and subjective statements as opinions. The following exercise will help make this clear.² Which of the following statements are objective, and which are subjective?

1. My newborn baby is the cutest child in the entire city.
2. Abraham Lincoln was the sixteenth president of the United States.
3. Stage plays are more entertaining than movies.
4. Chocolate ice cream tastes better than vanilla.
5. Salads have fewer calories than cheesecake.
6. I (in my 60's) am able to run a sub-four-minute mile.
7. The earth is the center of the solar system.
8. The Los Angeles Dodgers will win the World Series this year.

Those were the easy ones, so let's see how you did. The first is clearly subjective, since it is likely my opinion only and almost certainly not shared by any other parents of newborns in my city. The second is objective, since that is true whether or not we believe it or like it. The third is subjective, simply a matter of opinion. So is the fourth, a matter of personal preference. The fifth is objective and true, since we can verify the calorie count for salad and cheesecake. The sixth is also objective but clearly is false. I have never run a mile under four minutes, and never will. The seventh is also objective. It is a statement that was accepted as true at one time but is now rejected as false. The eighth is also an objective statement, but we won't know if it will be true or false until the end of the baseball season.

Now it gets more complicated. Try these specifically moral statements. Are they objective or subjective statements?

1. Abortion, unless it is necessary to save the mother's life, is immoral.
2. Racial discrimination is morally wrong.
3. Sexual assault is morally acceptable.

What did you decide on (9)? I suspect that if you asked (9) to a group of your peers, you would get either a mixed opinion or the majority would regard it as a subjective statement. However, (9) is actually an objective statement, not simply



a matter of opinion. Someone might object and insist that since there is so much debate over abortion, it can't be a matter of objective truth. It's true that there's considerable debate over the morality of abortion, but that doesn't make that statement a subjective one. It simply means that there is disagreement about whether the statement is true.

So take a statement that should have much less, if any, disagreement. Perhaps (10) is easier to see as an objective statement because there is so little debate about racial discrimination being wrong. In fact, if someone held the view that racial discrimination was morally acceptable, I doubt we would conclude that the person simply has a different opinion on the subject. Rather, I suspect we would consider that person badly mistaken and conclude that they are wrong to hold such a view. Similarly, for (11), if someone held the view that sexual assault was morally appropriate, we would be horrified. I don't think anyone would suggest that the person holding that view simply has a different perspective on the issue; I suspect we would say they are wrong. As my colleague philosopher William Lane Craig put it, "Anyone who believes sexual assault is okay needs a therapist, not an argument!"

In the next section, we will make the case for morality being objective—it's a view known as *moral realism*. But for now, think about how passionately people in our culture argue about moral matters, such as abortion, immigration, protecting the environment, and the death penalty. The way we debate these issues suggests that we don't regard them as matters of subjective opinion. We rarely argue vehemently about subjective matters that are personal preferences only. That would be like arguing about a person's taste in ice cream, not to mention judging someone for their taste. We consider that pointless, if not insulting. By contrast, if morality is objective, we consider moral statements to be statements of fact, not opinion, and therefore things we can know. To return to the above examples, we *know* that racial discrimination is morally wrong, and we *know* that sexual assault is morally wrong. That's what it means to say that we can have moral knowledge and that morality is objective. Of course, we establish and verify moral knowledge differently than scientific knowledge, but that does not make matters of morality any less objective. Nor does moral disagreement make it any less objective; it simply means that for issues where there is passionate disagreement, there is a debate about what the objectively moral position actually is, and as a result one may have to hold his or her moral convictions more tentatively. Simply because someone is sincere in their moral beliefs does not make them right. Someone can be sincerely wrong.



The Case for Objective Morality

We've suggested so far that morality is something that is objective, not subjective. By moral objectivism, we mean that "there are moral truths not of our own making, moral claims that are true independently of what anyone, anywhere, happens to think of them."³ From within a Christian worldview, which posits God as the ultimate source for morality, objective morality originates from a transcendent source, although there are accounts of objective morality that do not depend on belief in God. In other words, there is such a thing as an objective moral law that can be known and to which human beings are accountable.

Objective morality best accounts for the way we talk about moral matters. We typically use debate, argument, and reasons, sometimes passionately expressed to discuss moral issues, in a way that is entirely different from the way we talk about subjective matters like one's preference for ice cream or vacation spots. Philosopher Russ Shafer-Landau insists, "Were we convinced that there was no truth of the matter, most would see their continued disagreement as pointless; as pointless as, say, entering an intractable debate about whether red or orange was *really* the most beautiful color."⁴ If morality is nothing more than an expression of our personal tastes and preferences, it is very difficult to make sense of the way we debate moral issues.

In addition, objective morality best accounts for the way we view *moral reformers* and *moral progress*. Martin Luther King Jr., with his civil rights leadership, called the United States to a moral standard of equality and dignity that he assumed was objective. In his "Letter from a Birmingham Jail," he wrote of his appeal to a higher law, which he viewed theologically as the law of God, to which he was calling individuals and social structures to adhere to. He appealed to the conscience of the country with what he considered an objective moral standard of racial equality, which he expected people to accept even if they didn't believe his theological basis. The very idea of moral progress assumes an objective moral standard against which individuals and institutions can be measured, and if morality is nothing more than subjective opinion, then the whole notion of moral reformers makes little sense. All great moral reformers had to appeal to a transcendent, objective, and universal moral law that opposed the existing moral consensus of the culture. That's what Nelson Mandela did in overcoming apartheid in South Africa. That's what William Wilberforce did in leading the fight to abolish slavery in the British empire. That's what Abraham Lincoln appealed to in ending slavery in America. It's difficult to



refer to what they did as moral progress unless there is an objective moral law that can be known.

Closely related to this is that objective morality makes the best sense out of how we commonly view *moral mistakes*.⁵ Take, for example, many of the tyrants of the past century, such as Hitler, Stalin, Pol Pot, or Idi Amin. By our judgment of them, we have concluded that they have made grave moral errors, both in their views and their actions. They have deviated from moral truths that exist objectively. Unless there is such a thing as moral truth that can be known, it is virtually impossible to make a moral assessment on the tyrants of history, which we have obviously done so already.

Objective morality offers the best account for the way we act as victims of injustice. When another person or institution victimizes someone, the victim tends to give up the notion of subjective morality pretty quickly. The person often becomes a rigid absolutist about the moral violation they experienced. When we are victims of injustice, we don't view what we experienced as the other person simply having a different perspective or position. We view ourselves as having been wronged. In fact, the very notion of injustice presumes objective morality, for without such a moral standard, to what could the person who feels wronged appeal?

Objective morality is not undermined by moral diversity in the world or in any given culture. Although the moral issues with the most contentious disagreement are the ones that garner the most news coverage, the reality is that there is a significant amount of moral agreement that is necessary for societies to function properly. In addition, in some of the sciences there are intractable disputes similar to some of the moral issues debated today. Ironically, most in the sciences believe that given enough time and resources, consensus will be reached on matters of scientific debate. But that is not the case for many debated moral issues. What explains that difference? In part, this has to do with the different types of verification appropriate to the disciplines of science and moral philosophy. Science is subject to empirical verification methods, while moral philosophy depends on good reasons, sound argument, and other types of reasoning that is different from empirical data. But as philosopher Russ Shafer-Landau insists, "If scientific disagreements don't undermine the objective status of science, then moral disagreements shouldn't undermine the objective status of morality."⁶ Just because some things are the subject of intractable debate, that doesn't mean that they are not objective.

Finally, objective morality best accounts for the kind of moral world in which we live. We live in a world where we experience moral obligations, and judgments



when we fail to live up to them. Many of these moral obligations conflict with self-interest; losses come to those who keep those obligations. Further, if we fail to keep those obligations, we are generally subject to judgment and, at times, shame. And the greater these failures are, the more defective in character that person would be. Yet having those obligations only makes sense if, as philosopher George Mavrodes puts it, “Reality itself is committed to morality in some deep way. It makes sense only if there is moral demand on the world too, and only if reality will in the end satisfy that demand.”⁷ This suggests not only an objective morality, but that such a moral law originated with a transcendent source. Atheist philosopher J. L. Mackie concludes, “Moral properties constitute so odd a cluster of properties and relations that they are most unlikely to have arisen in the ordinary course of events without an all-powerful god to create them.”⁸

Evolutionary Origins for Morality

Increasingly it is argued that morality may be objective, but instead of coming from a transcendent source, such as God, morality originates in evolutionary adaptation. That is, morality is simply the product of evolutionary processes that provide adaptive advantages to groups and societies. Philosopher Michael Ruse explains it this way:

The position of the modern evolutionist . . . is that humans have an awareness of morality . . . because such an awareness is of biological worth. Morality is a biological adaptation no less than are hands and feet and teeth . . . Considered as a rationally justifiable set of claims about an objective something, ethics is illusory. I appreciate that when somebody says ‘Love thy neighbor as thyself,’ they think they are referring above and beyond themselves. . . . Nevertheless, . . . such reference is truly without foundation. Morality is just an aid to survival and reproduction, . . . and any deeper meaning is illusory⁹

The view here is that moral behavior is advantageous to survival, particularly in a group. Traits such as cooperation, respect, civility, and toleration are deemed to make it easier to get along and survive, particularly in large groups. Instead of being “written on [our] hearts” (Rom. 2:15), morality is written on our genes.

However, many widely accepted moral values do not seem to have much adaptive value. Values such as altruism and self-sacrifice, especially the kind of



sacrifice that societies have long held up as heroic, such as giving up one's life for another (that person would actually be a loser in the evolutionary scheme of things), compassion, forgiveness, and unconditional love, can all be seen as putting both individuals and communities at a competitive disadvantage when it comes to survival and reproduction. The people and actions that we often view as the most heroic are the ones that involve the most self-sacrifice, and at times, involve giving up one's life for another. In fact, most of our deeply held moral obligations require setting aside of one's self-interest in order to adhere to moral values that have intrinsic worth, apart from any advantage gained for someone or a community.

Types of Moral Reasoning

Let's return to the panel discussion on physician-assisted suicide that began this chapter. Each participant approached the issue from one of the moral systems in use in the broader culture. The goal for this section is for you to be able to recognize the various types of moral reasoning when you encounter them, so that you can engage not only the moral position being taken but also the way that right and wrong are being determined. You should be able to describe the basis for morality in each system and give several clear examples of that type of reasoning at work.

Let's begin with the one view of morality we will examine that is considered *noncognitive*, emotivism. We will then proceed to normative ethical systems that are cognitive systems, in which the moral claims made by the system are considered to be meaningful statements that actually have truth-value.

Emotivism

Emotivism is a theory about metaethics, specifically, the language of morality. It is not considered a normative system because it does not aim at producing moral norms for governing behavior. The emotivist holds that moral language simply expresses a person's emotions about a subject. Hence, for the emotivist, moral language cannot be true or false. The emotivist considers ethical statements to be emotions masquerading as facts. Emotivism holds that moral statements are not the kinds of things that can be cognitively evaluated for truth-value.¹⁰ It's not a normative ethical system like the others we will consider in this chapter.

Although they may seem alike, there is an essential difference between the moral subjectivist and the emotivist. For the subjectivist, moral judgments are



reports or statements of fact about the feelings and preferences of the person who says them, which can either be verified or falsified. That is, either that person has those feelings/preferences or they do not. For the emotivist, moral judgments are not facts at all, but emotional expressions about an action or person. The subjectivist will say, “Capital punishment is wrong!” This means, “I *feel* that capital punishment is wrong.” For the emotivist, the same statement means, “Capital punishment, yuck! Boo!” Emotivism is thus a more sophisticated theory than subjectivism. Both share the idea that moral judgments are not objective statements and that objective moral facts are nonexistent.

A major philosophical development that contributed to emotivism was the rise of *logical positivism*.¹¹ Logical positivists claimed that only two types of statements that have truth-value are possible: (1) analytical statements, such as definitions, and (2) factual statements that are empirically verifiable. In other words, the only things that can be considered as facts are definitions and statements that can be empirically proven or disproven. According to the logical positivists, moral judgments are more than definitions and are not empirically verifiable; therefore, they cannot be factual statements. All they can be are statements that express and arouse emotion.

Therefore, for the emotivist, moral language has three purposes, the last two of which the emotivist would insist are improper.¹² First, it expresses emotions or feelings. This is the primary use of moral language. Second, it is imperative—that is, it is used to lend authority to a command to someone to do something. Third, it is persuasive; it is used to influence another’s actions, primarily by bending another’s will to fit one’s own. Emotivism does give us something positive, a reminder that moral language is emotionally charged and can be used improperly to manipulate people under the guise of getting them to do the right thing. Unfortunately, because moral language is so emotionally charged, people often dismiss it today as too divisive or incapable of verification.

Critique of Emotivism

Emotivism as a moral theory can be criticized in three primary ways.¹³ First, the verification theory of meaning, which is the foundation of logical positivism, has problems. Specifically, it fails its own test of meaning. Emotivism maintains that the only statements capable of having meaning are those that are empirically verifiable, but this underlying principle is itself not empirically verifiable. There is no good reason to limit meaningful statements to those that are verified empirically.



Second, emotivism is actually a theory of the use of moral language, not of its meaning.¹⁴ The emotivist has jumped from a theory of use to a theory of meaning without any justification for that leap.

Third, emotivism cannot adequately account for the place of reason in ethics. Emotivism sets up a false dichotomy, as the following demonstrates:

- a. Either there are moral facts like there are scientific facts, or
- b. values are nothing more than expressions of our subjective feelings.

But there is another possibility; namely, moral truths are truths of reason, or a moral judgment is true if it is supported by better reasons than the alternatives. From a Christian worldview, we would also say that moral truths are also truths of revelation, both in general revelation in God's created world, and in the special revelation of the Bible. Good reasons often resolve moral disagreements, but for the emotivist, giving good reasons and using manipulation would essentially be the same thing. There is no good reason to assume that moral language is not also factual language, or that moral judgments are just expressions of emotion or preference rather than cognitive statements. It should not be surprising that ethical statements are not empirically verifiable, since right and wrong are not empirically observable qualities. But neither are they simply emotive expressions.

Teleological Ethics

A first category of cognitive ways of thinking about morality is what is called "teleological ethics." This term comes from the Greek word *telos*, which means the end, goal, or result. Teleological ethics determines what is moral by the end that the action achieves. This is a different kind of teleological ethic than we will see toward the end of the chapter when we get to virtue ethics and Aristotle. Aristotle constructed his ethic around the *telos* of a human being, that is, the end or goal for which human beings were designed, not the *telos*, or end, of any specific action.

There are two primary types of teleological ethics—utilitarianism and ethical egoism. It is easy to see how utilitarianism is a type of teleological ethics, since an action's morality depends on the outcome. Ethical egoism is also a form of teleological ethics, since it too is outcome based. However, for the ethical egoist, there is only one outcome that matters—how the action under consideration advances one's self-interest.



Jeremy Bentham

Jeremy Bentham (1748–1832) was one of the founders of classic utilitarianism, alongside John Stuart Mill. He was trained as a philosopher and a lawyer, though he didn't practice law but was instead involved in legal reform. He wrote voluminously on a variety of subjects, ranging from morality to political philosophy to religion. He put forth his principle of utility as a means of assessing the merit of particular laws, especially those regarding prison reform. His principle of utility involved primary consideration of pain and pleasure, the two “sovereign masters” of nature. His view of happiness involved the maximization of pleasure and minimizing of pain, or achieving the greatest balance of pain over pleasure. In terms of moral theory, any action that produced a greater balance of pleasure over pain was good, sometimes called “hedonistic utilitarianism.” His view of general morality was that actions and laws should be crafted to produce the greatest happiness for the greatest number.

Utilitarianism

Utilitarianism is a teleological system in which the morality of an act is determined by the result. In fact, sometimes utilitarianism and teleological ethics are used interchangeably. Utilitarianism commonly argues that the moral choice is the one that produces the greatest good for the greatest number of people, or the moral choice is the course of action that produces more good consequences than harmful ones. Thus, this type of moral reasoning is also called *consequentialism* because of its overriding emphasis on the consequences of an action.

Utilitarianism has its roots in the philosophies of Jeremy Bentham (1748–1832) and John Stuart Mill (1806–73). Bentham held to what has been called a hedonistic utilitarianism, which maintains that the most moral acts are those that maximize pleasure and minimize pain.¹⁵ Mill moved his approach away from hedonism and toward a more general concept of maximizing the general happiness or the greatest good for the greatest number.¹⁶ A more contemporary expression is that of philosopher Peter Singer, who proposes what he calls “preference utilitarianism,” a system that maximizes the preferences of individuals and groups.¹⁷ When it was proposed, utilitarianism was a radical theory, since it divorced morality from divine revelation and from any view of nature. According to utilitarianism, moral behavior no longer required faithfulness to divine ordinances and rigid moral rules.



Utilitarian modes of moral reasoning are widely applied to many of the currently debated moral issues. Most of the public policy in various countries around the world is debated using utilitarian arguments. As was evident from Participant 3 in the euthanasia debate, a good deal of the discussion about assisted suicide is conducted on utilitarian grounds. If, on balance, assisted suicide provides more beneficial consequences for more people, then a utilitarian would consider it to be the most moral choice. Another example of utilitarianism is when a company considers closing plants or laying off workers to maintain their competitive position in the marketplace. While acknowledging that this will produce harm for some, the company sometimes justifies such measures by asserting that it is safeguarding the jobs of the rest of the employees. Keeping the company in business, management argues, will produce greater benefits than harms.

The Appeal of Utilitarianism

The appeal of utilitarianism rests on a number of factors. First, it is a relatively simple theory to apply. All one must do is weigh the anticipated good consequences of an action against its anticipated harmful ones and see if the bottom line produces a greater balance of benefits over harms. If it produces the most benefit, then it is the most moral course of action. Second, it avoids the rigidity of deontology, that is, it keeps morality from being reduced to abstract principles that must be strictly followed, regardless of consequences produced by them. Without question, deontological, principle-based systems can be legalistic and can sacrifice people at the expense of holding to one's principles. Third, it doesn't require special appeal to any religious authority for morality; rather, it claims to appeal to nonmoral criteria for determining the good. This makes it a logical choice in some increasingly secular cultures around the world, in which people are growing more skeptical of religiously based morality. Many people in society view the divorce of morality from religion as a good thing and see utilitarianism as a substitute for divisive moral systems based on religion. Fourth, most people know intuitively that the consequences of one's actions must be taken seriously. No matter how tenaciously one holds to principles, one must take the consequences of one's actions into account to have a fully functioning moral system. Utilitarianism enables one to do just that, since the consequences of an action determine its morality.

Utilitarianism may be divided into two primary schools known as *act utilitarianism* and *rule utilitarianism*. Act utilitarianism uses the consequences of any given course of action to determine its morality. In doing so, the act utilitarian treats each moral decision separately and weighs the consequences of each isolated act.



Rather than depending on a separate calculation of consequences each time one needs to make a moral decision, rule utilitarians have formulated moral rules to guide them in decision-making. The rule utilitarian formulates rules based on the likelihood of certain actions to produce a predictable set of consequences. For example, sexual assault would be an immoral act, not because of any virtue or principle that prohibits it, but because sexual assault, every time it occurs, produces more harmful consequences than beneficial ones. Thus rule utilitarians would insist that there should be a moral rule prohibiting sexual assault. The rule utilitarian could say the same about many other actions, such as truth telling, promise keeping, murder, fraud, and deceit. Thus a rule utilitarian appears very similar to a deontologist, yet they have entirely different foundations for their rules.

Critique of Utilitarianism

Although utilitarianism has appeal, especially in a secular society, it also has shortcomings. The most common charge against utilitarianism is that it cannot protect the rights of minorities, and sometimes it can even justify obvious injustices when the greater good is served. By definition, since utilitarianism seeks the greatest good for the greatest number, minorities of all types tend to fare badly. For example, in the pre-Civil War South, slavery was clearly justifiable from a utilitarian point of view. It provided cheap labor that made the South very prosperous and clearly benefited more people than it harmed. But no one today would justify slavery on any grounds, let alone utilitarian ones. The good consequences that it produced appear not only irrelevant but also callous toward the suffering endured by so many slaves. The reason that slavery was immoral has little to do with the balance of consequences. Rather, it has to do with a universal principle that directs us to safeguard the basic rights and dignity of people, ultimately because they are made in the image of God.

Also, utilitarianism can justify obvious injustices, such as contriving evidence against an innocent person to prevent widespread social unrest that would result in loss of life and substantial property damage. On strictly utilitarian grounds, framing an innocent person is not only justifiable but could even be morally obligatory in order to prevent significant harmful consequences. But most people have a deep intuitive sense that framing the innocent is wrong, regardless of the consequences.

Even if the utilitarian can escape the charge of justifying obvious injustices, this system has other problems. Not only are the consequences of actions difficult to predict and measure, but the notions of benefit and harm are not value neutral. What may benefit or harm one person may not benefit or harm another. It is not entirely accurate to say that the utilitarian uses nonmoral criteria to evaluate the



morality of an action. Here's an important question for the utilitarian: What constitutes a benefit or a harm? For example, why should we conclude that a murder victim has been harmed? What makes that harmful if his or her life is not sacred, possessing intrinsic human dignity? It's true that someone is harmed when murdered, but what makes it harmful is that it violates the principle of the dignity of persons. You could make a similar argument for other actions that produce harm, such as the above example of sexual assault. In many cases, one must appeal to principles to explain what makes a benefit so beneficial or a harm so harmful. In other words, the utilitarian must appeal to principles to determine what constitutes a good or harmful consequence. What makes an outcome harmful or beneficial thus depends on a prior commitment to principles. It seems that the utilitarian must "smuggle in" principles to give substance to the notions of harm and benefit.

Despite these problems with utilitarianism, it is important to take the consequences of actions and decisions seriously, since there may be times when an appeal to principles will not resolve a dilemma. In addition, a consideration of consequences may be a helpful way to articulate reasons that support a position on a specific moral issue to a diverse culture.

John Stuart Mill

John Stuart Mill (1806–73) was, with Jeremy Bentham, one of the ideological founders of utilitarianism and one of the most influential thinkers of his time. He was trained as a philosopher and economist, and throughout his life he wrote on subjects such as logic, metaphysics, political philosophy, and ethics. His utilitarian ethics had much in common with Bentham's, though it was not identical. He too held to a view of right and wrong that was tied to an action's consequences and sought to take morality out of the realm of religion and its theological grounding. But his view of utility was somewhat broader than Bentham's. Mill distinguished between pleasure and happiness, and further between types of pleasures. For Mill, an action is morally right if it produces a greater balance of good consequences over harmful ones. Like Bentham, he proposed a political philosophy that gave high regard to the individual but also gave attention to the common good. For example, he regarded property rights as important but not absolute. They could be altered if sufficient considerations of the common good warranted. This follows from his view that the good is what provides the greatest balance of good consequences to the greatest number. Both he and Bentham were social reformers who conceived of a



new way to think about morality and social policy. They were called radicals in their day and advocated a political philosophy that was oriented toward autonomy, individual rights, and the good of society as a whole.

Ethical Egoism

A second type of teleological ethical system is ethical egoism, the theory that the morality of an act is determined by one's self-interest. Actions that advance self-interest are moral, and those that do not are not moral. A common misunderstanding is that an ethical egoist is merely being egotistical. The ethical egoist simply uses self-interest to make moral decisions, which does not necessarily mean that the person is narcissistic.

In addition to Participant 1, the eighty-year-old who made the moral decision about assisted suicide based strictly on self-interest, many other contemporary examples illustrate the practice of ethical egoism. For instance, medical doctors frequently make treatment and testing decisions based on their potential exposure to medical malpractice suits. Physicians will sometimes administer tests or treatments that they believe are futile or harmful to their patient because denial of such treatments will put them at significant risk for being sued by the patient or family members. For the physician who is an ethical egoist, the right thing to do is whatever protects him or her from being sued, or whatever is in his or her self-interest, regardless of how it affects the patient.

Another example of ethical egoism is what we commonly call "whistle-blowing." This occurs when an employee's superiors ask the employee to do something that the employee believes is immoral, such as falsifying data, offering bribes, or deceiving customers or regulators. The employee may refuse to fulfill the request and instead may "blow the whistle" on the company, revealing the immoral and, at times, illegal practice that they have been asked to do. In most cases, however, whistle-blowers lose their jobs and are blacklisted from the industry, leaving them unable to support themselves and their families. In short, whistle-blowing often has devastating results for the employee. When deliberating about blowing the whistle, many employees become ethical egoists, using their own self-interest as the determining factor for what they should do.

Appeal to rational self-interest is used in the Bible as a way of motivating people to be obedient to God. For example, the covenant blessings and curses set forth



in Deuteronomy 27–30 promise Israel agricultural prosperity and military peace as consequences of obedience and threaten the opposite should the nation turn to idolatry and disobey God.¹⁸ What is in Israel’s *national self-interest* is clearly a motivation for doing the right things. Doing altruistic acts because of the good feelings we receive could be perceived as egoistic. It is one thing to occasionally appeal to rational self-interest as the Bible does, but quite another to claim that egoism is a sufficient ethical system, as do thoroughgoing ethical egoists.

In ethical egoism one’s *only* moral duty is to one’s own self-interest. This is not to say that a person should avoid actions that help others, since a person’s interests and the interests of others can coincide. In addition, one may forego an immediate advantage to ensure long-term interests. Thomas Hobbes, the original ethical egoist, suggested that to prevent the pursuit of self-interest from destroying society, people should voluntarily give up some of their short-term freedom to pursue their interests so that each one’s long-term interests might be protected.

Support for Ethical Egoism

The advocates of ethical egoism are defending a view of morality that self-interest is the sole determinant of what is moral. It is not necessarily a justification for hedonism or narcissism but a serious attempt to ground morality in self-interest. The principal arguments offered in support of ethical egoism are as follows:¹⁹

First, *egoism, not altruism, treats others with dignity*. Egoists see altruism as fundamentally demeaning to the recipient of charity. For egoists, charity treats the beneficiary as a dependent, not as an equal—simply as a hungry mouth to feed. Egoists maintain that people who are mutually pursuing their self-interest treat the other with a dignity that charity cannot. It is often assumed by egoists that individuals pursuing their self-interest exclusively will advance the general welfare. The argument of Adam Smith concerning the “invisible hand” in economics is thus extended to all of life. The general welfare of the community is a beneficial by-product of individuals acting in their self-interest, even though it’s not the goal.

Second, *ethical egoism is the only moral system that respects the importance of the individual human life*. This is the argument of the most well-known spokesperson for egoism, the libertarian novelist-philosopher Ayn Rand.²⁰ Her argument is as follows: Since a person has only one life to live, this life is of supreme importance. By contrast, the ethic of altruism regards the life of the individual as something that one must be ready to sacrifice for the good of others. Egoism, which allows each person to view his own life as having ultimate value, does take the individual human seriously. Critics of egoism maintain that this argument portrays self-interest and



altruism as mutually exclusive opposites.²¹ In Rand's view, altruism demands that one's interests have no value, when in reality one's self-interest can be balanced with a concern for others. When the argument is presented in this way, it is easy to see how egoism can have appeal, since the alternative is so unattractive. Very few people would choose a life in which they could never look out for their own interests. Nor would they want to live in a world in which altruism was rare.

Third, *egoism makes the best sense of our widely accepted moral duties*. The egoist accepts that people can genuinely look out for others yet tries to explain it as an outworking of self-interest. For example, doing harm to others is to be avoided so that others will be more inclined not to harm us. Truth telling is in our interest because people will trust us and be truthful with us. Likewise, keeping promises or entering into mutually beneficial arrangements or contracts is in our interest. Critics reply that this is only a general rule, since one might gain from harming another or lying or breaking promises or contracts. In fact, the critic will argue that this tension between moral obligation and self-interest is what constitutes most moral dilemmas.

Questions About Ethical Egoism

Ethical egoism has many critics, who advance a variety of criticisms. First, *egoism has no means to settle conflicts of interest between individuals and groups*. What happens when my self-interest conflicts with yours? All that the egoist can do to resolve the conflict is to reassert his basic premise of self-interest. To think that interests never conflict is naive. Yet this assumption seems to be necessary if ethical egoism is to be a viable system.

Second, *ethical egoism ultimately collapses into anarchy*. For example, Hobbes' system required an absolute monarch (whom he called *Leviathan*, the title of his work that explains this concept) to keep egoism from disintegrating into anarchy. Yet there were no guarantees that the monarch would not also pursue his own self-interest too. It takes great faith to believe that some kind of "invisible hand" mysteriously works all things out.²² It should also be recognized that Adam Smith held to an *enlightened* self-interest, self-interest regulated by moral traits, such as compassion and justice, as the key to making markets work. Smith is actually an example of egoism requiring resources outside of self-interest for the system to work. To make egoism work, one must assume some sort of internal mechanism to control the pursuit of self-interest. The Bible teaches that depravity drives people toward selfishness, whereas common grace and the image of God counter that drive. For the believer, the resources also include the indwelling Holy Spirit to counteract self-interest run amok.



Third, *ethical egoism is often built on the false premise of psychological egoism*, that is, the notion that individuals are only capable of acting in their self-interest, and that genuine altruism does not exist. You should notice that if psychological egoism is true, then ethical egoism is unnecessary. That is, no one needs a moral system to tell them to act in their self-interest, if human beings are incapable of doing otherwise. The premise of psychological egoism can be questioned for two primary reasons. First, sometimes we simply act spontaneously without any concern for self-interest. For example, people who perform feats of heroism generally do them by instinct, without any thoughts of possible recognition. In addition, in our closest human relationships—namely, friendship, marriage, and parenthood—we often sacrifice our well-being and interests for those we love. The egoist will insist that on the surface your actions only look like altruism. The egoist insists that if you look at the deeper, unconscious motives, you find that your motives are entirely egoistic. At this point, however, egoism becomes an untestable theory. This reveals the deepest flaw of egoism, since the egoist has announced his determination to interpret people’s behavior in a way that corresponds to his theory *no matter what they do*. Nothing that anyone could do could count as evidence against the theory. However, the argument could just as easily be turned around by saying that at the deepest, subconscious level, one’s motives are altruistic, not egoistic. Further, this argument confuses a motive and a benefit. Just because someone receives a benefit from an altruistic act, it does not follow that it is the motive for doing the act. We would actually hope that people receive good feelings from doing altruistic things, even though that may not be the entire motive.

Fourth, ethical egoism as a sufficient system ignores the fact that the Bible calls people to a balance of self-interest and altruism. We are called to care for the needs of others because they are comparable to our own and because a significant part of being a disciple of Christ is following his altruistic example. Believers are called to be servants, and that invariably involves periodically putting others’ needs ahead of our own and, in rare circumstances, can involve laying down one’s life for another. It does not, however, obligate believers to neglect their legitimate self-interest. The Bible does not call believers to ignore self-interest in the way that ethical egoists claim it does. The claim that the believer “must deny themselves and take up their cross and follow me” (Mark 8:34) refers to denial of one’s ownership of oneself, having turned that over to God. It does not mandate that one should not care at all for self-interest. One should remember that at times even Jesus separated from the crowds to seek solitude with his heavenly Father. Hence the Bible seems to suggest that self-interest has a legitimate place, but it needs to be balanced by a compassionate concern for the interests of others.



Thomas Hobbes

Hobbes lived in England for most of his life (1588–1679), absent only during a brief exile in France away from political turmoil in England. He was very interested in and heavily influenced by geometry and mechanistic psychology, and these disciplines played a significant part in the formation of his ethics. He is best known for his shortest work, *Leviathan*, which summarizes a good deal of his ethical and political theory.

His personal ethics are clearly based on the nature and constitution of a human being. He has an atomistic view of human nature in which, parallel with science, man is viewed as a small, isolated, individual machine. The good is defined in terms of the individual and the individual's self-interest. Hobbes assumed that aversions and appetites are constant. For example, he assumed that all people desire peace. This is one of his principal laws of nature. According to Hobbes, since people share desires such as freedom from the fear of death and the enjoyment of prosperity, universal goods must exist, the basis for a universal ethic.

Happiness for Hobbes derives from his notion of desire and the good. Happiness is not the repose of a satisfied mind, as in the classical definition of contemplation. Human beings are always in the process of attaining happiness but cannot finally attain it. Happiness is in the pursuit—that is, in the progress from one desire being satisfied to another. Hobbes called this “a perpetual and restless lust for power that ceaseth only in death” (from *Leviathan*, 1.11.2).

Because of this ever-increasing lust for power, we exist in a state of war, what Hobbes called the *state of nature*, or the war of all against all. His laws of nature are premised on the assumption that there is no security in the state of nature. Thus one is to desire peace so that all other desires can be met.

The laws of nature that exist are all related to furthering one's self-preservation. These laws establish covenant-keeping, liberty, justice, gratitude, modesty, equity, and mercy as the principal virtues. Hobbes called these laws of nature “immutable and eternal” and considered them binding.

Hobbes viewed society as a voluntary association, where free and equal individuals clash to maximize self-interest. The goal of government is to provide order to safeguard one's pursuit of self-interest. He inaugurated the idea of government by consent, but an absolute ruler, which he called *Leviathan*, was needed to protect man from others.



Deontological Ethics

Deontological systems of ethics are principle-based systems, in which actions are intrinsically right or wrong, dependent on adherence to the relevant moral principles or values. What distinguishes various types of deontological systems is the source of the principles that determine morality. In chapter 3 both the notion of divine commands and natural law will be discussed, and we will see that they are both important components of a Christian ethic. Nevertheless, there are deontological systems that are independent from religious grounding. Most notable of these is what is known as *ethical rationalism*, the moral theory of Immanuel Kant.²³

Underlying his moral system are three critical assumptions. First, to have a valid moral system, one must have power to constrain people without being deterministic. In other words, reason must have the power to motivate action, but it must also leave one genuinely free not to do one's duty. In contrast to Hume, reason governs the passions, not vice versa.

Second, what is a valid duty in circumstance X is the same for all rational beings. This is his principle of fairness and is foundational to his central concept known as the *categorical imperative*. He does acknowledge relevant differences among people, but the point is that moral obligations do not vary based on the circumstances. Here Kant appears to be anticipating the utilitarians, such as Bentham and Mill, for whom morality depended on the consequences of an action, which depended largely on one's circumstances.

Third, people cannot change their moral obligations or duties merely by changing their desires. Moral imperatives based on desire are what he called hypothetical imperatives. A true moral imperative is what he called categorical, since it is not based on some desire.

Kant's system revolved around the notion of the good will. This is his first proposition on the nature of morality. The good will is seen as being the key to being worthy of happiness. In this notion, he reversed the emphasis of the classical Greek philosophers that virtue would essentially bring one well-being. For Kant, happiness followed if one was morally worthy of possessing it. The good will is capable of acting from motives other than the desire to be well off. It recognizes that one's duty is inherently good apart from any consequences that it produced. Kant reasoned that since one cannot control all the consequences, moral worth cannot depend on things that are beyond the control of the individual making the moral decision. The good will is the will that acts for the sake of duty. One's duty can be contrary to one's inclination but does not have to be. For Kant, being moral is more than acting according to one's inclinations.



Actions are determined either by desire, or by inclination, or by what Kant calls a *maxim*. A maxim is the plan of action where an individual in circumstance X does act A to bring about result R. But the result is not what gives the act worth because one does not control all the results of one's actions. Therefore, the question is raised, "What is it about the maxim that makes the will good?"

The good will is the only unconditional good. The good will is one that acts from duty alone. The value of an act done from duty is not in its consequences. So it must be from its maxim. But what distinguishes the good maxim from the bad? The good maxim must be able to motivate every rational being in the specified circumstance. Thus it must have something that is the "same for all." This is the form of the law, or its ability to be universalized. In other words, all beings can act on the maxim without making it impossible for any to act on it. So, what Kant called the categorical imperative is not based on circumstances.

Within his concept of the good will is the idea of the contradiction of the will. This assumes that if everyone did it, no one would ultimately be able to do it. In his test for universalizability, he asked, "Would it be fair, or could we live with it, if everyone did this?" The categorical imperative is often applied in a bit different way, by asking, "Could we live with the state of affairs if everyone did *not* do the things that Kant suggested to be universal maxims?" For example, if everyone violated the duty to tell the truth, could we live with the kind of society that would inevitably result from this? Kant calls this the principle of universalizability.

To put it another way, he might ask, "Are you ready for your action to be regarded as the equivalent of a law of nature?" Thus we are constrained to do something because we respect the law that can be universalized, and we feel a sense of duty as a result. Duty and inclination are not necessarily opposed, but a moral act is one done out of duty, not simply because one wants to do it. Moral maxims must be categorical, that is, they must be binding and independent of one's desires. This categorical imperative actually has four different formulations, which are listed below:

1. Act only according to that maxim by which you can at the same time will that it should become a universal law.
2. Act as though the maxim of your action were by your will to become a universal law of nature.
3. Act so that you treat humanity, whether in your own person or in that of another, always as an end and never as a means only. From this formulation the fundamental principle of respect for persons is derived. (This is one of the most significant legacies of the ethics of Kant.)



4. Do no action according to any maxim that would be inconsistent with its being universal, and thus act only so that the will through its maxims could regard itself at the same time as universally law-giving. This is what he calls his principle of autonomy. Since we derive the principles from our own rational nature, we are autonomous and self-determined, and thus by our actions we “legislate” morality. Moral constraint is thus possible without individuals losing their genuine freedom of moral choice.

To summarize, no will is morally good because it does what it wants to do. A motive other than the passions must exist: respect for law. Free from determination, the rational will acts on the basis of respect for law. But since not all are purely rational beings, human beings *ought* to act under the constraint of the categorical imperative. The moral purpose of reason is to illuminate us to our “ought,” independent of sensation. The highest good for Kant is both happiness and being worthy of it. That is achieved by adherence to duty.

Kant’s categorical imperative in particular and his ethical system in general have come under considerable criticism on three primary points. First, Kant appears to have been overly optimistic about the ability of reason to formulate universal absolutes. Kant held that rational persons using their faculties could reason themselves to precisely the same moral rules. This seems to run counter to the degree of moral diversity that exists in the world today. Such diversity cannot be accounted for simply in terms of rationality, which suggests that there are other factors besides reason that contribute to moral norms. Kant is widely considered the apex of modernity with its virtual worship of reason, a project that has been widely regarded to have failed. Despite its other shortcomings, postmodernism has rightly called the supremacy of unaided reason into question, here because the wide variety of moral values and how they are weighted calls into question the adequacy of reason alone to formulate universal principles.²⁴

A second line of criticism of Kant comes from the results of the categorical imperative. According to Kant, when properly applied, the categorical imperative provides absolute moral rules, which is the goal. That is, it produces an exceptionless moral system—there are never exceptions to Kantian formulated moral rules. Kant himself suggests that even when confronted with the need to lie in order to protect an innocent person who is about to be killed, one still has an unqualified duty to tell the truth. Yet this seems problematic and illustrates one of the tensions of absolutist deontological moral systems in general—they cannot deal with scenarios when principles conflict. I will discuss this in chapter 3 in connection



with divine command theories of ethics and resolve it by suggesting that there are occasions when principles need to be weighted and ranked. This runs counter to a Kantian deontology, which presumes that there is never a conflict in one's moral duty if properly ascertained. For a deontological system to avoid being excessively rigid and unbending, it makes more sense to hold to *prima facie* (literally, "at first glance") principles that have periodic exceptions to them when they come into conflict with other principles.²⁵ This is not an absolutist deontological system, nor is it Kant's formulation, but it seems to fit our intuitions about our duty when moral rules conflict.

A final criticism of Kant is that his categorical imperative is only a procedural morality and does not offer any guidance in terms of the content of morality. That is, it is a necessary part of formulating moral rules but not sufficient to tell us what the rules ought to be. One can properly devise consistent absolutes, but the categorical imperative cannot tell us why those absolutes may be considered right or wrong. For example, Kant's procedure can tell us that we ought to have a rule against actions such as deception or adultery, but it can't tell us why specifically those things are wrong.²⁶ A procedural notion such as the categorical imperative cannot provide much to clarify the material content of morality.

Immanuel Kant

Widely regarded as one of the greatest philosophical minds and contributors to ethics, Kant lived during the height of the Enlightenment (1724–1804). He was raised in Prussia and educated at the University of Königsberg, where he later spent most of his teaching career. He wrote voluminously about metaphysics, logic, epistemology, philosophy of religion, and ethics and enjoyed an outstanding reputation throughout Europe during his lifetime.

Kant devised a principle-based ethic, centered not on a religious system but on reason alone. In doing so, he represents the epitome of Enlightenment ethics. His system was not dependent on divine revelation, either special or natural. Also, it was not based on any particular view of human nature, since nature could be interpreted in many different ways. Insisting that a valid moral system must be independent of empirical observation, his ethics were in part a response to the ethics of David Hume, his contemporary.



Relativism

Ethical relativism became popular as a result of the findings of cultural anthropologists at the turn of the twentieth century, who observed that different cultures have widely varying moral codes and concepts of right and wrong. Its early key advocates include anthropologists, such as William Graham Sumner, Ruth Benedict, and Melville Herskovits, and philosopher John Ladd.²⁷

As these scholars studied different cultures, they discovered the lack of a uniform concept of right and wrong. For example, some cultures practice polygamy, while others practice monogamy. Some cultures consider it a moral obligation to give one of their children to an infertile couple. Some cultures, such as certain Eskimo groups, practice euthanasia and infanticide in ways that seem ghastly and immoral to many other cultures. Among the Auca Indians of South America, treachery was considered the highest virtue. In fact, after sharing the Christian message with the Aucas, the missionaries were shocked to learn that the Aucas saw Judas as the hero of the gospel, not Jesus. In colonial India, the indigenous people burned widows following the death of their husbands, which was a widely practiced custom considered to be morally legitimate. What the natives of Polynesia considered as taboo astonished Captain Cook's sailors: despite the fact that the women had much freedom in the area of sexual relations, the natives considered it taboo to eat a meal with someone of the opposite sex. Today, female circumcision, a practice many Westerners refer to as mutilation, is practiced widely in Africa and the Middle East. These illustrations offer only a sample of the ways people have conceived and practiced morality.

In response to these observations, scholars drew new conclusions about the nature of morality. In view of such moral diversity, they suggested that it was impossible to believe in universal moral values that transcend time and culture. Such moral diversity called into question ethical systems that posited absolute, unchanging moral principles that could be universally applied. Rather than being universal, morality was seen as relative to the cultural consensus.

Different Forms of Relativism

Some anthropologists, however, merely pointed out the differences between the moral codes of various cultures. In chapter 1, we called this “descriptive ethics,” which is not a normative discipline at all. That is, it is only a descriptive enterprise, and there is no attempt to draw normative ethical principles out of their observations. They looked at the diversity of ethical standards and concluded that different cultures in the world have widely differing standards of right and wrong. But many



other anthropologists espoused a normative form of relativism called *cultural relativism*. This is the primary form of relativism; it molds the culture, determines the values, and sets the moral norms. So the cultural consensus determines morality for that culture. Consequently, there are no objective, universal moral principles that are binding for all cultures and times.

As a result, any practice that is the cultural norm is moral for that culture. Someone from another culture cannot make a judgment on that practice, since there are no norms that transcend culture. For example, since female circumcision is the norm for particular cultures, that makes it moral in those cultures. Someone from outside that culture cannot make a criticism or negative assessment of such a practice, since that person is outside the culture. It is often said: “It’s a Middle Eastern thing (or substitute another culture)—you wouldn’t understand.” And since you couldn’t understand, you can’t make a judgment on the practice. Cultural relativism is sometimes referred to as *conventionalism*, which maintains that cultural acceptance determines the validity of moral norms. While morality may need cultural acceptance to function properly, it is quite another thing to insist that cultural acceptance *determines* the validity of its values.

A second form of relativism practiced today is *moral subjectivism*, which says that morality is determined by the individual’s own tastes and preferences. Expressed in its popular form, ethical subjectivism says, “What’s right for me is right, and what’s right for you is right,” even if the person is referring to two diametrically opposed actions. One could say, “Being faithful to one’s spouse is right for some people, but open marriage is right for others.” This view of morality is often applied to sexual morality where one’s moral code for sexual behavior is considered a private matter and where one can subjectively and individually determine what is right. It’s not hard to see how cultural relativism could reduce to subjectivism; as the size of the relevant culture shrinks, it ultimately ends up as a culture of one person—hence subjectivism.

One of the most significant challenges to doing business in other parts of the world comes from cultural relativism. Imagine yourself as a business executive responsible for expanding your firm into international markets. As a result of different ethical standards of doing business, you will be faced with the temptation to offer bribes to high government officials to secure access to the market for your product. Although bribes are considered immoral and illegal in much of the West, your clients in this new market will expect them as a normal part of doing business. What will you do? Will you adhere to what you consider to be a universal standard that does not permit bribery? Or will you adopt the philosophy, “When in Rome, do as the Romans do,” and justify offering bribes because that is acceptable in that culture?



Imagine now that you are a project manager for a large construction company that is expanding its business into the developing world, where safety and environmental standards are significantly different than in the United States. By adopting the country's safety standards, your company can save a great deal of money, but it presents safety hazards for some of your employees. Do you build according to higher safety standards, or do you simply follow the less strict codes of the foreign country and increase your company's profits? All kinds of things once considered immoral can now be justified if one becomes a relativist and uses culturally acceptable standards.

David Hume

David Hume was born and raised in Scotland (1711–76) and was not an academic philosopher by profession. He was a historian and wrote a history of Great Britain in addition to his numerous philosophical works. Yet he is known for his philosophy. Among his treatises in philosophy, he attempted a complete philosophical system in *A Treatise of Human Nature*.²⁸ He wrote about metaphysics, epistemology, anthropology, philosophy of religion, political philosophy, and ethics. He was popular in literary circles during his lifetime, although he received much criticism for his philosophical works.

Hume's ethics extend from his overall worldview, which is known as empiricism—that is, the only matters of fact are those discernible by the senses. Thus moral facts and moral sense as perceptible objects do not exist. The rules of morality are not derived by reason. Moral distinctions are independent of reason, and for Hume reason is only the slave of the passions.²⁹

In fact, according to Hume, reason is inert when it comes to determining the morality of an action. Hume compared vice and virtue with sounds, colors, heat, and cold. They are not qualities in objects but perceptions in the mind. Morals have to do with sense, not reason. Reason can only determine means to accomplishing ends. Reason only serves the passions, and they are not subject to reason. Reason is also powerless to incite action necessary to actually do the good.

Reducing morality to matters of sentiment is at the heart of Hume's project. The reason his theory is important is that it is widely followed today. Morality is becoming increasingly subjective and is losing its propositional nature as people in our culture insist that judgments of right and wrong are merely individual subjective feelings or opinion.



The Appeal of Relativism

Despite its philosophical shortcomings, ethical relativism does have appeal, particularly to the popular culture. The first appeal of relativism is based on the important idea that morality does not develop in a sociological vacuum. Some of our values are formed either in reaction to or affirmation of the social conditions of the time. Unfortunately, these values can be mistaken for absolute standards when in reality they are little more than cultural biases dressed up in moral language. Slavery during the Civil War era aptly illustrates this. Although it was clearly immoral for human beings to own and mistreat other human beings, many Southerners attempted to justify slavery, sometimes on biblical grounds. Created to supply cheap labor in the agricultural South, slavery was deemed moral, and the right to own slaves was regarded as an absolute right. In reality, slavery was merely a cultural creation that was regarded as an absolute moral right.

A second appeal of relativism comes from the way it is presented. Frequently relativism is presented as though it and its opposite, complete absolutism, are the only two valid alternatives. The absolutist is perceived as rigidly holding to absolute moral principles and does not allow for any exceptions, regardless of the circumstances. This is clearly not an attractive or realistic position to hold. If relativism is presented as the only alternative to this kind of absolutism, it is not difficult to see why people would prefer relativism. One can hold to objective moral principles and not be a complete absolutist, that is, one can be what is called a *prima facie* absolutist. While recognizing the importance of unchanging, objective, moral principles, the *prima facie* absolutist allows for periodic exceptions to general principles. On selected issues, most people who hold to the importance of principles would admit exceptions. For example, many people would agree that in the rare cases when a pregnancy presents imminent danger to a woman's life, it is justifiable to end the pregnancy. Similarly, if someone breaks into my house with a loaded gun and asks where my wife is, I am not obligated to tell him the truth.

A third appeal of relativism comes from the emphasis on cultural diversity that was mentioned above. This trend emphasizes tolerance for the distinctives of other cultures, including its moral values, which are at the core of any culture. In the name of appreciating cultural diversity, one accepts the values of a culture as normative within that culture. Then it becomes more difficult to make value judgments about a culture for fear of creating offense and appearing intolerant. Yet most people realize that limits must be drawn somewhere and that some standards must transcend culture if society is to arbitrate between competing cultural values.



This has deeper philosophical roots in a postmodern view of truth, knowledge, and morality. Postmodernism insists that all knowledge is received through one's cultural lenses. As a result, it is impossible to have an objective view of truth. And since there can be no such thing as objective truth, making any kind of claim for similarly objective and universal moral norms is considered futile by the postmodernists. It would be difficult to overestimate the impact of postmodern thinking on the resurgence of relativism in the culture today. The postmodernist's radical skepticism concerning the reality of truth and knowledge exacts a heavy price when it comes to morality. The postmodernist's conclusion that moral values are simply human conventions that reflect one's cultural lenses and relationships of power renders morality as little more than a subjective enterprise in a futile search for a consensus. At best the postmodernist can embrace cultural relativism in recognition of the social agreement on a particular set of values that is useful only for that social group.

The postmodernist's view of truth, knowledge, and morality has also been vigorously challenged by a variety of critics. Some of the critics are religious thinkers, but many simply recognize the flaws in the postmodern worldview without approaching it from any particular religious perspective. Two primary criticisms have been raised of postmodernism.³⁰ The first is to insist that just because one sees the world through a particular set of lenses (or biases), it does not mean that he or she is incapable of rationality or objectivity. It may make being rational and objective more difficult, but it does not make it impossible. If bias actually made it impossible to objectively assess reasons and evidence for a view, then we would be left in the odd position of not being able to objectively teach or investigate anything that we believed in. Nor would we be able to teach what we opposed!

A second problem with postmodernism as a worldview is that it is self-refuting. Either the postmodernist thinker presents his or her views as being true and rational, and thereby sensible and worth adopting, which denies the central premises of postmodernism, or the postmodernist advocate does not offer his or her position as true, which does not provide any compelling reasons for accepting it over other worldviews.

Challenges for Relativism

In spite of its appeal and widespread use in the popular culture, relativism has significant philosophical shortcomings. First, in terms of the observations of the cultural anthropologists who developed relativism, the degree of moral diversity is overstated and the degree of moral consensus is understated. A good deal more



moral consensus exists among cultures than was first believed. Anthropologist Clyde Kluckhohn has noted the following:

Every society has some version of the Golden Rule. While some societies say a man may have four wives, no culture says he may simply take any woman he wants. All societies have laws protecting human life, all condemn stealing, all honor courage, and all say that engaging in sexual acts with anyone is not permitted. It's as if many different orchestras are performing the same musical piece but adapting the harmonics to fit their own instruments.³¹

A second criticism of relativism is related to the first. Many of the observations of moral diversity were differences in moral practices. For example, take the historical tradition of some tribes of Eskimos to practice a form of euthanasia. One can argue that the principle being followed is the same as that in the West—that of respect for one's elders. But the way in which that norm is applied is very different, based on their religious view that a person goes to the eternal state in the condition in which he or she dies. Under that view, they would consider allowing a person to die in a hospital, full of tubes and technologies and in a frail, chronically diseased condition, a terrible wrong. It seems clear that diversity in practice does not necessarily equal diversity in underlying values or principles. Much less moral diversity exists at the level of principles than many anthropologists think they have observed. A person who holds to objective moral values can easily account for many, though not all, varieties in practices from the perspective of the underlying principles.

A third challenge to relativism is that cultural relativism as a normative system cannot be drawn from the observations of the cultural relativist. Cultural relativism as a moral system does not follow simply from the empirical data of moral diversity among cultures. Just because different cultures have different moral standards—even if the degree of moral diversity is not overstated—it does not follow that there is no such thing as absolute values that transcend culture.

A fourth challenge to relativism is that it provides no way to arbitrate among competing cultural value claims. This is important as many countries recognize the high degree of cultural diversity in their populations and therefore the inevitable clash of cultures. For example, as the Middle Eastern population of Europe continues to grow, creating cultural enclaves in Western European countries, clashes of cultures are becoming more common, sometimes leading to violence. The archbishop of Canterbury, the head of the Church of England, made the controversial suggestion that European countries should accommodate Islamic moral codes and



allow Islamic law to have its place in the law of the various European countries.³² The relativist can offer very little to resolve these kinds of conflicts since the relativist can neither condemn either group nor umpire their competing claims.

The fifth and most serious charge against relativism is an extension of the fourth. The relativist cannot morally evaluate any clearly oppressive culture or, more specifically, any obvious tyrant. Cultures that relegate women to the status of second-class citizens cannot be evaluated by the relativist, since morality is dependent on the cultural context. Similarly, the relativist cannot pass judgment on someone like Hitler, who oppresses a minority with the permission, if not approval, of the masses, since no moral absolute that transcends culture exists to which the relativist can appeal as a basis for that judgment.

A final objection to relativism is the charge that its central premise, namely that moral absolutes do not exist, is a self-defeating statement, since the premise itself is an absolute. However, the relativist could respond that the premise is only a formal absolute, not a material one—that is, it is a statement that describes the procedure of relativism, not a moral principle that is absolute. While that distinction is correct, the relativist still has a moral absolute that makes the system self-defeating, namely, the absolute of tolerance and respect for the values of other cultures. The relativist could hardly tolerate any culture that had intolerance as one of its central virtues.

Plato

Plato (ca. 426–347 BC) came from a wealthy, aristocratic family that allowed him the luxury of study. His background likely contributed to his somewhat negative appraisal of democracy. He was a close associate of Socrates. Accordingly, Socrates plays a role in most of Plato's writings and a prominent role in some of Plato's writings on ethics. At some time during the 370s he founded the Academy, a place of higher education where he taught through his well-known method of dialogue and questioning. Aristotle was a member of the Academy during the final twenty years of Plato's life.

Most of Plato's writings consist of his "dialogues," which actually bear more resemblance to monologues. He wrote roughly twenty-five of these dialogues, and the most well-known and widely read of these is *The Republic*. In this work he presents much of his ethical theory, although many of the other dialogues contain material that deals with ethics.



The emphasis in Plato's thought is not on rights, moral principles, or consequences but on questions of the soul. His moral philosophy is not concerned with whether certain actions are right or wrong but with whether one is a good person. What we today call "virtue theory" dominated classical ethics, and Plato was the consummate virtue theorist. He and other Greek moral theorists thought that they could know the good person, that is, the right way to live one's life in general. They were more concerned with one's character and virtue than with any action-based theory of ethics. For Plato, life was parallel to a craft or skill—that is, the right way to live life was parallel to a right way to perform a craft or skill.

Virtue Ethics

All the normative theories examined thus far have been *action-oriented* ethical systems. The exception to this is emotivism, which is a theory about moral language rather than a theory that attempts to provide moral direction. Most ethical theories in modern times have focused on doing the right action or making the right decision when confronted by a moral dilemma. Many of the major debates in ethics have revolved around the basis for determining what is the right action, whether consequences or principles provide that basis, and whether the right action is universal or relative.

Virtue theory, which is also called aretaic ethics (from the Greek term *arete*, "virtue"), holds that morality is more than simply doing the right thing. The foundational moral claims made by the virtue theorist concern the moral agent (the person doing the action), not simply the act that the agent performs. Dating back to Plato and Aristotle, the tradition of virtue theory is a long one, including the Epicureans, the Stoics, the New Testament Gospels, and Thomas Aquinas. With the collapse of the medieval worldview during the Renaissance and Enlightenment periods, one of the unfortunate casualties was Aquinas' emphasis on Aristotelian virtue theory. The current renewal of interest in virtue ethics can be traced back to the moral philosopher Elizabeth Anscombe, in her critique of action based ethics.³³

Some virtue theorists hold that virtue theory can independently provide an adequate system of ethics. Others hold that virtues and moral rules or principles are interdependent, but exactly how they fit together is a point of debate. In the face of both natural law and divine commands, it is difficult to see how the Christian could not embrace some sort of deontological ethics. But it is equally difficult to see



how the Christian could ignore virtue theory in favor of act-based ethics, given the emphasis in the New Testament on developing the character of Christ, which would seem to precede action. As will be argued in chapter 3, the virtues are logically prior to principles in that the virtues emerge out of God's character, and that moral rules and principles are those that are consistent with the outworking of God's virtue.

Some of the main differences between virtue ethics and act-oriented ethics are an emphasis on being rather than doing, an emphasis on who a person should become more than what a person should do, the importance of following people with exemplary behavior instead of following moral rules, an emphasis on a person's motive in place of action, and a stress on developing character more than simply obeying rules. Virtue theory is an ethic of character, not duty. These emphases are certainly consistent with the biblical emphasis on becoming more like Christ in character. One could also argue that act-oriented systems do not adequately produce moral people, not to mention spiritually mature people. It would seem, at the least, that some component of virtue theory is needed to supplement act-oriented systems. Given the biblical emphasis, it would appear that act-oriented ethics alone give a person an overly narrow view of the moral life.

Aristotle

Aristotle continued in the Platonic tradition of the virtuous person but spelled out the specific virtues and a psychology of moral behavior in much more detail. He spent much of his life (384–322 BC) in the political world because his father was the physician to Amyntas II, King of Macedon. Aristotle assumed leadership in the Academy of Plato after Plato's forced suicide and remained there until 342 BC, when he accepted the invitation to become the personal mentor for Alexander the Great. After this three-year assignment, he established schools in the different areas of Greece in which he resided.

Aristotle wrote voluminously, both on the popular level and the more sophisticated scientific and philosophical level. He wrote on a wide variety of subjects, including logic, physics, psychology, natural history, and philosophy. The core of his philosophical writings included works on metaphysics, ethics, and politics. He considered ethics and political philosophy to be inseparable, and thus his *Politics* is a logical extension of his three works on ethics, namely, the *Nicomachean Ethics* (his most well-developed ethical treatise), the *Eudemian Ethics*, and the *Magna Moralia*.



The Appeal of Virtue Ethics

Advocates of virtue ethics have pointed out some of the shortcomings of act-oriented ethics.³⁴ First, act-oriented ethics reduce ethics to solving moral dilemmas and difficult cases that most people encounter infrequently. Virtue ethics advocates suggest that this is a minimalist view of morality that pushes ethics to the extremes of life. The real substance of the moral life, the day-to-day decisions that people must make, is diminished. Virtue ethics maintains that until someone develops the requisite virtues, they will likely not experience, or even be aware of, moral dilemmas. Virtue ethicist Edmund Pincoffs puts it this way: “The adult of good moral character must indeed be able to handle difficult situations when they arise and to reason about problems unforeseeable . . . but to reason well, *he must already be an adult of good moral character*. . . . Unless he has these qualities, moral dilemmas will not arise for him.”³⁵ Virtue ethics impacts moral education since it involves more than simply adherence to abstract moral principles and has the inculcation of character at its core. As Pincoffs points out, “Is moral education best understood as teaching children how to make moral decisions? . . . There are no moral problems for the child whose character is yet to be formed.”³⁶

Second, virtue ethics advocates point out that the moral life involves attitudes and motives as well as actions. It is difficult to say that two people who perform the same right action with opposite attitudes are both equally worthy of praise. Act-oriented ethics focuses on the act and tends to minimize the dispositions and character of the moral agent. Thus act-oriented ethics offers a truncated view of the moral life, particularly for the Christian, who is commanded to develop virtuous character. One of the primary aspects of the moral life emphasized in Scripture is to cultivate good character (Gal. 5:22–23).

Third, act-based systems provide little motivation for doing the right thing.³⁷ This is especially true of the apex of action-based morality, the system of Kant, which holds that the will should perform its moral duty simply for the sake of duty. According to most virtue ethics advocates, action-oriented ethics are largely negative prohibitions that involve hair-splitting distinctions that do not usually move people to action.

Finally, act-based ethics overemphasize individual autonomy, or the ability of people to arrive at their moral duties by reason or revelation alone.³⁸ Since virtues are usually developed in some sort of a relationship or community, virtue theory gives proper emphasis to the communal context of ethics.



The Golden Mean

Aristotle's specific virtues derive from his concept of the *mean*. He is perhaps best known for this way of describing the virtues, popularly known as the "golden mean." A virtue is the mean between two extremes of behavior or emotion, usually between the extremes of excess and deficiency. For example, Aristotle describes courage as the mean between rashness (an excess) and cowardice (a deficiency), and temperance as the mean between overindulgence (an excess) and self-denial (a deficiency). Other virtues include liberality, honor, gentleness, friendliness, and truthfulness. The ethic of the mean is an ethic of moderation that produces happiness. The mean is not merely the middle but a mean that is relative to a person's circumstances.

Questions about Virtue Ethics

One of the questions often posed to advocates of virtue ethics is, "what exactly is a virtue?" Virtues are defined as "trained behavioral dispositions that result in habitual acts of moral goodness."³⁹ That is, the evidence of a person's character comes from the habit of acting in morally good ways, and that it takes training, education, and discipline in virtue in order for it to become habitual. It's important to recognize that the only way virtues are made evident is by a person's actions. Actions do matter, but to take moral acts as the only aspect of morality that matters is a reductive view of the moral life. People are called not only to act in accord with God's moral standard. They are also called to develop the character traits of Jesus. A Christian virtue ethic, with Jesus as the ideal virtuous person, is a critical starting point for a virtue ethic.

For some virtue ethics systems, the question of "What makes a virtue a virtue?" can be difficult to answer. For some systems, it may seem that the virtues are suspended in philosophical midair, without any grounding. It can be challenging for some virtue ethics systems to avoid a certain relativism about what constitute a virtue, since what may be virtuous in some cultures would not be in others. That's not the case for a Christian-based virtue ethic that is based on the character of God, incarnated in the life of Jesus, who is the ideal virtuous person. As exemplified in the life of Jesus, the virtues are both clear and universal, though the application of some virtues might look a bit different in different cultural settings. Thus the life of virtue is not necessarily grounded in the Aristotelian notion of the purpose of a



human person being to utilize reason to achieve happiness. Virtue was considered an essential aspect of the pursuit of happiness and thus necessary for the good life. In a Christian worldview, virtue is equally essential to the good life, which consists of faithfully following Jesus. It is inconceivable that someone could follow Jesus well and not place high importance on emulating his character traits.

The moral life, then, consists of doing the right thing with the right motive and attitudes. It is insufficient to do the right thing for the right reason if the underlying attitude is absent. Virtues are an integral element of the good life and especially of being like Christ. Therefore, a complementary view of virtues and principles, in which both are important, appears to be more consistent with Scripture. The virtues are logically prior to principles, insofar as God's character expresses itself in virtues, and moral rules and principles then are those that are consistent with the outworking of God's virtues.

Virtue ethics sometimes comes under criticism for its apparent inability to make decisions when faced with moral dilemmas. Even if those dilemmas do not occur regularly, any moral system must be able to address them adequately. Virtue ethics approaches moral dilemmas differently than most action-oriented systems. Instead of asking, "what is the right thing to do?" virtue ethics asks, "what does this decision reveal about my character?" For example, if faced with a decision to end an unwanted pregnancy, in addition to the question of the right action, the person would also wrestle with how each alternative—to end the pregnancy, keep the baby, or put the baby up for adoption—reflects his or her character. In the midst of this dilemma, one may find that considerations of character and virtue may be considerably more compelling than the weighing of moral principles, consequences, or self-interest that is characteristic of action-oriented ethical systems. It may also be that consideration of virtue alone may not resolve the dilemma and appealing to principles might be necessary. Further, in a broken, fallen world, it should not be a surprise if virtues conflict on occasion, in the same way that moral dilemmas occur when God's commands conflict or when moral principles conflict. We will look at that issue in the next chapter.

Conclusion

Most of the moral systems described and critiqued in this chapter are widely embraced in contemporary culture. As you encounter public debates on moral issues, observe which methods of moral reasoning those in the debate employ. The shortcomings of these systems illustrate the need for a method of moral reasoning



that is based on general revelation, natural law, or special revelation. The Bible does employ different types of moral reasoning, but nowhere does it suggest that any of the systems mentioned in this chapter are all-sufficient. Blending divine command, natural law, and virtue, the biblical emphasis seems to be a combination of virtue theory and deontological ethics with periodic appeal to egoism and utilitarianism to supplement the primary emphasis on virtues and principles.

Chapter Review

1. Which of the moral theories presented in this chapter are action-oriented theories? Which one is *not* a normative ethical theory?
2. How does virtue theory differ from other action-oriented moral theories?
3. What other philosophical commitments must be made as a result of one's moral theory?
4. Ethical egoism determines right and wrong on what basis? Give some examples of ethical egoism in use in the culture at present.
5. What is the Bible's view of the pursuit of one's self-interest?
6. What are the primary arguments that support ethical egoism? What are some of its shortcomings?
7. What makes ethical egoism an arbitrary system? Do you agree?
8. What does psychological egoism refer to? How is it different from ethical egoism?
9. What does it mean that utilitarianism is a "teleological system"?
10. Who are the philosophers who systematized utilitarianism?
11. How does utilitarianism determine right and wrong? Give some examples of utilitarianism being used in public policy today.
12. Distinguish between act and rule utilitarianism.
13. Summarize some of the shortcomings of utilitarianism.
14. Which philosopher popularized a nonreligious form of deontological ethics?
15. Explain the categorical imperative.
16. What is the principle of universalizability?
17. What is meant by emotivism?
18. For the emotivist, what are moral judgments really about?
19. What are the shortcomings of emotivism?
20. How did the observations of moral diversity contribute to the popularity of relativism?



21. What is the definition of cultural relativism? How is that different from moral subjectivism?
22. How does international business raise the issue of relativism?
23. What is the connection between multiculturalism and relativism?
24. What is a *prima facie* absolutist?
25. What is the appeal of relativism? What are its shortcomings?
26. What is the relationship between virtues and principles? How are the correspondence and complementary views of this different?

For Further Reading

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Chapter 3

Christian Ethics

Despite modern departures from it, the Judeo-Christian system of morality has had a profound impact on societies around the world since its inception. Many people who do not hold to the particulars of a Christian worldview nonetheless view Christian ethics as a valuable set of moral guidelines and ideals for society. Even people who deny key Christian doctrines, such as the deity of Christ, will admit that Jesus was both a compelling moral example and insightful moral teacher. However, in recent years, critics such as Richard Dawkins, Christopher Hitchens, and others have been more public in their advancement of atheism. These critics have maintained that Christian ethics has actually undermined belief in God. They cite parts of the Bible that they consider morally objectionable and accuse God of being racist, sexist, and homophobic.

In this chapter you will be introduced to the major emphases in Christian ethics as outlined in both the Old and New Testaments. You will also be exposed to other concepts central to a Christian ethic, such as natural law, deontological ethics, and virtue theory. You will read briefly of some objections to Christian ethics, such as the classical “*Euthyphro* dilemma,” in which the questioner asks, “Does God command things because they are good, or are things good because God commands them?”

At its heart, Christian ethics is a blend of both virtues and principles. Morality is ultimately grounded in the character of God—that is, the *ultimate* source for morality is not God’s commands but God’s character. The virtues, or character traits, which are made clear by God’s character and further clarified by Jesus’ character, are the ultimate foundation for morality from a Christian worldview. God’s commands are derived from his character. God issues the commands that he does because he is the kind of God that he is. For example, God commands that we love our neighbors, ultimately not because “love makes the world go ’round,” though that result is surely a good thing, but because he is that kind of God. In addition, God mandates that we forgive not primarily because forgiveness restores



relationships, though that is certainly true, but because God is fundamentally a forgiving God. The virtues, then, are primary, and the moral principles, or God's commands, are derived from them.

Augustine

Augustine (AD 354–430) is widely considered to be the dominant contributor to ethical theory during the transition between the ancient world and the Middle Ages. He attempted to formulate an explicitly Christian ethic for a world that was just beginning to experience Christianity.

After searching for a worldview that would hold together for him, he converted to Christianity from a life of hedonism in 386. He wrote a wide variety of works, both philosophical and theological. As he grew older, his interest turned more toward the Scriptures and pastoral work and away from more technical philosophy, although his ministry in the church was always strongly influenced by his background in philosophy. From about 390 on, he worked as a priest and later served as a bishop in North Africa. Perhaps his two best-known works are the *Confessions* and his work in social ethics, *The City of God*. He was the first Christian to systematically develop Christian ethics, and he suggested that virtue was acquired by means of God's grace through the gospel, the sacraments, and the ministry of the Holy Spirit within the soul of the believer.

Augustine held that all being is good because it is created by a good God. Evil as an independent entity does not exist but is only the privation of good. Happiness, or "blessedness," to use Augustine's term, consists in community and fellowship in the kingdom of God. The supreme good for a human being is eternal life—that is, the perfect enjoyment of God for eternity.

In his social ethic, Augustine conceives of two radically different communities with two different ideas of what is good, the city of God and the city of man. Because of his strong view of the effects of sin on institutions, he recommended a minimal role for the state: to maintain order and secure justice as best as possible in a fallen world.

The Bible makes a clear connection between God's character and his commands. Perhaps the most evident connection comes in the preamble to the Ten Commandments. God prefaces the commands, saying, "I am the LORD your God, who brought you out of Egypt, out of the land of slavery" (Ex. 20:1). Then the commands commence. God emphasizes that the commands follow from who he



is, from his character, and specifically from how he acted on Israel's behalf. The second commandment, which prohibits idolatry, is based on God being a jealous God—he is zealous for his people's loyalty (v. 5). God calls his people to be holy, because that is the kind of God he is (Lev. 20:26). The New Testament insists that followers of Jesus "be perfect . . . as your heavenly Father is perfect" (Matt. 5:48), and that the church avoid partiality because God is an impartial God (James 2:5–8). Other examples of this link between God's commands and his character include the principle of generosity to those in need, based on God's generosity in Christ toward individuals (2 Cor. 8:7–9), the principle of forgiveness, based on God's forgiveness in Christ (Eph. 4:32), and the critical principle of love of neighbor, based on the notion that "God is love" (1 John 4:8).

Other types of moral reasoning supplement the primary place of virtues and principles. Just as the Bible is not a tightly structured systematic theology, but a mixture of different theological emphases presented in a variety of literary styles, so too Scripture is not a systematically arranged ethical theory, but a mixture of different types of moral reasoning presented in a variety of literary contexts. The Bible uses diverse types of moral reasoning to supplement its primary emphasis on virtues and principles. For example, the Mosaic law is heavily deontological, emphasizing principles that are ultimately dependent on God's character. The prophets reflect this too; their preaching reminds the people of the parts of the law that they have forgotten or high-handedly disobeyed. But there are other types of moral reasoning used in the Bible.

The wisdom literature contains a measure of utilitarian reasoning. For example, many of the Proverbs contain explicit descriptions of the consequences of certain actions and character traits. The writers of Proverbs appear to praise wisdom because of the good consequences it produces, while they warn against folly because of its harmful consequences. To be sure, the wisdom literature is ultimately grounded in the Law and in its principles. The wisdom literature, then, does not attempt to use utilitarianism as a self-sufficient system for discovering morality, but the foundation of principles is supplemented by appeal to consequences, a use of both utilitarian and deontological methods. The reason this is done is because the intended readership of the wisdom literature extended internationally, outside the community of Old Testament Israel. As a result, the authors could not rely on the same style of reasoning that other authors used with Israel. In fact, conspicuous by its absence in the wisdom books are many themes that characterize the Torah, such as the promised land, the sacrifices, the religious festivals, and the fine points of the law, all of which were compelling only to the nation of Israel.



To appeal to other cultures, the authors needed to use a style of moral reasoning that would enable them to present a compelling case to the diverse audiences they were addressing. Consideration of consequences enabled them to do just that. That is not to say that the wisdom books are utilitarian in their view of morality. They do not ground right and wrong in consequences; instead, they use the outcomes to help make their case for the way of wisdom.

The Bible also appeals to ethical egoism and self-interest, specifically in the covenant blessings and curses in Deuteronomy 27–30. Here God reveals to Moses that Israel's agricultural prosperity and national security are dependent on their national obedience to the covenant. Thus their loyalty to the covenant will result in certain blessings, while their disobedience will lead to certain curses. Accordingly, Israel would have a high degree of national self-interest to obey the law. The prophets repeatedly refer to the blessings and curses of the covenant in their attempts to call Israel back to faithfulness to God, suggesting that the covenant curses and blessings form a significant aspect of Old Testament ethics. In addition, the New Testament suggests that receiving the gospel message is in one's self-interest in that it enables a person to avoid a Christless eternity. Further, it is implied that obedience to God is in one's long-term self-interest, even though it may be accompanied by short-term adversity and persecution. Again, this is not to say that Scripture uses egoism as a self-sufficient ethical system, but rather, that the appeal to virtues and principles is supplemented by an appeal to self-interest.

Finally, the Bible also appeals to natural law, or the revelation of God's moral values outside the pages of Scripture. For example, the book of Proverbs defines right and wrong (wisdom and folly) by observing nature (Prov. 6:6–11; see also Ps. 19:1–6) and human relationships (Prov. 24:30–34). Natural law is not strictly limited to observations from nature, however. It refers to universal moral principles that are not specifically derived from special revelation. The oracles to the nations (e.g., see Isa. 13–23; Jer. 46–51; Ezek. 25–32) are good examples of biblical appeal to natural law. Unlike Israel, who had the Mosaic law, these nations lacked the law and are still condemned for many of the same transgressions as Israel, including injustice, violence, and oppression of the poor. We can conclude, therefore, that these nations were somehow aware of their crimes; otherwise, God could not be just in holding them accountable. The means by which God made them aware of these moral obligations is general revelation, or natural law. Thus, according to Scripture, natural law supplements the ethics provided by special revelation.

Conspicuously absent from the Bible's diverse styles of moral reasoning is any appeal to relativism, either cultural relativism (in which morality is determined



by the cultural consensus) or moral subjectivism (in which right and wrong are determined by one's individual tastes and preferences). Because of the transcendent source for Christian ethics, it is presumed that morality cannot be confined to the dictates of culture, not to mention a person's subjective preferences. There is a presumption of universality to Christian ethics that comes from the virtues and principles being grounded in God's character and commands respectively. Because of this transcendent grounding, the biblical authors find it difficult to see morality as anything but universally applicable. There are gray areas in which the biblical principles are not clear and areas that Scripture does not directly address. In those cases not giving offense to certain cultural norms is considered important (Rom. 14–15; 1 Cor. 8). But that only comes into consideration when the overriding virtues and principles are not determinative of the morally right course of action. Nowhere in Scripture does a cultural norm take priority over a clear mandate from God's character or biblical principles. Culture is certainly taken into account when it comes to *applying* the virtues and principles, but that is a far different matter than culture *determining* what the moral norms ought to be.

Old Testament Ethics

The Old Testament contains a rich resource of material for ethical reflection, beginning with the Ten Commandments and moving through the wisdom literature to the prophets' searing moral condemnation of Israel for their idolatry and resulting moral shortcomings, including violence, oppression of the poor, injustice, and sexual immorality. The Ten Commandments are the foundation, of which the rest of the law of Moses is an expansion. The wisdom literature, especially the Proverbs, takes the general principles of the law and applies them to both Israel and an international audience. These books encourage following the way of wisdom, which includes growing in positive character traits such as prudence, humility, teachability, and purity. The prophets usually address the nation of Israel, essentially preaching the law to them and calling the people to change their lives in accordance with the law.

It is true that much of the Mosaic law was superseded by the coming of Jesus and is not addressed to the community of God's people today in the same way it was addressed to the nation of Israel. Of course, the ceremonial law, especially the sacrifices, have been made obsolete by Jesus' sacrificial death on the cross (Heb. 8–10). But much of the civil law is no longer in effect either because God's people have been "released from the law" (Rom. 7:6). But the Bible affirms that all Scripture is profitable (2 Tim. 3:16–17), even though not all of it directly addresses



issues facing the community today. Part of the hermeneutical task that is foundational to ethics is to properly read Scripture to determine the moral norms that are applicable for today.

This task is complicated by the fact that the Bible was written to a very different culture, which spoke different languages and wrestled with very different issues than we do today. In one sense, all Scripture is culture-bound; that is, it was written with a particular set of cultural understandings and spoke to issues that may seem foreign today. Part of the interpretive task is to discern what general principles or virtues can be gleaned from the specific teachings of the Old Testament Law and Prophets. Of course, some aspects of Old Testament ethics are directly applicable, such as the command to love God with all one's heart, soul, and strength (Deut. 6:4–6). But other aspects require discovering a broader, more general principle or virtue that can then be applied to a contemporary problem or issue. For example, we don't literally offer the sacrifice of thanksgiving today because we are not under the ceremonial law. But the underlying principle, that God's people should regularly recognize and celebrate God's goodness to them, cultivating the virtue of gratitude, can be drawn from the texts that command these offerings. We would then apply the more general principle of offering gratitude to God but do it in a different way without offering a sacrifice.

Because Israel was a theocracy, there is substantial overlap between ethics and civil law in the Old Testament. A theocracy mandates morality for the society at large. Individual moral positions were also legal obligations for the society at large. What was immoral for the individual (personal ethics) was also generally illegal for the society (civil law).

The Law as the Core of Old Testament Ethics

The foundation of Old Testament ethics is the Law of Moses. Some scholars use the term *Law* more narrowly to refer to the Ten Commandments (Ex. 20:1–17; Deut. 5:1–21). We will use it more broadly to refer to the first five books of the Old Testament, the Pentateuch, but especially to the material found in Exodus 20–40, Leviticus, and Deuteronomy 5–30. The Law sets out the fundamental principles and commands for Israel and consists of three primary parts: (1) the moral law, or the Ten Commandments; (2) the civil law, which governed social relations and institutions; and (3) the ceremonial law, which governed Israel's worship of God. When referring to Old Testament ethics, most scholars use the moral and civil law as the foundation. The ceremonial law is often considered a part of Israel's religious ritual and not strictly related to ethics.



The Ten Commandments as Moral “First Principles”

The Ten Commandments (also known as the Decalogue) are widely and correctly considered the foundation of morality, not only for Christian ethics but also, for many, the foundation for social morality. Many cultures have ethical mandates that are parallel to much of the Decalogue, which suggests that God’s fundamental moral laws were knowable to the surrounding cultures and that those cultures were also accountable to them (see the discussion of natural law later in this chapter). Thus the term “first principles” is often used to describe them—they are those principles that are clear and evident, even to people without access to Scripture. The Ten Commandments are found in two places in the Law—in Exodus 20:1–17 and its parallel in Deuteronomy 5:1–22. Both occasions for the giving of the Ten Commandments were crucial points in Israel’s history. The first giving of the Ten Commandments (Ex. 20) followed Israel’s miraculous exodus from Egypt and was considered the foundation on which the remainder of the Mosaic law was based. The second giving of these commandments (Deut. 5) occurred at the end of Israel’s wilderness wanderings, just prior to their entry into the promised land. The purpose for each delivery of the Ten Commandments, as well as the rest of the Law, was to shape the nation of Israel into a society that would reflect God’s righteousness and compassion both individually and culturally. In the preamble to the Ten Commandments in Exodus 19:6, God lays out the goal for the Law: to create a “kingdom of priests and a holy nation.” The Ten Commandments were the foundation necessary to accomplish this goal.

The first tablet of the Ten Commandments contains the first four commands, which outline a person’s obligations to God. By contrast, the second tablet lists moral responsibilities to others. In the first tablet, God requires that he be their only God (Ex. 20:3; Deut. 5:7), that they do not attempt to reproduce his image in the form of an idol (Ex. 20:4–6; Deut. 5:8–11), that they do not misuse God’s name (Ex. 20:7; Deut. 5:11), and that they devote a Sabbath to God as a day of rest and devotion (Ex. 20:8–11; Deut. 5:12–15). The second tablet deals with obligations to others and the community, beginning with those closest to a person—his or her family. To honor one’s parents is integral to long life in the land (Ex. 20:12; Deut. 5:16). The final five commandments include prohibitions of murder, adultery, theft, bearing false witness (or most forms of lying), and covetousness (or envy) (Ex. 20:13–17; Deut. 5:17–21). Virtually every culture has prohibitions that parallel these last five commands, demonstrating how central these commands are not only for Christian ethics but also for cultural stability. These are considered basic moral obligations that respect life, marriage and family, property, and truth telling. It is not hard



to imagine that a culture that does not adhere to these final five commandments would have difficulty maintaining its ongoing stability. Even the general prohibition that mandates truth telling is critical because if one cannot expect the truth in his or her verbal communication, it will not be long before meaningful communication becomes very difficult, if not impossible.

Obedience as Personal Loyalty to God

Even though obedience to the precepts of the Law was strongly emphasized as one of the means by which Israel was to be set apart, obedience was not seen as an end in itself. Rather, obedience to the Law was seen primarily as an expression of loyalty to God. This emphasis made Old Testament ethics different from the other legal codes of the ancient world. A critical emphasis in Old Testament ethics is that God is a person who stands behind the precepts, a concept that is expanded by Jesus in the Gospels in his repudiation of Pharisaic legalism. The emphasis is on obedience to a Person, not just to a command. For example, even the first line of the Ten Commandments refers to God as the one who delivered the Hebrews from slavery in Egypt. Accordingly, this summary statement of what God had already done on their behalf provides a motive for the people of God to remain loyal to him (Ex. 20:2–3). The indicative statements about who God is and what he has done for Israel provide the basis for the imperatives of the Law, which outline the proper and expected response to God's kindness and faithfulness.

Exodus and Deuteronomy, two of the primary books of the Law, clearly demonstrate that God's provision for the people precedes the giving of his precepts. Exodus 1–18 details the story of God's miraculous provision to remove his people from bondage in Egypt and make them into a nation. Only after the exodus and the provision of God for his people are recorded does he outline the nation's responsibility to obey him. God presents himself as supremely loyal to his people and then asks for their obedience. In other words, Israel sees the person of God acting on their behalf before seeing his precepts. Similarly, Deuteronomy 1–4 functions as a historical prologue, chronicling God's provision for his people and affording them a clear view of his devotion to them. The remainder of the book lays out his precepts, which follow from his devotion to Israel. Again, we observe the link between obedience to his precepts and personal loyalty to him.

The overall structure of Deuteronomy also illustrates the relationship between obedience and loyalty. The structure is based on the format of the suzerainty treaty, which was used consistently throughout the ancient world at that time.¹ This treaty



form first lays out the commitment of the king to his subjects and then stipulates what he expects of the people. Inherent in the treaty is the connection between loyalty to the king and obedience to his precepts. One reason this type of treaty may have been used to structure Deuteronomy was to strengthen the link between obedience to God's commands and loyalty to the person of God. The prophets speak to this connection when they compare Israel's idolatry to spiritual adultery. Ultimately what was grievous to God was the loss of his relationship with the people, which was reflected by their long-standing disobedience to his commands.

Holiness as the Unifying Theme of Old Testament Ethics

The central concept that unifies Old Testament ethics is holiness.² The Hebrew term for "holy" derives from the Hebrew word *qadosh*, which means "set apart." This is the root concept of the New Testament idea of sanctification.³ Israel is set apart as a nation to reflect the character of God in their worship, their social relations, and their institutions. One of the primary reasons that God issued his commands was to set Israel apart from its pagan neighbors. This is what Exodus 19:6 means when it refers to Israel as a "holy nation" and a "kingdom of priests." This call for national and individual holiness is grounded in the character of a holy God. God called Israel to be set apart from their neighbors because God is set apart: "You are to be holy to me because I, the LORD, am holy" (Lev. 20:26). Vivid examples of how God desired Israel to be set apart occur in the commands of Deuteronomy that contrast Israel's practices with the practices of neighboring nations. The following three examples will illustrate this.

First, Deuteronomy 17:16–17 places limitations on the person who would eventually occupy the office of king in Israel. He must not acquire great wealth, military might, or national security alliances (through intermarriage with foreign women), since these would undercut his dependence on God for personal and national security. Throughout the ancient world at this time, the king was virtually deified, and limits on his sovereignty were rare. The king of Israel, however, was to bow before the sovereignty of God. Due to these limitations placed on Israel's king, the surrounding nations knew that he was not a god, but only a servant of the living God.

Second, the treatment of women captured in the course of warfare illustrates how the Law set Israel apart from its neighbors. In much of the ancient world, women who were taken captive by a victorious army were subject to a wide variety of sexual offenses. Israel, however, was obligated to treat them humanely and with respect. If an Israelite wanted to marry a captive woman, he could do so. But the



Law strictly prohibited Israelites from selling these women as slaves, either for domestic or sexual purposes (Deut. 21:10–14).

Third, the treatment of servants was also to be humane, in contrast to much of the ancient world. After six years of service, slaves were to be released (unless they wanted to remain with the family), and upon their departure their master was to provide for them liberally rather than leave them destitute (Deut. 15:12–18). The treatment of the poor was similar (Lev. 25:25–29, 35–43; Deut. 15:1–11).

The primary way that Israel was to be set apart for God was in its worship. The Law repeatedly prohibited Israel from worship rituals that contained any compromise with the Canaanite religious practices of their neighbors. For example, sorcery, spiritism, witchcraft, and divination, all of which were associated with Canaanite idolatry, were forbidden in an effort to distance Israel from the worship patterns of their neighbors (Deut. 18:9–13).

The first two of the Ten Commandments explicitly prohibit worshipping false gods (Ex. 20:1–6). Other prohibitions contained in the Law may forbid certain practices simply because the practices resembled the worship practices of Israel's pagan neighbors. For example, one of the reasons sexual relations outside of marriage are prohibited (Lev. 18; Num. 25:1–3) is because the worship of the Canaanite god Baal frequently involved sexual immorality.⁴ God's desire for Israel to be set apart for him was central to Old Testament ethics. This is the reason why Israel's request to have a king like all the other nations (1 Sam. 8) undercuts God's purpose for Israel as a "kingdom of priests" and a "holy nation."

Martin Luther

Martin Luther is widely regarded as the father of the Protestant Reformation for posting his Ninety-Five Theses on the door of several Wittenberg churches in Germany in 1517. At the time Luther was a Catholic monk and professor of moral theology at the University of Wittenberg. Luther was best known for his theological departure from medieval Roman Catholicism and its implications for ethics. Yet today his teaching on ethics is often overshadowed by his insistence on grace and faith alone as necessary for salvation. He was reacting against the notion that one could work toward salvation and that this could best be achieved cloistered in a monastery. Luther's insistence on salvation by grace through faith alone and that the Bible is the sole source of theological and moral authority for the believer became the hallmarks of his theological



teaching. However, he maintained that good works were important, even though they contributed nothing to a person meriting salvation. According to Luther, even though God does not need our good works (for salvation), *our neighbor does*, thus underscoring the importance of ethical and responsible action in the world. Luther abolished the sacred-secular distinction that was widespread in medieval thought and claimed that one could have a “worldly calling” to serve God by one’s vocation, an influential concept for the upcoming Industrial Revolution. In addition, Luther was well known for his “Two Kingdoms” view of God’s acting in the world. The doctrine became important for protecting the rights of the conscience of the church by formulating a separation between the spiritual authority of the church and the ruling authority of the state. However, that distinction may have sown the seeds for a new sacred-secular distinction and may have weakened his ethics by relegating ethics to the “worldly” realm. One of his main contributions to Christian ethics was to connect ethics to a person’s relationship to God (“faith is the beginning of all good works”) and to one’s discipleship.

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The Social Dimension of Old Testament Ethics

God desired Israel to be a kingdom of priests and a holy nation, to be an ideal society. The Law mandated certain individual behavior, and in doing so, it structured society. The very structure of Israel’s society was to reflect their relationship with God. Consequently, much of the Law comes under the heading of civil law, which governed social relationships and established institutions that would ensure a proper ordering of society and maintain justice within the society (see, e.g., Ex. 21–23, esp. 20:12–17; Lev. 18–20; 25; Deut. 19–25). Since the economic aspects of life in the promised land presented great challenges to the Israelites in their attempt to be obedient to God, much of the civil law addressed issues concerning property and economics.

The prophets also develop the social dimension of Old Testament ethics. They frequently accuse Israel of violating the social aspects of the Law. Charges of oppression, perversion of justice, and exploitation of the poor were all reminders that the people had both personally sinned and set up structures in their society that violated the Law (Amos 4:1; 5:11–13; Mic. 2:2; Hab. 1:4). Not only do the



prophets look back to the Law, but they also look forward to the consummation of the kingdom for the social dimension of Old Testament ethics. In most of their visions of the kingdom of God, the prophets emphasize a rightly ordered society as well as a people who worship God properly. Perhaps the clearest examples of this are the Servant Songs of Isaiah (chs. 42; 49; 50; and 53), especially in 42:1–4 where the Servant-Messiah (Jesus) will bring about justice, or a proper ordering of society. Whereas Israel failed in the ordering of society, the Servant-Messiah will succeed.

Leviticus 25, where much of Old Testament real estate law is codified, provides several examples of the way in which the civil law structured social relations in Israel. Since the land was central to the Old Testament agricultural economy, this section of the Law is very important. This passage establishes several important institutions, including:

- the sabbatical year (vv. 1–7), which mandated that the Israelites were to let the land rest every seventh year by not planting crops on it as a sign of trust in God,
- the Year of Jubilee, which prevented inordinate accumulation of land and redistributed opportunity to make a living (vv. 8–24, 35–46),
- the law of redemption, which required that if a person became so impoverished that he had to sell his land or sell himself into slavery to survive, the nearest relative had the legal obligation to buy the land or the person and return the land to the individual or allow the person to avoid slavery and work independently (vv. 25–34, 47–55), and
- the law of gleaning (Lev. 19:9–10), which mandated leaving the perimeter of the field unharvested and only going through the field one time to gather the crops. The unharvested edges and the crops that were dropped or missed on the first pass were to be left for the poor and the immigrant to harvest for themselves.

Other examples of laws that structured Israelite society include prohibitions of usury (Ex. 22:25; Lev. 25:35–37),⁵ of moving boundary stones that delineated a person's property (Deut. 19:14; 27:17), and of perverting the legal system by showing bias, accepting bribes, or committing perjury (Ex. 23:1–2; Deut. 18–20; see also Ex. 20:16). The Law regulated both individual behavior and societal structures, producing institutions that were based on Israel's covenant relationship with God for developing an ideal society that would bear corporate witness to the reality of God in Israel's midst.



The Pursuit of Justice

Throughout the Old Testament, God's people were called to stand against injustice because God is a God of justice, whose heart breaks when the poor and vulnerable are victimized by the powerful. The exodus is paradigmatic for God's care for the poor and the oppressed; it is a consistent reminder to Israel of God's rescue. It became the model for how Israel was to treat the vulnerable among them (see Lev. 19:33 for immigrants; and Deut. 24:17–18 for the widow, orphan, and immigrant). Further, one of the reasons for keeping the Sabbath was that God had rescued them from the continual work of being slaves in Egypt (Deut. 5:12–16).

God arranged Israel under the Mosaic law with laws and structures in place to protect the vulnerable. The law was structured to proactively prevent exploitation of the poor and vulnerable. Traditions such as the law of gleaning (Deut. 24:19–22), the Year of Jubilee and obligation of land redemption (Lev. 25), and laws about loans to the poor, including usury laws (Deut. 24:10–18), set up society so that the poor were protected from those who would exploit them. Israelites were not to take economic advantage of the poor, and the law was structured to prevent this. This is one of the primary components of Israel being a “kingdom of priests” and a “holy nation” set apart for God (Ex. 19:5–6). The way they lived in a just society was to be a testimony to their neighbors of the reality of God in their midst.

In the Psalms, God is repeatedly portrayed as the rescuer of the oppressed, weak, and poor—that is a fundamental aspect of who he is (Ps. 10:16–18; 35:10; 72:12–14; 82:2–4; 103:6; 140:12; 146:5–9; see also Jer. 20:13). In these psalms, justice and mercy go together. Showing mercy, after the fact, is only part of what God does for the poor. God also proactively takes up the cause of the poor and pleads the case of the vulnerable. This is why the proverb can make the claim that “whoever oppresses the poor shows contempt for their Maker, but whoever is kind to the needy honors God” (Prov. 14:31). Similarly, the people are to speak up and defend the poor (Prov. 31:8–9). The prophets routinely admonish the people and leadership to *defend the cause* of the poor. This mandate is often linked to fundamental aspects of our life with God and doing what is right. Seeking justice is linked with *doing right* (Isa. 1:11–17); *true religious observance* (Isa. 58:5–8); *knowing God* (Jer. 22:13–17; see also Prov. 28:5); and *being a light to the gentiles* (Isa. 42:6–7). Justice is also connected with the coming of the Messiah in his kingdom (Isa. 42:1–4; 61:1–2). Injustice against the vulnerable and the failure to advocate for them characterizes a society that has gone spiritually astray, as institutional injustice is a key indicator of idolatry (Isa. 1:21–23; Jer. 5:26–29; Ezek. 22:6–13, 29).



Reinhold Niebuhr

Reinhold Niebuhr was an American Protestant theologian, who was considered one of the great public theologians of the post-World War II era and the father of what came to be known as “Christian realism” in ethics. He taught theology and ethics at Union Theological Seminary for over thirty years, retired in 1960, and died in 1971. He became known as the “national conscience” during the early years of the Cold War, especially during the age of nuclear deterrence. His realist ethic came back to prominence during the debates on the war on terrorism in the early part of the 2000s. Former President Barack Obama called Niebuhr his favorite theologian.

Christian realism in ethics and political philosophy emphasized the pervasiveness and reality of sin and evil in all aspects of life. Niebuhr began his professional life as a pastor in Detroit, embraced much of the predominant liberal theology of the day, and became both a pacifist and a socialist, the latter coming out of his exposure to the auto industry during his years as a pastor. He moved then to academic life and published widely over that time period, in which he assailed the utopian visions that were popular before World War II. It was during this time that he published his most influential work, *Moral Man and Immoral Society*, in 1932. This was followed by his two-volume work, *The Nature and Destiny of Man*, in 1941. He came to reject his earlier pacifism and socialism in favor of what came to be known as a Christian realism in ethics that took sin and depravity, both individually and socially, seriously.

Elie, Paul. “A Man for All Reasons.” *The Atlantic*. November 2007. <https://www.theatlantic.com/magazine/archive/2007/11/a-man-for-all-reasons/306337/>.

This emphasis on justice for the vulnerable is echoed in the Minor Prophets. Amos, for example, condemns the idle rich and pronounces judgment on Israel for their promotion and toleration of injustice (2:6–8; 4:1; 5:11; 8:4–6). He sees injustice when those who have money and power use their resources and position to take advantage of the poor and vulnerable. There is no distinction in the Prophets between institutional and individual oppression of the poor. Social injustice and sexual sin are considered equally egregious sins in the eyes of God (2:7). Micah likewise condemns those who use their power to exploit the poor. Such injustice is considered a primary identifying characteristic of a society or community that has gone spiritually awry and, in the Prophets, is a cause of God’s judgment (2:1–3; 3:1–4, 9–12). By contrast, Micah points out what should be obvious to the people—God



requires those who follow him to act justly (literally, “do justice”), love mercy, and walk humbly with God (6:6–8). God desires justice more than religious ritual. Zechariah too calls the people to repentance, a part of which is a call to promote compassion and justice for the poor and vulnerable (7:8). Malachi echoes this call by putting a concern for justice toward the poor on the same level with those who engaged in false religion and sexual sin (3:5).

New Testament Ethics

In the New Testament the emphasis is not as much on institutional morality and social ethics as it is on a morality for the church. With the coming of Christ, the people of God are no longer under the law. The ceremonial law has been superseded by the death of Christ, and, though still relevant, the civil law no longer applies directly because the primary agent of God’s work in the world is the multinational, multiracial church, as opposed to the theocratic nation of Israel. Although the broad objective of the mission of God’s people—to glorify God by bearing witness to his rule over the earth—is the same across both testaments, the way it is achieved is different. Under the law, Israel was literally “one nation under God.” The church, however, is a multiethnic body of believers for whom national boundaries are irrelevant. The church should bear witness to the reality of God by the type of community that is experienced in it, as was the case in Old Testament Israel. But the commands of the New Testament do not provide the same institutional framework to the church as the law did for Israel. That does not mean that the gospel has no social element but rather that the New Testament church did not attempt to structure institutions and effect social change in the same way the Old Testament did.

This does not mean that the church should not attempt to effect institutional change in society today. That, in fact, is an aspect of the kingdom of God inaugurated by Jesus. The kingdom in the Old Testament clearly had both individual and social dimensions (Isa. 2:2–4; 11:1–9; Mic. 4:1–5). When Jesus preached that “the kingdom of heaven is at hand,” he did not indicate that he was changing the Old Testament concept of the kingdom in any significant way. The disciples and others who heard his message seemed to understand the kingdom in its Old Testament context. When the kingdom is fulfilled in its entirety at Jesus’ second coming, it will have both an individual and social/cultural dimension.

Most of the Old Testament texts that prophesy the coming kingdom envision a kingdom with a social/cultural aspect, one in which the resulting society is rightly



ordered, being free from injustice, oppression, and exploitation of the poor. The institutions that reinforced an unjust society would be dismantled. If the kingdom had a social dimension at its inception and has a social dimension at its culmination, then it seems logical to assume that in the interim, a social dimension will be important too.⁶

Even though the New Testament does not emphasize a social/cultural dimension as much as the Old Testament, it does not follow that the gospel completely lacks a social aspect. Many things that the New Testament church did not overtly endorse or encourage are openly and justifiably supported in the church today. For example, the fact that the early church did not build hospitals, orphanages, or other similar institutions (not to mention church buildings or seminaries) does not mean that later church support of these was inappropriate. Just because the New Testament church did not focus on institutional social/cultural change does not imply that it is an inappropriate action for the church today. The degree to which this engagement includes involvement in public policy is the subject of ongoing debate. In the coming years, it is possible that the community of God's people will more closely resemble the community in exile that was characteristic of the first century church, a persecuted minority, relatively powerless to effect social change under the tyranny of the Roman Empire. In the first century, the church affected change in the only way available, by the formation of countercultural Christian communities throughout the ancient world that lived together in community, modeled the virtues, and fulfilled their calling to "seek the welfare of the city" they inhabited (Jer. 29:7 NASB). This involves a recommitment to what sociologist James Davison Hunter calls "faithful presence," that is, living out one's faith in the community and seeking to make a difference in his or her specific sphere of influence.⁷

Mandates for cultural engagement, in addition to the proclamation of the gospel and making disciples, can all be envisioned under the general heading of the Great Commission (Matt. 28:19–20), since Jesus made it clear that his followers were to "make disciples . . . teaching them to obey everything I have commanded you." As you will see in the rest of this section, Jesus' teaching continues the mandate for justice and community impact that began with the Old Testament Law and Prophets.

An Ethic of Virtue—Becoming Like Jesus

Although the New Testament greatly emphasizes principles, it also places high value on virtue, thereby reflecting the blend of virtues and principles that characterizes



Christian ethics. The Gospels and Epistles never envision the moral life as simply doing the right thing—as the religious leaders emphasized—apart from developing character and virtue. The virtues centered on those of Christ, and the development of character was synonymous with becoming more like Christ.

In terms of virtue ethics, the virtuous person will model Christ. The New Testament is clear that the moral obligations for the follower of Jesus are subsumed under the notion of “becoming like Christ.” For example, Christ’s followers are to imitate his humility and obedience to the will of his Father (Phil. 2:5–11). They are to emulate Christ in his suffering and death, providing a model of submission to authority (1 Peter 2:22–24). Further, the believer is called to imitate Paul, who in turn imitates Christ (1 Cor. 11:1). The great promise to those who follow Jesus is that they have been predestined to be “conformed to the image of [God’s] Son” (Rom. 8:29). Believers are called to be “imitators of God,” and it was assumed that the audience knew that Jesus was the earthly manifestation of God (Eph. 5:1 NASB).

The fruit of the Spirit (Gal. 5:22–23) and the deeds of the flesh (vv. 19–21) provide an initial list of the virtues and their opposing vices. The vices are expanded in Mark 7:20–23 and 1 Corinthians 6:9–10. The virtues are often explained as character traits that must be “put on” just as the vices are to be “put off” as part of imitating Christ’s character (Eph. 4:20–32; Col. 3:1–11). Perhaps the reason why there is no systematic discussion of the virtues is because they are illustrated so well in the gospel accounts of the life of Christ. The apostles did not need to describe much further what was already so well depicted in the narrative accounts of Jesus’ life. Whatever the reason, it is clear that any ethic that claims consistency with the New Testament must include its emphasis on cultivating virtue, namely, the virtues exemplified in Jesus’ life.

Soren Kierkegaard

Soren Kierkegaard was a Danish philosopher and theologian who lived and wrote during the first half of the nineteenth century. Kierkegaard’s philosophy, which was shaped in part by the considerable suffering he faced, has come to be known as Christian existentialism. He was a melancholy person from a young age and the failure of his engagement left him despondent about life. Dealing with the painfulness of life was one of the primary factors that drove his philosophy and theology. He attacked



what he saw as easy Christianity and was a harsh critic of the church institutions that he considered a “Christendom” that obscured true Christianity. He was perhaps best known for his melding of existentialist philosophy and Christian theology. As opposed to seeing faith as assent to doctrine, he viewed faith as a blind leap into the unknown, a leap of commitment to God in the face of the uncertainties of life, as the only way to live in view of the suffering that life presents. He saw ethics, not as obedience to Scripture or natural law, but rather as coming out of the leap of faith to be committed to God. He was well known for his “teleological suspension of the ethical,” which referred to Abraham’s following God’s command to kill his son Isaac. The ethical law and norms were suspended temporarily to allow God to fulfill His divine purpose through Abraham. Kierkegaard was very skeptical of ethics apart from the leap of faith in God, viewing it as a stage of development that one must pass through (the stages are the aesthetic [life of self-interest], ethical [people who try to be good on their own] and religious [people connected to God]).

Kierkegaard, Soren. *Fear and Trembling*. 1843. Reprint, New York: Feather Trail, 2012.

An Ethic of Love

Any account of New Testament ethics that does not include love as the central virtue is surely incomplete. Jesus and the apostles take the central command of the law, “Love the LORD your God with all your heart and with all your soul and with all your strength” (Deut. 6:5), and develop an ethic of love for God and one’s neighbor. The parable of the Good Samaritan (Luke 10:25–37) defines one’s neighbor as anyone who has a need that person can meet, regardless of their faith or lack of it. When an astute young lawyer asked Jesus about ethical and spiritual priorities, Jesus replied that a person’s chief duties were to love God and one’s neighbor as oneself (Luke 10:25–29; see also Matt. 22:34–40, where Jesus similarly answers the question of the hostile religious leaders). Paul summarizes the entire law under the heading of love, suggesting that love fulfills the law (Rom. 13:8–10; Gal. 5:14).⁸ Similarly, Jesus insists that the world will know that he is who he claims to be by the way love is practiced in the community (John 13:35).⁹ In John’s epistles, John extends this notion, arguing that it is inconsistent to say that a person loves God without practicing a life of love (1 John 3:17; 4:7). Love is the ultimate expression of the virtues involved in following Jesus and the indicator of how substantial the commitment to one’s faith.



Principles Reapplied, with Virtues

Although the virtues are the ultimate grounding for moral principles, the New Testament places great emphasis on principles expressed in God's commands. Jesus essentially deepens and reapplies the principles of the law that were misused by the Jewish religious leaders. For example, in the Sermon on the Mount (Matt. 5–7) he does not nullify the law (5:17–20; John 10:33–35). Rather, he critiques the Pharisees for their misunderstanding and misapplication of it. He extends the requirements of the law and promotes to both the religious leaders and the general population a deontology that is both action and intent oriented. Jesus teaches in the Sermon on the Mount that the intention is just as important as the action and that a correct action with the wrong intention is not a correct action at all. The Pharisees exemplify some of the abuses of an imbalanced commitment to principles with their system of rigid rules and insensitivity to both the people involved and the consequences of such strict attention to rules.

For example, when Jesus is criticized in Matthew 12:1–14 for healing a man with a withered hand on the Sabbath, he is grieved at their blind adherence to rules and resulting lack of compassion for the man. Jesus makes it clear that he is not rejecting the Sabbath command, just the Pharisees' misreading of it. Had the religious leaders had a notion of virtue (particularly compassion) in addition to their principles, they might not have been so callous toward the man who needed healing. In addition, when Jesus is criticized in Mark 7:1–20 for not following the religious traditions of the Jews, he responds with an example of how that tradition can actually produce harm. Mark 7:11 refers to the tradition of "corban," a term that translates a Hebrew word that literally means "offering." In Jesus' day "corban" referred to something devoted to God, and in this case it involved money. Since the money was devoted to God, it could not be used for anything else, including financial assistance for one's own needy parents. Jesus' critique here involved correcting their rigidity with the element of virtue, here the virtue of loyalty to family. In rebuking the Pharisees for their rigid misapplication of the law, Jesus sought a radical change in the primary perspective of ethics among first-century Jews. He rejected a rigid and callous commitment to principles that were inconsistent with the law's intent. He aimed for a deontology that accurately applied the law, combining a commitment to principles with the virtue of compassion for people.

For Paul and the apostles who wrote the Epistles, the emphasis on virtues and principles is much the same. It emerges not from confrontations with the Pharisees but from conflicts with other problematic deviations from the gospel. For example,



when Paul confronts the adherents of Jewish-Christian legalism (the Judaizers) in Romans and Galatians, he affirms a primary principle of the Christian moral life—spiritual growth cannot be accomplished by individual effort alone. Rather, growth happens by grace through faith, in the same way a person originally came to saving faith (Gal. 3:1–3). In Colossians Paul confronts the deviation from the gospel that involves the glorification of knowledge as the means by which the spiritual elite achieve spiritual perfection. He affirms the principle that spiritual maturity takes place not by knowledge alone but by the working of “Christ in you” (Col. 1:27). Even in areas in which there are no clear-cut moral rules, the “doubtful things” or morally gray areas (Rom. 14–15; 1 Cor. 8–10), Paul appeals to the principle of not offending one’s weaker brother. The apostles did not back away from using principles since they were such a clear emphasis in Jesus’ ministry. The apostles’ primary ethical goal was to accurately represent Jesus’ teaching and apply it to relevant problems in the church.

Members of the Kingdom of God

In the New Testament, ethics follows from what membership in the kingdom demands. Ethics and discipleship overlap significantly. Little distinction is made between the moral and the spiritual life, except that the former deals mainly with the believer’s responsibility to the church and the world, while the latter relates to one’s worship of God. A consistent pattern emerges in the New Testament in that Jesus and the apostles would initially preach the message of the kingdom and then its ethical implications quickly follow. This is normal practice in the New Testament, since it was inconceivable to the early church that someone would profess Christ and not adhere to the moral demands of life in the kingdom.

A good example of this occurs in the gospel of Matthew. After the events of Jesus’ birth and preparation for ministry (Matt. 1:1–4:11), Jesus comes boldly proclaiming that “the kingdom of heaven has come near” (4:17). The first disciples are gathered (4:18–22), then large crowds begin to follow him (4:23–25). Shortly after crowds gather and his message gains popularity, he preaches the Sermon on the Mount (chs. 5–7), where he presents the ethical demands of life in the kingdom. Likewise, in the book of Romans, the material on sanctification (chs. 6–8; see also chs. 12–15, which address more practical moral problems in the church) is not presented until after the doctrine of justification by faith is outlined and defended (chs. 1–5). Paul taught that the attempts of people to be moral on their own fall far short of what God requires. Neither Jesus nor Paul viewed such attempts as substitutes for membership in the kingdom.



Instead, membership in the kingdom has been powerfully shaped by the cross and resurrection of Jesus. The New Testament authors consistently appeal to the death of Jesus as the example of virtue and the model for individual behavior. For example, just after Peter makes the critical confession of Christ as Messiah, Jesus tells his followers that their lives must resemble his at the cross. He uses the metaphor of taking up one's cross as the defining component of following him (Mark 8:18–34). The apostles echo this when Paul tells the Philippians that they must imitate Christ's humility as exhibited on the cross (Phil. 2:6–11). He further invokes both themes of the cross and resurrection when he outlines our spiritual foundations by the notion that we have died and been raised up with Christ. Thus believers ought to count themselves dead to sin and alive to God (Rom. 6:1–11). This is parallel to Paul's admonition to the Colossians to live for Christ, when he insists that God's people have died with Christ and been raised with him. As a result, they were to live differently, putting to death the vices of their former lives and adopting the virtues of their new life in Christ (Col. 3:1–14). Similarly, Peter exhorts the church to be shaped by the example of Christ on the cross, particularly in their dealings with the surrounding culture (1 Peter 2:18–25). The cross and resurrection of Jesus defined the early Christian community and illustrated the virtues of Jesus that they were to imitate.

New Testament Ethics: A Special Place for the Poor

Jesus' emphasis on the esteemed place of the poor is consistent with the admonitions of the Old Testament prophets. The poor and others outside the social mainstream are some of the people with whom Jesus spent most of his time (other than time with his disciples). Thus he modeled as well as verbally taught this ethical imperative. This emphasis surely reflects the Old Testament stress on the institutions of the law that were designed to take care of the poor in the land of Israel. He realizes that the poor will always exist in society (Matt. 26:11), but the implication is to take care of them, not ignore them. The poor are singled out as the special recipients of the gospel (Matt. 11:5; Luke 4:18) and are blessed (Luke 6:20), perhaps because the materially poor most easily grasped the notion of spiritual poverty (Matt. 5:3). The New Testament letters encourage caring for the poor, especially the poor in the church, being sensitive to their vulnerability, and treating them with esteem, not contempt (Rom. 15:26; 2 Cor. 8:1–7; 9:1–15; James 2:1–13).

Jesus captures the importance of caring for the poor in Luke 14:12–14. When one gives a banquet, the poor and the marginal members of society should be invited instead of one's friends, because a person's friends will inevitably repay the



invitation, whereas the poor lack the material means to repay. Thus one is to invite the poor since they cannot repay, trusting God instead for a heavenly reward (v. 14). Doing this forces the host to show unconditional grace toward the poor and models the unconditional love with which God loves each believer. The church's concern for the poor is one of the clearest illustrations of God's unconditional care for the individual person and, perhaps, is one of the reasons why God mandates such care for the poor.

Faithfully following Jesus involves taking up the cause of the poor. In the Gospels Jesus announces the coming of the kingdom of God by continuing the Old Testament theme of concern for the poor. For example, in his first act of public ministry in Luke's Gospel, Jesus cites Isaiah 61:1–2 as being fulfilled in his coming, the evidence for which is that the good news comes to the poor (Luke 4:14–21). Similarly, when the followers of John the Baptist ask Jesus if he is the promised Messiah, Jesus points to the evidence of the marginalized being healed and taken care of (Matt. 11:2–6).

Jesus continued the Old Testament theme of caring for the poor and expected his followers to do the same (Matt. 25:31–46). Here the command to care for the poor is connected to a person's commitment to Jesus himself, echoing Proverbs 14:31 ("whoever is kind to the needy honors God"). Jesus was well known for his relationships with the marginalized, including immigrants, women, children, and the poor. Jesus intervened aggressively to correct injustice when he cleansed the temple. He threw out the money changers, who were using a religious cloak to oppress the poor and those from other lands (John 2:13–17). He rebuked the religious leaders for neglecting justice, which Jesus called one of the "weightier matters of the law" in favor of empty religious rituals (Luke 11:42). Though it might not look like Jesus confronted institutional injustice, remember that the political and religious systems in first-century Israel were virtually identical. The religious leaders were also the political leaders, holding political power under the Romans. Thus when Jesus attacked the religious status quo, he was also confronting the social, economic, and political status quo.

The early church followed this example in fulfillment of the Great Commission. That is, combating injustice is part of the final command Jesus left his disciples ("teaching them to obey everything I have commanded you," Matt. 28:19–20). In Acts one of the clearest identifying marks of the church's "growth" is its commitment to the poor, even though the majority of early believers were poor themselves. Two of the three "snapshots" of life in the early church concern taking care of the poor (Acts 2:42–47; 4:32–37).



The New Testament letters continue to urge the church to take care of the poor (2 Cor. 8–9). In Old Testament fashion, James connects true religion to taking care of widows and orphans in their distress (James 1:27), urges the church to avoid favoring the rich over the poor (2:1–7), and charges them to take care of those who need help as an indication of one’s faith being the real thing (2:15–17). This is echoed in 1 John, where John connects a heart for the poor with the love of God being in us (3:17–18). Finally, James urges the wealthy in the church not to use their wealth or position to take advantage of the vulnerable (James 5:1–6).

The Dynamic: The Indwelling Holy Spirit

This emphasis stands in sharp contrast with the prevailing opinion in the world of the New Testament. The Jewish religious leaders relied on discipline to develop holiness, and the Greeks depended on education to produce morality. The New Testament assumes that both are insufficient. Instead, it provides an internal source that assists in decision-making and enables one to mature spiritually. This theme is introduced in the Gospels (John 13–17) and developed in the Epistles, particularly those of Paul. For example, Romans 8 discusses the role of the Holy Spirit in producing sanctification in the individual believer. The person without the Spirit is not able to welcome spiritual things into his or her life (1 Cor. 2:14). The process of being transformed from one stage of glory to the next comes ultimately from the Spirit (2 Cor. 3:18). Believers who “live by the Spirit” will produce the fruit of the Spirit (see Gal. 5:16, 22–23) and will not satisfy their innate inclination to sin. Clearly, the New Testament envisions moral and spiritual maturity only in connection with the internal ministry of the Spirit who transforms a person from the inside out.

Karl Barth

Barth is widely recognized as the founder of the “neoorthodox” tradition within Christian theology, which was a reaction to the dominant liberal theological tradition at the beginning of the twentieth century. Barth’s ethics begins, not with natural law, for which he had little regard, nor with human nature, but with Christ. He was well known for insisting that “dogmatics is ethics,” which is taken to mean that every doctrine of the church has implications for ethics. He viewed theology and its ethical ramifications both for the church and the culture as inseparable. As a result of Christian ethics being



grounded in Christology, Christian ethics is entirely distinctive, in contrast to natural law ethics, which sees essentially one moral standard for both the church and the world. Barth was very critical of any attempt to synthesize theological and philosophical ethics and was critical of natural law ethics for being too human centered and too optimistic about human beings' ability to discern moral truth apart from Christ. Barth's ethics is around a modified divine command view of ethics, though the command of God is not necessarily tied to the text of the Bible. That is, he did not take what is often called a "Biblicist" view of Christian ethics, where the ethical mandates are tied directly to the texts of the Bible. In Barth's view, this is too restrictive of a view of Christian ethics because it minimizes the framework for ethics in the story of the life, death, and resurrection of Christ and the history of salvation. Barth is seen as a return to historic theological and ethical orthodoxy, though for many conservative Protestant theologians, he did not come back quite far enough. For many Catholic moral theologians, his minimizing of natural law has been a major point of departure.

Barth, Karl. *The Holy Spirit and the Christian Life: The Theological Basis for Ethics*. London: Muller, 1938. Reprint, Louisville: Westminster John Knox, 1993.

Divine Command Ethics

Given the place in biblical ethics for God's commands and the assumption throughout Scripture that his commands ought to be obeyed, an emphasis on God's commands is an important part of Christian ethics. Frequently, when religious believers stress God's commands in their system of ethics, they advocate what is called a "divine command" theory of ethics. A divine command system is one in which the ultimate foundation for morality is the revealed will of God, namely, the commands of God as found in Scripture. Traditional divine command theory is a somewhat different view than we advanced earlier. Earlier, we said that God's character, not his commands, is the ultimate source of moral norms. Nevertheless, God's commands do have a significant place in Christian ethics, though logically subordinate to God's character. That is, one can recognize God as the source of divine commands without adhering to a strict divine command theory. Given the place for God's commands in a system that blends virtues and principles, some of the objections to a divine command theory of ethics must be considered.

Of course, Christian ethics is not the only religious moral system with an emphasis on divine commands. Judaism, Islam, and many of the ancient polytheistic



religions emphasize divine commands for their ethics. In fact, the original philosophical tensions raised by divine command ethics came from the polytheistic classical Greeks during the time of Plato. In his well-known dialogue *Euthyphro*, Plato asks the question that must be addressed by every adherent of divine command theory. Does God (in Plato's case, the gods) command things *because they are good*, or are things good *because God commands them*? In other words, do God's commands make something right, or indicate that it is right? If one answers that God commands things because they are good, it would seem to make God's commands redundant, simply reinforcing what is already obvious and available to everyone. But if one answers that things are good because God commands them, then God appears arbitrary, and he would be free to command anything, even those things that violate society's widely held moral intuitions.

For example, if things are good because God commands them, then he could command that we torture babies for fun, and that would be good simply because he commanded it. But that seems strongly counterintuitive for most people, and the average person would have great difficulty worshiping that kind of God. To see the God of the Bible in this way makes most Jews and Christians uncomfortable because Scripture portrays God as bound by his character, which makes him unable to command certain things. This view, that things are good simply because God commands them, is known as *ethical voluntarism*, and when critics attack divine command morality, they usually target ethical voluntarism.

The other side of the question posed in *Euthyphro* is to insist that God commands things because they are good. This is the view of historic, rabbinic Judaism and of Roman Catholic ethics as developed by Thomas Aquinas. God is not free to command anything he so desires, but is restricted by his character. This condition does not undermine God's sovereignty but prevents him from acting in a way inconsistent with his own character. Another way to state this is that whatever a loving God commands is good. In other words, anything that God commanded that was consistent with his character would be good. God not only would not command anything that is inconsistent with his character, but he *cannot* command any such thing. Should God hypothetically command that we were to torture babies, it would not be good, and believers would not be accountable for obedience to it.¹⁰ This solution avoids the charge of ethical voluntarism by linking God's commands with his character. That is, the notion of the good is based on God's eternal and unchangeable character.

Another way to approach the problem presented in *Euthyphro* is to see God's commands in Scripture (special revelation) in conjunction with his moral values



expressed outside of Scripture (general revelation). This aspect of Christian morality is commonly called natural law and will be outlined in more detail below. Natural law holds that moral precepts objective moral values exist outside of special revelation. These concepts are indirectly revealed by God in creation. Objective goodness has always existed since it is rooted in God's character, but it is revealed through natural law prior to God giving human beings the Bible. The Christian notion of goodness includes more than just what is revealed in the Bible. It also includes what God has revealed by general revelation. Just as God has revealed truths about the sciences outside of Scripture, he has also revealed truths about morality outside of Scripture. This idea is important for developing a divine command theory that does not make God an arbitrary commander. Not only must his commands be consistent with his character, but they must also be consistent with the values he has revealed in general revelation. If it is reasonable to believe in a God who can reveal himself in special revelation in the Bible, then it is also reasonable to believe in a divine command theory in which God's commands must be compatible with general revelation. To take this view, one would obey a divine commander without being a traditional divine command theorist or ethical voluntarist.

Questions About Divine Command Ethics

Even if one accepts this as the way to resolve the *Euthyphro* dilemma, there are still three issues with divine command ethics that must be addressed. First is the problem raised by many critics of Christian ethics that calling God "good" presupposes a prior notion of goodness that must be independent of God and religion.¹¹ However, this criticism confuses two different philosophical categories, namely, *epistemology*, or one's knowledge of something, and *ontology*, or the essential nature of a thing. Just because a person must know something about what is good before calling God good, it does not follow that goodness is essentially independent of God. If I am traveling to San Francisco from my home near Los Angeles, I must look on a road map to find it before I arrive there. But surely it does not follow that the road map is logically prior to the city of San Francisco. My knowledge of San Francisco is not logically prior to the existence of that city. In the same way, just because I must know something about goodness before I can tell that God is good does not mean that morality is necessarily independent of God.

A second problem with divine command theories arises when there is an apparent conflict between two commands in Scripture. For example, during World War II, when Corrie ten Boom gave sanctuary to Jews in her native country of the



Netherlands, the authorities often asked her if she was hiding Jews in her home. If she told the truth, the Jews would have been taken to extermination camps. But if she lied, they would have been saved. Here she was faced with a genuine moral dilemma, or a conflict of commands. She had a moral duty to tell the truth, but she was also responsible for preventing harm when it was in her power to do so, especially when it involved saving life. What was she morally obligated to do?

Consider the example of Rahab in Joshua 2. Here Rahab the prostitute was commended for her faith in sheltering the Israelite spies sent on a reconnaissance mission to the promised land. The authorities directly asked her if she knew the location of any Israelite spies. Not only did she tell them that she did not know where the spies were, but she also sent them after the Israelite spies in the wrong direction. She was actually hiding them in her attic. She is included in God's "hall of faith" in Hebrews 11, and though she is never directly commended for her lie, she is praised for her act of faith in providing a safe refuge for the spies. Clearly, part of providing that refuge was deceiving the authorities who were after the spies.

When divine commands genuinely conflict, there are usually three ways to resolve the conflict.¹² In using these alternatives, one must recognize that a true moral conflict exists and not rationalize away a clear command of Scripture that one simply does not want to obey.

The first alternative is to maintain that no conflict actually faces the believer. This is known as *nonconflicting absolutism*. The person who holds this position reasons as follows: since an infallible God inspired his inerrant Word, no such conflict of commands is possible. To admit to a conflict would compromise the character of God by admitting that he is capable of giving commands that conflict. That is, if God's commands are indeed absolutes, then there cannot be any exceptions. Neither can those commands be ranked in any kind of a hierarchy. This particular model for ethics claims that when the absolutes of the Bible are properly interpreted, they will not conflict with other absolutes. Thus one way out of moral "dilemmas" would be to appeal to God's providence to open the way out. According to this view, Corrie ten Boom should have told the truth and trusted God to work out his will for the Jews she was hiding. Critics of this view cite the example of Rahab mentioned above as an example of a moral conflict that invalidates this view. A second way this position deals with these dilemmas would be to capture the intent of the command more clearly. For instance, the command not to bear false witness is not a blanket prohibition against lying, but a prohibition against malicious lying. Thus, Rahab and Corrie ten Boom did not face a moral dilemma at all—their deception was justified because it was not a malicious lie.



A second alternative is to admit that real moral conflicts do exist, but sin is still sin, even when a person is faced with competing obligations. Advocates of this view hold that because we live in a fallen world, real moral conflicts can and do occur. Moral dilemmas are due not to any flaw in God's character or commands but to the existence of sin and depravity in the world in which the commands are to be applied. God's law is absolute, moral conflicts are inevitable in a fallen world, and people have the duty to do the lesser evil. But it is still evil, for which forgiveness is available for the Christian. Thus Corrie ten Boom should have lied to protect the Jews, the lie being the lesser of two evils facing her. Then she should have immediately bowed at the foot of the cross and asked God for forgiveness for lying. The problem that is often raised against this view is that having a duty to sin in certain situations is morally problematic. It is hard to imagine that a person can be morally culpable for something that could not be avoided and about which the person had no choice.

Dietrich Bonhoeffer

Dietrich Bonhoeffer was a German pastor/theologian who was executed in a Nazi concentration camp shortly before it was liberated by Allied forces. He is best known for his book *The Cost of Discipleship*, but he also wrote *Ethics*, which remains unfinished. Though he came out of a Lutheran background, he was very critical of what he called "cheap grace," which he believed was a distortion of the Lutheran and Reformed view of salvation by grace through faith alone. Thus, for Bonhoeffer, ethics was very important as an outworking of a person's new life in Christ. Like Barth, he maintained that morality has its foundation in Christ, and he was skeptical of attempts to ground moral obligation outside of one's relationship to Christ. He was a well-known pacifist but also participated in the plot to assassinate Hitler during the end stages of World War II. He justified his role in the plot by seeing moral conflicts as choices between evils, where the moral obligation was to choose the lesser of two evils. He was publicly critical of the German church for its lack of moral resistance to the Nazi regime. His work on ethics continues to be popular today, as it emphasizes a countercultural, prophetic role for the church, and sees ethics as ultimately grounded in Christ.

Bonhoeffer, Dietrich. *Ethics*. Edited by Eberhard Bethge. New York: Macmillan, 1965.
Metaxas, Eric. *Bonhoeffer: Pastor, Martyr, Prophet, Spy*. Nashville: Thomas Nelson, 2011.



A third alternative, known as *graded absolutism*, or *hierarchicalism*, is similar to the second. Like the second view, this alternative also holds that moral conflicts are real due to life in a fallen world. However, the option chosen is not evil, and it is incorrect to say that the person chose the “lesser evil.” The choice is a morally justifiable option, not sin. A person has the obligation to do the greater good and is not morally culpable for doing what could not be avoided. This view recognizes that God’s laws are absolute, yet there are higher and lower laws, or a hierarchy, within God’s laws. For example, God’s command to the apostles to preach the gospel took priority over his command to submit to the state (Acts 4:13–20). Jesus refers to the “more important matters of the law” (Matt. 23:23–24), a reference to the greater importance of justice, mercy, and compassion over the law of tithing. This view attempts to combine the nature of God’s commands, the reality of life in a fallen world, and a proper understanding of moral accountability. Thus, in this view, Corrie ten Boom would have been morally justified in lying to protect the lives of the Jews she was harboring.

Now, let’s get back to the potential problems with divine command ethics. The third often-raised problem revolves around some commands of God that appear to conflict with his character. God commands Abraham to sacrifice his son Isaac (Gen. 22), allows for slavery (Lev. 25:44–46), and puts nations “under the ban,” meaning total annihilation, which some equate to genocide (Deut. 7:2; 20:16). Biblical scholars have wrestled with these tensions for centuries and offer a variety of possible alternative ways of interpreting these texts. “New Atheists,” such as Richard Dawkins and the late Christopher Hitchens, have highlighted some of these tensions in their attacks on theism.¹³

Concerning God’s command to Abraham to sacrifice his son Isaac, there are two common alternative ways of reading Genesis 22. The most common is to insist that God never intended Abraham to go through with the sacrifice. Rather, it was intended as a test of Abraham’s trust in God, as both the preface to this account (Gen. 22:1) and the New Testament make clear (Hebrews 11:17–19). The provision of a sacrificial ram caught in a bush (Gen. 22:13–14) is further evidence that God did not intend for Abraham to actually commit human sacrifice, which the law prohibited (Lev. 20:1–5). A second alternative, in the Jewish rabbinic tradition, was to insist that Isaac was not actually a child but a young man, perhaps even in his twenties. With Abraham being quite advanced in age when Isaac was born, and Isaac being in his twenties, the rabbis reasoned that it was unlikely Abraham could have bound Isaac and forced him onto the altar. Therefore, some rabbis suggested that Isaac actually consented to being bound for apparent sacrifice. It’s not clear



whether this resolves the tension with the command itself. Isaac's consent seems largely inconsequential to the morality of God's command to Abraham.

With regard to slavery, this is not simply an Old Testament issue, since the New Testament also allows for slavery. Paul's letter to Philemon requests that Philemon take his slave Onesimus back but that Philemon regard Onesimus as a brother in the faith and no longer as a slave (Philemon 15–17). In addition, Paul urges household servants to serve their masters as they would serve Christ himself (Col. 3:22–24). It is true that Old Testament law greatly humanized slavery, or to be more accurate, the work of household servants. For example, they enjoyed the same Sabbath protections as every other Israelite did (Ex. 20:8–11; Deut. 5:12–15), were not to be treated harshly but as employees (Lev. 25:43, 46, 53), and their masters were required to give them sufficient resources to be self-supporting when they were released (Deut. 15:12–15). However, it was still allowed, even if it was improved.

In biblical times, in many cases, slavery functioned as a “safety net” for the poor and desperate. Remember, there were no state supported welfare systems in those times. The taxes the people paid did not go to support those who could not support themselves. The poor were overwhelmingly dependent on charity, though Old Testament law made many attempts to institutionalize tangible ways for the community to care for the poor, such as gleaning laws and the year of Jubilee. Had slavery been abolished, the poor would have been left without one of the primary ways to ensure that they could care for themselves and their families. In addition, a fuller reading of the Bible suggests that the Bible itself contains the seed ideas that eventually gave rise to the abolition of slavery. Texts such as Galatians 3:28 (“There is neither Jew nor Greek, *neither slave nor free*, nor is there male and female, for you are all one in Christ Jesus”), indicate that, before God, there is no difference in standing or value between slaves or free persons. This was a radical idea in the first century, and even though it likely could not have been fully implemented at that time without harming the poor and vulnerable, it ultimately came to fruition later, like when slavery was abolished formally in both the British empire and the United States. A similar argument can be made for patriarchy, though there is still some debate about role distinctions that have nothing to do with the status or value of women.¹⁴

The most difficult of the moral tensions for divine command advocates has to do with the commands that appear to sanction genocide. When Israel took the promised land of Canaan, they were commanded not only to drive out the Canaanites from the land but to annihilate them. There are generally two ways of understanding these controversial passages. The first is to take them literally and



explain how they harmonize with a just God. Many scholars insist that they are intended as commands to literally annihilate the group in view. One explanation for how this harmonizes with the biblical portrait of God comes from philosopher Eleonore Stump, who argues that due to our human limitations when it comes to the intentions of God, we are simply not in a position to assess the motives of an all-knowing God. She puts it this way, “Genocide . . . is not properly defined without reference to some intention or motivation. Where the primary aim is healing, rescue from death, there is neither torture nor genocide. And just as it is possible to recognize what looks like torture [i.e., emergency surgery without anesthesia because it’s unavailable] as instead done in the interest of healing . . . it is also possible to recognize God’s ending the existence of civilizations, nations and peoples as motivated by providential care.”¹⁵ Others maintain that the destruction of the Canaanites does not necessarily involve their eternal destiny but that they retained the hope of ultimately being reconciled to God, even posthumously.¹⁶ Some argue that keeping the nation Israel from being infected with the morally repugnant practices of the Canaanites, which included human sacrifice and religious prostitution, including with children, was the motive for eliminating the peoples. Others suggest that God is simply exercising his prerogative of judgment. Instead of it being graciously delayed until a person’s death, he is executing it in the present. Stump’s point that we cannot fully know the mind of an omniscient God and thus the reasons behind these commands is a valid one and further applies to the question of why God allows things such as natural evil. We are not in the position to know that, so trying to adduce fully adequate reasons for these commands can’t be done given our limitations.

A second alternative is to insist that God did not actually command genocide, he only commanded Israel to drive the respective peoples out of the land. God’s command would fall under the heading of the use of hyperbole. As philosophers Paul Copan and Matthew Flannagan put it, “It appears we have good reason for thinking that similarities [between the commands to Joshua and those to Saul in 1 Samuel 15] offer good grounds for seeing the command to ‘utterly destroy’ as indicative of hyperbolic language.”¹⁷ Copan and Flannagan cite several passages in the accounts of the conquest of the promised land in Joshua and Judges in which the command is given to utterly destroy a city, but later there were survivors indicated, while at the same time, the text refers to Joshua having fulfilled God’s command (see, e.g., Josh. 10:20; Josh. 10:39/11:21; Josh. 11:21/15:13–14; Judg. 1:8/1:21; Josh. 11:23/Judg. 2:21, 23). In Joshua 11:21–22 the text indicates that every person among the Anakites in the entire region was totally destroyed. Yet in Joshua 15:13–14 the



text specifies that there were other Anakites who were driven out from a different region, indicating that there were survivors who were driven out later. This suggests that hyperbolic language was used to indicate the complete victory of Joshua and the Israelites and that complete annihilation was not originally intended.¹⁸

Natural Law in Christian Ethics

The notion of natural law is a controversial one in moral philosophy in general and in Christian ethics in particular. It is controversial in philosophy because it refers to an ethic that is transcendent and not a human creation, because the concept of natural law has been used historically to oppress some groups such as women, and because it implies a “God’s-eye view” of morality that many find inconsistent with a pluralistic and postmodern view of morality.

In addition, natural law is controversial in Christian ethics too. Its development has historically been primarily the domain of Roman Catholic philosophers and theologians. The Reformers and those who followed them were skeptical of natural law for two reasons, even though they believed in general revelation, which is the idea that God could reveal some things about himself outside of the Bible. First, they believed that sin made it difficult to discover morality apart from the clear revelation of God in the Scriptures. Second, they believed that the Bible was the central source of moral and spiritual authority. The Reformers held that the Catholic view of natural law undercut both of those crucial doctrines. A second group of critics were the twentieth-century Protestant neoorthodox theologians (e.g., Karl Barth) who argued that natural law undercut the centrality of Christ for the moral life.

Thomas Aquinas

Thomas Aquinas (1224–74) was born and raised in Italy, studied under Benedictine monks as a child, and attended the University of Naples before joining the Dominicans, the order of preachers in the Roman Catholic Church. His advanced study in philosophy and theology took place primarily at the University of Paris. After receiving his doctorate there, he began a twenty-year period as an active teacher in Paris and Italy (1252–73). The best known of his works is the multivolume *Summa Theologica*. His work on ethics is only a part of this massive work.



One of Thomas's fundamental ethical concepts was the notion of the public good under law. Ethics was much more than simply one's inner attitude, as the Stoics claimed.

Following Aristotle, the good is based on the *telos* of a human being. This includes a consideration both of its end and its function. Thomas considered these to be natural and thus ordained by the creator God. Happiness is knowing God and loving the good, while evil is that which interferes with it.

Thomas held that the principles of natural law are self-evident precepts from which practical reason deduces moral maxims. Natural law imprints its structure on beings and therefore determines its inclinations to proper acts and ends. Natural law can be known by reason and is accessible to everyone, regardless of an individual's relationship to God.

Aquinas saw human beings as essentially social beings. He reasoned that even if the fall had not occurred, government and the state would still have a place. Thus his social ethic left more room for the state to intervene to improve the lot of society. For Aquinas, institutions exist to encourage the development of good people.

Defining Natural Law

One of the most difficult aspects of natural law is defining it. The term is used in two primary ways today. First, it refers to general, objective, transcendent moral principles that are not specifically tied to the special revelation of Scripture. Values such as justice, fairness, respect for an individual's dignity, the obligation not to harm another, truth telling, and the respect for life in prohibitions against killing are some examples of virtually universal values whose origins predate Scripture.¹⁹ Oxford University theologian John Macquarrie has put it this way: "In fact the very term 'natural law' is misleading if it is taken to mean some kind of code. The natural law is not another code or system of laws in addition to all the actual systems, but is simply our rather inaccurate way of referring to those most general moral principles against which particular rules or codes have to be measured."²⁰

For example, Martin Luther King Jr. appealed to natural law to insist that the laws that denied civil rights to African-Americans were unjust. He put it this way: "How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law, or the law of God. . . . To put it in terms of Thomas Aquinas, an *unjust law is a human law that is not rooted in eternal*



and natural law.”²¹ He appealed to objective, transcendent moral principles that he expected to be applied universally; that is, he appealed to natural law as the standard by which human laws were judged. These natural law principles reflect a consensus that comes out of the observations and conclusions of humankind over the centuries. In the same way that God has revealed truth about the sciences in creation and revealed truth in the observations of humankind in the social sciences, natural law refers to God’s revelation of morality from all the sources outside of Scripture. In this sense, natural law is general revelation applied to moral values.

A more specific form of natural law in which specific moral rules are codified is used predominantly in Roman Catholic circles. For example, the Catholic view of reproductive ethics, especially contraception and the use of reproductive technologies to alleviate infertility, uses natural law reasoning to reach conclusions about their validity. Here natural law is more tied to what is natural in creation. For example, since the natural process of reproduction that God ordained in creation begins with sexual relations and progresses from conception to pregnancy to birth, anything that interferes, interrupts, or replaces this natural process is morally wrong. This explains why Catholic teaching prohibits contraception, abortion, and most reproductive technologies.

This specific form of reasoning should be evaluated on a case-by-case basis. Most Protestants tend to reject this form of reasoning when applied to contraception or reproductive technologies, but embrace it when dealing with issues such as enhancement genetic alterations and homosexuality, arguing that they are problematic because they either interfere with or violate his created order.

The Biblical Basis for Natural Law

Perhaps the central passage in the Bible that affirms natural law in the broad sense is Romans 2:1–16. As it applies to natural law, the heart of this passage is in Romans 2:14–15, where Paul states, “Indeed, when Gentiles, who do not have the law, do by nature things required by the law, they are a law for themselves, even though they do not have the law. They show that *the requirements of the law are written on their hearts*, their consciences also bearing witness, and their thoughts now accusing, now even defending them.” This describes a moral sense that is built in to human beings, since human beings exist as fundamentally moral beings.

God appears to hold those without the law accountable for their sin in the same way that he holds the Jews accountable (Rom. 2:17–29). For God to legitimately hold the world accountable for sin, they must have access to God’s standard of



morality, even if they lack special revelation. This would be natural law, or general revelation applied to morality. God has revealed these values outside of Scripture and made them accessible to those who lack the Scriptures.

Paul's teaching in Romans 2 parallels the oracles to the nations (Isa. 13–27; Jer. 46–51; Ezek. 25–32; Amos 1–2) in which the prophets condemn Israel's pagan neighbors, who did not have the law, for many of the same things he condemned Israel, who did have the law. Unless the nations have access to God's law apart from the written Law, it is hard to see how God can be just in holding them accountable for that which they have no knowledge.²²

In the Old Testament, the concept of wisdom opens the door for at least the more general form of natural law. The wisdom literature suggests two sources of wisdom: natural and revealed. Although revealed wisdom (God's wisdom in the Scripture) claims authority by being God's Word, and natural wisdom (God's wisdom revealed outside of Scripture) appeals to empirical evidence for its authority, both are legitimate and authoritative.

Scripture affirms that there is a fixed order that governs the natural physical world (Jer. 31:35–36; 33:20–21, 25–26). Many of these laws of nature have been discovered by physics, astronomy, chemistry, and biology. Creation psalms like Psalm 19, which praises God for the way he has revealed himself in creation, reflect this idea. In Proverbs 8:22–31, God's wisdom is intimately bound up with creation (see also Prov. 3:19–20). The Hebrew term translated "fixed order" in Jeremiah 33:25 derives from a term that means "cut in, inscribe, or decree." Elsewhere, the same Hebrew word is translated as "law" (e.g., Lev. 18:4). In other words, what is "cut in" the cosmos is one source of what is "cut in" the commands of God—like the Ten Commandments were cut or carved in stone when God gave them to Moses. God's wisdom is expanded in Proverbs 8:32–36 to include interpersonal and especially moral knowledge. It is "inscribed" in nature and can be discovered by reason. The writer draws conclusions about one's character and morality based on adherence to God's wisdom that is "inscribed" in creation, suggesting that God's wisdom in creation includes moral knowledge.

The message of the Proverbs is that living in harmony with this order brings peace (*shalom*) and well-being, but living at odds with this order is folly and brings self-destruction. Proverbs 8:32–36, which personifies wisdom and refers to it in the first person, puts it this way:

Now then, my children, listen to me [wisdom];
blessed are those who keep my [wisdom's] ways.



Listen to my instruction and be wise;
do not disregard it.
Blessed are those who listen to me,
watching daily at my doors,
waiting at my doorway.
For those who find me find life
and receive favor from the LORD.
But those who fail to find me harm themselves;
all who hate me love death.

Since this passage directly follows Proverbs 8:22–31, which links God’s wisdom and the creation, this passage is the moral and spiritual conclusion drawn from the reality of God’s natural wisdom. Notice that all the references to God’s wisdom in creation precede the existence of any special revelation of Scripture. The concept of wisdom then suggests that God has revealed objective moral values outside of Scripture, or natural law.

C. S. Lewis

After coming to faith in Christ as an adult, Oxford literature professor C. S. Lewis became one of the best-known and compelling advocates for the reasonableness of Christian faith. Though perhaps most widely recognized for his fiction, including *The Chronicles of Narnia* series, his nonfiction book *Mere Christianity* is still viewed as one of the clearest and most compelling accounts of the plausibility of Christianity. His presentation of the moral argument for the reality of God, published originally in 1942, remains one of the most cogent arguments for God and has sparked a resurgence of philosophical discussion around that argument. Lewis made the case for objective morality that went against the cultural consensus at that time that supported relativistic and subjective views of morality. He further argued that the existence of objective morality law only made sense if there was a moral lawgiver behind it. He maintained that objective morality was built into the fabric of the world, so it was not feasible to maintain its existence apart from God and his role as the source of moral knowledge and obligation.

Lewis, C. S. *Mere Christianity*. 1942. Reprint, New York: HarperCollins, 2009.



Thus Scripture and God's natural wisdom are two sides of God's wisdom. Although the wise sage responsible for Proverbs was under inspiration, this does not negate the fact that the sage gained these insights from observing the world. Two specific proverbs make the link between the sage's observations and moral conclusions drawn from them. In Proverbs 6:6–11 the sage observes the diligence and forethought of the ant and draws a conclusion about diligence and laziness. Likewise, Proverbs 24:30–34 draws the identical conclusion, repeated verbatim, from the observation of a lazy person and the consequences of laziness. Hence observations drawn from the physical and interpersonal worlds are some of the sources for gleaning God's natural wisdom and drawing appropriate moral conclusions.

The Limits of Natural Law

Many of the criticisms of natural law relate not to its existence but to how it can be reliably known. With their strong view of sin and depravity, some of the Reformers held that natural law was virtually useless, since the capacity of fallen human beings to discern the law apart from Scripture was so distorted that no separate moral principles could be known with confidence. The ability of fallen human beings to discover natural law has been corrupted by the fall, particularly by humanity's ability to use morality to mask self-interest.²³ Yet John Calvin and other Reformers were clear that natural law served a useful purpose in helping people, regardless of their faith commitment, to distinguish between good and evil. However, the primary purpose of natural law was to provide sufficient moral guidance to reveal humankind's constant failure to live up to it, so that all human beings are without excuse for their sin before God. Calvin put it like this: "There is nothing more common for a man to be sufficiently instructed in a right standard of conduct by natural law. . . . Natural law is that apprehension of the conscience that distinguishes sufficiently between just and unjust, and which deprives men of the excuse of ignorance (of morality), while it proves them guilty by their own testimony."²⁴

The difference about natural law between the Reformers and the Catholic scholastics in the tradition of Thomas Aquinas was not concerning its ontological existence. Both agreed that there was such a thing as natural law that constituted the revelation of God's moral standards apart from the Bible. They sharply disagreed about the epistemology of natural law—how much of natural law could be perceived by human beings under the curse of sin. The Reformers, Calvin included, were skeptical about what could be known by natural law, though they were clear that human beings could discern enough of natural law to ensure their guilt and condemnation before God.²⁵



A deeper disagreement on the ontological status of natural law came from the neoorthodox theologian Karl Barth. Barth was vehemently opposed to anything like natural law because he believed it undermined the central notion that only in God's revelation in Christ can people know about themselves, their need for salvation, and how grace came into their lives. In Barth's view, the only valid knowledge of ourselves comes from the Word of God and is mediated by the Spirit of God. Seeing natural law as a source of God's revelation independent of the Bible and Christ, in his view, undermined the centrality of Christ as the ultimate revelation of God and would eventually lead to reason displacing faith and revelation.²⁶ Barth believed that human beings can only know God's revelation through Christ because of humanity's fall into sin. Thus Barth had no room for natural law of any kind in his theological system. Critics of Barth insisted that he was too skeptical about the impact of the fall on human beings and that belief in natural law does not necessarily undermine God's revelation in the Word and in Christ.²⁷

Special revelation in the Bible and in Christ is needed, of course, because it is not always clear if something is natural because of sin or creation. For example, death is a natural process that everyone experiences, but the Bible is clear that death is not part of God's original design; it results from the entrance of sin into the world (Rom. 5:12–14). In addition, many aspects of the spiritual life require special revelation, such as those that relate to salvation and eternity. Although natural law does help reveal some moral obligations, the proper motive, the context, and the justification of Christian morality depend on further insights gained from Scripture. All of natural law is consistent with Scripture, but not all of it is contained in Scripture, and Scripture clarifies many aspects of natural law.

Natural Law and Law of the Land

Much of the contemporary debate and redefinition of natural law is being done by law professors and legal scholars. Specifically, they are asking, "What makes a law just?" and "On what basis are human rights to be protected?" There are two primary schools of thought on the relation between natural law and the civil law: positivism and realism.²⁸

The legal positivists hold that there is no essential relationship between law and morality. Laws are valid simply because they are creations of recognized institutions. Perhaps legal positivists are motivated by the fear that if there were too close a link between law and morality, then certain groups might impose their morality with the force of law.



Conversely, the school of moral realism is committed to the idea that laws that do not correspond to objective values are nonlaws, or invalid laws. For law on any level to be accepted as valid, it must relate to objective moral truths.²⁹ As Augustine insisted, “an unjust law is not law at all.”³⁰ Ultimately, for the Christian there are objective values that are grounded in the creative activity of God, revealed in general revelation, deduced by reason and experience. They are also substantially revealed in Scripture, which is the final authority in cases of conflict. Of course, the clearer revelation is found in Scripture, but it is supplemented by natural law, which provides a common ground between Christian and non-Christian ethics. Natural law provides the means by which Christian ethics can be articulated to a secular culture.

Conclusion: Connecting Divine Commands, Virtue, and Natural Law

I have argued that divine commands, virtues, and natural law are all important components of Christian ethics. They are sometimes seen as isolated elements or, at least, those without a clear connection. To summarize the key elements of Christian ethics, let’s think about how God’s commands, virtues, and natural law are related. It’s important at this point to remind you of the relational setting for God’s commands: obedience is an expression of loyalty to God. This answers the question “Why be moral?” by maintaining that being moral is an integral part of a relationship with someone who is the most important person in the universe. This person is also someone who loves us unconditionally and has forgiven a moral debt that we could never hope to repay on our own.³¹

First, natural law is the expression of God’s moral requirements that come to be known outside the pages of the Bible. That relates to moral epistemology, or how the moral demands can be known. But they are related in a more fundamental way. Any version of divine command ethics that does not constitute ethical voluntarism must assume a certain view of what is good. God’s commands cannot be the ultimate source of the good precisely because our view of the good is what constrains God’s commands.³² As philosopher C. Stephen Evans has suggested, natural law provides the view of the good, and divine commands supply the notion of moral obligation. That is, natural law and divine commands supplement each other, since the idea of the good limits what God can command, and God’s commands provide a degree of specificity to moral obligations for which natural law alone is insufficient.³³

Divine command ethics and virtue are similarly related, and this again goes



back to the question “Why be moral?” The New Testament maintains that obedience to God enables us to become people whose lives are consistent with having a relationship with the living God (though, of course, we all make mistakes and, at times, live inconsistently with that mandate). One of the reasons for attending to our divinely commanded moral obligations is to become a person of a certain sort—that is, to foster a certain type of character that is consistent with being connected to God. The purpose of God’s commands would be twofold, both to cultivate a person’s connection to God and to nurture a life of virtuous character. We could say then, that one of the goals, or ends (*telos*) of God’s commands is the development of virtue. Evans puts it pointedly this way, “Perhaps the purpose of [moral] duties is to help us become transformed into the kinds of people who no longer require the notion of duty at all. . . . A divine command theory requires an account of the virtues in order for us to fully understand the point of our [moral] duties.”³⁴

For Further Reading

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Chapter Review

1. What is the connection between virtues and principles in Christian ethics? List some biblical texts that spell out this connection.
2. What modes of moral reasoning are used in Scripture? Which are primary? Which are supplemental?
3. What mode of moral reasoning is not found in Scripture?
4. What is the unifying theme of Old Testament ethics?



5. Give some examples of Old Testament laws that structured institutions in ancient Israel.
6. Give some of the biblical support for the mandate to pursue justice for the oppressed and vulnerable.
7. Explain the role of the Holy Spirit in Christian ethics.
8. What is the central virtue in Christian ethics?
9. What is the *Euthyphro* dilemma? How would you begin to resolve it?
10. How would you resolve a conflict of values such as faced Rahab and Corrie ten Boom? Do you consider those values in conflict at all?
11. How would you define natural law?
12. Why have some been critical of the concept of natural law?
13. What is the biblical basis for natural law?
14. How would you distinguish between the legal positivists and the moral realists?



Making Ethical Decisions

Case 1: Business Ethics— Confidentiality or Compassion?

You are a mid-level manager for a company that creates applications for multiple platforms (PC, tablet, smart phone, etc.) that serve the real estate industry. Due to a recent downturn in the market, the industry is undergoing one of its periodic contractions. Business has been decreasing for your company. Since it's hard to know how long the downturn will last, the company's top management has determined that a reduction in force is necessary. You are aware of who in your division will be laid off, and you are under a mandate for confidentiality until these layoffs are formally announced.

One of the people who reports to you in your division, Todd, has become your good friend during the time you two have worked together. Your wives have become friends, and your kids are roughly the same age, play together, and get along well. You regularly spend time with them socially outside of work. They have recently bought a house not far from where you live, and they have their third child on the way. Todd plays a key role in a major project that is roughly 6–8 weeks from completion. Todd is understandably very nervous about the prospect of being laid off, as he should be, since you know that he is on the list of those to be laid off. During one of the times when your families are together, he informs you that he's been offered another job, but it doesn't pay quite as well as his current job and involves a much longer commute, which will take away from his family time in the evenings. He would rather stay in his current job but also does not want to turn this job down if he will be laid off from his current one. He is aware that you know who is on the layoff list. He also knows that you are bound by confidentiality about who will be laid off. Even if you were not so bound, your



company needs Todd to finish up this project, and if he took another job, the project would suffer and be significantly delayed. Todd has asked you to help him out and give him a “heads up” if he’s on the layoff list so he can make a wise decision about this other job opportunity. Your good friend has put you in a very difficult position, having to weigh your obligation to your company against your friendship with Todd.

A Model for Making Moral Decisions

To address adequately the ethical dilemmas that people regularly encounter, I will present a procedure for making moral decisions. I offer it not as a formula that will automatically generate the “right” answer to an ethical problem, but rather as a model designed to make sure that the right questions are asked in the process of ethical deliberation. The specific cases presented here will illustrate how the model can work to resolve ethical dilemmas.

Given the ethnic and religious diversity of our society, the model used for making ethical decisions should be able to accommodate a variety of different moral and ethical perspectives. The model presented here is not tied to any particular perspective but can be used comfortably with a variety of cultural, ethnic, and religious backgrounds. Although this model is consistent with the Bible and allows for use of biblical principles, it is not a distinctively Christian model. As you will see, it is heavily oriented toward virtues and principles, with consideration of consequences in a supporting role.

As we mentioned earlier, what makes many moral dilemmas so difficult is that the Bible does not always address an issue clearly, if at all. All the cases presented in this chapter illustrate this ambiguity. More general biblical virtues and principles may be brought to bear on the issue at hand. In these instances, however, there is often disagreement about which biblical principles and virtues are applicable and how they apply to the specific issue under discussion. Further, it may be that the virtues/principles conflict in any given scenario. These tend to be some of the most difficult ethical dilemmas because they involve making choices and weighting the virtues/principles that have a bearing on the case. Appeal to principles and virtues alone will not necessarily resolve a case. Thus insisting that all ethical dilemmas be resolved simply by appeal to biblical principles and virtues seems to oversimplify things. Certainly, appealing to the Bible, either specific texts or more general principles, can conclusively resolve many moral questions, but in some cases that does not happen.



Perhaps the first question to be sure to address has to do with *defining an ethical dilemma*. I often ask people how they would know if they were facing an ethical dilemma, and not surprisingly, they frequently are unable to answer this question. It may be that people miss some of the ethical dilemmas they face because they are not sure what to look for. Here is the definition of an ethical dilemma: *An ethical dilemma is a conflict between two or more value- or virtue-driven interests*. You must be sure to identify the parties in the conflict, what their interests are, and what virtues and values underlie those interests.

A list of the elements of a model for making moral decisions follows.¹

1. Gather the Facts

Frequently, ethical dilemmas can be resolved simply by clarifying the facts of the case in question. You may find that you have a different sort of dilemma, not a moral one. For example, you might discover that you have a communication breakdown that has created the dilemma that can be solved simply by facilitating a conference that brings clear and timely communication. Or you may find that you have a strategic dilemma instead of a moral one, where the issues involved are morally neutral. When you have a genuine ethical dilemma, gathering the facts is the essential first step that must be taken prior to any ethical analysis and reflection. In analyzing a case, we need to know all the available facts. Usually there is time to ask questions, clarify information, and gather additional facts. Thus, to make an intelligent ethical decision, one needs to ask two primary questions: “What do we know?” and “What do we need to know?”

2. Determine the Ethical Issues

Ethical issues are stated in terms of legitimate competing interests or goods. These competing interests are what actually create an ethical dilemma. Remember, an ethical dilemma is defined as a conflict between two or more value/virtue-driven interests. That is, moral values and virtues must support the competing interests in order to have a genuine ethical dilemma. If you cannot identify any underlying virtues/values, then you may have some other kind of dilemma, not a moral one. Participants in these dilemmas normally hold to their positions with substantial passion because they are driven by deeply held ethical values and virtues. The issues should be presented in an X versus Y format in order to reflect the competing interests in a particular ethical dilemma. Remember, simply because you have competing alternative courses of action, those competing alternatives are not the ethical dilemma, since the dilemma is the conflict of values/virtues.



3. Determine What Virtues/Principles Have a Bearing on the Case

In any ethical dilemma, certain virtues and moral values are central to the competing positions. It is critical to identify these principles and virtues. In some cases, you will need to determine whether some principles are to be weighted more heavily than others. Biblical principles are always relevant and should be included. Additionally, the virtues and values that speak to the case may come from a variety of sources, such as the Constitution or natural law (those almost self-evident values that are widely shared), which would supplement the applicable biblical principles. In a diverse cultural context, it may be that values may come from other religious traditions or widely held values from that particular culture.

4. List the Alternatives

Part of the creative thinking involved in resolving an ethical dilemma involves developing alternative courses of action. Although you will probably rule out some alternatives without much thought, in general, the more alternatives that are listed, the better the chance that your list will include some very good ones. In addition, you may come up with some creative alternatives that you had not considered earlier.

5. Compare the Alternatives with the Virtues/Principles

At this point the task is one of eliminating alternatives according to the moral principles/virtues that have a bearing on the case. In many instances the case will be resolved at this point, since the principles will eliminate all alternatives except one. In fact, the purpose of this comparison is to see if a clear decision can be made without further deliberation. To do this involves satisfying all the relevant virtues and values. If a clear decision is not forthcoming, the next part in the model must be considered. At the least, some of the alternatives may be eliminated by this step of comparison. Often, in order to make a clear decision, you must weight one or more virtues/values more heavily than the others. When weighting certain virtues/values more heavily than others, be sure to provide good reasons for your placing more emphasis on one virtue/value than the others. You should provide more basis for your weighting than simply your intuitions.

6. Consider the Consequences

If the principles do not yield a clear decision, then you must consider the consequences of the remaining available alternatives. Here the task is to take the viable



alternatives and attempt to predict both the positive and negative consequences of each. In addition, one should try to estimate how beneficial are the positive consequences and how severe are the negative ones, since some consequences will be clearly more substantial than others.

7. Decide

Deliberation cannot continue indefinitely. At some point you must make a decision. Realize, too, that ethical dilemmas often have no easy and painless solutions. Frequently, the decision that is made is one that involves the least number of problems or negative consequences, not one that is entirely devoid of them. Be careful of trusting your “sleep-well quotient.” You may make a good decision and still not sleep well because these dilemmas are often very difficult and don’t lend themselves to easy solutions.

Applying the Model

Using the preceding model, let’s return to the confidentiality and compassion case. Here we will illustrate how to apply the model and clarify the meaning of each element of the model. Two additional cases will be presented and analyzed in the framework of this model to ensure that it is clear and can be used profitably.

Case 1: Confidentiality or Compassion?

1. Gather the Facts

The relevant facts in this case are as follows:

- Your company makes software applications for the real estate industry.
- These applications are designed for multiple formats, such as smart phones, personal computers, and tablets.
- There is a downturn in the real estate market at present that is affecting your company’s revenue. These downturns occur periodically in the industry.
- It’s not clear how long the real estate downturn will last.
- You are the manager of a division in the company, and you are aware that the downturn in business has prompted a discussion by your bosses about layoffs.



- The layoffs have not been announced yet, but they are coming. You know that you will lay off several people in your division, but the company has ordered all managers to hold that information as confidential.
- Your good friend Todd is one of those being laid off.
- Todd's family has become friends with yours. They have recently bought a house and are expecting their third child.
- Todd has been offered another job, but it means a reduction in pay and involves a significantly longer commute.
- Todd is important to a current project that is 6–8 weeks from completion. You are afraid that if Todd leaves for this other job, the project will be significantly delayed.
- Todd has asked you directly if he is on the layoff list.

Information you need to know:

- If Todd took this other job, how delayed would his current project be?
- What risk is there to you and your job security if it became known that you breached confidentiality?

2. Determine the Ethical Issues

The primary parties that have a stake in this situation are your company, you as a manager, and Todd as the employee. Other parties include Todd's family and the customer for the project on which he is currently working. The company's interest in maintaining confidentiality is so that current work can continue uninterrupted and so that employees who are angry about being laid off cannot undermine the company. Todd's interest is in being sure that he has a job and uninterrupted income to support his family. You are pulled between your obligation to your company and your friendship with Todd and his family. The ethical dilemma involves a conflict between the company's interest in you keeping confidentiality and Todd's interest in being able to provide for his family. To summarize—it's a conflict between confidentiality and compassion.

3. What Virtues/Values Have a Bearing on the Case?

You can invoke a variety of virtues and values as relevant to this case. Clearly, you have an obligation of friendship and compassion toward your friend Todd and his family. He's not just another employee; he's your friend. In contrast, you have



an obligation of loyalty to your company, to protect their privacy and hold their private information as confidential. You are obligated to pursue your company's best interests, and that's an obligation that's renewed each time you see your paycheck deposited into your bank account. Additional principles/virtues include the duty to prevent harm, both to Todd and his family and to your company (if disgruntled employees find out about being laid off and undermine the company's work), Todd's obligation of friendship toward you, and the virtue of compassion toward Todd and his family. In addition, you have a moral duty to fairness, such that telling Todd and no one else would constitute being unfair to those who are not told in advance. You would be, in effect, engaging in discrimination based on personal friendship alone.

4. List the Alternatives

Two options are obvious—to tell Todd that he's on the layoff list, or to maintain confidentiality. Each option has both an indirect and a direct way of accomplishing their respective end. You could creatively hint to Todd in some ways that don't involve directly telling him. You could say something such as, "It's always good to be prepared for anything." Or you could say, "A bird in the hand is worth two in the bush," indicating that taking the sure thing is wiser. However, usually a person in Todd's position will want further clarity. They often ask follow up questions that solicit you to be more direct, which is precisely what you do not want to do. Conversely, you could maintain confidentiality by appealing to your friendship with Todd but differently than he envisioned. You could insist that a good friend would not put you in the position in which Todd has put you.

5. Compare the Alternatives with the Principles

There does not seem to be an alternative that satisfies all the principles/virtues. Thus there is not a clear decision that can produce a "win-win" solution where all the relevant virtues/values are fulfilled. It seems that to resolve this dilemma, you must choose. At this point, deciding requires weighting the principles/virtues according to good reasons. There seem to be good reasons for both choices. You could argue that you should tell Todd because of how the decision affects the well-being of his family. Yet you could also make a good case for maintaining confidentiality out of your obligation to your company and your desire to avoid putting yourself at risk should it become known that you violated confidentiality. Let's assume for the moment, however, that appeal to virtues/principles will not resolve the dilemma at this point.



6. Consider the Consequences

If you decide to tell Todd, then some of the positive consequences will likely be that he will be able to make a fully informed decision about the other job, protect his family and their well-being, and maintain a harmonious friendship with you and your family. Negative consequences include his leaving an important project prematurely and you being at risk for breaching confidentiality (the likelihood of someone finding out is difficult to predict).

If you elect to maintain confidentiality, positive consequences include safeguarding your position in the company since there is no violation of policy, protecting the company from harm, and protecting yourself and other managers from other requests to disclose this information. Negative consequences include harm to your friendship with Todd and likely with his family too, Todd's inability to make a fully informed decision about the new job opportunity, and perhaps your own sense of guilt/regret at the thought of "betraying" your friend.

7. Decide

What would you decide in this case? Which virtues/principles are the weightiest? Would you include others? Which alternatives are the most viable? Would you suggest others? Which consequences are the most severe? Do you think others will occur?

At some point, however, you must stop deliberating and decide, as uncomfortable as that may be. Christians ought to pray throughout the deliberation process and while working through any decision. The Bible promises God's wisdom for dealing with trials and difficult situations (James 1:1–5), as well as God's strength to do what is right.

Case 2: Medical Ethics and Cultural Diversity

A sixty-seven-year-old Hispanic woman who does not speak any English comes into the medical center with a diagnosis of stage 2 non-Hodgkin's lymphoma, a type of cancer, for which chemotherapy has been prescribed as the preferred course of treatment. She had been in generally good health prior to the onset of her current condition. At the time of admission, she appears to be fully competent and capable of making her own decisions. She knows that something is wrong with her and appears anxious and fearful at the prospect of what getting well will involve.

Her family accompanies her and stays with her consistently after her admission. That family includes a son and daughter, both married. They are clearly a loving



and caring family who want what is best for their mother. She is a widow and has been living with her son and daughter-in-law for the past three years. The son feels a good deal of responsibility to take care of his mother and considers himself quite close to her. He is the translator for the patient, and virtually all information that the physicians and the patient exchange must go through the patient's son. He insists that only a minimal amount of information be given the patient out of a fear that she will give up on living and resign herself to dying, thus contributing negatively to the treatment. It appears that cultural values are at the root of his desire to protect and take care of his mother.

The patient has not been told of her specific diagnosis or the effects of chemotherapy. All that she appears to have been told by her son is that she is sick and that the treatment will cause her to become sick to her stomach and lose some of her hair. If you were the physician in this case, what would you do? Would you follow the family's wishes since they seem to be based on significant cultural values that you are not familiar with, or go against them and tell the patient what you think she needs to know, even if it means that she gives up the fight as her family fears?

1. Gather the Facts.

- The patient is a sixty-seven-year-old Hispanic widow who does not speak any English and cannot communicate with the physicians or nurses.
- Her family includes a son and daughter, both married. She has been living with the son and daughter-in-law for the past three years. The son serves as her translator and is very caring and concerned for her well-being.
- Her diagnosis is stage 2 non-Hodgkin's lymphoma, a form of cancer, for which chemotherapy has been prescribed.
- She has been in generally good health prior to the onset of her current condition.
- She has not been told of her specific diagnosis or the treatment she will undergo, out of the family's fear that she will not want to live. She has been told of some of the anticipated side effects of the treatment by the nurse who conducted her initial interview.
- She appears to be fully competent and capable of making her own decisions.
- The cultural factors that are influencing the family to withhold important information from her are primarily the value of protecting a loved one, especially when that loved one has contracted a serious illness.
- She is anxious and fearful at the prospect of her examination and treatment. She appears to know something is wrong with her.



2. Determine the Ethical Issues

This case involves a conflict between patient autonomy, specifically the right to give informed consent for treatment versus what a caring family thinks is best for the patient. The children clearly believe that their mother will resign from life and succumb to the disease if she is told about her condition. Thus patient autonomy conflicts with the obligation to do good to the patient.

The nursing staff faces an even more difficult dilemma in cases like these, since they are bound by physician orders. Their conflict is adherence to physician orders versus duty to protect the integrity of the patient (by helping ensure informed consent).

3. Determine What Virtues/Principles Have a Bearing on the Case

A variety of principles and virtues are relevant to this case. First is the right of the patient to give informed consent to her treatment, especially for something as invasive as chemotherapy. This right is recognized in the law and is based on a broader principle of patient autonomy, which is grounded in a right of bodily integrity—a right to control what is done to a person's body. The ultimate reason that individuals have these rights is out of and for the fundamental dignity of the person, which comes ultimately from human beings being made in God's image.

In conflict with that principle is the obligation of the medical team to act in the patient's best interest. This is grounded in the virtue of beneficence, which creates the obligation to do good for the patient whenever one can. A further virtue that has a bearing on this case is that of compassion for a suffering patient. The virtue of compassion creates the obligation to do what is in the patient's best interest. However, the family can also appeal to compassion and what they think is in their mother's best interest. The application of these virtues and principles will be shaped by what exactly the patient's best interest looks like. Does it mean acting so that she doesn't give up fighting for her life? Or does it mean relieving her distress at what she is going through?

A third principle involved is respect for the family's wishes and culture. This comes out of the virtue of humility, which suggests that the physicians and nurses not assume that their way of handling this patient is necessarily and uncritically superior to how the family is treating her. Of course, there are limits to this, and part of the dilemma in this case is to determine how heavily to weight this respect for their cultural values. These cultural components include some very important virtues, such as family loyalty, care for one's elders, and the cultural norm that



the eldest male in the family is the head of the family and thus responsible for important decision making. The family's culture puts a high priority on the virtue of caring and defines it as taking the burden of decision making off the patient. The responsibility of caring extends to decision making in their culture because the family views the disease as a very heavy burden that the patient must carry. As a result, the family's obligation to care includes taking as many of the other burdens off their loved one as possible, including decision making.

Other principles include the responsibility of nursing staff to adhere to physician orders and the responsibility of the staff to obey the law concerning informed consent.

4. List the Alternatives

The first alternative is to attempt to convince the family and perhaps the physician as well of the seriousness of the treatment and her right to know why she needs it. If that fails, the next step could be to ask the family to participate in an ethics committee case conference in order to persuade them to disclose the information. Regardless of what alternative is chosen, these discussions, both with the family and with the broader ethics committee, should be held prior to making any further decisions. Should these discussions fail to resolve the dilemma, then one alternative is to override the family's wishes and inform the patient of her condition and course of treatment.

By contrast, after these initial discussions, the physicians and nurses could accommodate the family's wishes and continue to withhold information from the patient. This would involve allowing the son to remain as her translator and begin treatment without her knowing her diagnosis or prognosis.

A third alternative is to wait for the patient to inquire about her condition, at which point you would encourage her to ask pointed questions to her family and physician. This would have to be done through another translator.

A fourth alternative is somewhat more direct with the patient. You could bring in another translator and, with the son in the room, ask her if she wants to know the details of her condition, outlook, and treatment. This alternative will likely be met with strong objections from her son, and he will likely take it as a significant cultural offense.

5. Compare the Alternatives with the Virtues/Principles

It may be that a clear decision can be reached here. The first steps should be to pursue all avenues to persuade the family to allow open disclosure by the



physician or to disclose the information themselves. If those are exhausted and the dilemma is still unresolved, the remaining alternatives would be to either withhold or disclose the information to the patient. Disclosing the information could occur directly, by telling the patient outright through another translator, or more indirectly, by asking the patient through another translator if she wants to know her diagnosis and treatments. The more indirect alternative satisfies the values of patient autonomy by giving the decision back to the patient herself. However, if she wants her son to make these decisions for her, this alternative allows her the opportunity to make that clear. If that is her answer, then virtually all the important virtues/principles are satisfied. Since the disease and treatment are both serious, and since it is hard to be sure if the family's fear of her "giving up" is justifiable, the indirect alternative would tilt the balance in favor of patient autonomy and thus toward disclosing the information, if that is what the patient so desires. Such a decision would run contrary to the cultural background of the family, in which the oldest male has decision-making authority, but it would allow for adherence to informed consent, allow the patient to speak for herself, and respect her dignity.

For the nursing staff, the resolution may not be as forthcoming if the physician continues to side with the family and withhold information. One viable option for nursing staff would be to request that care of this patient be transferred to another staff member who can accommodate the family's and the physician's request.

6. Consider the Consequences

If the option of *disclosing the information* directly is taken, the following are some of the likely consequences:

- The family will feel alienated from the physician and the medical center because their cultural values have been violated.
- The family may take the patient to another facility that will comply with their wishes.
- The patient may "give up" on life and succumb to the disease.
- The patient may feel relieved and empowered that someone is finally telling her what is happening to her.

If the option of *continued withholding of information* is taken, here are some of the likely consequences:



- The patient will continue to be fearful and anxious about her treatment.
- The patient will find out the information at some point, creating a breach of trust.
- The family will be satisfied and their cultural values respected.

If the option of *asking the patient if she wants to know her situation* (through another translator) is taken, the following are some of the likely consequences:

- The family will be offended at the breach of their cultural values respecting the decision-making authority of the oldest male.
- The patient will be afforded the opportunity to speak for herself and give consent if she so desires. If she desires that, the law concerning informed consent will be followed. If she wishes to have her son make those decisions for her, the medical center is still following the law and the cultural value is respected.
- The patient will be relieved either way, knowing that her wishes have been considered.

7. Decide

This case forces us to think through the limits of respecting a family's wishes and the limits of respect for cultural diversity. How far do we go in accommodating a family's appeal to its cultural mores, and on what basis do we draw lines? Clearly, one line that can be drawn is when the patient's medical care is compromised, or when respecting the culture involves jeopardizing the patient's best interest or her dignity as an individual. Here it seems that the alternative that involves asking the patient if she wants to know the details of her situation satisfies most of the virtues and values at stake and produces the best balance of consequences too.

Case 3: International Business Ethics

You work for an international construction company that does business in many other parts of the world. You are head of a sales team that markets your company's construction services in Asia and the Middle East. Many of your projects are contracts with national or local governments to build public facilities, such as highways, government buildings, and other infrastructure, such as bridges. Sales negotiations for these projects usually involve a few government officials who have



to give their approval for the projects to move forward. The specific project you are working on involves construction of a multibuilding office complex for a provincial government. You have been informed that to complete the contract and begin construction, you must pay “pledges” to a handful of officials in order to finalize the deal for your company. These “pledges,” or as you consider them, bribes, are a normal part of doing business in this part of the world, and most companies who do business successfully here pay them without hesitation. The payments go into the personal accounts of the officials. Payments like these are illegal under US law, but the risk of being detected is low, and you are aware that many companies, including yours, make these payments regularly to ensure that business gets done. The project will bring in \$100 million in revenue, and the “pledges” amount to a total of about \$5 million when all the necessary officials have been paid. You have the authority either to make the payments or to refuse to make them. But if you refuse, the chances of obtaining the contract are not good, and the company has told you that if this contract doesn’t come through, some from your team might have to be laid off. The government will award the contract to the company that will pay the “pledges.” The first payment of \$1 million is due at your next meeting. Will you pay the “pledges,” or not?

1. Gather the Facts

The relevant facts are as follows:

- You head the sales team that does marketing and sales in parts of the world where bribery is common.
- The current project is a \$100 million project, which requires \$5 million in bribes to be paid to specific government officials for their personal benefit.
- Payment of these bribes is common and expected in this part of the world but illegal under US law.
- You have the decision-making authority in this case.
- Your company will support whatever decision you make but reminds you that this contract is very important. Your company does not have a policy in writing on requests for payments such as these.
- You feel pressure to make these payments, knowing that if you don’t secure the contract, some of your team might have to be laid off.
- You did not initiate these payments in order to obtain a competitive advantage, but you know that paying them will give you a much more favorable position over all other competitors.



2. Determine the Ethical Issues

The ethical issue in this case revolves around the conflict between adhering to the law and loyalty to your company, especially the members of your team. It also involves the idea of fair competition. Your company has an obligation to its employees and shareholders to secure business, and you feel this obligation, particularly to your team. However, you are concerned that making these payments is illegal, dishonest, and will give your company an unfair advantage.

3. Determine What Virtues/Principles

Have a Bearing on the Case

The primary principle that is relevant is that of fairness, or fair competition. The reason bribery is illegal for US companies is that it promotes an uneven playing field for competition. However, you have a competing value in loyalty to your company, and you are motivated by the virtue of compassion for your team members, some of whom will be out of jobs should you fail to obtain this contract.

4. List the Alternatives

Here the alternatives seem straightforward. You can make the payments and expect that you will obtain the contract, or you can refuse to make the “pledges” and most likely open the door for some other company to get in ahead of you. If you take this option, you will still attempt to remain in the competition for the contract by arguing for the merits of your service over the other competitors.

5. Compare the Alternatives with the Virtues/Principles

This may be an example of a situation that could be resolved at the level of the facts. The exact nature of these payments will determine whether they violate any of the above virtues/principles. Since you did not initiate these payments, you might argue that they do not constitute bribery at all. Rather, they could be more analogous to extortion, in which a person uses a position of power to demand favors from those subject to his or her exercise of authority. By contrast, you could also argue that these payments do amount to bribery, since you could walk away from the contract (a costly decision, which increases the coercive element of the payment). The payments further do result in your company’s getting a major competitive advantage, the very problem that laws against bribery intend to avoid. If the payments are extortion, then it may not be a violation of any principle to pay them, analogous to payment of ransom. It clearly is wrong to demand extortion, but it is less clear that it is wrong to pay it. If that is the case, then there is no moral dilemma, and you can



pay the extortion and hopefully obtain the contract. However, if the payments are indeed bribery, then they would violate one of the key principles, and you would have to continue to resolve the dilemma.

At this point you would consider weighting the virtues/principles. Which of the competing virtues/values should take priority? You can make a strong case for weighting adherence to the law and fair competition more heavily, since fairness is such an important value. However, you could also make a case for loyalty to your company and especially to your team since the consequences of not obtaining the contract will involve some layoffs. What is important at this step is to see that the case can be resolved if one or more virtues/values can be considered to carry more weight than the others.

6. Consider the Consequences

If you do decide to make the payments, the likely consequences will be that you will secure the contract, other payments may be necessary at other points in the construction, your company will profit, and no one from your team will need to be laid off. You will also be in violation of US law, and if your violation is detected, it could result in substantial fines and a public relations embarrassment. You could also be accused of contributing to a culture of corruption in that particular region or country.

If you refuse to make the payments, your chances of obtaining the contract are significantly lower, putting some members of your team at risk of being laid off and hurting your company's financial stability. It is possible that you could still compete for the contract on the merits of your company's service, especially if it becomes known that your company does not engage in or respond to requests for bribery. You will not be in violation of US law and will not be at risk for sanctions that accompany bribery charges.

7. Make a Decision

This is an example of a case that could be resolved once a factual determination is made. If these payments are bribes, then a good case can be made for obeying the law with the principle of fairness on which it is based. But if the payments are not bribery, then the law and notion of fairness would not apply, or would not be weighted as heavily. Usually payments that give a competitive advantage are more like bribery than extortion, since with extortion the option to walk away from the situation normally does not exist. But with this contract, the company doesn't have to pay the bribes. They can simply move on to the next opportunity and compete on

their merits. We will revisit the subject of bribery in chapter 13, which deals with the intersection of ethics and economics.

Conclusion

My hope is that this model offers a helpful way of insuring that the relevant questions are asked when attempting to resolve an ethical dilemma. It is not, however, a formula or a computer program that will automatically enable a person to easily resolve ethical dilemmas. But when faced with what appears to be a confusing maze of facts and feelings, this model will provide you with some guidance for decision-making.





Chapter 5

Ethics at the Beginning of Life, Part 1

Many of the most contested and controversial moral issues occur at what the late theologian Paul Ramsey called “the edges of life.”¹ Issues abound at both the beginning and ending edges of life, ranging from abortion, infanticide, embryo research, and infertility treatments at the beginning of life to assisted suicide, euthanasia, and the termination of life support at the end of life. Issues related to biotechnology address issues at both edges of life but also in between, and comprise issues such as genetic testing for both the unborn and adults, designer children, and enhancement biotechnology. The next four chapters will take up issues in the field of *bioethics*, which deal with the intersection of ethics, philosophy, theology, and the life sciences, namely health care and medical research. These next two chapters will take up both the *taking* of life at its beginnings (ch. 5) and the *making* of life at its beginnings (ch. 6). We will then look at the *remaking* of life in biotechnology (ch. 7), and then, finally, issues at the end of life (ch. 8).

There is a rich and long-standing philosophical and religious tradition that reflects on issues at the edges of life, and most cultures have literature that chronicles such reflection on some of life’s most important issues. It was primarily the theological traditions that brought bioethics to prominence as a field in the 1960’s, with both Catholic and Protestant scholars wrestling with new technologies to prolong life and to conceive children (or prevent conception).² The 1973 United States Supreme Court *Roe v. Wade* decision that legalized abortion profoundly shaped the way many people viewed the beginning of life. For some, the decision amounted to the emancipation of women from having to carry unwanted pregnancies to term, and it is still considered a fundamental aspect of women’s rights. For others, the decision was tantamount to an assault on the most vulnerable segment of society, the unborn, made more egregious by the introduction of technology that enables women to end pregnancies in the third trimester. In recent years, the increased



use of RU-486 (sometimes known as a “chemical abortion” or the “abortion pill”) enables women to end pregnancies nonsurgically and more privately. Abortion providers expect this to become the primary way to end pregnancies in the future, particularly with the growing use of telemedicine technology, which enables remote discussion, diagnosis, and treatment from a physician. Since the *Roe v. Wade* decision, the abortion debate has intensified, and it shows no signs of resolution any time soon. There is some evidence of cultural shifts in attitudes toward the unborn but also signs of what some call “abortion fatigue” in the culture at large.

The long-standing abortion debate has expanded into other areas at the beginning of life. For example, partial birth abortions, which occur later during pregnancy, are still contested. Pro-life advocates cite these as particularly egregious examples of callousness toward life and the unborn, and pro-choice advocates generally resist any restriction on the constitutional right of women to procure abortions. In addition, there is a new discussion about infanticide, now being referred to as the “after birth abortion,” and justified by some on the same grounds as before birth abortions. Further, there is significant debate about abortions that are done for sex selection, especially if it is connected to population control in the developing world.

As medical technology develops, there is increasing interest in research on embryos, to harvest their stem cells, which scientists envision for numerous useful treatments for a variety of debilitating diseases. Embryos are also in high demand for research involving technology to perform gene splicing (known as CRISPR-Cas9), which allows for genetic alterations in early stage embryos, which can be passed on to succeeding generations. In addition, the debate over the use of fetal tissue from induced abortions has reemerged since it was first introduced in the late 1980s. The exposure of the underground market for fetal tissue by activist/journalist David Daleiden has brought that debate back into public discussion. There is also debate about abortion and public policy—that is, whether abortion should be illegal if one considers it immoral. Most pro-life advocates are encouraging changes in the law, but some suggest that although they view abortion as immoral, the coercive force of the law should not be imposed on women seeking abortions.

This chapter is structured in such a way as to help you get at the heart of the subject by looking at four aspects of the abortion issue. The first aspect of the abortion issue concerns the legal background that has developed since the *Roe v. Wade* decision in 1973. The second aspect is the biblical/theological contribution to the discussion. The third aspect is an analysis of the most common arguments for abortion rights. The fourth aspect of the problem deals with the issue of personhood and asks the question, “At what point does the unborn become a person?” Finally, we will broaden



the discussion by looking at some of the closely related issues, such as embryonic stem cell research, fetal tissue procurement, sex selection abortion, and infanticide. Note that the material on the moral status of fetuses and embryos is also relevant to the discussion of reproductive technologies, which is addressed in chapter 6.

The Beginning of Life and the Law

Although numerous legal battles have been carried out in the courts over different aspects of the abortion issue, the cases that have reached the US Supreme Court are the most influential in setting the terms of the debate and the general direction of its outcome. Several cases have been particularly important both in establishing the legal right of a woman to obtain an abortion and in limiting that right. Beginning with the *Roe v. Wade* decision that initially legalized abortion and continuing through to the *Gonzales v. Carhart* decision that limited partial birth abortion, the abortion debate has continued to focus on the courts rather than on the US Congress or state legislatures. Though there are some exceptions, abortion law around the world has largely followed the US trajectory.

Roe v. Wade (1973)

In this landmark case,³ Norma McCorvey (Jane Roe) claimed she had been raped (she later recanted) and that Texas law was forcing her to continue her pregnancy, even though she had been impregnated against her will. The court ruled that Texas laws prohibiting abortion except to save the mother's life were unconstitutional. Such laws were claimed to violate the due process clause of the Fourteenth Amendment of the Constitution, which protects a person's right to privacy. The idea of privacy was extended to a woman's womb, allowing her the right to end her pregnancy.

In August 1995 McCorvey changed her views about abortion, quit her job at a Dallas women's clinic, and joined a church pastored by a leader of Operation Rescue, an outspoken pro-life organization.

The "Jane Roe" in *Roe v. Wade*

Norma McCorvey was the plaintiff in the landmark 1973 case of *Roe v. Wade*, which legalized abortion. Her remarkable transformation from *Roe* supporter to pro-life activist is well documented and is a touching story of her own personal redemption. One little-known



fact about her is that, contrary to her testimony in *Roe*, she was not raped, and she did not become pregnant as a result of sexual assault. She became pregnant due to consensual sex. However, she did come from a very rough family background where she was the victim of abuse, and she did have a very unwanted pregnancy. For most of her life she existed on the edge financially, dealt with alcohol and drug addictions, and looked to her story to help her make ends meet. She did eventually settle down with her same-sex partner, Connie Gonzales, a relationship that lasted for close to thirty-five years. Following her success as a *Roe* plaintiff, she was active in pro-choice advocacy and clashed repeatedly with pro-life supporters in her hometown of Dallas. Then, as fate would have it, or, as some would say, in the providence of God, pro-life pastor and Operation Rescue leader Flip Benham moved into the house next door to her. Benham and other leaders reached out to her, eventually bringing her to faith in Christ, but over time they became disillusioned with her. Benham told *Vanity Fair* in 2013 that he came to view her as someone who, “just fishes for money.” However, one of the most significant changes in her life was her genuine movement from pro-choice to pro-life activist. She started a pro-life organization, Roe No More, and had a special passion for crisis pregnancy clinics. McCorvey passed away in February, 2017, and will always be known for her role as Jane Roe.

Langer, Emily. “Norma McCorvey, Jane Roe of *Roe v. Wade* Decision Legalizing Abortion Nationwide, Dies at 69.” *Washington Post*. February 18, 2017. https://www.washingtonpost.com/national/norma-mccorvey-jane-roe-of-roe-v-wade-decision-legalizing-abortion-dies-at-69/2017/02/18/24b83108-396e-11e6-8f7c-d4c723a2becb_story.html?utm_term=.3b3ae2ad2ee7.

Prager, Joshua. “The Accidental Activist.” *Vanity Fair*. February 2013. <http://www.vanityfair.com/news/politics/2013/02/norma-mccorvey-roe-v-wade-abortion>.

The court ruled that although a woman does have a constitutional right to an abortion, the state also has an interest in protecting the woman’s health and the potential life of the fetus. The court saw this as growing and becoming compelling as the pregnancy progresses. They therefore divided pregnancy into three trimesters and held that the state has different interests during each of the trimesters. The justices affirmed a woman’s unquestioned right to abortion on demand during the first trimester of pregnancy. After the first trimester, however, the state may regulate abortion in ways that are reasonably related to the health of the mother, for example, by requiring that licensed medical personnel perform abortions in licensed medical facilities. After viability (i.e., the point at which the fetus can live on its own outside its mother’s womb), due to the state’s interest in the potential life



of the fetus, the state may regulate and prohibit abortion, except in cases necessary to preserve the life or health of the mother. Although this decision did not technically legalize abortion on demand, *Roe v. Wade*, along with its companion case, *Doe v. Bolton*, would eventually make abortion on demand legal throughout pregnancy.

Doe v. Bolton (1973)

In an accompanying case decided on the same day as *Roe v. Wade*,⁴ the US Supreme Court struck down a Georgia law that limited abortions to accredited hospitals, required the approval of the hospital abortion committee and confirmation by two other physicians, and limited access to abortion in Georgia to state residents. Again citing the woman's right to privacy and the physician's right to conduct medical practice, the court declared the statute unconstitutional.

The concurrent *Roe v. Wade* decision allowed states to prohibit abortion after viability, except when continuing the pregnancy threatened the life or health of the mother. The decision in *Doe v. Bolton* expanded what was meant by the life and health of the mother. The decision about a threat to the woman's life or health was made according to the "best clinical judgment" of the physician. The right of the physician to exercise judgment in this way constituted a significant broadening of the *Roe v. Wade* decision and essentially made abortion on demand available throughout a woman's pregnancy.

The court interpreted the health of the mother to include much more than simply her physical health. It also included her psychological and emotional health. Thus, if she would be significantly harmed emotionally by continuing the pregnancy, the physician could authorize an abortion. The court put it this way:

That statute [the Georgia law in question] has been construed to bear upon the psychological as well as physical well-being. . . . We agree that the medical judgment [of the woman's physician] may be exercised in light of all factors—physical, emotional, psychological, familial and the woman's age—relevant to the well-being of the patient. All these factors may relate to health [of the pregnant woman].⁵

Thus the court ruled that if the physician sees the pregnancy as a threat to the woman's health in virtually any way, he or she could authorize an abortion at any stage of the pregnancy. If continuing the pregnancy would affect the emotional health of her family (the familial factors cited by the court), an abortion could also be justified. The way the court expanded the idea of the woman's health and how



the fetus can threaten it opened the door to abortion for virtually any reason. This decision, along with the *Roe v. Wade* decision, established a constitutional right to abortion on demand at almost any point in the pregnancy.

Webster v. Reproductive Health Services (1989)

Webster v. Reproduction Health Services marked one of the first significant limits to the right to abortion.⁶ The court reversed decisions by the district court and the court of appeals and upheld a Missouri law that prohibited the use of public funds or medical facilities for “nontherapeutic” abortions (i.e., abortions not necessary to safeguard the life of the mother). The court held that the right to abortion established in *Roe v. Wade* does not obligate the state to pay for abortions for women who cannot afford them.

Whereas the Hyde Amendment prohibited the use of federal funds for abortions, *Webster v. Reproductive Health Services* concerned the right of states to prohibit the use of their tax dollars to pay for abortions. Proponents of abortion argued that the right to obtain an abortion is an empty right if a woman cannot afford it and if the state refuses to help her pay for it. The court ruled that the responsibility of government, at any level, to pay for abortions does not follow from the woman’s right to obtain an abortion free from state interference. As outlined in *Roe v. Wade*, the right to an abortion is a negative right (a right of noninterference only), which does not obligate the state to provide a way for a woman to obtain the abortion. However, if states choose to allow for public funding to pay for abortion, they may, but *Roe v. Wade* does not require them to do so.

Planned Parenthood v. Casey (1992)

A significant legal challenge to *Roe v. Wade* concerned a Pennsylvania law and was considered by abortion opponents to be the best opportunity for the court to actually overturn *Roe v. Wade*.⁷ At issue in the case were the provisions of the law that required a twenty-four-hour waiting period before the abortion (during which time a woman must be given information about the procedure and risks of abortion and about the probable gestational age of the fetus), parental consent for a minor seeking an abortion (although the law provided a way to bypass that requirement by getting a judge’s consent, called the judicial bypass), and notification of the woman’s husband of her decision to obtain an abortion. A woman could be exempt from all of these requirements in cases of “medical emergency.”

Sensing that this case was a challenge to the basic tenets of *Roe v. Wade*, the Supreme Court went to great lengths to reaffirm the basic direction of that decision



and to continue to safeguard a woman's right to choose an abortion, much to the disappointment of pro-life advocates. The court reasoned that abortion rights are consistent with the notion of the right to privacy that emerges out of the idea of liberty in the Constitution. They further reasoned that abortion rights are consistent with the ideas of personal autonomy (the right to make one's major life decisions for oneself) and bodily integrity (the right to have one's body left alone), parallel to the right to refuse medical treatment.

However, the court did uphold some of the provisions of the Pennsylvania law, much to the dismay of pro-choice advocates. First, the court upheld the twenty-four-hour waiting period in which the woman would be provided information about the risks of abortion (both to the woman and the fetus) and the probable age of the fetus. Even if the information presented (which had to be presented fairly and in a way that was not misleading) resulted in the woman choosing childbirth over abortion, it did not constitute an undue burden to a woman seeking an abortion. Second, the court also upheld the parental consent with judicial bypass provision of the law as reasonable. However, the court declared the spousal notification provision of the law invalid because of the risk that it could pose to a woman and because it would be a significant obstacle for some women in obtaining an abortion.

Gonzales v. Carhart (2007)

This case came out of various state challenges to a bill passed in 2003 by Congress and signed into law by then-President Bush, prohibiting what was known as "partial birth abortions."⁸ It was challenged by district courts in California, New York and Nebraska and held to be unconstitutional. Those rulings were affirmed by those states' respective courts of appeals in 2005, and the government appealed those rulings to the US Supreme Court. The Supreme Court ruled that the specific procedure known as an "intact D&E" (dilation and evacuation, which takes the fetus out of the womb feet first and leaves a small portion of the head inside, then pierces or crushes the skull, thereby killing the fetus while, technically still in the womb) can be prohibited, thereby reversing the decision of the appeals courts. They ruled that the law prohibiting this specific partial birth abortion procedure did not constitute an undue burden on women seeking abortion, thus, the law prohibiting it was allowed to stand. The procedure could still be done if a physician judged that the mother's life was in danger. The court ruled, "Congress determined that the abortion methods it proscribed had a disturbing similarity to the killing of a newborn infant, and thus it was concerned with drawing a bright line that clearly distinguishes abortion and infanticide."⁹ The ban on partial-birth abortions does



not mean that all late-term abortions are illegal—just the specific procedure known as the partial-birth abortion.

In the unlikely event that *Roe v. Wade* is overturned at some future date, it's unclear how such a ruling will impact the unborn. If overturned, the court will likely rule in a way parallel to its ruling on assisted suicide. In that decision, they left the matter for individual states to decide based on legislative means that reflect the will of the majority in that state. Some states might choose to restrict abortion in some way, while others might allow for the same access to abortion that currently exists under the law.

The Bible and the Beginning of Life

Although the Bible never specifically states that “A fetus is a person” and “Thou shalt not have an abortion,” it is misleading to insist that the Bible has nothing to say about the moral status of the unborn. The general tenor of Scripture is resoundingly pro-life. Although some texts on the surface appear to support a pro-choice position, such support is not borne out by further examination of the texts in their context.

The Bible clearly prohibits the taking of innocent life in the Sixth Commandment: “You shall not murder” (Ex. 20:13). Applying this directly to the unborn involves begging the question about the moral and ontological status of the unborn. That is, to apply this to the unborn requires a further argument that the embryo/fetus in the womb constitutes a person who possesses the right to life. The important part of the argument is to show that God attributes the same characteristics to the unborn in the womb as to a person out of the womb. That is, Scripture must indicate a continuity of personal identity when describing the unborn.

Ultrasound and the Unborn

In a controversial article in *The Atlantic*, Moira Weigel argues that ultrasound technology, now common in prenatal care, promotes a misleading image of the early stage fetus. She claims, “The current debate (over ultrasound) shows how effectively politicians have used visual technology to redefine what counts as ‘life.’” She traces the use of ultrasound technology back to its origins in sonar use in naval warfare in World Wars I and II. She suggests that after World War II, the military “demobilized the technology, turning away from the ocean, toward women’s bodies.” She claims



that ultrasound in prenatal use made it possible to view the unborn and as a result, the pregnant woman became less prominent. She says, “The framing of the ultrasound image was notable for what it excluded: the woman. In order to make the fetus visible, it made her disappear.” She further claims that ultrasound images have been manipulated to make them appear to show fetal reactions to stimuli. She further argues that the images have had minimal effect on pregnant women in their decision-making about keeping or ending their pregnancies, while acknowledging its importance in the pro-life movement. Interestingly, the article was originally entitled, “How Ultrasound Advanced the Idea that the Fetus is a Person,” and was eventually changed to “How Ultrasound Became Political.” The article has its share of critics for its portrayal of the significance of ultrasound. For example, Eric Metaxas, writing for *Breakpoint* insists, “Ultrasound is instrumental in the fight against abortion precisely because it allows women to make an informed choice by shedding light in a place which, for most of its history, has been shrouded in secrecy. And when the pro-choice camp rails so angrily against the light technology has shed, it almost seems like they prefer the darkness. Perhaps what they see on that monitor troubles them. And you know what? It should.” He points out that for many women contemplating abortion, viewing ultrasound did make a difference in their decision, according to data from pregnancy care clinics.

Weigel, Moira. “How Ultrasound Became Political.” *The Atlantic*. January 24, 2017. https://www.theatlantic.com/health/archive/2017/01/ultrasound-woman-pregnancy/514109/?utm_source=atltw.

Sargeant, Leah Libresco. “We See Through a Sonogram Darkly.” *First Things*. January 25, 2017. <https://www.firstthings.com/web-exclusives/2017/01/we-see-through-a-sonogram-darkly>.

Metaxas, Eric. “Pay No Attention to the Baby on the Monitor.” *Breakpoint*. February 8, 2017. <http://www.breakpoint.org/bpcommentaries/entry/13/30451>.

The passages cited below are not an exhaustive list of texts that could refer to abortion, but they represent the clearest indications of a continuity of personal identity that begins at the earliest point of pregnancy and continues into adulthood. Some of the relevant passages use conception and birth interchangeably. Others suggest that the same characteristics of adults are applied to the unborn.

Examples of where the Bible uses conception and birth interchangeably include Job 3:3, which states,

Let the day perish on which I was to be born,
and the night which said, “A boy is conceived.” (NASB)



This poetic passage employs what is called *synonymous parallelism*, in which the second line of poetry restates the first one, essentially saying the same thing in different language. This type of parallelism suggests that the child who was “born” and the child who was “conceived” are considered the same person. In fact, the terms “born” and “conceived” are used interchangeably here, suggesting that a person is in view at both conception and birth. What was present at birth was considered equivalent to what was present at conception. This is strengthened by the use of the term “boy” in the second half of the verse, which speaks of conception. The woman did not conceive a thing or a piece of tissue, but a “boy,” a person. The Hebrew term for “boy,” *geber*, is also used in other parts of the Old Testament to refer to a man (Ex. 10:11; Deut. 22:5; Judg. 5:30). Thus, in the same sense that an adult man is a person, the individual conceived in Job 3:3 is a person.

Other passages that seem to use conception and birth interchangeably include Jeremiah 1:5, where God says,

Before I formed you in the womb I knew you,
before you were born I set you apart;
I appointed you as a prophet to the nations.

Here it seems clear that God had a relationship with and an intimate knowledge of Jeremiah in the same way he did when Jeremiah was an adult and engaged in his prophetic ministry. In the womb he was called to be a prophet, something that was commonly done with other prophets when they were adults. That is, there is more to this text than the simple parallel between conception and birth. It also describes God knowing the unborn in the same way he knows a child or an adult, thereby attributing something characteristic of adults to the unborn. However, one should be careful not to take the parallelism too far in this text, since it would extend the argument for personhood farther than one might want and suggest preexistence. A similar text occurs in Isaiah 49:1, which states,

Before I was born the LORD called me;
from my mother’s womb he has spoken my name.

The first line says, literally, “From the womb the LORD called me.” The person in question was both called and named before birth, indicative of a personal interest that parallels the interest God takes in adults. Perhaps the clearest indication that



the unborn are objects of God's knowledge is found in Psalm 139:13–16, which shows that God is intimately involved in forming the unborn child.

Some people may object to the use of these texts, suggesting that they only refer to God's foreknowledge of a person prior to birth. However, in passages such as Job 3:3, the person who eventually grows into an adult is the same person who is in view in the womb. Although it is true that these passages use poetic devices to make their point, one cannot dismiss such texts simply because they are using figurative language. Poetry is difficult to interpret in many places, but its figurative language is no reason to minimize its contribution. Figurative language always makes a literal point, and though it is not appropriate to take figures of speech in a woodenly literal way, they do have an underlying literal point that is being made, which, in the above texts, is the parallel between conception and birth.

Psalm 139:13–16 (“A Divinely Inspired Ultrasound”)¹⁰ describes the intimate involvement of God in the formation of the unborn. For the person who adheres to a Christian worldview, this should be sufficient to discourage abortion, since it interrupts the sovereign work of God in the womb. However, the psalm further teaches a continuity of personal identity from the earliest points of pregnancy forward. The psalmist who is intimately known by God in the first few verses is the same person who was described as intricately formed in the womb by God later in the psalm. And he is the same person who, at the end of the psalm, requests God to search him and know his heart. Some argue that Psalm 139 speaks only of the *development* of a person in the womb, not about the personhood of what is in the womb. However, these texts suggest that in the womb from conception is a person with potential for development, not merely some being that will develop into a person at some point in the gestational process. This strongly suggests a continuity of personal identity that runs from conception to adulthood. *After all, we were all once embryos and fetuses.*

Psalm 139:16, (“Your eyes saw my unformed body . . .”) likely refers to the very earliest stages of pregnancy, before the fetus resembles anything looking like a human being. The Hebrew term *golem*, or what the NIV translates as “unformed body,” is more literally “unshaped mass” or “unformed substance” and is actually translated by some Hebrew dictionaries as “embryo.” Of course, the appearance of humanness is neither a qualifier nor a disqualifier for personhood, since the embryo looks exactly as it should for that particular stage of maturity. But the psalmist seems to have some awareness of embryonic development, even in the absence of medical technology and affirms that there is continuity of identity back to the unformed, embryonic stage.



Two other passages highlight this continuity of personal identity. Psalm 51:5 says,

Surely I was sinful at birth,
sinful from the time my mother conceived me.

Here, David is confessing not only his sins of adultery with Bathsheba and premeditated murder of her husband, Uriah the Hittite (see 2 Sam. 11–12), but also his innate inclination to sin. This is a characteristic shared by all people, and David's claim is that he possessed it from the point of conception. Thus the inherent inclination to sin is attributed both to adult persons and the unborn. Using synonymous parallelism like Job 3:3, David appears to treat birth and conception as practically interchangeable terms. Finally, the Greek term for "baby," *brephos*, is applied to a child still in the womb in Luke 1:41–44 as well as to the newborn baby Jesus in Luke 2:16.

Perhaps a more explicit reference to the significance of the birth of the baby (*brephos*) Jesus comes from the infancy narratives of Luke's gospel, particularly the visitation of Mary to Elizabeth in the early days of her pregnancy. Mary visits Elizabeth (Luke 1:39–56) only a few days after she has found out that she is pregnant with Jesus. The account of the angel's announcement (vv. 26–38) indicates that Mary left in haste to visit Elizabeth and share this news with her. Allowing for travel time of roughly ten days, when she arrives at Elizabeth's home, Mary is in the very earliest stages of her pregnancy, with Jesus being in the blastocyst, or early embryo stage. Upon arrival at Elizabeth's home, Mary is immediately recognized as "the mother of my Lord" (v. 43). Even though she is carrying a very early stage embryo (in fact, at this point in the pregnancy, most expectant women do not even know they are pregnant), she is clearly recognized as a mother, and by implication, Jesus is recognized as her son, a baby. That is, Mary recognizes the embryo Jesus as "my Lord." Further, John the Baptist leaps in Elizabeth's womb, perhaps signifying his recognition of the significance of Jesus' conception and in utero development.

What is clear is that all the parties involved in this narrative—Mary, John, and Elizabeth—recognize that something very significant is occurring that is bound up with Mary being pregnant with the Messiah. The significance of the incarnation, though likely not grasped in its fullness, is nonetheless recognized, not at Jesus' birth but far earlier in the earliest stages following conception. That is, the incarnation is recognized as having begun months prior to Jesus' actual birth. This lends support to the notion that the incarnation began with Jesus' conception and



that the Messiah took on human form in all of its stages, embryonic life included (Heb. 2:14). The fact that Jesus, the ideal human being (Rom. 5:12–21), was once an embryo/fetus suggests that all human beings are in the image of God from their conception.¹¹

The general tenor of Scripture appears to support the idea that the unborn is considered a person by God, being described with many of the same characteristics that apply to children and adults. However, one text stands out that seems to indicate that the unborn is less than a full person and that the Bible does not consider the unborn to be the equivalent of an adult in terms of its essential personhood. Exodus 21:22–25 records a specific law designed to arbitrate a very specific case. “If men who are fighting hit a pregnant woman and *she gives birth prematurely* [has a miscarriage] but there is no serious injury, the offender must be fined whatever the woman’s husband demands and the court allows. But if there is serious injury [i.e., to the woman], you are to take life for life, eye for eye, tooth for tooth, hand for hand, burn for burn, wound for wound, bruise for bruise” (emphasis added).

Some suggest that since the penalty for causing the death of the fetus is only a fine, whereas the penalty for causing the death of the mother is death, the fetus must not be deserving of the same level of protection as an adult person. It must have a different status—something less than that full personhood that merits a life-for-life penalty if taken. This argument assumes that the phrase “gives birth prematurely” should be translated “has a miscarriage.” If that is the correct translation, then the argument that the unborn are viewed differently may have more merit, because of the difference in penalty. However, there is significant debate over the translation “gives birth prematurely.” The most likely translation is “she gives birth prematurely” (so NIV), implying that the birth is successful, creating serious discomfort to the pregnant woman but not killing her or her child. The normal Hebrew word for “miscarriage” is the term *shakal*, which is not used here. Rather, the term *yasa* is used, which normally refers to the live birth of one’s child. The standard term for miscarriage is not used here and a term connected to live birth is, which suggests that the passage refers to a woman who gives birth prematurely.¹² This would make more sense of the different penalties accruing to the guilty party. Perhaps the phrase “if there is serious injury” (v. 23) could apply to either the woman or the child, so that if the woman actually did have a miscarriage, the punishment would be life for life. Regardless of how the text is translated, it does not follow that abortion by choice is justified, since the passage is describing the *accidental* death of the unborn child.



The Case for Abortion Rights

Over the years, abortion rights proponents have put forth several arguments to support the claim of a woman's right to choose abortion. In the next section, we will examine the pro-life claim that the unborn has personhood from the point of conception, but here we will examine the various pro-choice arguments that have been articulated both in popular and scholarly forums.¹³

1. A Woman Has the Right to Do with Her Body Whatever She Chooses.

That a woman has the right to do with her own body whatever she chooses is by far the most frequently presented argument in favor of abortion rights. It is the fundamental principle of the pro-choice movement—the woman's right to choose. This is foundational to the woman's constitutional right to privacy and was appealed to by the Supreme Court in the *Planned Parenthood v. Casey* decision when they referred to the preservation of a woman's bodily integrity and to her personal autonomy to choose abortion. Many people who personally oppose abortion and would never have one themselves, nevertheless support a woman's right to choose abortion on the basis that it is her body and therefore her choice.

In response, pro-life advocates would note that a person's right over his or her own body is not absolute. In most states, prostitution is illegal, and nowhere is it legal to pour illegal drugs into one's body. Even if the right over one's body were absolute, the fetus is technically not part of the woman's body. It is a genetically distinct entity with its own genetic code. From early on in the pregnancy, it has its own heart and circulatory system. In many cases it also has a separate biological sex that is present from the moment of conception. It would be difficult to account for the presence of a differently gendered "part" of the woman if the fetus is a part of the woman's body. The pro-choice argument confuses the fetus *being attached to* and *being a part of* the woman carrying it. It does not follow that just because the fetus is attached to its mother by an umbilical cord that the fetus is a part of her in a way that denies its own separate identity.

Pro-life advocates point out that this argument further begs the question of the nature of the fetus by assuming that it is less than fully human. If pro-choice advocates did not assume this, this argument could not stand. Historically in Western society, when life and freedom (choice) have been in conflict, life always has taken precedence. Only if the fetus is not a person does a woman have a right to make a choice that would result in its death. But if the fetus is a person, then very few



freedoms would take precedence over its right to life. The pro-choice advocate may respond that the pro-life supporter is also begging the question by assuming that the fetus is indeed a person. That is true, but it is done only in order to show the question-begging nature of this argument. That is, only if one assumes that the fetus is not a person will the argument work. But that is the heart of the debate, and any argument that assumes what is central to the issue cannot be considered valid.

2. If Abortion Becomes Illegal, We Will Return to the Dangerous Days of the “Back Alley” Abortion Providers.

The argument that if abortion becomes illegal we will return to the days of the “back alley” abortion providers takes one back to the days prior to the *Roe v. Wade* decision, when most abortions were illegal, and women had to go to less than ideal settings to obtain them, thereby putting their health at significantly greater risk. Unlicensed physicians allegedly performed these abortions in “back alley” clinics with varying degrees of safety. Desperate to be relieved of an unwanted pregnancy, women would thus endanger themselves in the process of obtaining an abortion. No one, the argument goes, would want to go back to those days, and if the pro-life movement has its way, they maintain that is exactly where society will be heading.

Pro-life advocates maintain that this argument also begs the question, since one must assume that the fetus is not a person. Otherwise, the person advancing this argument would be arguing that society has the responsibility to make it safe to kill people who have the right to life. Unless the fetus is a person, this argument has little force, for if it is a person and abortion amounts to killing a person, the issue of making it safe for a person to do so is not only irrelevant, but it is absurd. The only way that the safety of the mother can be a compelling concern is if the fetus is not a person and if abortion is comparable to any other type of surgery in which a part of the woman’s body is removed.

This argument also seems to overstate the potential danger to women receiving illegal “back alley” abortions. The statistics on the number of women who died procuring illegal abortions are clearly inflated, at times even by the admission of pro-choice advocates.¹⁴ For example, according to numbers available from the Bureau of Vital Statistics, roughly forty women died from such abortions in 1972, the year prior to *Roe v. Wade*. In fact, the number of deaths from abortion-related consequences has decreased consistently since 1942.¹⁵ It is misleading to insist that unqualified physicians performed the majority of illegal abortions, since prior to 1973 roughly licensed physicians in good standing with their state medical boards performed 90 percent of illegal abortions.¹⁶



3. Forcing Women, Especially Poor Ones, to Continue Their Pregnancies Will Create Overwhelming Financial Hardship.

The argument that forcing women to continue their pregnancies will create overwhelming financial hardship is based on the idea that economic hardship will likely result from women being without the option of abortion to control the size of their families. Without safe and legal abortion, these women will be condemned to a life of poverty and financial burden, which is also unfair to the children that they bring into the world.

The pro-life advocate points out that this argument also begs the question by assuming that unborn poor are not persons. Otherwise, this argument could be used as a basis for eliminating all those people who are financially burdensome to society. Obviously, the reason that society does not do this is that the financially burdensome are persons with the right to life, and their burden to society is irrelevant to their continuing right to life. Only if the fetus is not a person can we say that financial burdensomeness is a criterion for elimination. Pro-life supporters suggest that this argument also confuses finding a solution with eliminating the problem. The solution to unwanted pregnancies is not to eliminate them; by comparison, we could easily solve the problem of poverty by exterminating all the poor. It is better to view adoption as one of the solutions to the problem and recognize that hardship, no matter how severe, cannot justify intentionally killing someone.

4. Society Should Not Force Women to Bring Unwanted Children into the World.

Closely related to the economic hardship argument is the argument of the unwanted child. This argument is broader, encompassing pregnancies that are unwanted for more than reasons of financial hardship. Abortion helps society prevent bringing unwanted children into the world, and thus prevents child abuse and child neglect.

The pro-life supporter maintains that this argument also begs the question by assuming that the fetus is not a person, because if it is, then surely abortion is the worst imaginable form of child abuse. In addition, one cannot determine the value of a child based on the degree to which he or she is desired. The fact that a child is unwanted is more of a commentary on the parents than the child, and if the fetus is a person, whether it is wanted or not is irrelevant to its right to life. Pro-life adherents suggest that the issue of the homeless offers a parallel. They are not wanted in many communities, but the reason they are not eliminated has nothing to do with that. They are persons with the right to life, and one cannot solve



a problem by eliminating it. Therefore, this argument hinges on the pro-choice advocate's ability to demonstrate that the fetus is not a person, not on the fact that the pregnancy is unwanted.

Infanticide—The After-Birth Abortion

There is a new euphemism for infanticide in academic circles—it is now called the “after birth abortion.” The term was coined in an academic symposium in the *Journal of Medical Ethics*, in which the lead article maintained that there was no morally significant point of demarcation that came with the birth of the child. Traditionally, in the law in most countries, birth constitutes the event that marks the beginning of rights and legal protection for the child. Opponents of infanticide agree that there is no significance to birth as the determinant of personhood since it simply indicates a change of location. Thus both advocates and opponents of infanticide agree with the premise that birth makes little ontological difference, but sharply disagree on the conclusion for abortion practice. Advocates argue that infanticide can be justified on the same basis that late term abortions are justified, but opponents insist that both late term abortion and infanticide are both immoral practices.

Giubilini, Alberto and Francesca Minerva. “After-Birth Abortion: Why Should the Baby Live?” *Journal of Medical Ethics* 23, February 2012. doi: 10.1136/medethics-2011-100411 Other articles in the symposium, both affirming and critiquing the lead article can be found at the same site.

5. Society Should Not Force Women to Bring Severely Handicapped Children into the World.

That society should not force women to bring severely handicapped children into the world is the argument from the deformity of the fetus, which can be detected in utero through prenatal genetic testing. This testing is becoming more routine in prenatal care, and frequently genetic counselors assume that a woman will have an abortion if tests reveal a deformed fetus. Pro-choice advocates consider it unfair and insensitive to force a woman to carry a pregnancy that she knows will result in a severely deformed child.

Pro-life adherents respond that abortions in the case of deformity are a relatively small percentage of the overall number of abortions performed annually. These are clearly some of the most difficult cases in the abortion scenario. At best, they only



support the right of a woman to have an abortion in these difficult cases, but they do not support the right of a woman to choose abortion as a fundamental right.

This argument also begs the question of the personhood of the fetus, since this argument can only be valid if we assume that the fetus is not a person. But if the fetus is a person, then this argument can be used to justify more than simply abortion on the basis of genetic abnormality. Unless the fetus is not a person, there is no moral difference between aborting a handicapped fetus and eliminating handicapped children. Yet very few accept the right of parents to kill their handicapped children, precisely because they are persons. Unless the assumption that the fetus is not a person is true, the argument collapses. Thus this argument must rest on whether the fetus is a person, not on the handicapped status of the fetus.

6. Society Should Not Force Women Who Are Pregnant from Sexual Assault to Continue Their Pregnancies.

The argument that society should not force women who are pregnant from sexual assault to continue their pregnancies is related to the previous one and is one of the most emotionally compelling arguments for a woman's right to choose abortion. Since the woman had sex forced on her against her will, it is argued that she should not be forced to continue a potential pregnancy. Thus society would be punishing the victim of a violent crime by making her a victim again. At the heart of this argument is the premise that a woman should not be held responsible for sex that is forced upon her, and that part of her right of self-defense against sexual assault should include the right to end a pregnancy that resulted.

Pro-life supporters point out that the number of pregnancies that result from rape or incest is very small—roughly 1 in 100,000 cases. Yet they maintain that how the pregnancy was conceived is irrelevant to the central question of the personhood of the fetus. This argument can only work if one assumes that the fetus is not a person, since you cannot justify the homicide of another person just to relieve the mental distress of a trauma such as rape.

Many people argue that the pro-life advocate should not victimize the woman a second time by forcing her to continue the pregnancy against her will. Although they hold that the fetus is just as much a person as if conceived through consensual sex, they maintain that the law should allow an exception to permit abortion in cases of rape and incest. The reason for this is not moral but prudential. They believe that unless a proposed law contains this exception, it will have little chance of being enacted into law by any state legislature. Arguing that it is better to save more unborn children than less, one can make a good case that the exception



should be adopted. Of course, an inherent problem with this is how to enforce such a law, since it might be difficult to verify whether a woman seeking an abortion had in fact been raped.

7. Restrictive Abortion Laws Discriminate against Poor Women.

The argument that restrictive abortion laws discriminate against poor women is based on what happened prior to abortion being legalized in 1973. When women of means wanted abortions, they simply traveled to countries where abortion was legal and paid for them. Obviously, poor women did not have such an option. Thus restrictive abortion laws have the practical effect of discriminating against poor women, who are often the ones who need abortion services the most due to their difficult economic circumstances.

The pro-life adherent insists that this argument begs the question by assuming that an abortion is somehow a moral good that would be denied to poor women if restrictive abortion laws were enacted. But whether abortion is a moral good is precisely the point being debated. If the fetus is a person, then denying someone an abortion is irrelevant. This argument can therefore be valid only if it assumes that the fetus is not a person.

The pro-life supporter maintains that all of the above arguments for abortion rights commit the fallacy of question begging. This illustrates how important it is to debate the central issue in the abortion question—the issue of the personhood of the fetus. If the fetus is not a person at the point in the pregnancy at which the abortion is being considered, then most of the arguments for abortion rights are valid. But if the fetus is a person, then none of the arguments for abortion rights hold. We now turn to the critical question of the personhood of the fetus.

Racial Disparities in Abortion

Writing in the *Wall Street Journal* in the aftermath of the Planned Parenthood videos being made public and the resulting debate over the federal government de-funding the organization (measures to defund Planned Parenthood failed in Congress), columnist Jason Riley pointed out the inconvenient truth that no one seems to be discussing, that with the numbers of African Americans that are served by Planned Parenthood, many for abortion services (as well as a variety of other health care related services),



the incidence of abortion among African American women is significantly higher than other demographic groups. Riley frames the issue around the babies being aborted and argues that given the concerns about racial issues for African Americans in general, there seems to be a noticeable and disturbing silence about the number of African American babies who are unwanted and, thus, aborted.

Riley, Jason L. "Let's Talk About the Racial Disparity in Abortions." *Wall Street Journal*. September 15, 2015. <http://www.wsj.com/articles/lets-talk-about-the-racial-disparity-in-abortions-1442356170>.

The Personhood of the Embryo/Fetus

Most philosophers agree that the embryo/fetus either has personhood from the point of conception or it acquires it at some point during the process of gestation. A small, but growing, minority of philosophers hold that not even the newborn baby possesses personhood, thus making infanticide justifiable in some cases. But most agree that once the fetus emerges from the womb as a newborn child, it is a person with full human rights, though there is debate on whether or not a severely cognitively impaired newborn is a full person. Thus, the debate centers on the point in the process of gestation that the fetus possesses personhood. A wide variety of points have been suggested. These are called "decisive moments," referring to a "moment" at which the fetus can be said to be a person. In this section we will discuss these different decisive moments.

In the abortion debate one commonly hears voices suggest that no one has a way to determine for sure when personhood begins. Taking an agnostic approach to the issue, these people argue that science has provided no clear answer to the question. They maintain that since it is essentially a religious or philosophical issue and cannot be proven conclusively, it should be left to individual choice.

However, virtually every position on abortion presumes some view of human personhood. For example, by permitting abortion throughout almost the entire nine months of pregnancy, pro-choice advocates are actually making a strong statement that personhood doesn't begin until birth. In addition, if one is admittedly agnostic about when personhood is acquired, then surely it is preferable to err on the side of life. If we are not sure that the fetus is a person, then a good argument could be made that society should not permit the taking of the life of the fetus through abortion. For example, if I am hunting with a friend who enters the woods, and I



then hear what sounds like the rustling of a deer at the same spot where my friend entered, I had better not shoot. After all, I cannot be sure whether my friend or the deer made the rustling sound. Likewise, if in doubt about the personhood of the fetus, one should not risk the life of the fetus, since it may be a person whose life is being ended by abortion. Uncertainty about the status of the fetus justifies caution, not abortion.

The most commonly proposed decisive moment is *viability*, which is the point at which the fetus is able to live on its own outside the womb. At this point of about twenty-four to twenty-six weeks of gestation, the fetus is able to live on its own, a fact that is deemed significant enough by proponents to grant it the status of a person. Opponents insist that this claim of the fetus living on its own is misleading, since the fetus is simply exchanging a natural life support system for an artificial one, as every medical technology available will usually be employed to sustain the premature child.

One problem with viability as a determinant of personhood is that it cannot be measured precisely. It varies from fetus to fetus, and medical technology is continually pushing viability back to earlier stages of pregnancy. Thus viability keeps changing, which raises questions about its reliability as an indicator of personhood. Viability also varies widely from place to place, as a function of the available medical technology. That is, viability is quite different in a high-technology New York City hospital than it is in rural Nigeria. So what does viability actually measure? Viability has more to do with the ability of medical technology to sustain life outside the womb than it has to do with the essence of the fetus. Viability relates more to the fetus's location and dependency than to its essence or its personhood. Hence no inherent connection exists between the fetus's ability to survive outside the womb and its essence. Rather, viability measures the progress of medical technology in helping the fetus to survive in a different location.

Perhaps the next most commonly proposed decisive moment is *brain development*, or the point at which the brain of the fetus begins to function, which is about forty-five days into the pregnancy. The appeal of this decisive moment is the parallel with the widely accepted definition of death, which is the cessation of all brain activity. Since brain activity is what measures death, or the loss of personhood, it seems to proponents reasonable to take the beginning of brain activity as the indication of personhood. The problem with the analogy to brain death is that the dead brain is in an irreversible condition, unable to be revived. The brain of the developing fetus is only temporarily nonfunctional. Its electroencephalogram (EEG) is only temporarily flat, whereas the EEG of a dead person's brain



is permanently flat. In addition, the embryo from the point of conception has all the necessary capacities to develop full brain activity. Until about forty-five days gestation, those capacities are not yet realized but are latent in the embryo. Just because a capacity is not exercised is not a necessary comment on the essence of the fetus, since that capacity is only temporarily latent, not irreversibly lost. Thus a fetus without brain activity for the first six to seven weeks of pregnancy is significantly different from the dead person who is without brain activity.

A third proposal for a decisive moment is *sentience*, that is, the point at which the fetus can experience sensations, particularly pain.¹⁷ The appeal of this point for the determination of personhood is that if the fetus cannot feel pain, then there is less of a problem with abortion, and it disarms many of the pro-life arguments that abortion is cruel to the fetus.

As is the case with the other decisive moments, however, sentience has little inherent connection to the personhood of the fetus. It confuses the fruit of personhood with the root of it.¹⁸ Consciousness and sentience are some of the results of being a person, not the conditions for being one. That is, we function in certain ways because we are beings of a certain type, not the other way around. Even if not actualized, the embryo/fetus has the intrinsic capacity for consciousness and sentience from conception.

This decisive moment further confuses the experience of harm with the reality of harm. It does not follow that the fetus cannot be harmed simply because the fetus cannot feel pain or otherwise experience harm. Even if I am paralyzed from the waist down and cannot feel pain in my legs, I am still harmed if someone amputates my leg. In addition, to take sentience as the determinant of personhood, one would also have to admit that the person in a persistent vegetative state (i.e., irreversibly comatose), the momentarily unconscious person, and even the deeply sleeping person are not persons. One might object that these people once did function with sentience and that the loss of sentience is only temporary. But once that objection is made, the objector is admitting that something besides sentience determines personhood, and thus sentience as a decisive moment cannot be sustained. This counterargument applies to other functional criteria for personhood, such as self-consciousness, awareness of one's environment, and relationality, which are used by abortion rights proponents such as Mary Ann Warren and Peter Singer.

A few hold that *birth* is the decisive moment at which the fetus acquires personhood. But no essential difference exists between the fetus on the day before its birth and the day after its birth. The only difference is location, that is, the baby



now lives outside the womb. But as is the case with viability as the determinant of personhood, the essence of personhood involves more than simply location. It does not follow that my nature as a person changes just because I change locations.

Finally, *implantation* has been proposed as a decisive moment for a number of reasons. First, at this point the embryo establishes its presence in the womb by the “signals,” or the hormones, it produces. Second, 20 to 50 percent of the embryos spontaneously miscarry prior to implantation, which suggests that implantation is critical not only for the development of the embryo but to its essence. It would also suggest that we have the obligation to save all of the embryos, something that very few people consider.

Although placing personhood at implantation would not justify very many abortions, the implications of this decisive moment are significant. First, it would make any birth control methods that prevent implantation, such as many birth control pills and intrauterine devices (IUDs), morally acceptable, since an unimplanted embryo is not considered a person. Further, embryos from in vitro fertilization can be either discarded or used for experimentation without any moral issue, since those embryos lack personhood.

In response to the proposal of implantation as a decisive moment, it does not follow that personhood is established at implantation just because the embryo establishes its presence by the hormonal signals it produces. The essence of the fetus cannot be dependent on another’s awareness of its existence, whether it is physical awareness, as in quickening, or chemical awareness in the production of specific hormones. Second, even though roughly 50 percent of conceived embryos spontaneously miscarry, it does not follow that personhood comes at implantation, since the essential nature of the fetus is not dependent on the number of embryos that do or do not survive to implant. Even if the embryo is fully a person, we are not morally obligated to save all of them since we have no moral obligation to interfere in the embryo’s natural death. Not interfering to prevent a spontaneous miscarriage is not the same as killing an embryo, just as removing life support from a terminally ill patient is not the same as actively killing such a patient.

Additionally, twinning, or the production of twins, occurs early in pregnancy, so some suggest that personhood could not begin until after the time for twinning has passed. However, just because twinning occurs prior to implantation, it does not follow that the original embryo was not fully a person before the split, as this objection confuses individuality and indivisibility.¹⁹

Since it’s true that an adult human being is the result of the continuous growth of the organism from conception to adulthood, this development has no break that



is relevant to the essential nature of the fetus, then it would seem to follow that one is a human person from the point of conception onward.²⁰ From conception, the embryo has a unique and separate genetic identity, needing only nutrition and shelter to mature into a full newborn baby and later into an adult. From the moment of conception, it possesses all the capacities necessary to mature into a full adult. Thus, it is not quite accurate to say that the embryo is a potential person. Rather, the embryo, and later, the fetus, is a person with potential, that is, with the full potential to actualize all its latent capacities. It is a full human being, a person that is in the process of maturing into a fully grown adult, with no breaks in the process of its maturity.

So we can summarize the case for the personhood of the unborn in this way: Embryology shows us that from conception forward embryos are living, human beings. The Bible indicates that God is at work intimately in the womb. Both Psalm 139:13–16 and the infancy narratives in Luke 1–2 indicate that God’s creative handiwork is evident from the embryonic stage. For the person who opposes situating personhood at conception, the question could be asked, at what point does the embryo/fetus become a person? There is no decisive moment that provides any break in the process of maturity with ontological significance. Some might object here, and suggest that it’s not a point in time that brings personhood but the ability to perform certain critical functions such as consciousness or sentience. Those crucial functions could also be missing temporarily from adult persons in the case of reversible coma or being under general anesthesia. Finally, if one concedes personhood, as we will see below, the embryo/fetus actually has a claim on the mother’s body for what it needs to survive.

Conceding the Personhood of the Embryo/Fetus

Some abortion rights proponents actually concede that the fetus is a person and argue that a woman should still have the right to abortion. A classic example of this is the widely read argument by philosopher Judith Jarvis Thomson, in which she compares a woman with an unwanted pregnancy to a person who has been kidnapped in order to provide a lifesaving blood transfusion to a world-renowned violinist.²¹ The violinist is dying, and the person providing the transfusion is essential to the violinist being able to continue living. Even though the violinist will die if the person “unplugs” from the transfusion, Thomson argues that there is no moral obligation for the kidnapped person to continue to provide this life-saving service. She then argues that the woman with an unwanted pregnancy has essentially been



kidnapped by the fetus and forced to provide a life-saving service by continuing the pregnancy. She concludes that the pregnant woman has no obligation to save the fetus's life and is morally justified in ending her pregnancy, even though it would result in the death of the fetus. That is, even though the fetus may die, the pregnant woman has no duty to provide aid, in the same way that the person attached to the violinist has no duty to provide aid even though the violinist will die if the aid is not provided.

Thomson's argument would apply, at most, to pregnancies that result from nonconsensual sex, but not as clearly to pregnancies in which the woman knew that pregnancy was a possible consequence of sexual activity. Further, Thomson's depiction of pregnancy as analogous to being confined to the transfusion table is actually nothing like a normal pregnancy. During most pregnancies, women live their lives relatively normally, and it's not unusual for women to report that in stretches of their pregnancy, they have never felt better. In addition, it is misleading to compare the stranger in the violinist case to a woman's offspring she is carrying. A woman's offspring, with whom a strong maternal bond normally forms in the womb, is hardly analogous to a stranger.

The difficulty with Thomson's argument is her starting point. Once she concedes that the fetus is a person, one can make the argument that the unborn child actually has a *claim* on the mother's body. Take, for example, a mother with her one-year-old child. Imagine that she is at the end of her patience with her child who has colic, is not sleeping, and is experiencing the other difficulties that go with being a newborn. Imagine further that the mother decides she needs to get a break from her child, so she arranges for a three-week vacation out of the area. But before leaving town, she doesn't make any child care arrangements. She simply leaves enough diapers and bottles of formula for three weeks, pats her baby on the head, and leaves town. When she gets back, who will likely meet her at her home? Besides angry neighbors and grandparents, you would also meet child protective services, the police, and maybe even the district attorney. She would very likely be arrested for child abandonment, neglect, and if the child died while she was away, which is likely, negligent homicide. On what basis would she face these charges? She did violate the law, but what is it that makes what she has done illegal? Is it that she neglected to provide the essential care that her child needs to survive and flourish? We might say that the child has a right to that care, and the mother's failure has violated the child's fundamental right. That is, the child has a claim on her, the mother, for those necessary resources. If this is true of a one-year-old child who is a full person, why would the fetus not have a similar claim on the pregnant



woman for the resources necessary for the fetus to survive? After all, Thomson has conceded that the fetus is a person and thus no different in moral status than the one-year-old. Thomson may argue that the difference is that the fetus requires the mother's body in order to live, whereas the one-year-old does not. But that difference is surely overstated, since the demands of caring for a one-year-old far outweigh the demands of caring for a fetus in the womb. If one concedes that the fetus is a person, then the only real difference between the fetus in the womb and the one-year-old is location and a very slight change in the degree of dependence on the mother.

A second type of argument for abortion rights that concedes that the fetus is a person comes from the widely read article from pro-choice advocate Naomi Wolf. She takes her pro-choice colleagues to task for minimizing the impact of technology such as ultrasound on the public's perception of the fetus. As a result, she argues that the decision to end a pregnancy is unlike any other medical procedure. It's a grave moral decision that, she maintains, is not made lightly in most cases. She puts it this way, "Abortion should be legal; it is sometimes even necessary. Sometimes the mother must be able to decide that the fetus, *in its full humanity*, must die. But it is never right or necessary to minimize the value of the lives involved or the sacrifice incurred by letting them go."²² She then addresses the obvious, and difficult question of how to harmonize "a recognition of the full humanity of the fetus and the moral gravity of destroying it, with a pro-choice position?"²³ Here she invokes the religious framework of sin, forgiveness, and redemption in order to give the abortion decision what she considers as its proper moral framework. She argues that seeing this decision as a grave moral decision, in which the pregnant woman realizes "she has fallen short of who she should be; and that she needs to ask forgiveness for that, and atone for it. . . . She is trying to take responsibility for the decision."²⁴ She cites the Jewish mystical tradition of what she calls "*tikkun*," literally mending, referring to acts of redemption undertaken by the woman, such as memorial services for the aborted child, or working to "atone" for the decision by serving young girls, caring for underserved women, or other acts of kindness. In essence, she is objecting to the pro-choice way of removing the moral gravity from abortion.

Many of the same objections to Thomson also apply to Wolf, that once someone concedes the personhood of the fetus, then virtually nothing, short of a threat to the life of the mother, could justify the decision to end a pregnancy. For Wolf, the paradigm of sin and redemption is being used as a kind of justification for the decision. In most religious versions of sin and redemption, they are not used as



a pretext for going ahead with an action. Rather the notion of sin assumes that there is something morally problematic with the action—the usual response is that, therefore, it should be avoided. Similarly, the idea of redemption cannot be used as a therapeutic safety net that assuages guilt at something one knows is morally wrong.

Conferring Personhood

Others suggest that the notion of personhood is not something that is purely physical or metaphysical. It's not the result of capacities that the fetus either has or does not have. Rather, personhood is seen as a social construct that emerges out of the pregnant woman's growing experience of the pregnancy and the fetus' development. It's a part of the social practices in which pregnant women engage, some of which apply even to unwanted pregnancies. It's based on the assumption that pregnancy is not merely a physical phenomenon. For example, philosopher Hilde Lindemann refers to this process as the pregnant woman "calling the fetus into personhood." She describes personhood as a social practice—what the pregnant woman does is "*call* the fetus into personhood, by making physical arrangements for it, creating social space for it within her family and the wider community, and in an imaginative projection, conceiving of it as if it were already the born child she hopes it will become. . . . She takes an attitude toward them of the kind reserved for persons."²⁵

To be sure, there are numerous social practices that are characteristic of families welcoming children into the world that begin well before the child is born. These may vary considerably depending on the cultural setting into which the child is born. Some of them are undoubtedly physical as well. Surely, these practices express the value of the fetus growing in the womb, even for women for whom the pregnancy is unwanted. But the notion of a pregnant woman "calling her fetus into personhood," with significant social practices determining personhood, omits any metaphysical considerations and leaves the notion of personhood as ultimately dependent on whether the fetus is wanted by the mother. Should the mother choose not to call the fetus into personhood, then, it is vulnerable to the same fate as any other fetus that is unwanted by the mother. But wantedness is a commentary on the subjective mental state of the mother, not the ontological status of the fetus. Whether the fetus is called into personhood has little connection to what kind of a thing it inherently is. The term "calling into personhood" is more a recognition of personhood than a determination of it, thereby confusing what is recognized



about the fetus and what it actually is—confusing epistemology with ontology. Just because the moral and metaphysical status of the fetus is contested is no reason to reduce the notion of personhood to a social construct. In addition, it seems possible that the process of calling the fetus into personhood would not be complete until after the child is born, especially if the mother is ambivalent about keeping the pregnancy. If so, then the newborn, who is not yet a person, would also be vulnerable to the same fate as fetuses not called into personhood.

Infanticide

For some time, infanticide has been practiced in a variety of cultures around the world. It has a history that dates back to biblical times. For example, when the Israelites became too numerous such that they were a threat to the land of Egypt in which they were held in slavery, the Egyptian Pharaoh ordered all Hebrew newborns to be drowned in the Nile river (from which Moses was rescued by Pharaoh's daughter, Ex. 1–2), a practice repeated by Herod the Great when he heard that Jesus had been born (Matt. 1–2). During the first century AD, infanticide was an accepted practice, particularly among the desperately poor in the Roman Empire. The early Christian community became well known for its rescue and adoption of newborns who were left to die of exposure by parents who could not afford to care for them. Though the biblical doctrine of human beings made in the image of God essentially stopped the practice in the regions in which Christianity penetrated, the practice continues today in some parts of the world, notably in China and India. When one includes sex selection abortion, which we will take up below, experts estimate that, since 1970, over 100 million baby girls have either been aborted, abandoned, or been victims of infanticide.²⁶

More recently, there has been a resurgence of academic interest in infanticide, and more philosophers are taking up the defense of infanticide. Once the realm of what were considered outliers such as Peter Singer and Michael Tooley, today there is increased scholarly justification for infanticide. In 2013, the *Journal of Medical Ethics* published a symposium on infanticide around a featured paper by two Australian philosophers, who have coined a new term for infanticide—the *after-birth abortion*.²⁷ While they correctly recognize that birth constitutes only a change of location with no ontological significance for the status of the baby, they take the conclusion in the opposite direction, arguing for justifiable infanticide on the same grounds as legalized abortion. They argue that there is no morally relevant difference between a third-trimester fetus and



a month-old newborn and suggest that infanticide should be legal for the same reasons abortion is legal. They are arguing that the moral status of fetuses and newborns are the same, and that if abortion is at least sometimes permitted, then so should infanticide. However, the argument could easily be reversed on the same premise—that the moral status of newborns and fetuses is the same, therefore, both abortion and infanticide should be prohibited. The basic premise is what philosopher Regina Rini calls a “double edged premise—it might be used to support a conclusion permitting infanticide, or one prohibiting abortion.”²⁸ That is, the premise is correct—there is no morally relevant difference between fetuses and newborns (the only differences are location and a slight degree of dependence, neither of which are relevant to the baby’s moral status). But the argument for infanticide assumes that abortion is morally defensible and argues from there to the justification of infanticide. The argument could just as easily be turned around by insisting that abortion is morally indefensible and thus, infanticide should also be prohibited.

Sex Selection Abortion and Population Control

In some parts of the world, a common reason for abortion is sex selection. Though most abortion supporters reject the notion of abortion for sex preference, it is still practiced, especially in parts of the developing world. For example, during the decades in which China enforced its “one-child” policy, limiting families to one child out of fear of overpopulation, abortion for sex selection was common, as families preferred boys to girls. Now that China has relaxed that policy in recent years, there is not the same incidence of the practice, but it still occurs. In India, sex-selective abortion is still practiced, as families prefer boys to girls for a variety of cultural reasons. In the West, there are methods besides abortion for accomplishing sex selection (see the discussion of MicroSort on p. 211) that do not involve abortion. When sex selection is practiced with some of these technologies in Europe and the United States, the preference is strongly in favor of girls.

Though infanticide and abandonment of baby girls goes back centuries around the world, abortion for sex selection goes back to the 1960s and 70s and was connected to efforts to control rapid population growth in the developing world. Once ultrasound technology became available to identify the sex of the fetus, abortion for sex preference could be used as an instrument to promote family planning. Since boys were so strongly desired, for a variety of cultural reasons, families kept trying to have children in order to have a boy, even though they may have had several girls.



Population control advocates argued that if families could be assured of having a boy, then they would stop having children, having accomplished their goal, and population growth would slow down. For example, Stanford University professor Paul Ehrlich, in his influential book *The Population Bomb*, maintains that families would limit the number of children they had once they were sure they had a boy. He stated, “If a simple method could be found to guarantee that first-born children were male, then population control problems in many areas would be somewhat eased . . . couples with only female children, keep trying in hope of a son.”²⁹ Ehrlich and other population control advocates such as Zero Population Growth, population control efforts of the U.N., the World Bank, International Planned Parenthood Federation, and many foundations that were involved in population control efforts, such as the Ford Foundation, advocated abortion for sex selection as a necessary tool (in addition to contraception and others) in curbing exploding population growth. In some parts of the world, ultrasound technology became mobile and was taken into rural areas in order to facilitate population control efforts in areas previously inaccessible.

This emphasis on abortion for sex to control population did produce some unintended consequences. As journalist Mara Hvistendahl has pointed out in her extensive account of these sex selection practices, “[These advocates] neglected to address an essential question: if we allow people to choose the sex of their children, and if we know they will choose boys, what will be the effect on our society?”³⁰ Two specific consequences have become apparent. One is that the sex ratio of men to women has widened dramatically, and dangerously, in some parts of the world. Traditionally, the ideal sex ratio is roughly 105 men for every 100 women, ideal because it accounts for more men dying prematurely due to war and other risky behavior more typical of men. But in some areas of the world, that ratio has skewed to somewhere in the range of 120–130 men for every 100 women, and up to 175/100 in some isolated areas. This disparity causes demographic and social problems as societies are faced with a shortage of women and excess of men seeking wives or sexual partners.³¹

One might think that if women are in short supply relative to the demand for them, basic economics would suggest that their value would increase. But in fact, as Hvistendahl has documented, the opposite has occurred. In order to satisfy the increased demand for women, prostitution, human trafficking, and the outright purchase of women as wives has increased dramatically in parts of the world. In addition, child marriages, foster daughters-in-law, and women being bought for marriage are some of the implications of this skewing of sex ratios for women.³²



Fetal Tissue Procurement and Research

With the exposure of Planned Parenthood's involvement in the sale of fetal tissue and organs, the issue of the use of fetal tissue from induced abortions is being discussed again after being dormant for some time. The discussion heightened in the 1980s as medical facilities began using fetal tissue and organs from elective abortions, as opposed to material from spontaneous miscarriages and ectopic pregnancies. For example, some vaccines such as ones for polio and measles were developed from fetal cells, but the early use was from miscarriages, not induced abortions. The emphasis on fetal tissue was eclipsed somewhat by the availability of stem cells, but fetal tissue remains a valuable commodity for medical research, particularly on HIV, and for treating diseases such as Parkinson's disease, diabetes, and some spinal cord injuries. Today, the overwhelming majority of fetal remains in use for research and treatments come from elective abortions, since the supply of fetal material from miscarriages remains limited and is less useful. There seems to be a well-developed market for fetal tissue and especially intact fetal organs.

The US Department of Health and Human Services (HHS) published guidelines for fetal tissue research in 1993 that allowed for research using fetal tissue from both miscarriages and induced abortions.³³ The guidelines include full informed consent of the mother of the fetus to donate the tissue, and that the timing and manner of the abortion procedure cannot be altered to maximize tissue viability. In addition, the consenting woman cannot designate or have any knowledge of any recipients of the donation of fetal tissue, nor can the mother of the fetus be compensated for her donation or have her abortion paid for in exchange for donation of tissue. Abortion facilities are allowed to receive payments for the costs of processing and storing the harvested tissue. Some states restrict or outright ban the use of fetal tissue from induced abortion for research (Florida, Indiana, Kentucky, North Dakota, Ohio, Oklahoma, South Dakota).³⁴

Advocates of fetal tissue research insist that the tissue is legally obtained, is necessary for research, and would otherwise go to waste. They insist that the HHS guidelines prevent incentives for abortion and make it parallel to adult organ transplantation, which is universally accepted. They argue that harvesting the tissue does not necessarily involve complicity with abortion, nor does it cheapen society's regard for life in the womb, since the guidelines do not incentivize women to conceive in order to abort and donate the tissue.

Opponents of fetal tissue research maintain that the analogy with adult organ



transplantation is flawed, since most organ donations result from deaths that are not intended, but accidental or natural. The more fitting parallel would be to fetal tissue harvested from miscarriages, not elective abortions. Opponents insist that if the parallel were pressed, and adult organs were available because of an organized homicide system, it would be appropriate to raise major moral questions about the practice. In addition, opponents of the practice insist that valid consent is impossible, since the same person who consents to donate the tissue is the one who consents to the death of the donor, thus confusing the donor and the donation. They argue that in adult organ donation, the person who consents to donation would certainly be disqualified from consenting if they were responsible for the death of the donor. They further insist that the restriction on the purchase and sale of fetal tissue has not stopped a thriving market from developing. Finally, opponents maintain that the practice “redeems” abortion, thus undermining efforts to make it as rare as possible. They argue that the practice sets up the unborn as sources of biological “spare parts,” reminiscent of Huxley’s *Brave New World*.³⁵

Planned Parenthood Investigative Videos

Investigative journalist David Daleiden made national news when he revealed that he and several colleagues had gone undercover and filmed conversations with staff and volunteers with Planned Parenthood, as well as others involved in the abortion industry, documenting what he calls the illegal sale of fetal tissue and organs from elective abortions to a variety of research clinics and institutions. Daleiden, an antiabortion activist, has come under intense criticism for making these films without gaining consent of those being filmed and has been charged in some states with illegal activity. The leadership of Planned Parenthood has also been called to account in congressional hearings on the sale of fetal remains. Daleiden has posted the videos on the website for his organization, the Center for Medical Progress.

Center for Medical Progress. <http://www.centerformedicalprogress.org/cmp/investigative-footage/>.

Somashekhar, Sandhya. “Meet the Millennial Who Infiltrated the Guarded World of Abortion Providers.” *Washington Post*. October 14, 2015. https://www.washingtonpost.com/national/meet-the-millennial-who-infiltrated-the-guarded-world-of-abortion-providers/2015/10/14/25aaf862-678b-11e5-9223-70cb36460919_story.html?utm_term=.7ba3cb3914cf.



Embryo Research

Since scientists first isolated stem cells in the late 1990s, the possibilities of using stem cells for research and treatment of a variety of diseases has generated some very exciting prospects for patients suffering from illnesses ranging from diabetes to spinal cord injuries. With the development of gene splicing that can be done in early stage embryos, there is a heightened demand for embryos for research on the various applications of gene splicing. But the use of many types of stem cells has presented a series of ethical challenges. Before I outline the ethical issues, let's look at some background information.

Stem cells are *undifferentiated* cells, which can be directed in the lab to develop into any of the roughly two hundred types of cells and tissues in the body. Some stem cells are completely undifferentiated—that is, they have not begun down the developmental pathway that dictates that they become certain types of cells, for example, neurological cells or cardiac cells. These are called *pluripotent* stem cells and, in theory, can be engineered in the lab to become any of the cells in the body. They cannot become the entire organism; those are called *totipotent* cells, and single-cell embryos are the only cells in the body that are totipotent. However, some stem cells have become slightly differentiated—that is, they have begun down the developmental pathway but still can be directed to become cells of a specific type. For example, there are neural stem cells, which can become any neurological cell but not blood cells or any other type of cells outside their initial developmental boundaries. These stem cells are called *multipotent* stem cells and are useful in treating a variety of diseases but do not have the same *plasticity*, or developmental flexibility, that pluripotent stem cells have.

There are two primary sources of stem cells. The first, and uncontroversial, is what has come to be known as *adult stem cells*. These stem cells are harvested from a variety of sources, including a person's bone marrow, the umbilical cord blood of a newborn baby, and various organs in the body. A second source, and very controversial, is *human embryos*, at the three-to five-day stage of development. These embryos are either those left over from infertility treatments (see chapter 6 for further discussion of in vitro fertilization) or they are created by a process known as *therapeutic cloning*. This is the process by which a person is cloned (see chapter 7 for further discussion of this), and the resulting embryos mature to the three-to five-day stage, at which point their stem cells are harvested. The reason human embryos are a controversial source is because in most procedures that obtain their stem cells, the embryo is destroyed. However, a more recent discovery enables stem cells to be harvested from



what are called iPS—induced pluripotent stem cells. This involves adult cells being “reprogrammed,” that is, going backward on their developmental pathway, thereby enabling them to produce embryonic-like stem cells that have pluripotent properties. This enables pluripotent stem cells to be harvested without creating embryos, though there is some debate whether the iPS process produces an embryo-like entity, or an actual embryo itself. Embryonic stem cells are pluripotent, whereas many types of adult stem cells are multipotent, though there are some indications that some types of adult stem cells may also be pluripotent. Additionally, embryonic stem cells tend to have greater longevity when multiplied in a culture in the lab.

Stem Cell Transplants May Help Stroke Patients to Walk Again

Although it was only a small study that was originally designed to test the safety of the procedure, researchers at Stanford Medical School were surprised by the increase in motor function exhibited by some patients after they received a stem cell injection directly into their brain. These patients were considered to have “plateaued” roughly six months after a stroke impaired their motor abilities. The stem cells were harvested from adult bone marrow, not human embryos, thus raising no ethical tension for researchers. This research finding provides some evidence that the conventional wisdom about stroke patients—that their neurological damage is permanent and irreversible—may not always be the case. It could, in theory, have an impact on other traumatic brain injuries and the treatment of Alzheimer’s disease.

Cha, Ariana Eunjung. “Stanford Researchers Stunned by Stem Cell Experiment That Helped Stroke Patient Walk.” *Washington Post*. June 2, 2016. https://www.washingtonpost.com/news/to-your-health/wp/2016/06/02/stanford-researchers-stunned-by-stem-cell-experiment-that-helped-stroke-patient-walk/?utm_term=.d6cca114c006.

Steinberg, Gary K., et al. “Clinical Outcomes of Transplanted Modified Bone Marrow-Derived Mesenchymal Stem Cells in Stroke: A Phase 1/2a Study.” *Stroke*. June 2, 2016. <http://stroke.ahajournals.org/content/early/2016/06/02/STROKEAHA.116.012995>.

Stem cells are being used or are anticipated to be used to treat various cancers, blood diseases, immune system disorders, Parkinson’s disease, diabetes, and multiple sclerosis (MS). They can also be used to repair heart tissue and grow new blood vessels, and there is hope for using stem cells to treat spinal cord injuries. This is only a sample of the potential medical benefits that will come from using stem



cells. To date, the vast majority of the progress in treating diseases has come from stem cells harvested from adult sources. For example, as of late 2017, the California Regenerative Medicine Institute funded by Proposition 71, which granted \$6 billion over a decade for stem cell research, has produced no clinical applications from embryonic stem cells, and only two projects have made it to the clinical trials stage.³⁶

The issue of stem cell research raises the question of the moral status of early-stage embryos, particularly those that exist outside the womb (ex utero embryos). Some suggest that such microscopic entities that consist of a handful of cells cannot be a person. They argue that embryos are simply clumps of cells and that destroying them is not immoral, especially when compared to the vast number of potential suffering patients who could be treated. Others insist that size and location are irrelevant to a being's ontological and moral status, and that the continuity of personal identity that applies to fetuses extends to embryos too.

Common views of personhood assume a continuity of personal identity, which, as mentioned above, is consistent with the Bible and taught by Psalm 139. For example, we assume that persons continue to be the same person irrespective of time and change. Our social notions of moral responsibility and criminal justice are dependent on this view of personal identity. We assume that when we bring someone to trial for a crime committed years prior, we are trying the same person who committed the crime, regardless of how that person has changed or how much time has elapsed. Philosophically this is called a "substance" view of a person. Another way to say this is that being a person is a matter of one's *essence*, or nature, not the ability to perform certain functions. If being a person is determined by our ability to perform certain functions, such as having self-awareness, relationality, and others, then personhood ends up being a degreed property, that is, something one can have more or less of. But if personhood is an essential property, then it is an all-or-nothing property, and one either is or is not a person. Only an essential view of personhood avoids the problematic idea that being a person is a matter of degree. Once it is admitted that being a person is a matter of essence, then the continuity of personal identity follows. What we saw earlier in this chapter is that once we admit to a continuity of identity, then there is no place along the continuum from conception to birth where there is a valid "decisive moment." The result is that one is a person from conception forward. The single-cell embryo has all the information it needs to mature into a full-grown adult, needing only shelter and nutrients. If implantation does not make a morally relevant difference, as I suggested above that it does not, then whether embryos are implanted in the womb or are stored in the lab is irrelevant to their moral and ontological status.³⁷



It is important to see that the moral status of embryos is not fundamentally a scientific question but a philosophical one. Science cannot conclusively determine philosophical matters by scientific observation alone. What science can tell us is what kind of a biological entity an embryo is, whether it is alive, and even whether it is human (embryos that are the sources of stem cells are both alive and human, even when stored in the lab). But whether embryos are *persons* is not a biological question, but a philosophical one. It is not fundamentally a religious question, since one could arrive at the same conclusions apart from religious convictions.

The notion that embryos are persons does seem somewhat counterintuitive. Some have suggested that preserving embryos should not be weighted as heavily as the obligation to help patients suffering from various diseases. But we should not forget the promise nor the progress being made with adult stem cells. Those are being used today to treat numerous diseases effectively, while progress with embryonic stem cells has been much slower but is still promising.

Some argue that it is immoral not to use leftover embryos to help suffering patients, since they are going to be discarded anyway. In reality the stem cells from leftover embryos, though they may be helpful in research, are not that helpful to patients because they are not likely to be compatible with the recipient. This compatibility is critical for organ recipients and bone marrow recipients since the body is well equipped to keep incompatible tissues and organs out. A further problem is that so far embryonic stem cells have the tendency to form tumors when they are used; they are mostly benign, but it's a problem nonetheless. The compatibility problem is the reason why therapeutic cloning is necessary for embryonic stem cells to become widely used in treatments. Therapeutic cloning guarantees a match, since the embryos created by cloning are genetic duplicates of the patient. But this requires a prohibitive number of women's donated eggs in order to grow the cloned embryos (see chapter 7 for more on this), which is why some scientists are now calling for using the eggs of advanced mammals to grow the cloned embryos.

For Further Reading

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Chapter Review

1. What are the major court cases that have set the legal context for abortion law in existence today? What is the significance of each one?
2. What are some of the primary biblical texts that have a bearing on the issue of abortion?
3. Explain the significance of the incarnation to the Bible's view of the unborn.
4. What is the significance of Exodus 21:22–25 to the discussion of abortion?
5. List and evaluate the primary arguments for the pro-choice position on abortion.
6. How do the arguments you just listed beg the question on the moral status of the fetus?
7. Summarize the argument for the fetus being a person. Do you agree with this argument? Why or why not?
8. What are the various “decisive moments” at which it is proposed that the fetus becomes a person? How would you assess each one?
9. Would you make the same argument about embryos being persons? Why or why not?
10. What are the two primary sources of stem cells for research and treating disease?
11. What is the difference between pluripotent and multipotent stem cells?
12. Why is therapeutic cloning necessary for using stem cells to treat diseases?

Cases for Discussion

Case 5.1: The Unwanted Pregnancy

You are the college pastor for your church, and this afternoon you have had a counseling appointment with one of your students and her parents. She is new to



your ministry, having recently come to faith in Christ, and her parents do not attend your church. They are distraught with her pregnancy, and you are too, since she is pregnant by one of the young men in your college ministry. They have known each other for roughly six months and are seeing each other exclusively.

They are coming for your counsel on abortion. They are considering facilitating a pregnancy termination and want to know your opinion. Since the parents do not attend your church and are likely not Christians, it is unlikely that they recognize any authority to Scripture.

Questions for Discussion

1. What will you tell your student and her parents about the decision to end the pregnancy?
2. How would you defend your advice to the couple from the Bible? How, if at all, would you articulate your view to the girl's parents differently, since they don't appear to have much appreciation for the authority of the Bible?
3. Would you advise the couple to get married? Be sure to explain your reasons for your view on this question.
4. Assuming that they do not terminate the pregnancy and do not get married, would you advise the girl to put the baby up for adoption? Why or why not?

Case 5.2: Aborting the Anencephalic

You and your spouse have found out in the last few weeks that the child with whom you are pregnant has been diagnosed with anencephaly, a fatal genetic disorder in which the cerebral cortex of the brain does not develop at all. The skull is somewhat flat and quite deformed looking. Only the brain stem, which controls all the nonvoluntary actions of the body, such as heartbeat, respiration, and digestion develops. The child will be born in a permanent vegetative state and is not likely to live longer than a few months, though some have lived as long as a year. At present the pregnancy is just into the second trimester.

Your physician has recommended ending the pregnancy as soon as possible. Your doctor wants to avoid labor and delivery for you, and there are some additional risks in a natural delivery of an anencephalic child due to the larger shape of the baby's skull. A cesarean section would not carry those risks, but that is a more invasive way to deliver the baby. You have strong feelings about the morality of abortion when done for nonmedical reasons. You wonder if this child is actually a person, since he or she will be born with only a brain stem and no higher brain.



Questions for Discussion

1. What are the primary moral issues to be resolved in this case?
2. What decision will you make? If you choose to end the pregnancy, what will you tell your neighbor, who knows how you feel about abortion in general? If you choose to carry the pregnancy to term, what will you tell your doctor, who insists that you are carrying a terminally ill child who will die shortly after birth, and you are subjecting yourself to unnecessary risks and emotional heartache?
3. Your physician suggests that ending the pregnancy is parallel to turning off life support from terminally ill patients who are going to die very soon because keeping the person on life support is futile. He argues that your womb is the equivalent of a life support system for the baby and you are simply turning it off because the child will be born with a terminal illness. Do you agree with your doctor's reasoning? Why or why not?

Case 5.3: Abortion and Sexual Assault

You have a close friend who confided in you that she is pregnant as a result of being sexually assaulted. She just found out that she was pregnant, and she thinks she is roughly 6–8 weeks along in the pregnancy. She is devastated not only by the rape but also by the news that she is one of the rare exceptions in which sexual assault results in pregnancy. She knows who assaulted her and has taken all necessary steps to bring the offender to justice. She is conflicted with the decision she has to make about the pregnancy. She does not believe in abortion but also believes that she has the right to defend herself against coerced sex, and she believes that ending the pregnancy is part of that right of self-defense. She is very concerned about the stigma of being pregnant as a result of rape but also believes that abortion is wrong in most cases.

Questions for Discussion

1. How would you advise her about the decision to end her pregnancy? Explain your reasons for the advice you give.
2. Would you consider ending a pregnancy that was the result of sexual assault an exception to her pro-life views? Why or why not?
3. Assume that she has come to you very shortly after she was raped. She is concerned that she might be pregnant and wants to take the morning after pill, which would prevent the fertilized embryo from implanting in the uterus. How would you advise her on the morning after pill? Or assume that she comes to you a week after the assault and wants to take the medication Ella (which some have called “the week after pill”). Would your advice be any different? Why or why not?



Ethics at the Beginning of Life, Part 2

Imagine that you are sitting in your living room with Tom and Joan, two of your closest friends. They have been married for seven years and have been trying to have a baby for the last three years. They have tried all the “home remedies” for infertility that their friends have suggested, such as romantic getaways and ovulation predictor kits, but none of them have worked. They have difficulty getting excited about their friends having children; in fact, every time another couple they know has a baby, they become more depressed about their own failure to have a child. They have stopped going to church on Mother’s Day and Father’s Day and other “family” holidays, such as Thanksgiving and Christmas, because celebrations with families are painful reminders of their desire to have a family themselves. Infertility has shaken their respective senses of manhood and womanhood because they have realized that a significant part of their identities as man and woman revolve around the ability to have a child.

You and your spouse have only been married for a short time and have not attempted to conceive a child yet, so their frank discussion of their infertility has caught you two a bit off guard. You had assumed that when people wanted to have a child, they were able to accomplish it in fairly short order. You wonder how Tom and Joan can have such trouble conceiving when they would clearly make great parents and so many unwed teenagers are having unwanted babies to whom they cannot be good parents. You feel the pain that Tom and Joan are experiencing and hope that you and your spouse do not have to go through what they have been through. Until they talked to you, you had no idea of the pain that infertility causes a couple.

Tom and Joan have just told you about their first visit to an infertility clinic in the area. The clinic specializes in infertility treatments that you have read about, such as in vitro fertilization. The clinic has presented Tom and Joan with quite an



array of technological options, some very expensive that would require borrowing money, since their health insurance does not cover all the alternatives. They are very confused about which option, if any, they should choose. They have been to their pastor, and he doesn't know very much about infertility treatments. He was married at a young age, and he and his wife had the first of their four children within the first year. Two of their children were "surprises." The pastor and his wife clearly had no difficulty conceiving, could not relate, and were not very helpful.

So Tom and Joan have come to you. They know that you are studying ethics at the present time, and they are hoping that you might have something helpful to suggest to them. They want to know which, if any, of the reproductive options available are morally acceptable, or whether adoption is the only alternative. They have Catholic friends who have told them that most of the clinic's options are not right, but they want your opinion. What would you tell them? What moral guidelines would you give them? How would your Christian worldview impact your advice?

Since the late 1970s (with the birth of the first "test-tube baby" in England in 1978), medicine has made some remarkable accomplishments in the field of reproductive technology. The term *reproductive technology* refers to various medical procedures that are designed to alleviate infertility, the inability of a couple to conceive a child of their own. These procedures include technologies such as intrauterine insemination (previously known as artificial insemination), in vitro fertilization, and surrogate motherhood. For some time, adoption was the only viable way by which an infertile couple could have a child. Yet in adoption the child is not genetically related to either of the parents. The promise of these reproductive technologies is that they enable infertile couples to have a child to whom at least one of the parents is genetically related. When successful, these technologies are the miracle of life for couples that have often spent years trying to have a child and have exhausted all other avenues for conceiving a child of their own. But many of these techniques raise moral questions and can create difficult legal questions that sometimes must be resolved in court.

These new technologies now make all sorts of interesting childbearing arrangements possible. Some of the more mainstream uses of reproductive technologies include the following:

- A woman and her husband, who cannot produce sperm, want to have a child. She is artificially inseminated with the sperm from an anonymous donor and conceives and bears a child.



- A couple in their early forties, married in their late thirties, want to have children now. They are advised by their physician to secure an egg donor due to the age of the woman's eggs and the increased probability of birth defects.
- A woman is able to produce eggs but is unable to carry a child to term. She and her husband "rent" the womb of another woman to gestate the embryo that will be formed by laboratory fertilization of the husband's sperm and the wife's egg.

Other uses of reproductive technologies that were once considered novel but are mainstream today include these:

- A lesbian couple desires to have a child. One of the women provides the egg. It is fertilized by donor sperm, and the embryo is then implanted in the uterus of her partner.
- Two homosexual males want to raise a child. They can either inseminate a surrogate, who both "donates" the egg and carries the child to term, or they purchase eggs from a "donor" and have them fertilized in the lab and then implanted in a surrogate who will carry and give birth to the child.
- A single woman who no longer wants to wait for marriage to have a child goes to the local infertility clinic and is inseminated with donor sperm and has a child.

Some of the more novel uses of reproductive technologies include the following:

- A couple wants to attempt to have a "designer child." They advertise for an egg donor who has the following characteristics: five feet, ten inches tall or above, blond, blue-eyed, athletic, and scored above 1400 on her SAT exam. They are willing to pay up to \$50,000 for a harvest of her eggs.
- A couple with three girls wants to "balance their family" with a boy. They can select for gender by sorting the husband's sperm and inseminating the wife with the sperm that will give them a high likelihood of producing a boy.
- A fifty-four-year-old woman who has reached menopause loses her only son in an automobile accident. She wants very much to have another child but cannot on her own. She purchases an egg from a donor, her husband's sperm fertilizes the egg in vitro, and her physician hormonally prepares her uterus for implantation.



- A young man in his midtwenties suffers a fatal head injury in an auto accident. After being pronounced brain-dead and before he is taken off life support, his wife requests to harvest his sperm so that she can “have his child.” Surgeons procure his sperm in conjunction with the harvest of other organs obtained for donation.
- A single woman is diagnosed with breast cancer requiring chemotherapy, which normally shuts fertility down permanently. Prior to beginning treatment, she undergoes hormone treatments used in other infertility treatments to enable her to release as many eggs in a single cycle as possible. She then freezes the harvest of eggs and keeps them in storage until she is ready to have children.

These new reproductive technologies raise complicated issues not only for the law but also for morality. What is society to say about these technologies that in many cases redefine the family and turn traditional notions of reproduction upside down? In addition, what does the Bible teach about these new methods of procreation? Since many of these issues are not directly addressed in Scripture, in what way does the Bible speak to them? What principles touch on these methods? What does the biblical concept of the family and children have to say to these new reproductive technologies?

Overview of Technologies

A wide variety of technologies are available to infertile couples today that range from relatively inexpensive and minimally invasive procedures, to very expensive and difficult ones. The following is a brief description of the primary reproductive technologies offered by most infertility clinics. These clinics offer detailed information on these procedures, their success rates, and their current costs on their websites.

1. *Intrauterine insemination* (IUI) is a relatively simple procedure in which sperm from the woman’s husband is inserted into the woman’s uterus artificially rather than through sexual intercourse. This is usually the first infertility treatment a couple will try because it is simple to accomplish, involves no pain for the woman, and is relatively inexpensive compared with other reproductive technologies. Today it is sometimes performed in conjunction with the use of high-powered fertility drugs. This creates a better chance at conception—and a higher risk of major multiple pregnancies (triplets or more).



2. A related procedure is called *donor insemination* (DI). Here the insemination is performed using a donor's sperm when the man's sperm is incapable of facilitating conception. The donor is usually anonymous, although, with their consent, donors can be identified and connected with the children they father.
3. Women can also donate gametes, called *egg donation*. This is analogous to sperm donation but is more technologically difficult and expensive. The donor woman is given hormonal stimulation so that she can donate multiple eggs. They are retrieved through minor surgery and given to the infertile couple. The normal use of donor eggs is to combine them with sperm via *in vitro* fertilization.
4. With conventional *in vitro* fertilization (C-IVF), the woman receives strong fertility medication in order to stimulate and release as many eggs as possible in a single cycle. The husband's sperm are obtained through masturbation and placed in a petri dish with the eggs in the infertility clinic's lab in the hope that most, if not all, of the eggs will be successfully fertilized. The physician in the clinic will normally take between one and three of the resulting embryos and implant them in the woman's uterus in the hope that one or more will successfully implant and the woman will become pregnant. Other variations of IVF are what are called "natural cycle IVF" (NC-IVF), in which a single egg is retrieved and no fertility medication is used. It is then fertilized in the lab and if successful, implanted. In addition, there is what is known as "minimal stimulation IVF" (MS-IVF), which involves some fertility medication that generally allows for between two and five eggs to be harvested, then fertilized, and if successful, implanted.¹
5. *Surrogate motherhood* arrangements, though not particularly new, are both technologically and legally sophisticated reproductive technologies. What is most different about surrogacy agreements is the presence of brokers, contracts, and lawyers in the process of procreation. *Genetic* or *traditional surrogacy* occurs when the surrogate is inseminated with the sperm of the husband of the couple who contracts her. She conceives, carries, and gives birth to the child and turns over her rights to the child to the contracting couple. The surrogate has a genetic relationship to the child she carries, and thus is the legal mother of the child. If she desires to keep the child, in most states, she can. Because of this risk and other potential legal complications, this form of surrogacy is very rare today, even though it is less expensive and less invasive, since it avoids IVF.



6. *Gestational surrogacy* occurs when the surrogate has no such genetic relationship to the child. She provides the womb but not the egg. The infertile couple has eggs removed, sperm obtained, and IVF performed (though donor sperm and eggs could also be used if necessary). The embryos are implanted into the surrogate, and she carries and gives birth to the child and relinquishes all rights to the child.
7. Either type of surrogacy can be done for a substantial fee, which is the normal practice and known as *commercial surrogacy*, or for no fee, which is rare. An arrangement without a fee is known as *altruistic surrogacy* and occurs when a close friend or family member functions as a surrogate solely out of a generous desire to impart “the gift of life.” The vast majority of surrogacy arrangements today are both gestational and commercial.
8. *Intracytoplasmic sperm injection (ICSI)* is a more expensive and more reliable way to achieve pregnancy. The procedure essentially involves injecting a single sperm into an egg, using highly specialized instruments. The farther into the egg the sperm is injected, the greater the chance of fertilization, but also the greater the chance of damaging the egg. One concern about this procedure is that it might allow less than a fully healthy sperm to fertilize the egg. The healthier sperm are generally the ones that endure the arduous natural process of reaching the egg and fertilizing it. ICSI makes it easier for inferior sperm to reach the egg. This may result in a higher incidence of miscarriages, but at this point there is not enough data to determine whether this concern is valid. Increasingly, ICSI is used as the means of fertilization in conjunction with IVF.

The Donor Sibling Registry

The Donor Sibling Registry (DSR, <https://www.donorsiblingregistry.com/>) is a private, nonprofit vehicle to assist people who were conceived using donor eggs, sperm, or embryos in contacting their genetic “parents” and siblings. For many years gamete donation operated under anonymity, in which it was very difficult for children conceived in this way to contact their genetic families. Both donors and recipients can register on the site and thus be available for mutually desired contact. The site claims to have facilitated the connection of over four thousand half siblings and/or donors. It may be that someone has many more half siblings than they thought, since their



sperm donor may have donated multiple times. The registry also recommends sperm banks that are receptive to the needs of recipient families to contact their donors. Some countries have a national registry sponsored by the government, and others require that donors' identity be available for those recipients who want to seek them out. Predictably, in those areas, the number of donors has fallen off sharply. It seems apparent that anonymity is important to many donors, who will not donate without such assurances.

Biblical/Theological Parameters for Reproductive Technologies

People hold a wide spectrum of views regarding the morality of technologically assisted reproduction. Most in the infertility industry reflect the autonomy-based culture and hold that the goal of achieving a family makes almost any technological option morally acceptable. By contrast, some are very restrictive in what is morally acceptable, such as the Roman Catholic Church, which prohibits virtually all technological assistance. Others have more moderate restrictions, such as limiting the use of technologies to those that use the genetic materials of husband and wife. We could compare the technological options to stops on a train route. Some insist that one ought not get on the technological train at all. Others argue that one need not get off the technological train anywhere on the line. Still others maintain that boarding the technological train is acceptable, but there are stops where morality requires that they exit the train.

In approaching this subject in general, we should be aware that the use of technology in creating families has changed the language with which the culture describes children and childbearing. For centuries, creating families has been called *procreation*, which refers to the way in which children are brought forth in partnership with God through the loving embrace of a husband and a wife. By contrast, today the culture more commonly refers to starting families as *reproduction*. This is a more product-oriented view of children and families and comes from the use of technology in producing children today. Children may not have been reduced to commodities or products as a result of the technological options, but it is an interesting shift in how this process is described, and some do clearly suggest that children can be analogous to commodities, with traits and gender specifications of the parents met by using various technologies.²



These creative technological methods for conception raise two fundamental questions. First, should any technologically assisted means of procreation be used at all? If the answer to that question is no, the discussion of these technologies is essentially over. Infertile couples would thus have three options: (1) they could continue to try to achieve conception naturally; (2) they could opt for adoption; or (3) they could accept childlessness as their calling.

If the answer to this first question is yes, that raises a second question: What, if any, moral boundaries exist with regard to reproductive technology? Specifically, what restrictions, if any, are there on technologies that use the genetic materials of husband and wife? More complicated issues arise around the technologies that employ third-party contributors (of eggs, sperm, or womb) in the process of procreation.

Let's step back from our fundamental questions and think about what we need to consider to properly reflect on the myriad of procreative possibilities these new technologies make available. Of course, no technologically assisted ways to procreate children existed when the Bible was written. Although surrogate motherhood was practiced throughout the ancient world, it would have been difficult for Scripture to directly address technologies that did not exist until the present day. However, biblical principles and virtues can and do apply to these technologies. However, it is not always easy to determine how they apply, and there may be room for legitimate disagreement among people committed to the authority of the Bible. Perhaps a helpful way to view the contribution of the Bible in this area is to view the various key biblical principles and virtues as "fence posts" that set the parameters for procreation. Any technology that is outside the fence posts is problematic, and any inside the fence of biblical principles and virtues is permissible, providing freedom for couples to make their own decisions.

In establishing our parameters, we need to begin with the purpose of technology from a theological perspective. For the most part, technological innovations that clearly improve the lot of humankind and help alleviate the effects of the entrance of sin into the world are considered a part of God's common grace, or his general blessings on creation. Though it is true that most technologies are mixed blessings because of the effect of sin, generally speaking, *medical technology should be viewed as God's good gift to human beings*. That is our first fence post that helps set parameters for reproductive technologies. As a part of creation and the mandate given to exercise dominion over the earth (Gen. 1:26), God also gave humankind the ability to discover and apply all kinds of technological innovations. This would be particularly true of technologies that enable humanity to fulfill its mandate to procreate and populate the earth. It does not follow, of course, that humankind has the responsibility to



use every bit of technology that has been discovered; all of them must be assessed individually. But in general, God's wisdom is embedded in the world, and through general revelation he has given human beings the ability to uncover what he has revealed in his world (Prov. 8:22–36). Many of the reproductive technologies in question seem to fit under the heading of general revelation and common grace; whether they should be used depends on whether such use violates a more specific biblical principle or virtue. Or to put it differently, if the use of a specific technology steps outside the parameters at some other point, then that would be morally problematic. Infertility is clearly one of the effects of the *general* entrance of sin into the world, analogous to other diseases that render a part of the body or system nonfunctional. That is not to say that infertility is the result of a specific sin that the couple could identify. There is no biblical reason why medical technology in general cannot be used to treat infertility or a disease of the reproductive system in the same way that medical technology treats malfunctions of the heart, liver, kidneys, or other organ system. Thus, to answer our first fundamental question, we must look to the purpose of medical technology. What we find in the Bible is a general optimism about medical technology as part of the mandate to establish dominion over the earth. There does not seem to be any good reason to suggest that an infertile couple cannot board the technological train at all. That does not mean that all stops are morally acceptable, only that some technological options are morally appropriate.

One significant challenge to this first fence post is the Roman Catholic Church's official teaching on procreation. Catholic teaching accepts the high place for medical technology but not its application to reproductive technologies. The Catholic tradition has emphasized the continuity between normal sexual relations in marriage, procreation, and parenthood. In that tradition, there is a God-designed, natural continuity between sex in marriage, conception, pregnancy, childbirth, and parenthood. In this understanding of God's design, every sexual encounter has the potential for conception, and every conception has the potential for childbirth and parenthood. This is why sex is reserved for marriage and why the Catholic tradition makes little room for any reproductive technology that would interfere with a natural process that is the result of creation.

Perhaps the clearest official Catholic statement on reproductive technology puts it this way: "The procreation of a new person, whereby the man and the woman collaborate with the power of the Creator, must be the fruit and the sign of the mutual self-giving of *the spouses*, of their love and fidelity . . . , in marriage and in its indissoluble unity [is] the only setting worthy of truly responsible procreation."³ In other words, only in marriage is it morally legitimate to procreate children.



A further statement clarifies the unity of sex and procreation, thereby ruling out most technological interventions for infertile couples: “But from a moral point of view procreation is deprived of its proper perfection when it is not desired as the fruit of the conjugal act, that is to say, of the specific act of the spouses’ union. . . . The procreation of a human person [is to be] brought about as the fruit of the conjugal act specific to the love between persons.”⁴

In other words, in Catholic teaching, there is a unity between sexual relations and procreation. Procreation cannot occur apart from marital sexual intercourse, and every conjugal act in marriage must be open to procreation as the natural result of God’s creation design.⁵ To put it another way, every time a couple has sex in marriage, the unitive, that is, the “one-flesh” aspect and the procreative aspect, or openness to procreation, must be present. That is why in Catholic teaching, technology cannot replace normal sex in the process of procreation. That is, one cannot have morally acceptable procreation without sex. Nor can there be morally legitimate sex without openness to procreation.

Catholic teaching does not rule out all reproductive technologies but makes an important distinction between a technology that *assists* normal intercourse and one that *replaces* it in the process of trying to conceive a child. Anything that assists sex is considered a part of God’s wisdom that can be utilized in reproduction, consistent with its acceptance of medical technology in general. The important aspect is that the unity of sex and procreation is maintained. More specifically, this means that conception must occur according to its intended design. The movement of genetic materials may be assisted, but use of technology may not replace normal intercourse. For example, fertilization must always occur inside the body, and masturbation may not be used as a substitute for sexual relations in order to collect sperm outside the body to be inserted into the womb.

Critics of the Catholic view claim that it seems ironic and arbitrary that Catholic teaching would view medical technology in general as part of God’s blessing, consistent with the notion of general revelation, but significantly restrict its use in the area of procreation. Why not view infertility analogously to other diseases and organ failures? If infertility is indeed a result of the general entrance of sin into the world, then it is not clear why medical technology cannot be applied to infertility, within boundaries. Just because reproductive technologies enable couples to create a child, in contrast to other medical technologies, is no reason per se to reject some technological assistance in procreation.

Critics point out that the Bible does not seem to require the unitive, or one-flesh, aspect of sex and the procreative aspect to always go together. For example,



the Song of Songs celebrates the beauty and intimacy of sex in marriage and appears to treat the unitive element of sex as an all-sufficient end in itself. And in the New Testament, the apostle Paul urges married couples to devote themselves to regular sex so that they will not be tempted to look outside the marriage relationship for the legitimate end of sexual pleasure to be satisfied (1 Cor. 7:1–5). Paul seems to be treating the unitive element of sex as a sufficient end, such that couples should be sure to provide it for each other regularly.⁶ Critics of the Catholic view insist that though procreation must take place within the general sphere of marriage, procreation need not stay within the specific context of sexual relations. Of course, procreation via sexual relations was the norm in biblical times because there was no alternative. Though sex seems to be ordered toward procreation, procreation is not the sole end of sex in marriage.

Critics also wonder how the requirement that the unitive and procreative aspects of sex go together accounts for the natural phenomenon of menopause. It seems to critics that menopause is actually a divinely ordered, natural law separation of the unitive and procreative elements of sex. They insist that it's difficult to see how the requirement of being open to procreation whenever engaging in normal sex can even be meaningful, once menopause has naturally onset.⁷

Creating Gametes from Skin Cells

Research at the University of Cambridge in the UK has indicated the possibility of making artificial sperm and eggs out of the skin cells, enabling reproductive medicine to help infertile couples, especially those whose infertility has resulted from aging eggs. Researchers have cultivated early stage sex cells from human embryonic stem cells and have essentially duplicated the procedure using adult skin cells instead of stem cells from human embryos. Both US and Japanese researchers have accomplished this feat in mice, but this is the first time it had been done with human cells. A woman's skin cells could only produce eggs in theory because her cells lack the Y chromosome needed for producing sperm. But it is possible for male skin cells eventually to produce both eggs and sperm.

Simons, Xavier. "What If We Could Make Eggs and Sperm from Skin Cells?" *Bioedge*. October 22, 2016. <https://www.bioedge.org/bioethics/what-if-we-could-make-eggs-and-sperm-from-skin-cells/12054>.

Sample, Ian. "Scientists Use Skin Cells to Create Artificial Sperm and Eggs." *The Guardian*. December 24, 2014. <https://www.theguardian.com/society/2014/dec/24/science-skin-cells-create-artificial-sperm-eggs>.



The second and equally foundational fence post in the Bible is that *procreation was designed to occur within the context of a stable, heterosexual, permanent, monogamous marriage*. Children should be born into families constituted of a husband and wife who love each other, live together, and commit themselves to care properly for their children. Continuity between procreation and parenthood is considered the norm for family life.

In Genesis 1–2, God commanded that Adam and Eve “be fruitful and multiply” (Gen. 1:28 NASB). This command is set in the context of the broad, panoramic account of creation in Genesis 1. However, the complementary account of creation in Genesis 2 contains helpful details that enable us to “read between the lines” in the overarching summary account of Genesis 1.

Genesis 2 speaks not only of the creation of human beings but, more significantly, of their relation to each other and to God. In Genesis 1:26, God declares his intention to create human beings of male and female genders. Genesis 2:4–25 follows chronologically and with additional details. Among those details are the distinction between male and female, the male’s aloneness and desire for a partner, and the subsequent creation of the woman. After she is formed and presented to the man, God instructs them about their life together.

Genesis 1:26–27	(Genesis 2:4–25)	Genesis 1:28
Creation of humankind	Details on creation of woman/marriage	Be fruitful/multiply

In Genesis 2:24, God commands men and women to leave their families of origin, be united to each other, and experience unity in all aspects—emotional, spiritual, and physical. Here, God formally institutes marriage, and Adam and Eve become the first married couple in creation. Whenever Genesis 2:24 is quoted in the New Testament, it refers to married couples (Matt. 19:5; Eph. 5:31).⁸

In addition, the term “leave” suggests that, against common practice in the ancient world, a man and woman who intend to be married actually separate themselves from their families of origin and form their own family unit. Further, the concept of “one flesh” involves a sexual union that the rest of Scripture makes clear is reserved for married couples. This is underscored by the use of “bone” and “flesh” in Genesis 2:23, which are the terms used by Adam to describe the woman. The use of these two terms in conjunction normally refers to family relationships (Gen. 29:14; Judg. 9:2; 2 Sam. 5:1; 19:12–13; 1 Chron. 11:1). The use of the terms in



Genesis 2:23, when Adam declares that Eve is his bone and flesh, suggests that the normative family is in view in the creation account. This seems to be the normative family unit, irrespective of how extended it became due to cultural and economic factors.⁹

If we place the more specific account of the creation of male and female from Genesis 2 back into the broad overview found in Genesis 1, the command to procreate (be fruitful and multiply, v. 28) is given to Adam and Eve in the context of their leaving, cleaving, and becoming one flesh (v. 24). That is, it is within the context of their marriage. Although it is true that Adam and Eve are representative of the male and female of the species, it is clear that this creation model sets the pattern for permanent, monogamous, heterosexual marriage, and procreation within that context as the norm. Not every male and female must be joined in marriage (1 Cor. 7:25–28), but marriage is only to occur between males and females, and procreation is to occur within those confines.

What makes this second parameter complicated is the way this creation model is followed in the rest of the Old Testament. God appears to have allowed exceptions to the general model set up at creation. For example, the law of Moses allowed divorce, which breaks the permanence aspect of marriage suggested by the notion of cleaving to each other. In addition, surrogate motherhood is used by two of the patriarchs: Abraham in Genesis 16—which was disastrous and needed no further commentary by the biblical account—and by Jacob in Genesis 30—which is treated in a more morally neutral way. Further, polygamy was allowed for reasons that are not entirely clear.¹⁰ God allowed these exceptions to the general rule even though they were deviations from the creation norm. Of course, simply because they occurred historically does not mean that they are justifiable today. But the point of mentioning them is to indicate that God seems to have allowed exceptions to the creation norm. If so, then might other exceptions, such as third-party contributors to procreation, be similarly allowed?

However, other parts of the Old Testament indicate that the model of creation is to be taken as a moral norm. For example, the prohibitions of sexual relationships outside of heterosexual marriage (Leviticus 18, 20) assume the background of Genesis 1–2 and were designed to safeguard the Genesis pattern. Though no specific reason is given for these prohibitions, it seems clear that the reason they are prohibited is that they violated the model for marriage and sexuality God had set up from creation. In addition, the wisdom literature admonitions for sexual purity assume that the Genesis account is a moral norm for monogamy and faithfulness to one's spouse (Prov. 5:15–20; Eccl. 9:9). Further, the prophets are assuming the



Genesis norm of monogamy when they indict Israel for idolatry, calling it “spiritual adultery.” They compare Israel’s exclusive relationship with God to a monogamous and faithful marriage (Ezek. 16:1–23; Hos. 2:1, 19–20; Mal. 2:10–16).¹¹ We see echoes of this in the New Testament with the notion of the church as the faithful, monogamous bride of Christ (Eph. 5:22–31). What applies to marriage also extends to procreation, since the Genesis norm encompasses both. As theologian Brent Waters puts it, marriage is “the normative context for the transmission of human life,” and it is critical that procreation maintain, “the exclusive nature of spousal cooperation” in marriage.¹²

In the New Testament the creation norm also appears to carry significant weight. This underscores the fact that things like divorce, surrogacy, and polygamy were allowed but never sanctioned and never accepted as the best option. In fact, polygamy comes to be explicitly prohibited in the New Testament. In general, when the New Testament writers appeal to the model set up by God at creation, they consider it to carry considerable weight, and treat it as a moral norm. For example, when Paul argues against homosexuality in Romans 1, he is appealing primarily to God’s creation design for sexuality, alluding back to Genesis 1–2, and treating the creation model as a norm for sexual behavior. In addition, when Paul addresses the roles of women in the church, he considers his explicit appeal to Genesis 1–2 sufficient to end the discussion (1 Tim. 2:12–15). This is also the way in which Jesus treats the creation model when he addresses the subject of divorce (Matt. 19:1–9). This suggests that the creation account carries significant weight and is treated as a moral norm. Simply pointing out exceptions to the general rule does not nullify the importance of the creation account. The weight of biblical teaching suggests that third-party contributors are not the norm for procreation. Scripture looks skeptically on any reproductive intervention that goes outside the married couple for genetic material. That would mean that technologies such as donor insemination, egg donation, and surrogate motherhood raise troubling issues and would appear to be outside the moral parameters of the biblical teaching. It is not as clear that the Bible prohibits *all* third-party contributors in *every* case. Prohibiting third-party contributors would be what we referred to in chapter 3 as a *prima facie* moral rule, which may have periodic exceptions when conflicting with other moral principles.¹³ Options that would appear to fall clearly outside of this parameter would be “single mother by choice” procreation or gay/lesbian procreation. Technologies that utilize the gametes of a married couple, such as in vitro fertilization, and intrauterine insemination are generally morally acceptable and fall within this second parameter.



Womb Transplants

A Swedish woman, born without a uterus, has received a transplanted uterus from her mother and given birth to a son through IVF. As a result of the pioneering work of Swedish physician Matts Brannstrom, the first physician to perform such transplants, Emelie Eriksson received the womb from her mother, Marie, enabling her to have a child. Thus, the same womb bore both daughter and grandson. Brannstrom has performed the procedure on several other women, resulting in a handful of live births.

Cook, Michael. "Swedish Woman 'Recycles' Her Mother's Womb." *Bioedge*. October 8, 2016. <https://www.bioedge.org/bioethics/swedish-woman-recycles-her-mothers-womb/12038>.

A third clear fence post is *the moral status of the unborn*, addressed in chapter 5. If from conception forward a full person exists, then fetuses and embryos must be protected in any infertility procedure. This means that any technology that involves discarding embryos or terminating pregnancies falls outside the parameters the Bible has set up. The dignity of the unborn must be safeguarded. This has implications for how embryos and fetuses are treated. They cannot be discarded or aborted. Every embryo created in the lab deserves the chance to flourish in the womb. This also raises moral issues about grading embryos for IVF based on the likelihood of surviving implantation and about freezing embryos for future use.

A fourth parameter is the notion of *adoption as a legitimate rescue operation*, fulfilling the biblical virtue of compassion for the most vulnerable. Adoption is the figure of speech used repeatedly in the Bible to describe the believer's relationship to God (Eph. 1:5), and the virtue that indicates that genuine faith is a willingness to care for widows and *orphans*, the most vulnerable in society (James 1:27). Any view of procreation that downplays adoption, either traditional or embryo adoption, would fall outside the biblical parameters.

Additional parameters that help put boundaries around the use of reproductive technology include the virtue of *trust in God's sovereignty*. As applied to the desire of infertile couples to have a child, this fence post is critical and can be applied to all reproductive technologies, regardless of where the genetic materials come from. That is, dependence on any technological option can undermine a couple's trust in God's sovereignty if it is motivated by desperation or becomes an obsession for the couple. An additional virtue that comes from trust in God is contentment, as difficult as that is for infertile couples to hear. But the Bible is clear that we are to be content regardless



of our station in life (1 Cor. 7:17–28). This does not mean that couples are to accept their infertility passively, nor that they are prohibited from using any technological means. Rather, it suggests that any reproductive technology could fall outside the parameters if its use is motivated by desperation or other problematic motives.

The way the Bible views children is an important fence post that helps establish the parameters for procreation. Throughout the Bible *children are viewed as a gift from God* (Ps. 127:3–5) to be received with open arms and without specifications. The virtue of gratitude naturally accompanies this important truth about children and suggests that specifying gender or choosing traits of children are troublingly close to falling outside the biblical boundaries.

Moral Questions about IUI and IVF

Just because technologies that use the genetic material of husband and wife are acceptable, that does not mean that every use of these technologies is morally appropriate. The standard of practice in infertility clinics for some of these procedures raises troubling moral problems, some of which can be managed better than others.

Intrauterine insemination (IUI) using the husband's sperm (previously called *artificial insemination by husband* or *AIH*) would not appear at first glance to present any difficult moral issues. If a simple insemination occurs, that would be true. Even for Catholic teaching, this is not problematic if sperm is obtained through normal sex instead of masturbation. However, IUI is increasingly being done in conjunction with multiple-ovulation drugs that are used with IVF. That creates a risk of the woman becoming pregnant with major multiples. In the average case, eight to ten eggs are hyper-stimulated to be released in a given cycle, but with IUI done in this way, the eggs are not harvested but left in the womb to be fertilized. With IVF one can control the number of embryos in the womb. But that is not the case with IUI when done with potent fertility drugs. In that case the woman runs the risk of having to contemplate selective termination of some of the pregnancies, thereby moving outside the parameters set out above. Since the unborn are persons, reducing the number of pregnancies is the moral and actual equivalent of abortion, which is ending the life of an innocent person. Couples who put themselves in this position risk very difficult decisions, and to avoid such a scenario, IUI should be performed without these strong fertility drugs.

In vitro fertilization simply means fertilization “in glass,” as in the glass container of a test tube or petri dish used in a laboratory. Because the procedure is so expensive, all the harvested eggs are fertilized in the lab. This is done so that if none of the



fertilized embryos are successfully implanted, a second round of implantation of the embryos in storage can occur without much additional cost or lost time, since harvesting eggs again would involve a substantial financial cost. Normally, between one and three embryos are implanted in the woman's uterus. The embryos created in the lab are "graded" according to their likelihood of successfully implanting. Those that are deemed "low grade" are generally not implanted, and the ones deemed "high grade" are the first choice for implantation. If more than one embryo successfully implants, the couple may end up with more children than they originally intended. Twins and even triplets are not uncommon for couples that use IVF. In rare cases more than three embryos are implanted, which may result in an even greater number of children.

Dispute Over Frozen Embryos

In the latest battle over the disposition of frozen embryos, Emmy-winning actress Sofia Vergara (Modern Family), and her former fiancé, entrepreneur Nick Loeb, went to court to decide the fate of the embryos they created through IVF. The agreement they signed indicates that the embryos could be brought to term only if both persons consent, and the agreement does not address what would happen if Vergara and Loeb separate. In a *New York Times* editorial, Loeb argued that the case is important not only because of their celebrity status but also because of the issues around the right to life. Loeb states, "When we create embryos for the purpose of life, should we not define them as life, rather than as property? Does one person's desire to avoid biological parenthood (free of any legal obligations) outweigh another's religious beliefs in the sanctity of life and desire to be a parent? A woman is entitled to bring a pregnancy to term even if the man objects. Shouldn't a man who is willing to take on all parental responsibilities be similarly entitled to bring his embryos to term even if the woman objects? These are issues that, unlike abortion, have nothing to do with the rights over one's own body, and everything to do with a parent's right to protect the life of his or her unborn child." After two failed attempts with IVF and a surrogate, one final IVF attempt produced two embryos, at which point their plans diverged and they separated. Loeb wants to have the embryos implanted and become a father while Vergara wants the embryos frozen indefinitely.

Loeb, Nick. "Sofia Vergara's Ex-Fiancé: Our Embryos Have a Right to Live." *NY Times Opinion*. April 29, 2015. http://www.nytimes.com/2015/04/30/opinion/sofiavergaras-ex-fiance-our-frozen-embryos-have-a-right-to-live.html?_r=2.

Graham, Ruth. "Bioethics in the Grocery-Store Checkout Line." *The Atlantic*. September 15, 2015. <http://www.theatlantic.com/health/archive/2015/09/celebrity-tabloids-ivf-surrogacy/405427/>.



In order to keep the procedure as cost-effective as possible and to maximize the possibilities of a successful implantation, embryos are frozen in storage to be used later if the first attempt fails. Thus, if the first round of implanted embryos results in a sufficient number of children for the couple, their childbearing days may be over, and they may have a few embryos in storage that they do not intend to use. Embryos are easily kept in storage for at least five years, and the longest storage time on record that produced a successful birth is thirteen years. In some cases, more embryos successfully “take” than the woman is able to carry without endangering her health and at times even endangering her life. It may also be that she simply becomes pregnant with more children than she and her husband desire to raise.

What to do with frozen embryos if they are not needed raises significant issues because of the moral status of the embryo.¹⁴ The available alternatives appear to be keeping the embryos in storage indefinitely (at a nominal cost), destroying them, allowing the couple to donate them to another infertile couple, or using them for experimental purposes. It is possible to freeze a woman’s eggs once harvested, but it has been difficult to thaw them successfully. Generally, it is easier to freeze embryos because the membrane that surrounds the eggs is more fragile than the embryonic membrane. However, egg freezing technology is improving, and clinics routinely offer egg freezing for women who wish to delay childbearing. Some clinics offer egg freezing specifically for couples that have ethical concerns about excess embryos.¹⁵ Once this becomes more widely available, it could render the problem of leftover embryos a moot point, since eggs could be fertilized a few at a time, or even one at a time, and the remainder of the eggs frozen for later use.

For those who view personhood as beginning at conception, the disposal of these embryos presents a complex moral dilemma. Of course, if one views personhood as acquired at some point later during pregnancy, then embryos are indeed just cells and may be discarded with no moral problem. But if the right to life is acquired at conception, then destroying embryos or using them in experiments is very problematic. Destroying embryos outside the body is the moral equivalent of abortion, as is donating embryos for research or stem cell harvest, since most experimentation on the embryo and harvest of its stem cells would result in its destruction. Storing the embryos indefinitely only postpones dealing with this issue. Allowing the embryos to die a natural death when they could easily be spared is morally no different from abortion. That leaves donation of the embryos to another infertile couple or implantation of the embryos by the couple themselves as the only morally acceptable alternatives. Clearly the couple implanting the embryos



themselves is the best of the options, since it maintains the continuity between procreation and parenting. But donation of embryos is acceptable too. Some may see this as problematic since it involves a separation of the biological and social roles of parenthood that many believe to be a significant part of the biblical teaching on the family.

However, it is possible to view embryo donation in a way that is analogous to adoption, as a *preimplantation adoption* in which the couple that contributed the genetic materials to form the embryo consent to give up parental rights to their child after implantation instead of after the child's birth. Though this is emotionally difficult, particularly for multiple embryos, the continuity between gestation and parenting that the adoptive couple would have may make it better for the child than traditional adoption, in which the child would be taken from its mother at birth. A guiding principle for IVF is that all embryos created in the lab deserve an opportunity to be implanted, either with the couple who "created" them or in adoption by another infertile couple.

A further ethical issue involves the grading and selection of embryos in IVF. Normally, once the eggs are fertilized, the embryos are then graded based on their probability for successful implantation. Fertility specialists report that they make these determinations based on their impressions of the embryos—if they look like normal and healthy embryos.¹⁶ They are usually placed in one of three categories: high, medium, and low grade. The high-grade embryos are the first ones implanted, medium-grade embryos can be implanted if necessary, and the low-grade embryos are the last to be selected and are often discarded. The grading system virtually ensures that some embryos will be designated for discard, making it more difficult for the couple to insist that all embryos created in the lab receive an opportunity for implantation.

Freezing embryos also raises ethical issues. As is the case with freezing eggs, once embryos are frozen, there is the possibility that some might not successfully be thawed. Just as there is attrition in the number of eggs that successfully fertilize, there is also attrition in the number of embryos that are successfully thawed. Some account for this attrition by suggesting that an embryo that cannot survive implantation would be highly likely to spontaneously miscarry. If that's the case, then the moral issue is less troubling. But if attrition results from the process of freezing and thawing itself, that is an issue with the standard of practice in IVF. This would suggest that methods of IVF that minimize embryos in storage, such as natural IVF, minimal stimulation IVF, or egg freezing as opposed to embryo freezing, are ethically preferable.



Some critics of IVF argue that freezing embryos is intrinsically morally problematic. Since personhood comes at conception and thus embryos are persons, they maintain that freezing embryos is, in and of itself, unethical. Even if all embryos could be thawed successfully, the process of freezing embryos is troubling. On analogy with newborns or small children, if the parents elected to freeze them, even assuming they could be thawed out without harm to the child, we would rightly wonder about the morality of such a process. Again, this suggests that methods of IVF that minimize the need to freeze embryos are ethically superior to the standard of practice in IVF.

Further ethical issues arise when it comes to decisions to implant what are called “mosaic” embryos. In IVF, a clinic usually makes available preimplantation genetic screening (PGS, sometimes referred to as PGD, preimplantation genetic diagnosis). PGS involves something like an embryo biopsy, where cells are removed from a three to five day embryo and analyzed for abnormalities. Today’s technology for this screening enables more detailed analysis than in the past. Today, the high-resolution screening available is more detailed and precise. Estimates are that roughly 20 percent of embryos contain irregular cells—known as mosaic embryos. Generally, if irregularities in the embryonic cells are discovered, the embryos are discarded, and only the ones that are “clear” are implanted. However, some of the abnormalities that are diagnosed in this screening are temporary and the embryo self-corrects these, but if the abnormal cells continue to multiply, they can cause miscarriage or birth defects in the child. Mosaic embryos can produce entirely normal children, but they can also produce children who will have a lifetime of medical issues. Specialists are divided about the ethics of implanting mosaic embryos, especially in the case of a couple with only mosaic embryos to choose from. Since there is a chance of a normal child, some argue that the parents should be the ones to choose. But others insist that, since the burden of serious medical problems is socially shared, that decision about implantation belongs to a wider community than simply the parents.¹⁷

Additional ethical issues are raised by the ability to create “three-parent” embryos. This is accomplished by the combination of sperm from the father, DNA from the mother, and an egg from a donor. The reason this is employed is to avoid genetic abnormalities in the mitochondria of the woman’s egg. In one technique for this known as a “spindle transfer,” the chromosomes from the mother’s egg are transferred into the “shell” of the donor’s egg, which contains healthy mitochondrial DNA. A second technique for this is known as “pronuclear transfer.” In this method, the nucleus of a couple’s IVF fertilized egg replaces the nucleus of a



fertilized donor egg, thus resulting in the morally problematic destruction of both embryos involved. The first child to be born of a three-parent IVF was born in April 2016. Proponents of this technology argue that it is essential to avoid certain genetic diseases that are carried in the mitochondria, and at the same time allow the mother's DNA to be passed on to her child. Critics maintain that there are concerns about the safety of the procedure, that it could lead to unanticipated harmful genetic interactions, and that it might lead to future efforts to genetically alter embryos and thus produce designer children.¹⁸

A second problem arises not from the failures of implantation, but from its successes. Occasionally, a woman is left with more developing embryos than she can carry to term without risk to her health and life or with more children than she and her husband are willing to raise. In these cases the woman, her husband, and her doctor have very difficult decisions to make. The doctor will normally recommend what is called *selective termination* of one or more of the developing embryos. This is done at times for the sake of convenience, when the couple becomes pregnant with more children than they are willing to raise. At other times physicians will recommend this out of a genuine concern for the well-being of the unborn children. Though there are many anecdotal cases of multiple pregnancies turning out well, in many instances when a woman is pregnant with four or more unborn children, she and the fetuses are at risk for a variety of complications due to the necessity of premature delivery. In these cases the doctor is faced with the decision of which one(s) to terminate and how to make that decision. If the mother's life is clearly at significant risk in carrying all the fetuses to term, then it would appear justified to terminate one or more of the fetuses in order to save the life of the mother. This is analogous to cases in which abortion is justifiable when carrying the pregnancy to term would put the mother's life at grave risk. Of course, those who do not hold to such a high view of the sanctity of unborn life would see no problem with the woman terminating the pregnancy for most reasons, consistent with the law of the land under *Roe v. Wade*. But even for people who do not fit into the pro-life camp, the agony of making such painful decisions must surely be considered prior to utilizing IVF to alleviate infertility. To avoid these decisions, clinics more routinely limit the number of embryos implanted, and in some countries, such as Australia, it is actually illegal to implant multiple embryos in IVF.

The general principles that should guide a couple's use of IVF are that all embryos created in the lab should have a reasonable chance at maturing, regardless of how they are graded. That is, they should all be implanted, either in the woman who initiated the procedure or in an adoptive mother. Embryo adoption agencies



are springing up across the United States for the purpose of facilitating donation of embryos rather than seeing them destroyed, as is the case normally when couples are finished with infertility treatments.¹⁹ No embryos should be discarded or be subject to experimentation. Nor should they be allowed to die natural deaths in the storage section of the lab. The couple should inform the clinic that they want to minimize the number of leftover embryos, which could mean using natural IVF, minimal stimulation IVF, or freezing eggs and fertilizing them a few at a time. This could mean only one attempt at conception, rather than keeping embryos in storage for future attempts. If every egg could be fertilized successfully in the lab, then the couple could simply tell the clinic that they wanted three eggs fertilized, possibly four, and that's all. They would be fertilized and implanted, and none would be left over. Of course, if the couple did not become pregnant, they would have to start the procedure over again, greatly increasing the cost. But one never knows in advance how many eggs will successfully fertilize, which makes the procedure tricky for the couple. A couple could allow for some eggs that will not fertilize, and if there are leftover embryos, they will need to be committed to making sure that every embryo has an opportunity for implantation. However they should recognize that donating lower grade embryos might not be possible. Couples should also recognize that freezing embryos may involve some attrition and that freezing embryos per se may also be problematic, since they are persons. Further, the couple should not implant more embryos than can be safely carried. Nor should they implant more embryos than children they wish to raise, should all the implanted embryos lead to pregnancies. Under no circumstances should a couple authorize implantation of embryos that might make selective termination an option.

Moral Questions About Surrogate Motherhood

Undoubtedly, surrogate motherhood is the most controversial of all the reproductive technologies. In the majority of cases, the surrogate bears the child for the contracting couple, willingly gives up the child she has borne to the couple, and accepts her role with no apparent difficulty. In those cases the contracting couple views the surrogate with extreme gratitude for helping their dream of having a child come true. The surrogate also feels a great deal of satisfaction, since she has in effect given a “gift of life” to a previously infertile couple. But in a few well-publicized cases, the surrogate wanted to keep the child she carried and fought the couple who contracted her for custody.²⁰ What made surrogacy novel at its inception in the 1980s was the *legal* context in which reproduction occurred. The presence of



lawyers, detailed contracts, and even the idea of legal representation for the yet-to-be-born child were the new elements in the previously private area of procreation.

The Old Testament records two incidents of surrogacy (Gen. 16:1–6; 30:1–13), and it appears that use of a surrogate to circumvent female infertility was an accepted practice in the ancient Near East.²¹ However, surrogacy in biblical times was not paid, and it's doubtful that it was even consensual. It normally involved servants who likely had little choice in the matter.

Gay Men and Surrogacy

A study of ten major cities for the *Chicago Tribune* conducted by the fertility clinic Fertility IQ estimates that 10–20 percent of all donor eggs are going to gay couples, a dramatic increase in the last few years. They claim that in many cities, the increase is as much as a 50 percent increase over the last five years. Since it requires both an egg donor and a surrogate, costs range from \$100,000–\$200,000. Increasingly, insurance is adapting to cover at least a portion of the costs.

Schoenberg, Nara. "Gay Men Increasingly Turn to Surrogates to Have Babies." *Chicago Tribune*. November 23, 2016. <http://www.chicagotribune.com/lifestyles/health/sc-gay-men-having-babies-health-1130-20161123-story.html>.
"Advocating for Ethical Surrogacy Practices." *Men Having Babies*. <http://www.menhavingbabies.org/advocacy/ethical-surrogacy/>.

Significant debate has taken place not only over the legality of surrogacy but also over whether it is a morally justifiable way to procreate a child. Viewed from the perspective of the parameters for procreation that come from the Bible, surrogacy can be viewed as analogous to other third-party contributor situations, with some other complicating features. Thus there is a *prima facie* principle against third-party contributors that surrogacy would appear to violate. In terms of public policy, the case both for and against surrogacy is made on broader, nontheologically oriented grounds. This is the aspect of reproductive technologies in which the law has been most involved.

Much of the discussion of surrogacy is set in the broader context of a long tradition in the West of procreative liberty that gives couples the freedom to make their own decisions about childbearing and child rearing. The family has historically been a place in which the right to privacy has reigned, and thus family decisions have been beyond the scrutiny and intervention of the government, for the most



part. Laws have been crafted to ensure as much freedom as possible for parents to make choices concerning their children, and the Supreme Court has upheld procreative liberty in a variety of cases.²² However, simply because the law may allow for procreative arrangements such as surrogacy, it does not follow that surrogacy is a morally justifiable way to conceive a child.

Defining Motherhood

Before we can assess the various arguments for and against surrogacy, a central question must be addressed: Who's the mother? This makes a significant difference in the moral evaluation of surrogacy. According to the law established by court precedent, genetic surrogates are recognized legally as the mother of the children they bear since they have both key biological components of motherhood, the genetic connection and the gestational environment. In cases of genetic surrogacy, the charge of baby selling would be applicable and the surrogacy contract could not force the surrogate to give up her child against her will. By contrast, in cases of gestational surrogacy, the surrogate is considered by the law as a "human incubator," or a "prenatal babysitter," with no rights to the child she is carrying. Under the law, the surrogate cannot be charged with baby selling since she has no legal rights to the child to whom she gives birth. Further, she does not have the option of keeping the child because she has no legal rights of association to be protected. Because of these legal differences, genetic surrogacy is very rare and gestational surrogacy is the norm. Virtually all surrogacy arrangements are gestational surrogacies today.

Surrogate Refuses to Abort

In an unusual lawsuit, a California gestational surrogate mother, who was ordered by the man who contracted her to abort one of the three triplets with whom she was pregnant, has sued the man to ensure that she is not forced to abort or face financial damages for her refusal. Melissa Cook, paid \$33,000 by a Georgia man to be a surrogate for children conceived from his sperm and donor eggs through IVF, became pregnant with triplets. The man, known only as CM, demanded that she abort one of the triplets or face financial damages for her alleged breach of contract. After the demand was made, Cook informed CM that she intended to seek custody of one of the triplets, at which point, CM demanded that the third child either be aborted or be adopted out



by a stranger. The case ended with the court refusing to assign motherhood to Cook, but the triplets were born, and CM has been assigned custody as the sole parent.

Goldberg, Michelle. "Is a Surrogate a Mother?" *Slate*. February 5, 2016. http://www.slate.com/articles/double_x/doublex/2016/02/custody_case_over_triplets_in_california_raises_questions_about_surrogacy.html.

O'Reilly, Kate. "When Parents and Surrogates Disagree on Abortion." *The Atlantic*. February 18, 2016. <https://www.theatlantic.com/health/archive/2016/02/surrogacy-contract-melissa-cook/463323/>.

Pierson, Brendan. "California Surrogate Loses Bid to Be Named Mother of Triplets." *Reuters*. June 8, 2016. <http://www.reuters.com/article/us-california-surrogacy-idUSKCN0YU2G3>.

However, just because there is a consensus in the law doesn't mean that there is no longer any debate about the definition of motherhood in surrogacy. Some feminists strongly support the rights of gestational surrogates and object to viewing them as "baby breeders."²³ Others insist that "a deal is a deal" and thus never allow the surrogate to change her mind about keeping the child. This area of the definition of motherhood may be one of those areas in which there is room to agree to disagree, recognizing that a good argument can be made for both key positions.

In cases of gestational surrogacy, who should be recognized as the mother: the genetic contributor or the gestational contributor (i.e., the surrogate)?²⁴ In favor of the genetic contributor, it is true that genetics plays such a key role in determining many of the child's critical traits and features. Genetics has an obvious and powerful influence on who the child becomes. Further, until the embryo is implanted in the womb of the surrogate, there is no debate over who the "owners" of the embryo are. They are clearly the genetic contributors—the couple whose gametes created the child. To recognize the rights of the surrogate would involve the very awkward and cumbersome process of transferring maternal rights to the surrogate when the embryo is implanted so that at the child's birth she can then give maternal rights back to the genetic contributor. It seems much more straightforward to insist that genetics be weighted more heavily than gestation in terms of its influence on who the child becomes.

However, that implies that the womb is a neutral environment that contributes nothing more than nutrients and shelter. That seems to assume that not much occurs in the womb that shapes who the child becomes. But we are learning more about the types of influences that the child experiences while in the womb. It is hardly analogous to prenatal babysitting. What happens in the womb is formative



for the child, not just physically, but emotionally and psychologically too. Further, the surrogate, by virtue of carrying and giving birth to the child, could be argued to have made a more significant investment in the child. Her “sweat equity” in the child appears to be greater than the genetic contributor’s. Further, the surrogate has the real experience of bonding and relationship with the child. If she develops the intention to become the mother over time, it is based on her tangible experience with the child, as opposed to the genetic contributor, who can only envision a relationship with the child by the time of birth. It would seem that the case for the surrogate being the mother may be stronger than one would think at first glance. If this is true, then the gestational and genetic surrogate would be situated similarly and the charge of baby selling would apply equally to both. But if the genetic contributor is weighted more heavily than the gestational surrogate, then the way the law treats them would be correct—the charge of baby selling would not apply, and the gestational surrogate would have no rights to the child she is carrying. However, some of the other concerns about exploitation and the surrogate distancing herself emotionally from the child that will be addressed below still would apply.

Is Surrogacy Baby Selling?

The most serious objection to commercial surrogacy is that it constitutes the purchase and sale of children and, thus, reduces children to objects of barter by putting a price on them. The validity of this charge depends on the assignment of motherhood and maternal rights to the child. In genetic surrogacy, the surrogate both contributes the egg and gives birth to the child. She seems clearly to be the mother of the child, and if she chooses to give up the child to the contracting couple, she does so with the knowledge that it is hers to give up. Thus, any fee paid to her beyond reasonable expenses in exchange for her child would constitute baby-selling, analogous to black market adoptions in which birth mothers are paid for surrendering their children. In gestational surrogacy, if the surrogate is the mother, then the charge of baby-selling would similarly apply, since the surrogate is giving up maternal rights to her child for cash, which is illegal in normal adoption proceedings.

However, if she is not the mother, then it is harder to see how the charge of baby-selling would apply in the same way, since she cannot sell what is not hers in the first place. She would only be providing “gestational services” to the contracting couple, analogous to the way lawyers in adoption proceedings are paid for legal services rendered. Just as it is legitimate to pay surrogate *child-rearers* in a day-care setting, it would be legitimate to pay surrogate *child-bearers* for their time, effort,



and risk in pregnancy and delivery. To be consistent, if the surrogate miscarries at some point during the pregnancy, her fee should be prorated over the number of months that she performed a gestational service.

The charge of baby selling matters, because, if valid, surrogacy would violate the Thirteenth Amendment to the Constitution, which outlawed slavery, precisely because it constitutes the purchase and sale of human beings. It would further violate commonly and widely held moral principles that safeguard human rights and the dignity of human persons, namely, that human beings are made in God's image and are his unique creations. Persons are not fundamentally things that are fungible—that is, they should not be able to be purchased and sold for a price, which is a view widely held in cultures around the world. As the New Jersey Supreme Court put it in the Baby M case, "There are, in a civilized society, some things that money cannot buy. . . . There are values . . . that society deems more important than granting to wealth whatever it can buy, be it labor, love or life."²⁵ If surrogacy constitutes baby selling, that would be a strong argument that it is unethical and should be illegal, and for many, that would end the discussion. If it is not, then other questions remain still needing resolution.

Are Surrogates Being Exploited?

A second area of concern about surrogacy is the potential for surrogates to be exploited. The combination of desperate infertile couples, low-income surrogates, and surrogacy brokers motivated by profit, raises the prospect that both surrogates and contracting couples can be taken advantage of. The surrogacy fee alone is not necessarily exploitation, since money can function as an inducement to do many things that people would not normally do without being exploitive. This possibility for exploitation exists regardless of how motherhood is defined in these arrangements, although the potential exists for more egregious abuse if the surrogate is the mother with maternal rights. This is due not only to the financial aspect but also because surrogates could also be coerced into giving up their children against their will. Proponents of surrogacy insist that the fee paid to surrogates is simply a market exchange of services for compensation, and if the surrogates are in financial need, then the fee they receive will provide them with resources they wouldn't otherwise have.

Today it is increasingly common for surrogacy to be outsourced to the developing world. This is because the vast majority of surrogacy arrangements are gestational, with no genetic contribution from the surrogate. Unlike sperm or egg donors, where physical traits often matter a great deal, with gestational surrogacy,



the racial/ethnic/genetic makeup of the surrogate is not nearly as important. With surrogacy more a result of “reproductive tourism” today, it is not difficult to imagine the various ways in which surrogacy brokers would attempt to hold costs down in order to maximize their profit. It is possible to pay surrogates in the developing world a fraction of what surrogates in the United States are paid, substantially reducing the costs of the arrangement, and still being a significant incentive for the women involved. The normal fee for surrogates in the developing world can bring as much as an entire year’s worth of income. Women with severe financial need from countries such as India are attractive candidates for surrogates because they are financially unable, and thus far less inclined, to keep the child produced by the arrangement.²⁶ Often the surrogates in these countries are kept under close supervision in dormitory like conditions and essentially cut off from their families and the outside world.²⁷ They are powerless to object or exercise their rights since their desperate financial conditions make them easy to exploit and mistreat. It is not difficult to see the potential for exploitation of poor women in desperate circumstances, which is being realized as surrogacy is *outsourced* to other parts of the world.

Turning a Vice into a Virtue?

One of the most serious objections to surrogacy applies to both commercial and altruistic surrogacy regardless of the determination of motherhood and maternal rights to the child. In screening women to select the most ideal surrogates, one looks for the woman’s ability to easily give up the child she is carrying. Normally the less attached the woman is to the child, the easier it is to complete the arrangement. But this is hardly an ideal setting for a pregnancy. Surrogacy sanctions detachment from the child in the womb, a situation that one would never want in a pregnancy one intends to keep. Thus surrogacy actually turns a vice, the ability to detach from the child in utero, into a virtue. Bioethicist Daniel Callahan of the Hastings Center puts it this way: “We will be forced to cultivate the services of women with the hardly desirable trait of being willing to gestate and then give up their own children, especially if paid enough to do so. . . . There would still be the need to find women with the capacity to dissociate and distance themselves from their own child. This is not a psychological trait we should want to foster, even in the name of altruism.”²⁸ Proponents of surrogacy insist that surrogates can effectively, and in some cases, easily, detach from the children they are carrying without harming the child. They argue that there is no evidence that children are harmed by having their gestation in the womb of a stranger.



The Role of the Contract?

On the assumption that the surrogate is the legal mother of the child, there are ethical questions about the standard surrogacy contract in which the surrogate agrees to relinquish any parental rights to the child she is carrying to the couple that contracted her services. Should she have second thoughts and desire to keep the child, under the contract she would be forced to give up her child. To force her to give up her child under the terms of a surrogacy contract would violate her fundamental right to associate with and raise her child.²⁹ If the surrogate is not the mother of the child with maternal rights, then her contract would not be forcing her to give up her child, since the child was not hers to begin with. In either case, some proponents of surrogacy insist that “a deal’s a deal,” and that surrogates are giving informed consent to the contract. However, the degree of informed consent varies widely, especially with women in the developing world, and there are some contracts that are inherently null and void (for example, a contract to have a duel with pistols), so it’s not so clear that a deal’s always a deal, especially when it comes to giving up one’s child.

Even if the surrogate has maternal rights, that does not mean she has exclusive rights to the child. Rights must be shared with the genetic father, similar to a custody arrangement in a divorce proceeding. But the right of one parent (the natural father) to associate with his child cannot be enforced at the expense of the right of the other (the surrogate). The problem with allowing the surrogate to keep the child is that it substantially increases the risk to the contracting couple. They might go through the entire process and end up with shared custody of a child that they initially thought was to be all theirs. To many people, that doesn’t seem fair. But to others it is just as unfair to take a child away from his or her mother simply because of the terms of a contract.

Toward the Future of Reproductive Technologies

Some reproductive technologies are too new to be mainstream but may become more popular in the future. Artificial wombs are one such technology. Physicians and neonatologists who manage high-risk pregnancies are already experimenting with synthetic amniotic fluid to assist prematurely delivered newborns. This is the first step toward a full artificial womb. Such a development would likely have a major impact on the abortion debate, since it may be possible for a woman to no longer be pregnant without necessarily ending the life of her child. But to have pregnancy devoid of a relationship with the mother may not be in the best interests



of the child, since the prenatal relationship is important to the development of a healthy child in the womb. There are still major technological hurdles to overcome and questions about the priority of developing this technology when so many other health care needs are more pressing.

A second novel technology may make it possible to conceive children without men at all. Technology that creates artificial sperm from women's eggs essentially "trick" the egg into forming an embryo. The resulting embryo would be an identical twin of the mother and could even be seen as a form of human cloning. Through a mixture of chemicals, researchers enabled eggs to duplicate the twenty-three existing chromosomes to get to the necessary forty-six chromosomes to begin cell division and growth. Even though researchers began with a woman's egg, they believe that they will be able to use other cells, such as skin cells, and through the same chemical concoction, to achieve a combination of forty-six chromosomes to form an embryo. The artificial sperm was used successfully in mice and researchers see no reason why they cannot apply the same technology to human beings.³⁰

Some are suggesting that the future of reproduction may be without sex at all. With the growth of IVF and preimplantation genetic testing, prospective parents will essentially "go shopping" for their children. Proponents envision being able to make both sperm and eggs from stem cells, and the parents will be able to choose the sex and other traits from dozens of embryos. Advocates of sexless reproduction insist that it will be easy and cost-effective.³¹

Technology is also improving the prospects of posthumous procreation, that is, having children after one's death. Given medicine's ability to sustain vital functions after brain death, women can continue to carry pregnancies after brain death is confirmed, and even after an injury or illness leaves them in a permanent vegetative state. In addition, sperm can be harvested after brain death, analogous with other vital organs being harvested for donation. That sperm can then be used in conjunction with IUI to impregnate a woman who desires to have the child of the recently deceased person.

Posthumous Procreation

An Australian woman won permission from the Supreme Court of Queensland to harvest the sperm of her deceased fiancé in order to become pregnant with his child. The woman's fiancé died suddenly during their engagement period in which they were



actively trying to achieve a pregnancy. The judge granted the request to harvest the sperm but ruled that she must make another application to the court to actually use the sperm to become pregnant. She wanted to do this in memory of her deceased husband-to-be. Critics argue that this shouldn't be done because it makes someone a father without the experience of actually being involved in his child's life and may actually involve someone becoming a father against his wishes.

Trask, Steven. "Woman Wins Permission to Remove Her Dead Partner's Testicles in the Hope of Using His Sperm to Get Pregnant." *Daily Mail Australia*. May 27, 2016. <http://www.dailymail.co.uk/news/article-3612178/Woman-wins-permission-remove-dead-partner-s-testicles.html>.

Finally, egg donation is increasingly being used to achieve postmenopausal pregnancies. With egg donation, women in their fifties and sixties are delivering children successfully, though there are questions about the wisdom of having children so late in life. And, of course, human cloning and sex selection also qualify as reproductive technologies, which we will discuss in the next chapter.

Conclusion

These reproductive technologies present some of the most difficult ethical dilemmas facing society today. Given the strong desire of most individuals to have a child to carry on their legacy, it is not surprising to see the lengths to which people will go to have a child that has at least some of their genetic material. People's desires to have genetically related children will likely ensure a brisk business for practitioners of reproductive medicine, and as a result, there will be an ongoing need for ethical discussion and decision making in this area.

For Further Reading

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Chapter Review

1. List a few of the reproductive arrangements that are possible with today's reproductive technologies.
2. Briefly describe each of the following reproductive technologies: IUI, IVF, ICSI.
3. What are the primary types of surrogate motherhood arrangements?
4. Summarize the official Roman Catholic position on reproductive technologies.
5. Give two passages in the Bible that appear to separate the unitive and procreative aspects of sex.
6. Briefly describe the primary biblical parameters that form the moral boundaries for reproductive technologies.
7. What is the contribution of Genesis 1–2 to your view of reproductive technologies today?
8. What are some of the various exceptions to the Genesis 1–2 model for procreation that were allowed in the Old Testament? How do you deal with these exceptions?
9. How do the New Testament authors tend to weight the Genesis 1–2 model?
10. What technologies involve a third-party contributor to procreation?
11. What does the Bible teach about the role of third-party contributors to procreation?
12. What is the primary moral issue involved with IUI?
13. What are the two primary moral issues involved with IVF?
14. What are the advantages of freezing embryos in IVF? What are the moral concerns?
15. What are the available options for dealing with leftover embryos? Which options are morally acceptable?



16. What is the argument that surrogacy constitutes baby selling?
17. What is meant by the saying, “Surrogacy turns a vice into a virtue”?
18. What are the two options for determining motherhood in a gestational surrogacy case? Which do you favor and why?
19. What is one of the potential problems with artificial wombs?
20. What technology is necessary for achieving a pregnancy after menopause?
21. What technology could make reproduction without sex possible?

Cases for Discussion

Case 6.1: Counseling the Infertile Couple

You are sitting across the table having coffee with a couple in their mid-thirties who have been married for six years. For the last three years, they have been trying to conceive a child. Despite no apparent medical indications for their infertility, they have been unable to conceive. In the past few months they decided to see an infertility specialist to whom they were referred by their obstetrician. On their initial visit, they were presented with a confusing array of reproductive options. Some of the proposed infertility treatments involved use of their genetic materials only, while others made use of donor gametes. Since they share your theological convictions, they have come to you for your counsel about what reproductive technologies are within the moral parameters of the Bible. This is difficult for you because you never had to deal with anything like infertility. In fact, just the opposite was the case for you and your wife.

Questions for Discussion

1. How would you counsel this couple, both for the emotional side of infertility and for the moral side of reproductive technologies? What are the general principles from the Bible on which you would draw?
2. Would you suggest that all reproductive interventions are problematic? On what basis would you say this? Do you believe that the couple should simply adopt? If not, what, if any, restrictions do you think the Bible places on their use of reproductive technology?
3. How would you advise them if it turns out that they need a sperm or egg donor in order to conceive? What if they needed a surrogate?
4. Would your advice be any different if you were advising a single woman instead of a married couple? If so, spell out how it would be different and explain why.



Case 6.2: Sperm Donor Meets His Child

As a college student, in order to make some easy money, you responded to an ad in your campus newspaper, and on several occasions, donated your sperm to an infertility clinic close to the campus. You never thought much about what would be done with your sperm, since all that mattered at the time you donated it was the little bit of extra money it would bring you. You vaguely remember signing papers that indicated that you would have no parental rights to any child conceived with your sperm. As time passed, you graduated from college, entered the workforce, got married, and started a family of your own with your wife. Fast forward to your mid-forties. You are now settled in your career, and your children are finishing high school and moving into the college/early career stage of their lives.

Seemingly out of nowhere, you get a letter from a young woman who claims to be your daughter. She has somehow figured out that her mom conceived her using your sperm, thus making you her biological father. She has indicated in her letter that she very much wants to meet you, in the hope of getting to know her “real father.” She hopes you are willing to meet her and are open to having her in your life. You are very ambivalent about this prospect, since you have a family of your own that knows nothing about this young woman. You see the possibility of this being very disruptive to your existing family, yet you feel an obligation to help satisfy this woman’s need to know her biological father.

Questions for Discussion

1. How will you respond to this young woman’s request to meet and have a relationship with you? Explain the reasons for your decision.
2. How do you balance the needs of your family that you have with your wife with the needs of this young woman to connect with you?
3. What might the Bible have to say about your parental obligations in this case?

Case 6.3: Same-Sex Couples and IVF

Joan and Lucy are your neighbors with whom you have gotten to be friends over the years. They are a lesbian couple that got married as soon as the *Obergefell* decision was handed down legalizing same-sex marriage. They have been committed partners for many years and they have one child, conceived through IVF and utilizing a sperm donor. In order to equalize the biological contribution as best they could, Joan provided the egg and Lucy received the embryo fertilized through IVF, carried the pregnancy, and gave birth to the child. This made it more complicated and more expensive, since the usual way for same-sex couples to conceive would be



to have one woman be inseminated with donor sperm, thus avoiding both the egg harvesting process and conception through IVF. The child is now five years old.

You have just found out the surprising news that Joan and Lucy are splitting up. This has come as quite a shock since you were not aware that there was any trouble in their relationship. They are distraught about the failure of their marriage, but also perplexed about what to do about custody of their child. They have come to you to ask your opinion about what they should do. They realize that splitting custody in half might not be good for the child to be going back and forth between two homes on a weekly basis. But both of them have a biological claim to be the parent of their child.

Questions for Discussion

1. How would you advise this couple, making sure that the welfare of the child was the first priority? Explain your reasons carefully.
2. If they were not able to come to an agreement on custody of their child, their case would likely go to court to have a judge rule on custody. If you were the judge, how would you rule?
3. Would your ruling be any different if the couple had conceived a child the way lesbian couples normally do, through insemination with donor sperm and thereby only one of the women has a biological connection to the child? Of course, the other woman has shared the social roles of motherhood and has held herself out as the child's mother.
4. Imagine that the couple in view were two gay men instead of two lesbian women. The child was conceived using one of the man's sperm, with which a surrogate was inseminated. The other man assumes many of the roles of fatherhood and holds himself as the child's father. They then split up. How would you rule on custody of their child?

Case 6.4: Surrogacy and Leftover Embryos

You are sitting with a woman and her husband who have a tragic story of infertility. They tried unsuccessfully for three years to conceive a child and then finally conceived triplets through the use of in vitro fertilization. Sadly, she miscarried all three babies and had a massive uterine hemorrhage from which she nearly died. Her physician had no choice but to perform an emergency hysterectomy, in which her uterus was removed.

From the IVF procedure, she and her husband have five embryos in storage. They consider them their children, but once they found out they were pregnant



with triplets, they were not sure what to do with them. They would like to implant the embryos themselves, but unfortunately that is no longer an option. They are considering hiring a gestational surrogate to carry and give birth to their embryos.

Questions for Discussion

1. In view of the discussion of surrogacy in this chapter, how do you feel about this couple hiring a surrogate? Defend your answer.
2. Do you think that this surrogacy arrangement is an example of “baby selling” or just “womb rental”? Be sure to spell out how your answer assumes a definition of motherhood in surrogacy.
3. What other morally acceptable alternatives do you think this couple has? Explain your answer.



Biotechnology, Genetics, and Human Cloning

In the past decade, various biotechnologies have emerged from the realm of science fiction and entered everyday reality. What was previously the domain of a handful of molecular biologists restricted to the lab has made it onto the front pages of the newspaper and into the headlines of the evening news and popular newsmagazines. Even a technology like human cloning was the subject of fictional films like *The Boys from Brazil*, *Blade Runner*, and *Multiplicity*. Then Scottish scientist Ian Wilmutt and his team cloned a sheep (Dolly) from adult cells in 1996. This came only a few years after the first success at cloning human embryos in the lab (1993).

The world of genetic testing has come a long way in the past decade as well. Today ultrasound imaging is considered a routine part of prenatal care for pregnant women, and amniocentesis is regularly offered to pregnant women over age thirty-five. These procedures have become mainstreamed in obstetric care. In addition, clinics routinely screen embryos created through IVF prior to implantation for genetic defects. A couple with a history of genetic disease may consider such a test so that they can implant only normal embryos to avoid becoming pregnant with a genetically anomalous child.

In the area of genetic information, the Human Genome Project has matured and has unearthed a gold mine of genetic information. Researchers have traced genetic connections of varying degrees to hundreds of diseases. Insuring genetic privacy and confidentiality has essentially been accomplished, but there are still issues about what to do with all this potentially life-changing information.

By contrast, the area of gene therapy, popularly known as genetic engineering, has yet to fulfill its promise. Some gene therapy protocols are still being approved, and a handful have been successful in treating diseases for which there is no other option. However, there have been some serious setbacks as well, including one that led to a patient's death. The emphasis on gene therapy may recede as new



technology for gene editing becomes more prominent. The ethical issues raised by gene editing are similar to those faced by gene therapy. These include the use of what is called “germ line therapy” in which the genetic alteration is passed on to the succeeding generations, which is the case when used with early-stage embryos. Further, it could be used for various types of biotechnological enhancement, which is used to improve already existing traits rather than correcting obvious defects. Its use for enhancement purposes raises broader questions about biotechnology in general for enhancement of otherwise normal traits.

Genetic Information and the Human Genome Project

The Human Genome Project was one of the most ambitious scientific projects ever attempted and received some of the most substantial funding of any single project of scientific research.¹ The goal of the project was to map the entire human genetic code, thereby finding as many genetic links and predispositions to disease as possible. The project was conducted by molecular biologists all over the world and was essentially completed in 2001. As a result, the amount of genetic information now available to researchers, physicians, and the general public has exploded.

To fully understand the implications of the project would take a degree in molecular biology. But to simplify it, some of the connections between genetics and disease are *direct, causal links*, as is the case with diseases such as Down syndrome, Huntington’s disease, sickle-cell anemia, and cystic fibrosis. In these cases, possession of the gene means that the person will develop the disease. The only variable is the time when the symptoms onset. But the project has found that there are more of what are called *predispositions* to many diseases, such as numerous types of cancers, heart disease, and diabetes. This means that a person has a much higher risk of developing the disease, yet in the long run they may or may not get it.

To illustrate this, imagine that you are a woman with a history of breast cancer in your family. You have read that the Human Genome Project has discovered two different genetic links to breast cancer, and you are wondering whether you should be tested for the genetic link. If you have the genetic predisposition for breast cancer, it doesn’t mean that you will automatically get the disease at some point in your life, but rather, that you face a higher risk. You can do a variety of things to help prevent breast cancer, such as watch your diet, have regular mammograms, and be vigilant in self-checking for lumps in the breast area. You might even consider a more radical option, such as preventive surgery to have the breast tissue removed.



A Walking Genetic Time Bomb

Katharine Moser's grandfather died of Huntington's disease (HD) when he was in his early fifties, fighting it since his mid-thirties. She watched him lose his critical faculties as the cells in his brain began to die off. When she was in her early twenties, she faced the decision of whether to be tested for the gene. She knew that if she had inherited it, she would suffer the same fate as her grandfather. She had done research on the disease as a teenager and had even done a science project for school on it. As her history became clearer (one aunt was diagnosed with HD, and her grandfather's brother also was diagnosed), her desire to be tested herself became more intense. Her mother tried to discourage her from the testing. "Why would you want to know all that?" her mother asked, assuming that any rational person would not want to know if she or he was going to get an incurable disease. She long suspected that her mother was in the early stages of the symptoms when Moser was a college student. Moser represents something new in the current environment where there is so much genetic information available. When the Human Genome Project was first announced, the question was raised, "What if we gave a genetic revolution and nobody came?" That is, would people really want to know all the information? But Moser's desire to be tested and to know her future was clear and determined. In fact, it took some months to convince the hospital that she really did want to know. They finally relented and tested her. The result: she tested positive, and she will get Huntington's disease.

Harmon, Amy. "Facing Life with a Lethal Gene." *New York Times*. March 18, 2007. <http://www.nytimes.com/2007/03/18/health/18huntington.html>.

Once the genetic connection is found, researchers can develop a diagnostic test for doctors to use. Such tests exist for numerous diseases for which genetic connections have been found. When the information reaches this stage, a variety of issues arise. First, do you want to know whether you have the genetic predisposition? Second, if you undergo such testing and discover that you have the link, what will you do for prevention of breast cancer? Will you have a preventative procedure, in which the breast tissue is surgically removed, as some women have had? Or will you be careful to have regular mammograms and hope for the best? Third, are you concerned about the privacy of your information? Should your genetic information be kept entirely private, or should it be made available to health and



life insurance companies or prospective employers? It is not unusual for people to forgo testing out of concerns about the information getting into hands that could do them harm. Although a case can be made for insurers and employers having access to this information, the consensus in the bioethics and legal community is that all genetic information should be kept private. It should only be disclosed with the consent of the individual, and neither employment nor insurance should be contingent on a willingness to divulge one's genetic information. The reason motivating proponents of privacy is that the makeup of one's genetic code is completely out of a person's control. A person receives the genetic makeup by the natural lottery. For a person to be denied employment or insurance because of his or her genetic code constitutes a classic case of discrimination, on a par with racial and gender discrimination, since those factors are not chosen but received at birth. As a general principle, society should not allow discrimination based on factors that are beyond one's control.

In addition, sometimes the reason for protecting privacy is that a person's genetic makeup constitutes the "sacred ground" of a person's identity. In view of the biblical teaching on the existence of both body and soul, however, a person who wishes to be consistent with Scripture should be very careful about accepting the prevailing scientific assumptions of this kind of genetic reductionism.²

Is Happiness Genetic?

A study by researchers at Edinburgh University suggests that our genes may control some of the traits linked to happiness. Researchers studied identical and non-identical twins and concluded that genetic factors may account for up to half of the traits responsible for maintaining happiness. Dr. Alexander Weiss, who led the research, concluded, "Although happiness is subject to a wide range of external influences, we have found that there is a heritable component of happiness which can be entirely explained by the genetic architecture of personality." However, other researchers on the team suggested that it would be erroneous to conclude that nature had dealt someone an irrevocable hand in terms of happiness. Dr. Alex Linley put it this way: "What it means is that, rather than a single point, people have a range of possible levels of happiness—and it is perfectly possible to influence this with techniques that are empirically proven to work." Although there may be a genetic influence, it is not determinative but still involves what some would describe



as self-help techniques and principles. That is, a person can be trained to be content and happy.

"Genes Play Key Happiness Role." *BBC News*. March 5, 2008. <http://news.bbc.co.uk/2/hi/health/7278853.stm>.

"Happiness Can Be Inherited, Research Finds." *Reuters*. March 6, 2008. <https://www.reuters.com/article/us-happiness-genes/happiness-can-be-inherited-research-finds-idUSL0643881620080306>

Genetic Testing

Prenatal genetic testing has become a part of routine prenatal care for pregnant women. Such tests include simple blood tests such as the AFP test (alpha-fetal protein) to detect severe anomalies such as spina bifida, ultrasound imaging of the unborn child in the womb, and more invasive tests such as amniocentesis, in which amniotic fluid is drawn out from the woman's abdomen with a needle and the baby's cells in the fluid are analyzed.³ If the genetic test comes back with bad news, that can be devastating for the expectant couple. At that point they face agonizing decisions about continuing or ending the pregnancy, and genetic counseling is available to help them make these decisions.

Imagine the following scenario. You and your spouse are expecting your first child. You have Down syndrome in your family history, and you have understandable fears that your child will have this genetic abnormality. Your physician strongly recommends that you undergo a variety of prenatal genetic tests to see if your child will suffer from Down syndrome. If you do have the tests, your genetic counselor has strongly suggested that you consider ending the pregnancy if your child has the gene for Down syndrome. You are uncomfortable with that option, but from family experience, you are aware of the lifetime of demands of raising a genetically challenged child.

Physicians often suggest amniocentesis when the pregnant woman is over age thirty-five, because of the increased risk of Down syndrome. Although that test does have a small risk of miscarriage (roughly 1 percent), other tests, such as ultrasounds, are relatively risk-free. These risk-free tests can also detect a variety of symptoms of genetic abnormalities, although not with the same degree of accuracy as amniocentesis.

The first issue you and your spouse face is whether you should have the testing done at all. What would you gain by knowing that your child has a genetic anomaly? Or to put it another way, what would you gain by knowing that your child has a clean genetic bill of health? One can make a good case that you have a lot to gain



by the testing. That knowledge may not be worth the risk of miscarriage from amniocentesis, but there is no reason why ultrasound per se should not be used for this purpose. A further use for the information might be to prepare for the challenges of raising a genetically defective child. One should not underestimate the daunting task of being a parent to a child born with genetic anomalies. One can make a good case that awareness of the child's condition prior to birth allows the parents critical time to adjust and prepare for the child's arrival.

However, you might want prenatal genetic testing in order to make a decision about continuing the pregnancy. It is not unusual for couples to decide to end a pregnancy when faced with the news that their child has a genetic anomaly. This was one of the difficult decisions that the couple in the second scenario in the introduction faced. With a history of genetic disease such as Down syndrome, one would expect a couple to be very sensitive to the genetic makeup of their child. But if prenatal genetic testing is used for the purpose of deciding whether to continue a pregnancy, that raises different moral questions that a couple must confront.

Selecting *for* Disability

Sharon Duchesneau and Candy McCullough, a British lesbian couple, are both deaf. Believing that there are aspects of life that they appreciate and value as a deaf couple that hearing individuals cannot, they utilized reproductive technologies and genetic testing to do exactly the opposite of what most couples would do—to select for deafness for their child. That is, they used sperm donated by a friend who also inherited deafness. Duchesneau conceived successfully and gave birth to a deaf child. Their story received a good deal of publicity, as one might expect. They also received a substantial amount of criticism for taking a course that many think is not in the best interest of their child. Alto Charo, professor of law and bioethics at the University of Wisconsin, suggested that they had violated their parental duty to secure the best future they could for their child. She said, “I’m loath to say it, but I think it’s a shame to set limits on a child’s potential.” The couple defend their decision as a morally acceptable choice and argue that their child will appreciate rich facets of life that the child could not otherwise appreciate were the child to possess full hearing. Duchesneau put it like this: “It would be nice to have a deaf child who is the same as us. . . . A hearing baby would be a blessing. A deaf baby would be a special blessing.” Sharon Ridgeway, another deaf mother of a deaf child said, “I in no way see deafness as a disability, but rather



as a way into a very rich culture—which is one of the reasons I was delighted to learn when I gave birth that my baby was deaf.”

Glover, Jonathan. *Choosing Children: Genes, Disability and Design*. New York: Oxford University Press, 2008.

One should be very careful about using the information gleaned from genetic testing to make decisions about ending a pregnancy. For example, there is widespread agreement that using such testing and ending a pregnancy for the purpose of gender selection is an immoral form of gender discrimination. Although this is not routinely done in most Western nations, there are parts of the world where the abortion of female fetuses is not unusual. This puts some physicians in these countries in a difficult position. They want to provide prenatal care for their patients but are uncomfortable with abortion for gender reasons.

If a couple who is undergoing genetic testing for their child in utero receives bad news from their test, they may understandably wish to end their pregnancy. But using the information from genetic testing for gender reasons raises significant moral concerns. In the first place, ending a pregnancy for reasons of genetic abnormality incorrectly assumes that the genetically anomalous child is less than a full human person.⁴ Unless the child in question is not a person, using genetic abnormality to justify ending the pregnancy is no different morally than ending the life of an adult who is similarly challenged. Yet no one envisions such a scenario, precisely because adults are clearly full-grown persons with the right to life, a right that cannot be compromised by genetic defect. Genetic abnormality should not compromise the full personhood of the unborn child any more than it does the grown adult. If personhood begins at conception, and the unborn have the right to life from that point forward, unborn children with genetic challenges are similarly entitled to the right to life.

A second reason why abortion for genetic abnormality is a problem is that it is presumptuous to suggest that the lives of the genetically challenged are less worth living than the lives of those who are genetically normal. Couples attempt to justify abortion in these cases on the basis that the burden of life for the child is too great to put him or her through. However, it is not uncommon to confuse the burden on the child with the burden on the parents to raise the child. Although the burden on the parents should not be minimized, it is a different consideration from the burden on the child, and prospective parents who are considering ending



a pregnancy in these cases should be honest with themselves about the underlying reason. As the numerous advocacy groups for the disabled have long contended, for a child with a genetic defect there is no necessary connection between disability and unhappiness. In fact, many disabled persons are happy with their lives and find some of their purpose for living in overcoming their challenges. If they were asked if they felt that their lives were less worth living on account of their challenges, or if they wished they had never been born, they would likely answer that they consider their lives fully worth living and that they are glad to be alive. This is one reason advocacy groups for the disabled are understandably nervous about genetic testing information being used for abortion decisions. They are rightly concerned that abortion due to genetic abnormality might diminish respect for and protection of the adult disabled population.

A World Without Down Syndrome?

In a widely reviewed BBC documentary, Sally Phillips explores new prenatal testing for Down syndrome and ponders what the world would be like if it was eliminated. She argues that with newer and less invasive testing available, more pregnant women will choose to abort fetuses with Down syndrome, thereby dramatically reducing the incidence of children born with it. That is, the genetic abnormality is being eliminated by eliminating those who suffer from it, which Phillips points out in the film. She has a personal stake in the discussion, since she is raising a Down syndrome son herself. This is somewhat parallel to the French short film, “Dear Future Mom,” which attempts to comfort women who have received a prenatal diagnosis of Down syndrome for the child they are carrying. This short film, made to help commemorate Down Syndrome Day in France, was banned from French television because it “was likely to disturb the conscience of women who had lawfully made different personal choices.” The majority of women who are pregnant with Down syndrome babies choose to end their pregnancies.

“A World Without Down’s Syndrome.” *BBC Two*. November 8, 2016. <http://www.bbc.co.uk/programmes/b07ycbj5>.

Ditum, Sarah. “Sally Phillips Documentary about down Syndrome Was Profoundly Anti-Choice.” *New Statesman*. October 6, 2016. <http://www.newstatesman.com/politics/health/2016/10/sally-phillips-documentary-about-down-s-syndrome-testing-was-profoundly-anti>.

Metaxas, Eric. “A Smiling Child with Down Syndrome.” *Breakpoint*. December 2, 2016. <http://breakpoint.org/2016/12/a-smiling-child-with-down-syndrome/>.



A third reason that abortion for genetic abnormality is problematic is that the genetic tests, though generally very reliable, are not infallible. More important, the degree of deformity resulting from any genetic disorder is difficult to predict with certainty. For example, it is well known that some children with Down syndrome are seriously impaired, but many others are only mildly affected and live relatively normal lives. In addition, symptoms of some genetic diseases, such as Huntington's disease, do not onset until later in life. Still others, such as cystic fibrosis (CF), though causing death prematurely (generally in the twenties), allow a person to live a satisfying life in spite of the disease. For many of these diseases, treatment of the symptoms has improved, enabling a fuller life.

Couples who have a history of genetic disease or have had one or more genetically anomalous children can choose another way to procreate. Instead of attempting to conceive a child naturally, they can undergo in vitro fertilization and have the embryos screened for genetic disorders prior to implantation. This procedure is known as preimplantation genetic diagnosis (PGD). Only the embryos that do not possess the genetic anomaly would be implanted, and the rest discarded. On the surface, this seems like a very responsible way to procreate, avoiding both the genetic disease and the possibility of abortion. However, for someone who holds to the personhood of the unborn outlined in chapters 5–6, there is no morally relevant difference between aborting a genetically anomalous fetus and disposing of a genetically defective embryo. So although PGD will eliminate the chances of conceiving a child with a genetic defect, it solves one problem only to create another.

For a couple with a history of genetic disease, who are against both abortion and discarding embryos, the prospect of passing along a serious genetic disorder raises questions about the wisdom of procreating naturally. Some would put the issue even more strongly and argue that they might have the obligation *not* to procreate naturally. Take, for example, a couple in which the wife has the genetic link for Huntington's disease, a very difficult degenerative neurological disease in which symptoms onset at some point in the mid-to late thirties. She is thirty-one at the time that she and her husband desire to start a family, and she has a 50 percent chance of passing along the gene to her child. Should they attempt to have children naturally? Or should they adopt a child and be sure that their child will not get Huntington's disease? How would you advise them?

The couple in this case went ahead and attempted to procreate naturally and further decided not to have the child tested in utero, since the results would not affect their decision to continue the pregnancy. They also decided to let their child determine whether he or she would be tested. They assumed that as the mother developed



symptoms, there would be ample opportunity to tell the child of the disease and the genetic component. Though to say that they had an obligation not to procreate naturally may be too strong, wisdom dictates that couples should think seriously about other options when faced with the likelihood of passing along a serious genetic disorder.

Stunting the Growth of the Severely Disabled?

Children born with severe disabilities, such as cerebral palsy, that leave them dependent on caregivers for their entire lives, are now being considered for what is called “growth attenuation therapy,” which effectively limits their growth so that they are manageable for adults to continue to provide the level of care they will need for the rest of their lives. Some female children are given hysterectomies and have their breast buds removed, the former done so that they do not experience menstruation as they get older. The treatment involves estrogen therapy between the ages of four and seven in order to close the growth plates prematurely in the child. Debate over the ethics of the therapy is passionate and intense. Disability advocates are harsh critics of the treatment, arguing that it “violates the child’s privacy and freedom from unnecessary bodily manipulation, which are the sorts of things the Americans With Disabilities Act, the Rehabilitation Act and even the 14th Amendment were supposed to protect people from.” This is particularly the case with the procedure to sterilize a minor, which in many states cannot be done without a court order.

Field, Genevieve. “Should Parents of Children with Severe Disabilities Be Allowed to Stop Their Growth?” *New York Times*. March 22, 2016. <https://www.nytimes.com/2016/03/27/magazine/should-parents-of-severely-disabled-children-be-allowed-to-stop-their-growth.html>.

Sex Selection

Biotechnology can provide the means for couples to reliably select the sex of their children, for virtually any reason. As we pointed out in chapter 5, sex selection abortion has been available for some time, going back to the population control emphases of the 1960s and 70s. This is the most crude and inefficient way to select the sex of one’s child but was the only way to do so at that time.

A second way to do sex selection involves IVF and the prenatal testing of embryos. This is a modified application of PGD (prenatal genetic diagnosis) that is normally used to identify genetic abnormalities but can also be used to identify the



sex of the embryo. The couple wishing to select the sex of their child creates several embryos in the lab through IVF and has each one tested, and the embryos of the desired sex are then implanted in the womb. The embryos of the sex not desired are normally discarded. For many couples, since it involves IVF to conceive, the cost often outweighs the perceived benefit of choosing the sex of the child. In addition, since discarding embryos is the moral equivalent of abortion, this method is seen as equally problematic as sex selection abortion.

A third way to do sex selection is less reliable but is becoming the method of choice for many couples, since it involves a sperm separating technology and does not involve abortion or discarding embryos. In addition, the cost is far lower than methods that involve IVF. The most popular sperm separating technology is known as MicroSort, and it advertises that it gives a couple a roughly 85–90 percent chance of achieving the desired sex for a child. One obvious reason a couple might want to select for sex would be to avoid one of approximately three hundred sex linked genetic diseases, which include hemophilia and muscular dystrophy. In addition, in some parts of the world, cultural factors strongly favor one sex over another. For example, in many parts of the developing world, boys are more valued and more desired than girls. The opposite tends to be the case when sex selection is used in Europe and the US, as girls tend to be preferred over boys. But many couples use this technology to achieve “family balancing,” in order to have at least one child of each sex in the family. They usually want both sexes because they value both highly.

Sex selection for family balancing forces us to evaluate sex selection *per se*, that is, asking if there is anything *intrinsically* wrong about choosing the sex of a child. Often the first response to this, especially among religious people, is that this amounts to “playing God.” For some, this phrase means that the action involved somehow undermines the sovereignty of God. But to be clear theologically, no human action is capable of undercutting God’s sovereignty, for if it could, we would have a much bigger theological problem than an ethical one! That being said, it is entirely possible for human actions and the use of some technologies to undermine a person’s *trust* in God’s sovereignty. Those two considerations are quite different. To begin to assess the “playing God” objection, it is important to define precisely what the phrase means. It refers to human beings usurping prerogatives that belong to God alone, such as the determination of the timing and manner of our deaths. Is the assignment of the sex of one’s child one such prerogative? I would suggest that it could be, but not necessarily.

Take the situation mentioned earlier, that prospective parents might be very interested in sex selection technology in order to avert a sex linked genetic disease. This is an entirely different motive than for family balancing and seems consistent



with our theological framework for medical technology—that it's God's good gift for overcoming or alleviating the effects of the general entrance of sin into the world, of which sex linked genetic diseases are a part.

The term “family balancing” needs a bit more discussion in order to make a moral assessment of sex selection for this purpose. Invoking that term implies that the current family that a person has is somehow unbalanced. It suggests that there is something defective that needs corrected by medical technology. That could be a statement, however inadvertent, about the couple's trust in God's sovereignty to give them the children he has for them. For example, my family consists of my wife and three grown sons. Never once did we consider our family defective in any way simply because we had all boys, nor did we consider it something that needed repairing. It could be that the term “family balancing” could be an inadvertent criticism of God's providence in giving a family the children he sovereignly designed for them.

Since the purposes of medical technology are generally to relieve or cure the effects of the entrance of sin, then using sex selection technology would be acceptable only because the sex of the child was somehow the result of the entrance of sin. But, clearly, one's sex is not a disease or a curse, even though in some parts of the world it might be treated as such, as one sex is far more valued than the other. Clearly, if a couple views one sex as a curse, or some sort of affliction, then there are bigger issues at stake than simply the ethics of sex selection. The Bible is very clear that both sexes are equally esteemed before God and both equally made in his image (Gal. 3:28). There is no place in a Christian worldview for any view of gender status that puts one sex inferior and less valued than the other. Sex selection, even for family balancing, would appear to be contrary to the theologically grounded goals of medical technology and should be accepted as one of the “givens” of life, as mentioned earlier.

In addition, for any person or couple who would go to such lengths as to use sex selection technology, there could be ethical issues that have to do with the expectations of the child of the desired sex. For example, it is not uncommon for families not only to want a girl but also a girl of a certain type. Sometimes these expectations reflect gender stereotypes that may actually be harmful to the child. Parents could go to great lengths to have a child of a desired sex only to have the child fail to live up to those expectations. At the least, the child could feel pressure to conform to those expectations, which may or may not be consistent with how God has wired the child. Parental obligation seems to include allowing the child to become the person that God has uniquely made, giving him or her as much of an open future as possible.

Throughout the Bible, children are referred to as “gifts” (e.g., Ps. 127:3). That imagery implies that children are to be received with gratitude and without



specifications. Imagine receiving a gracious gift and being dissatisfied with it because it wasn't precisely what you wanted. We would suggest that would be inappropriate and ungrateful for the gift. Of course, we acknowledge that children make Christmas lists and engaged couples have wedding registries. But those are premised on the fact that parents don't have perfect knowledge of their kids' wishes, nor do friends have omniscience about the wishes of the bride and groom. However, God has perfect knowledge of our needs and desires and, thus, is able to give us perfect gifts without our specifications.

Genetic Interventions, Gene Editing, and Designer Children

Some of the most exciting aspects of the new discoveries in genetics come when these discoveries can be used to treat diseases rather than simply diagnosing them. The field of gene therapy has long held promise for providing treatment for some genetic diseases. One of the earliest and most well-publicized examples of gene therapy was a program to treat ADA (adenosine deaminase deficiency), the immune system disorder that produced the "Bubble Boy," who could not be exposed to the outside environment because his body could not fight off infections.⁵

Conventional gene therapy in past experimental protocols was performed with what is called *gene addition*.⁶ Gene therapy attempts to counter a genetic defect by adding the corrected gene to the body. Millions of copies of the corrected gene, attached to viral vectors, are added to the body in the same way that antibiotics would be added to the body to fight infections. Conventional gene therapy was costly, since repeated treatments were necessary, inefficient (since much of the genetic "payload" dropped into the body never found its mark), and risky (since genetic interactions were not always predictable). More recent variations on gene therapy are focused on a "repair and replace" strategy that aims to correct the genetic abnormality once and for all by combining gene therapy and stem cell treatments using stem cells from the patient's bone marrow.⁷

These developments in what is called "gene splicing" technology are safer, more efficient, and less costly. As a result, gene therapy is making a significant comeback in terms of interest and potential for treating genetic disease. In addition, gene splicing is making what is called "germ line" (meaning it can be passed on to succeeding generations, as opposed to somatic cell therapy, which affects only the patient) genetic modifications more of a reality. This technology will make it possible to cure genetic diseases in early stage embryos. The process, known as



CRISPR-Cas9, is a new procedure that enables scientists to snip out defective genes and replace them with the corrected version, thus treating genetic disease right at the source. The original focus of the procedure was to insert a synthetic gene designed to provide immunity from the HIV virus. CRISPR-Cas9 functions as a genetic “scalpel” to remove defective genes, and replace them with synthetic versions of the repaired genes, thereby changing the underlying genetic code. Scientists see this as progress in performing something akin to genetic “surgery,” in which defective genes could be removed and healthy genes spliced even into early stage embryos or even sex cells.⁸ In addition, the potential to go beyond sex selection and select for more specific traits is now available due to gene splicing.

A New Eugenics?

In a provocative interview Australian bioethicist Rob Sparrow addresses biotechnology and the rise of what many have called the “new eugenics.” He cites parallels between the current discussion on enhancement biotechnology and the early twentieth century endorsements of eugenics. He doesn’t “think we’re as far from the bad old eugenics as many bioethicists would like to think.” He suggests that the physicians and bioethics community have been “far too swift to make judgments about other people’s quality of life,” in the application of enhancement biotechnology. He crafts an interesting argument in which he maintains that the eugenic duty to have the best child possible (and abort the ones that are not) might result in male fetuses being aborted on the grounds that it might be better to be born a woman, or vice versa. He says, “My hope is that if I can encourage bioethicists to feel the force of those intuitions when they are confronted with the possibility that people like themselves will not exist in the future, they might be willing to look again at arguments made by disability activists and take them more seriously.”

Others acknowledge that a new eugenics is indeed upon us, but it could be different than the early twentieth century and actually be a force for good. With embryo editing now available, the ability to heal genetic disease at the source may be here. As historian Adam Cohen maintains, twentieth century eugenics was a war *on* the weak. He hopes that twenty-first century eugenics will be a war *for* the weak.

Cohen, Adam. “This Time, Can Eugenics Be a Force for Good?” *Los Angeles Times*, March 19, 2017, A17.

Simons, Xavier. “Diversity, Disability and Eugenics: An Interview with Rob Sparrow.” *Bioedge*. August 11, 2016. <https://www.bioedge.org/bioethics/diversity-disability-and-eugenics-an-interview-with-rob-sparrow/11951>.



This germ line aspect of the technology raised concerns about the procedure's safety in embryos, particularly since the genetic changes, both intended and unintended, would be inheritable by successive generations. What has researchers excited is the prospect of treating genetic disease at its very source, in the early stage embryo or even in the sex cells. There is little debate, other than safety considerations, for using biotechnology to treat disease. But when it comes to using the technology to enhance otherwise normal traits, that is an entirely different question that will be addressed in the next section. Gene splicing technology makes available, for the first time, biotechnology that is necessary for producing "designer children." Though the researchers insist that they have no intention of using the technology for genetic alteration of traits, the technology to perform gene splicing, though still in its infancy and not yet ready for public consumption, is here and waiting for someone to use it to do genetic alterations for nondisease traits. But as we will see in the discussion of enhancement biotechnology, keeping treatment of disease separate from enhancing otherwise normal traits is not always easy to do. Some in the bioethics community actually believe that parents are morally obligated to engineer their children, to give them the best possible head start in life, using the term "procreative beneficence" to describe the moral obligation to the next generation of children.⁹

So what's wrong with genetically engineering our children to give them an opportunity to have the best life they can? What could be wrong with leaving less to chance and giving more room for choice in our offspring? One issue commonly raised is that of fairness. Given the socioeconomic inequalities that permeate many cultures, and given that genetic interventions are among the costliest of all our medical resources, there is concern that only the wealthy will have access to these genetic interventions. If used to reinforce or expand already existing advantages among the wealthy, that would serve to make inequalities permanent by being genetically hardwired into those who could afford them. It would leave behind those who could least afford to be left behind. Any restrictions on the application of gene editing would likely need the force of law, since the autonomy ethic is so strong and the lure of enhancing one's children so powerful. One response to this argument is to limit these interventions to the least advantaged and use them as a means of leveling the playing field, making them better able to compete for jobs and resources (see the sidebar below). For example, assuming it is safe to use, it is understandable that parents would want to use Human Growth Hormone (HGH) with a child who is on the very low end of the normal spectrum for height. Using HGH to enhance a person's height out of a concern for the well-being of the child. The counter argument maintains that reducing well-being to height, or any other



physical feature, may be harmful to the child by identifying his or her well-being in areas that are far less important than matters of character and skills.

A further concern is that of safety—not only of the procedures themselves but also of the unanticipated and unintended side effects. This is the caution about germ line modifications in general, since there is still considerable ignorance about the genome and the impact of genetic interactions might be. Harmful genetic side effects, though unforeseen, could not be stopped, short of coercively preventing the person from having children. Of course, if the genetic alteration was intended to treat or cure a clearly identified disease, it could be argued that it is worth the risk of the unintended consequences. That argument is harder to make if the intent of the intervention is for enhancing otherwise normal traits.

A final issue with genetically “engineering” our children is that it could undermine the virtues society widely considers necessary to a good and flourishing life. As you will see in the next section, we generally approve of many kinds of activities that enhance our otherwise normal traits. Most of these are done in conjunction with hard work, effort, and sacrifice, and we consider these important traits to be cultivated. But some enhancements undermine these virtues, in a way analogous to performance enhancing drugs in sports. To be sure, those world-class athletes still have to work hard, but the performance enhancers enable them to progress beyond where their unaided hard work and effort could take them.

Related to this concern is the caution that genetically enhancing our children could undermine our view of children as gifts to be gratefully received. Parallel to the discussion of sex selection, children are to be viewed not as objects to be designed but persons to be unconditionally loved and accepted, a notion critical to the emotional and developmental health of children. As political philosopher Michael Sandel argues, “To appreciate children as gifts is to accept them as they come, not as objects of our design or products of our will or instruments of our ambition. Parental love is not contingent on the talents and attributes a child happens to have.”¹⁰ The biblical notion of children as gifts, as we have already seen, underscores the idea of children being received open-handedly and thankfully as God’s good gifts (Ps. 127:3).

Enhancement Biotechnology

The prospect of genetic intervention to do more than simply cure diseases, to also enhance otherwise “normal” traits in a person, raises broader questions about using a wide variety of biotechnologies this way—not only to treat diseases but to make us



“better than well.”¹¹ While the efforts to make sports such as baseball and cycling “clean” and free from steroids and blood doping are well publicized, what is quietly growing underneath the radar of public scrutiny are performance-enhancing drugs for executives, students, professional musicians, and even poker players. These brain drugs are known as “cognitive enhancers” and include the ADD drugs Adderall and Ritalin, beta-blockers such as Inderal, and Aricept, which is used to treat the memory loss in Alzheimer’s patients. Though these drugs have clear clinical uses, such as to treat ADHD, heart conditions, and memory loss, their use is increasing by individuals who have none of those problems. Instead, they are being used by people who want to get heightened brain capacity. For example, ADD drugs increase what is called “executive function,” which gives people a temporary increase in concentration. Ritalin is sold on the black market on many college campuses as students look to buy it from ADD patients so they can get an edge on final exams or writing major papers. Beta blockers are used frequently by professional performers who want to steady their nerves. And Alzheimer’s drugs are being used more often by fifty-something adults who want to combat the memory loss that is a natural part of aging. Even professional poker players take Adderall to enable them to focus on the game for long periods of time. Some surveys indicate that roughly 7 percent of college students have tried ADD drugs to help their concentration, and some professional musicians estimate that approximately 75 percent of musicians take beta-blockers prior to performances. Even some physicians report taking beta-blockers before major medical presentations. Side effects from long-term use are not clear, and some critics suggest that in competitive contexts such as the SAT exam, they should be prohibited, just as performance-enhancing drugs are prohibited in sports. But those in professions such as air traffic control, airport screening, and surgery might actually be encouraged to take them. Films such as *Limitless* have popularized these cognitive enhancers and continue to bring them into public consciousness.

Enhancements for the Socioeconomically Disadvantaged?

Writing in the *American Journal of Bioethics*, University of Texas at Houston bioethics professor Keisha Shantel Ray makes a novel application of enhancement therapy—to level the playing field for the socially disadvantaged. She argues for making available cognitive stimulants such as Adderall and Ritalin, normally used to treat ADHD,



as a pragmatic way to help provide a solution to social inequality. It would do this by providing a pharmacological advantage to otherwise economically disadvantaged children, enabling them to compete with their more privileged peers more successfully. She claims, “Stimulants may be a better practical and more just solution in our current unjust situation.” Critics insist that this provides medical solutions to what are essentially nonmedical issues. Ray concedes that there are structural problems that are not easily solved and on which society is making little progress, so these enhancement remedies are a pragmatic solution that do not address the long-term structural problems that create inequality.

Ray, Keisha Shantel. “Not Just ‘Study Drugs’ for the Rich: Stimulants as Moral Tools for Creating Opportunities for Socially Disadvantaged Students.” *American Journal of Bioethics*. May 23, 2016. <http://www.tandfonline.com/doi/full/10.1080/15265161.2016.1170231?scroll=top&needAccess=true>.

Symons, Xavier. “Enhancing the Disadvantaged.” *Bioedge*. June 4, 2016. <http://www.bioedge.org/bioethics/enhancing-the-disadvantaged/11900>.

As argued in chapter 6, use of medical technology to treat disease can be seen as a part of God’s general revelation and common grace to human beings to enable them to further fulfill their mandate to exercise dominion over creation. Thus, medical technology in general and therapy that corrects genetic defects in particular are clearly within the creation mandate given in Genesis 1–2. After sin entered the world, exercising dominion became more difficult for humankind and involved alleviating or reversing the effects of sin. Biotechnology used to treat symptoms or cure diseases plainly falls within the mandate given by God to human beings and for which he has given us the tools to effectively carry that out.

At first glance, enhancement therapies seem quite different than those to treat disease, though in many cases, biotechnologies that treat disease can also be used without adaptation to enhance otherwise normal traits, as is the case in the examples cited above. Enhancing already existing traits does not seem the same as reversing or alleviating the effects of the entrance of sin. Rather, enhancement therapies attempt to improve some already existing condition that falls within normal human parameters. Using the general criteria—the goal of medicine is to alleviate the effects of sin, which include disease, decay, and deformity—is a helpful starting place for drawing ethical guidelines. But we should admit that this way of stating it, similar to the traditional treatment-enhancement distinction, can be a bit ambiguous when applied to some specific biotechnologies.



Moral Enhancement?

Oxford philosopher Julian Savulescu is an enthusiastic proponent of enhancement biotechnology and argues that parents have a moral obligation to use biotechnology to give their children the best chance at the best life. He also maintains that “moral enhancement” should be considered so that the destructive tendencies of human beings might be tempered or even eliminated. He argues that it is likely we would be able to do such a thing in the distant future, and he argues that it might be compulsory if it is possible. Historian Richard Weikert responds with the question, “Who chooses the traits to be enhanced into the next generation?” Weikert maintains, “If humans are so morally deficient that we need moral enhancement, how can we be trusted to make wise choices that will foster moral enhancement, and not debasement?” Weikert’s work in the history of eugenics suggests caution when it comes to using biotechnology to alter what Savulescu considers moral traits, especially when the coercive power of government implements such strategies.

Persson, Ingmar and Julian Savulescu. “Getting Moral Enhancement Right: The Desirability of Moral Bioenhancement.” *Bioethics* 27, no. 3 (March 2013): 124–131.

Weikert, Richard. *The Death of Humanity: And the Case for Life*. Washington, DC: Regnery, 2016.

Weikert, Richard. “Can We Make Ourselves More Moral?” *The Public Discourse*. June 7, 2016. <http://www.thepublicdiscourse.com/2016/06/16967/>.

What do we accept as life’s givens, and what of our limits can/should be altered/improved? Those are difficult questions, complicated by the fact that most people work very hard to overcome their limits and enhance their physical and mental traits with things that no one questions, such as exercise and education. Some even suggest that prayer and Bible study enhance a person’s spiritual traits. It is widely held that vaccinations enhance a child’s immune system to protect against childhood diseases. Think of all the things that parents do for their children that enhance their given traits and tendencies. We send children to school to sharpen their mental capacities, and we even engage a variety of enhancement opportunities for them, such as music lessons and Kaplan courses to prepare for the SAT exam. I doubt there are too many objections to these kinds of *enhancements* because they involve significant effort and are not shortcuts for hard work and achievement. Some enhancements are specifically medical or dental. Orthodontics is a cosmetic enhancement, since it is not at all clear that crooked teeth are a result of the entrance of sin into the world.



The same could be said for male pattern baldness. It is hard to have a problem with treatments to restore hair growth, though it is not clear that baldness is a result of the entrance of sin into the world. Using this same criterion, it is not difficult to justify many forms of cosmetic surgery that offset the effects of aging, which *is* a result of the general entrance of sin into the world. Yet we are sometimes justifiably uneasy with the narcissism that motivates some plastic surgery.

There are, however, some general points of concern when it comes to the widespread use of enhancement biotechnologies.¹² First is the concern about safety of their use. The clearest example of this are the athletes who enhance their muscle growth with anabolic steroids and Human Growth Hormone, which are known to have serious side effects. A second concern has to do with fairness, particularly when it comes to the use of biotechnology in competitive situations, such as sports or academics. A related concern has to do with the access to these technologies, a tension that is perhaps clearest when it involves expensive genetic therapies. The use of enhancement biotechnologies runs the risk of widening the gap between the “haves” and “have-nots” and is especially troubling given the inequalities in health-care access that already exist. A fourth concern has to do with the context of personal autonomy and free choice that dominate the cultural landscape today. Using enhancement therapies may begin as a free choice, but it can become so ingrained in a culture that, in reality, participants have no choice but to enhance themselves. The prevalence of musicians using beta-blockers to calm performance anxiety may already be an example of enhancement becoming coercive. And it may be naive to expect parents to resist enhancement therapies that will give their children significant advantages. In fact, failure to take advantage of these therapies could be seen as a form of child neglect.¹³

Further concerns include how enhancement “short-cuts” can undercut the notions of hard work and achievement, thereby undermining important and widely held moral values that are seen as foundational to our flourishing. In addition, critics raise concerns about the role of enhancement technologies in further medicalizing life and, as a result, minimizing life’s moral component, as medicine and biotechnology become more prominent and genetics is used to explain more behavioral issues. For example, well before the Human Genome Project was completed, *Time* came out with a cover story titled, “Is Adultery Genetic?”¹⁴ More recent studies have attempted to make the case that “infidelity lurks in your genes,” although they have been criticized because of their inadequate evidence.¹⁵ The point of the presumed genetic link was to treat infidelity as a disease, for which medical treatment, not moral behavior, was appropriate.



Others raise concerns about accepting the limits of our humanity, in contrast with transhumanism, which attempts to overcome human nature. Philosopher Patrick Smith defines it this way: “Transhumanism is a class of philosophies of life that seek the continuation and acceleration of the evolution of intelligent life beyond its currently human form and human limitations by means of science and technology.”¹⁶ That is, it seeks “the radical removal of the constraints of our bodies and brains and the reconfiguration of human existence according to technological opportunities.”¹⁷ Transhumanism actually has its roots in the early modern philosophers such as Francis Bacon, who advanced the modernist project of using reason and technology to overcome the limits of human finitude. The goal of the transhumanists is to produce what they call “posthuman” persons, whose capacities go so far beyond what we know as human that they can no longer meaningfully be called human. That is, the goal is to transcend the limits of our biological humanity and “hurry along” the next stages of human evolution. Though there are many varieties of transhumanist emphases, what they appear to have in common is what theologian Brent Waters describes as “the unwavering belief that the current state of human beings is deplorable, and the only effective way to remedy that plight is for humans to use various technologies to radically enhance and transcend their innate and latent capabilities.”¹⁸

Though we can readily accept biotechnology with the goal of reducing suffering and combating the effects of the general entrance of sin, it should be noted that the transhumanist movement seeks to do much more than that. As Patrick Smith suggests, “Transhumanism and its posthuman vision take aim not at the eradication of certain disabilities or particular traits of human beings . . . *but at the whole of humanity*. Humanity or the human condition is to be improved upon by humans becoming something other than they are.”¹⁹ In a Christian worldview, ultimately, we transcend our human condition by *resurrection*, which is a gift of grace, rather than by bodily transformation through technology. In addition, the ideal human being is not the posthuman person but the Lord Jesus Christ, who willingly accepted his limits, including embracing the confines of humanity through his incarnation and journey to the cross. The transhumanist agenda of transcending humanity may actually undermine the very autonomy of the person it is grounded on. It is not difficult to imagine such an agenda becoming coercive, either directly, by means of government, or more indirectly, as people are left with little choice but to accept the enhancements available due to the social pressure to do so. As suggested by Christian worldview, there can be a responsible use of biotechnology to alleviate the effects of the general entrance of sin, yet there are certain “givens” that come with our humanity that ought to be accepted because human beings are not gods and were



never intended to be.²⁰ In addition, a Christian worldview insists on human beings being intrinsically valuable regardless of their physical or mental limitations. The transhumanist agenda puts this view of human beings—as intrinsically respected and having inherent equality—at risk. Further, it risks undermining human flourishing by promoting a relentless dissatisfaction with life as it is. Even if we could transcend our bodily limitations, we would still be plagued by the far more serious limitations of sin, which can only be overcome by the grace of God and our residence in eternity.

Animal-Human Embryos?

Though there have been several attempts to combine parts of human beings with parts of animals for some time (e.g., using heart valves from pigs for transplant in children), some scientists at the Salk Institute for Biological Studies, Stanford, University of Minnesota, and University of California, Davis, are now attempting to create embryos that are part human and part animal. Known as “chimeras,” they are being created for research purposes—to help better understand human diseases through animal experimentation. They hope to use these chimeras to grow human organs that could be used for transplant. The technology combines gene editing with induced pluripotent stem cells (iPS) in the hope that human organs will develop as the chimera embryo grows. The embryos are gestated in pigs at present, and they develop only to twenty-eight days gestation so that they can be studied. Critics are concerned about crossing species lines and the uncertainties that could result from the chimeras.

Stein, Rob. “In Search for Cures, Scientists Create Embryos that Are Both Animal and Human.” *All Things Considered*, NPR. May 18, 2016. <http://www.npr.org/sections/health-shots/2016/05/18/478212837/in-search-for-cures-scientists-create-embryos-that-are-both-animal-and-human>.

Human Cloning

For many years, cloning of human beings was the raw material of science fiction. Now it is in the newspapers. Since 1993 scientists have been able to clone human embryos, essentially reproducing in the lab what occurs in the body when identical twins or triplets are produced.²¹ Embryos were cloned originally to make infertility treatments less expensive and less demanding on the infertile wife. Thus, if embryos are persons, then, technically, science has been able to clone people since 1993.



Creating Synthetic Genomes and Embryos

In the journal *Science*, scientists at various universities in the United States announced their intention to synthesize the entire human genetic code (i.e., the genome). Known as “the Human Genome Project—Write” (HGP-write), researchers see the potential benefits not only for research on how genes function but also to potentially treat genetic diseases, assist in providing organs for transplant, developing immunity to dangerous viruses such as Ebola and Zika, and research on developing cells that are resistant to various types of cancers. This would be a major step forward from the initial Human Genome Project (HGP-read) that provided the information about the genome necessary to map the entire genetic code. Advocates insist that they have already fashioned synthetic genes, and this would be another step forward in such research. Further advances in synthetic biology enable scientists to grow synthetic embryos in the lab for fourteen days, after which it is illegal in the United States to experiment on embryos. Advocates maintain that the fourteen-day rule should be reconsidered, especially since researchers maintain that they may be able to skip some developmental steps in order to grow and harvest body parts and organs. Critics argue that these are steps closer to designer children, crossing a line in altering the human genetic code that should not be crossed. Some suggest that this shows that a divine creator is not necessary, while others argue that this is clear evidence of intricate design, which implies a divine designer.

Boeke, Jef, et al. “The Human Genome Project-Write.” *Science* 353 (July 8, 2016): 126-127. <http://science.sciencemag.org/content/353/6295/126>.

Fernandez, Colin. “A Step Closer to Designer Babies: Human Cells Could Be Made from Scratch in Ten Years as Scientists Reveal Plans to Create Entire Synthetic Genomes.” *Daily Mail*, June 2, 2016. <http://www.dailymail.co.uk/sciencetech/article-3622122/A-step-closer-designer-babies-human-cells-scratch-TEN-YEARS-scientists-reveal-plans-create-entire-synthetic-genomes.html>.

Weintraub, Karen. “Ethical Guidelines in Lab-Grown Embryos Beg for Revamping, Scientists Say.” *Scientific American*, March 21, 2017. <https://www.scientificamerican.com/article/ethical-guidelines-on-lab-grown-embryos-beg-for-revamping-scientists-say/>.

However, when most people think of human cloning, they have *procreative cloning* in mind, that is, cloning a mature adult person, not an embryo. In this type of cloning, scientists take a cell from an adult person (almost any type of cell will do) and remove the nucleus. They then take a woman’s egg that has had its nucleus removed and transfer the adult cell nucleus into the egg. That provides a chemical “jump-start”



so that it begins to divide and multiply and then is implanted into a woman's womb, where it matures like a normal pregnancy. The result is that the child who is born is the identical twin of the adult from whom the cell was originally taken. The technical term for this process is *somatic cell nuclear transfer* (SCNT). This is the process that made the headlines in 1997 when Scottish researcher Ian Wilmut announced that he had cloned an adult sheep, which became well-known in the media by her name, Dolly.²² It is ironic that this process is called *procreative* cloning, since it represents a further technological move away from the traditional idea of procreation and toward the modern notion of reproduction, a distinction mentioned in chapter 6.

The process was far from perfect, since, in Dolly's case, there were 276 failed attempts at cloning before she was produced. After Dolly was successfully cloned, predictions about a timetable for cloning human beings abounded, but the consensus in the scientific community was that replicating the process with human beings would be far more difficult and would not be possible for several more years.

At this point procreative cloning cannot be achieved without significant risk to the cloned embryo/fetus and perhaps even to the woman who carries the cloned person in pregnancy. The reason for so many miscarriages with Dolly was the presence of genetic abnormalities that were incompatible with life. That makes the process problematic, irrespective of the reasons why someone would want to engage in this practice. Assuming that those technological hurdles can be overcome, other questions about cloning remain, like whether the process is "playing God" and whether cloning violates a person's right to his or her unique genetic identity. It is unclear whether the charge of playing God can be maintained, since it is not an accident but under God's sovereignty and common grace that science has developed this technology. Further, the "violation" of one's unique genetic endowment does occur naturally when identical twins or triplets are produced. However, the notion of children as begotten and not manufactured suggests that cloning is problematic and deserves further moral reflection before proceeding.

Not only does the process of cloning require moral assessment, but the variety of reasons why someone would want to do it should be subject to moral evaluation. Below are some of the reasons why someone would want to engage in procreative cloning, apart from the more obvious reasons, such as curiosity (seeing whether it could be done) and narcissism (the desire to copy oneself and approach something like immortality):

1. Helping to make infertility treatments more efficient and less costly.
2. Providing embryos for research.



3. Being able to provide a person with an exact tissue match should it be necessary to treat a life-threatening disease (as with a bone marrow transplant).
4. Being able to replace a child who died prematurely.
5. Offering organ farming, in which the cloned person is used as a source of biological spare parts.
6. Making a profit from selling one's embryos on the open market, in the case of people like athletes or supermodels.

Helping make infertility treatments less costly (reason 1) could possibly be justified as long as there are no embryos left over at the end of the treatments and no embryos are destroyed in the process of cloning (both highly unlikely). Providing embryos for research (reason 2) is unethical, since either the research kills the embryo or the embryo is discarded at the end of the experimentation. There does not appear to be any reason why it would not be morally acceptable to be able to clone in order to provide a tissue match (reason 3) so that the cloned person could donate renewable tissue such as bone marrow. The notion of replacing a child who has died prematurely (reason 4) is unlikely to be effective, since it could cement the bereaved couple in grief. The reason for this is that the clone could well be a daily, painful reminder of the child who died. Using clones for organs (reason 5) is almost universally condemned as a violation of the dignity of the cloned person. Selling cloned embryos on the open market (reason 6) is widely considered problematic, though embryos are sold by some infertility clinics. Further, demand for cloned embryos to produce one's own children is likely to be low, since having one's own child, not someone else's, is highly valued by prospective parents.

Conclusion

The world of biotechnology is here to stay, and the moral dilemmas produced by these sophisticated procedures will only become more complicated. Medical technology can be seen in general as part of God's provision to human beings in enabling them to more effectively exercise dominion over creation, particularly when it comes to confronting the effects of the entrance of sin into the world. The uses of each specific technology must be carefully weighed, and they cannot be exempt from moral scrutiny. The attitude that suggests that a technology must be used simply because it can be used is very problematic. Just because science advances, it does not follow that society is obligated to make every new technology



available. Especially in the complex area of biotechnology and human cloning, moral reflection must keep up with scientific progress.

For Further Reading

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Waters, Brent. *From Human to Posthuman: Christian Theology and Technology in a Postmodern World*. New York: Routledge, 2006.

Waters, Brent. *Christian Moral Theology in the Emerging Technoculture: From Posthuman Back to Human*. Burlington, VT: Ashgate, 2014.

Chapter Review

1. What was the Human Genome Project? What was its primary goal?
2. What is the difference between a genetic link and a genetic predisposition?
3. What is the argument for maintaining a person's genetic privacy?
4. What are the various types of prenatal genetic testing available today?
5. What does a couple have to gain by having prenatal genetic tests performed?
6. What are some of the moral concerns about using genetic testing to decide whether to end a pregnancy?
7. Why do disability rights advocates become nervous about prenatal genetic testing?
8. What is preimplantation genetic diagnosis (PDG)?
9. What reproductive technology is necessary to use with PGD?
10. What is the difference between gene addition and gene correction?
11. How would you distinguish between somatic cell gene therapy and germ line gene therapy?
12. What are some examples of biotechnology being used for enhancement instead of treatment?
13. Why is the treatment-enhancement distinction not an adequate criterion for the moral evaluation of biotechnology?



14. List some of the concerns with enhancement biotechnologies.
15. How is procreative cloning different from therapeutic cloning (discussed in ch. 5)?
16. Describe the process of somatic cell nuclear transfer.
17. Does procreative cloning constitute “playing God”? Explain your answer.
18. What are some of the reasons someone would engage in procreative cloning? Which ones are morally acceptable?

Cases for Discussion

Case 7.1: Sex Selection for Family Balancing

Your next-door neighbor, who knows you’re studying ethics, comes to ask you about a dilemma he and his wife are facing. They have three girls, ages eight, six, and four, and they desperately want to have a boy. They have heard of certain techniques that will increase the chances of having a boy. One involves what is called “sperm spinning” (MicroSort), which has a roughly 80–90 percent likelihood of producing the desired sex. To use this technology, the couple must achieve conception through intrauterine insemination, with the sperm selected for their desired gender, rather than normal sexual relations. However, the process is not perfect and there is no guarantee that sperm bearing the undesired gender won’t get into the womb. A second and more reliable method is to use in vitro fertilization (IVF) in conjunction with preimplantation genetic diagnosis (PGD). In this technology, the couple screens the embryos fertilized through IVF and implants only the ones with the desired gender. PGD is commonly used with couples who have a history of genetic disease and want to be sure they do not pass on the disease.

The couple realizes some of the problems with gender selection technologies on a widespread scale, especially in countries and cultures where one gender is strongly preferred over another. But for “family balancing” they don’t see any readily apparent problem, and they are asking you for your opinion in the use of these gender selection technologies.

Questions for Discussion

1. How will you advise this couple? Is gender selection for family balancing morally acceptable? Why or why not?
2. If you hold that gender selection is acceptable, does the method used to select make a moral difference? Are both MicroSort and PGD equally acceptable ways to select for the desired gender? Why or why not?



3. Do you think that gender selection is “playing God”? Be sure to spell out precisely what you mean by that phrase.
4. If the reason for sex selection is not for family balancing but for avoiding a sex-linked genetic disease, such as muscular dystrophy or hemophilia, how would you assess the moral acceptability of sex selection technology?
5. Assume you live in a part of the world where there are significant disadvantages to being female. How would you assess the use of sex selection technology if the motive were to give your child the best chance at a successful life?

Case 7.2: Genetic Testing for Huntington’s Disease

You are sitting across the table from a young married couple in their late twenties. The man has a history of Huntington’s disease in his family. Huntington’s disease is a degenerative neurological disease with onset symptoms normally arriving in a person’s thirties or forties, leading to a difficult decline as the person “falls apart” neurologically. Until symptoms begin, the person lives an otherwise normal life. Huntington’s is a single gene causal link, which means that if the person has the gene for the disease, it will almost certainly occur. In addition, the person has a 50 percent chance of passing the gene on to his or her children.

The couple you are meeting with brings some alarming news. The man’s father, who is in his sixties, has just told his son that he has begun experiencing symptoms of Huntington’s. This is surprising news to the son since he believed that he was out of danger since his father had not had any symptoms long past the normal time for the disease to onset. To add to the complications, the son and his wife are ready to start a family of their own. Now they have to deal with the prospect of passing along this genetic disease to their children. Needless to say, they have lots of questions for you about genetic testing and having children with the possibility of this “genetic ticking time bomb” of which the man is now aware. He points out to you that most people who have Huntington’s in their family medical history choose not to be tested.

Questions for Discussion

1. How would you comfort this couple and address their emotional issues that have surfaced with this news?
2. The man asks you, “Do you think I should get tested for Huntington’s?” How would you advise him? If this were you, would you want to know if you have this defective gene that caused this disease? Why or why not?



3. This couple faces some difficult decisions concerning starting a family. They want to know what you think about starting a family naturally, with a 50 percent chance of passing on this harmful gene. What would you tell them? If this were you, would you try to have children naturally? Why or why not? If you elected to try naturally, would you use a sperm or egg donor? Would you use PGD? Or would you adopt? Explain your reasons.

Case 7.3: Stunting the Growth of Your Severely Disabled Child

You and your spouse have a child who was born with cerebral palsy as a result of complications during pregnancy. He was later further diagnosed with microcephaly, a much smaller than normal brain, which will leave him with severe and permanent brain damage, almost completely blind, and roughly at the developmental age of a one-year-old. Physically, he will grow to within the normal range for height and weight. He requires full time, around-the-clock care that will only become more demanding as he gets older, and bigger. Even though your child is age four at present and is the size of a normal four-year-old, you can envision what caring for a severely disabled child will be like once full-grown. Your pediatrician has recently suggested that you begin a treatment regimen of estrogen injections, which close off the growth plates in the long bones in the body. Known as growth-attenuation therapy, it significantly limits the growth of the child in order to facilitate the parents' and caregivers' ability to adequately care for the child. Critics of the therapy insist that it violates the child's "right to privacy and freedom from unnecessary bodily manipulation." They further argue that there is no specific illness that is being treated. Your physician argues that it is better for the child to have the adequate caregiving that stunting growth enables.

Questions for Discussion

1. How would you react to the advice from your pediatrician to consider growth attenuation therapy? What decision would you make about the therapy? Explain your reasons.
2. If your child was female, and the physician recommended a hysterectomy and removal of breast buds to avoid menstruation, what decision would you make about that? Explain your reasons.
3. How do you balance the dignity and autonomy of your child with the need for compassionate caregiving for a severely disabled child?



Chapter 8

Ethical Issues at the End of Life

Ethics and the end of life were featured prominently in the media coverage of the case of Brittany Maynard. Before she was diagnosed with a terminal brain tumor, the twenty-nine-year-old Maynard seemed to have her whole life ahead of her. She was recently married and was trying to start a family. Since two initial surgeries to remove the tumor had failed and the cancer had come back more aggressively, the prognosis was very poor—six months to live. The only treatment available to limit the growth of the tumor was full brain radiation therapy, which would have severely undermined her quality of life. They chose to forego that option. She also rejected hospice and palliative care to keep her comfortable while she experienced the dying process. Instead she chose to move to Oregon, where assisted suicide is legal (it was not legal yet in her home state of California). She admitted she did not want to die—in fact, she had the prescribed medication to end her life for weeks before taking it. She insisted that she wanted to die on her terms and avoid having her loved ones experience her suffering at the end of life. Maynard has become the new spokesperson for legalizing physician-assisted suicide, even in her death. She died on November 1, 2014.¹

A long tradition, based on the sixth commandment (“Thou shalt not kill”) and the Hippocratic Oath, has prohibited doctors from assisting in suicide or killing their patients. And modern medicine has the ability to prolong life in increasingly poor quality of life circumstances, of which Maynard’s case is an example. Her case illustrates the understandable fears among many elderly of being held hostage to medical treatments and technologies they do not want, unable to avoid such a decline in their quality of life.

In recent years well-publicized organizations, such as the formerly named Hemlock Society, the Society for the Right to Die, and Compassion in Dying, have worked strenuously for the legalization of assisted suicide. Around the world, a variety of resources provide detailed instructions on how to be released from the torments of a terminal illness with or without professional medical assistance.² Their efforts succeeded in the



late 1990s in Oregon, which became the first state to legalize assisted suicide. Five US states allow assisted suicide currently (Oregon, Washington, California, Vermont, Montana). However, some states enforced their laws prohibiting such assistance. Michigan pathologist Jack Kevorkian was finally convicted in 1998, after a handful of acquittals. He was released from a Michigan prison in 2007. Internationally, prohibitions against assisted suicide and euthanasia exist in some countries in Europe, but in others, such as Belgium and the Netherlands, assisted suicide and euthanasia are legal.

There is still vigorous debate on the morality of assisted suicide and euthanasia, and the 1997 decision of the United States Supreme Court in *Washington v. Glucksberg* (see discussion of this case on p. 236) has ensured that the debate will continue. In addition, there are fears that the practice of euthanasia would expand to include people who are not terminally ill. As a result, most scholars, and even some advocates of assisted suicide, urge caution in determining new parameters for end-of-life medical decisions.

Dutch Plan for Euthanasia for Those Whose Lives Are Complete

The government of the Netherlands, long considered the European leader in making euthanasia services available, is considering an adjustment to its criteria for legal euthanasia or assisted suicide. The long-standing Dutch standard for eligibility for euthanasia was “unbearable suffering with a medical basis.” Advocates argue that this excludes people without a terminal illness or unbearable suffering who simply consider their lives fully lived and no longer wish to continue living. Minister of Health Edith Schippers insists, “Their request for assisted suicide is their right to autonomy.” Schippers further argues that the extension in the law should be done carefully to prevent abuse. She claims, “It should not involve lonely or depressed people. It is not for people who have problems that can be solved in another way.” She affirms, “It is very important to protect life, but there are people around who wake up every morning disappointed that they did not die in their sleep.” Critics maintain that the proposed extension is unnecessary, since the current law allows for the elderly to qualify for euthanasia if they feel their lives are complete.

Pieters, Janene. “Euthanasia an Option for People Who Lived ‘Full Lives’; Dutch Cabinet, MPs Support the Plan.” *NL Times*. October 13, 2016. <http://nltimes.nl/2016/10/13/euthanasia-an-option-for-people-who-lived-full-lives-dutch-cabinet-mps-support-plan/>.



Definition of Key Terms

Termination of Life Support

Generally, there are three different ways a physician can be involved with the death of a patient. The first are measures known as *termination of life support* (TLS). This was formerly known as passive euthanasia, but that term is no longer used to describe the process because there is nothing passive about the withdrawal of life-sustaining technologies; it is a deliberate act. “Termination of life support” generally refers to withdrawing or withholding medical treatment from a seriously ill patient and allowing the patient to die. Such treatments often include ventilator support for breathing, feeding tubes for nutrition and hydration, and CPR (cardiopulmonary resuscitation).

Physician-Assisted Suicide

Physician-assisted suicide (PAS) is a second form of involvement in dying in which the physician more actively serves as a causal agent in the patient’s death. In physician-assisted suicide, the physician provides the medical means for the patient to take his or her own life. This is generally done through a prescription for a lethal dose of medication. The physician provides the medication and instructs the patient on how much medication to ingest. If the patient follows the instructions and takes the medication, death occurs within a few minutes. In this case, the medication, and not the underlying disease, causes death. So far, all the ballot initiatives that have arisen in the United States have attempted to legalize physician-assisted suicide only. Because of the stigma attached to the notion of suicide, most advocates of PAS reject the use of the term “suicide” and instead refer to it as “physician aid in dying.” This term sometimes refers to both PAS and euthanasia, which blurs the line between the two different approaches. Opponents maintain that the term PAS describes precisely what it is. To enable us to make a necessary distinction between PAS and euthanasia, in this chapter we will continue to use those terms.

Euthanasia

The general term *euthanasia* derives from classical Greek and literally means “good death.” Sometimes patients are too seriously ill and too near death to employ the means of assistance from a physician and thereby commit suicide—they cannot physically do it. In these cases, the physician is more directly involved. This is what the term *euthanasia* technically refers to. It refers to the direct and intentional efforts of a physician or other medical professional to help a dying patient die. It is usually accomplished by a physician administering a lethal injection of drugs into



the patient. In euthanasia, the patient is killed by the direct action of the physician. The term *euthanasia* refers to this specific kind of aid in dying, though some still use it as an umbrella term for all kinds of aid in dying.

Living Will/Advance Directive

In some cases patients decide in advance, prior to becoming seriously ill, the kinds of treatment they desire and, more important, the ones they do not. This is called an *advance directive* and is sometimes referred to as a *living will*. In such an advance directive, a person can designate someone else to make medical decisions for him or her should he or she become unable to do so. This part is called a *durable power of attorney for health care* (DPAHC). Some advance directives are quite general, stating that the person does not desire to be maintained on mechanical life-support systems if there is no reasonable hope of recovery or if one's quality of life has dramatically diminished. Others are more detailed, designating the kinds of treatments one desires and refuses. For example, a person can request not to be given food and water by medical means or be placed on a respirator under certain conditions. One common request made by dying patients is a *do-not-resuscitate order* (DNR). This is also called a "no code" order, indicating, for example, that if the terminally ill patient suffers a heart attack, he or she is not to be resuscitated, or that no emergency code is to be announced in the hospital. An advance directive is sometimes carried out through the *physician orders for life sustaining treatment* (POLST).

The advantage of an advance directive is that it allows a person to make end-of-life medical decisions before a medical crisis occurs. In a crisis a person may have to make decisions about treatment options without having enough time to thoroughly think them through. A living will allows time for the necessary counsel from qualified people so that decisions can be considered carefully and made without pressure.

Advance directives are becoming more common, and most states make them available at low or no cost. The Patient Self-Determination Act now requires that whenever people are admitted to a hospital, they are to be given information on a living will for their future medical decisions. This is being done so that people can make many of the end-of-life treatment decisions while they are still competent to make them.

Competence

In medical ethics, *competence* ethics refers to the level of the patient's ability to understand the treatment options and give informed consent to the option that is



chosen. Patients become *incompetent* to make treatment decisions when they lose consciousness, fall into a permanent vegetative state, are in extreme pain, or are sedated for pain relief. When someone becomes incompetent, it is important for the medical staff to have some idea which course of treatment the patient desires. If this is written in a living will, the physicians have some direction to guide them. If the incompetent patient's wishes are not known, a *surrogate*, or *proxy*, decision maker is recognized. This is someone, usually a family member or close friend, who can be trusted to represent accurately the desires of the patient.

Legal Background to End-of-Life Issues

Although many end-of-life cases have gone to court, a few cases have been instrumental in setting the legal context for end-of-life issues. The three discussed below particularly stand out. The Quinlan case dealt with the removal of life support in general. The Cruzan case addressed the more specific removal of feeding tubes. The Glucksberg/Vacco cases marked the first time the US Supreme Court addressed physician-assisted suicide.

In the Matter of Karen Ann Quinlan (1975–76)

The Quinlan case marked the first time a US court ruled on the legality of terminating life support.³ Karen Ann Quinlan had lapsed into a coma as a result of a drug overdose, leaving her brain seriously damaged. She was sustained by a respirator, necessary for her to continue breathing, and a feeding tube, necessary for her to receive nutrients. At that time, in the mid-1970s, the use of respirators was just becoming widespread. After five months in the hospital and repeated consultation with the physicians, her parents realized that she would never regain consciousness and requested that the respirator be removed, thereby allowing her to die. They recounted some conversation with her to the effect that if she was ever in a condition like she was in now, she would not want to be kept alive by medical means. But when they asked the physicians to disconnect the respirator, the physicians refused on the grounds that they would be killing Quinlan. They viewed the termination of life support as a departure from standard medical treatment at that time, which was to continue treatment until the patient either died or got better. The hospital viewed it as a form of euthanasia.

The lower court ruled in favor of the hospital, refusing to grant the family's request. That decision was reversed on appeal to the New Jersey Supreme Court, allowing the removal of the respirator on the basis of the right to privacy, which they



ruled allowed the family to make end-of-life decisions for loved ones. Interestingly, after the respirator was removed, Quinlan did not die. In fact, she breathed on her own for roughly ten years and lived in a nursing home until her death in 1985. Her case established the legal precedent for the termination of life support that continued to be clarified in subsequent court decisions.

Cruzan v. Director, Missouri Department of Health (1990)

Nancy Cruzan was in a permanent vegetative state as a result of a tragic auto accident.⁴ All higher brain activity had stopped, and only her involuntary functions, such as heartbeat, breathing, and digestion—the functions regulated by the brain stem—continued. She had suffered massive head injuries and had to be given life-sustaining food and liquids through a tube surgically inserted into her stomach. Only in her late twenties, she was likely to live in this condition for years, perhaps decades, before the rest of her body aged naturally. The cost of maintaining Cruzan under these circumstances was high, and since her medical condition was irreversible, her family wanted to withdraw the feeding tubes that were keeping her alive. After Cruzan was in this condition for roughly seven years, and seeing that she was not likely to regain consciousness, her parents requested that the feeding tubes be removed and she be allowed to die. This case was slightly different than Quinlan's because it dealt with the removal of feeding tubes, which some people considered basic care and not medical treatment at all.

The lower court ruled in their favor. That decision was reversed by the Missouri Supreme Court. The US Supreme Court upheld the Missouri Supreme Court's decision, thus denying the request of family to have nutrition and hydration withdrawn. The decision was very significant because it actually opened the door for patients to request in advance that feeding tubes be withdrawn (or withheld) should they end up in a *permanent vegetative state* (PVS). The court ruled that medically provided nutrition and hydration through feeding tubes qualifies as legitimate medical treatment that can be removed with clear and convincing evidence of the patient's wish to do so.

The court ruled that there was no clear and convincing evidence of Nancy's wishes, thus ruling against the family. However, after the Supreme Court decision, the Cruzans returned to a lower court with additional evidence from Nancy's roommates and coworkers that she did not desire to be kept alive artificially. The lower court then allowed the feeding tubes to be removed, satisfied that the clear and convincing requirement of the Supreme Court had been met. She died within two weeks of the removal of the feeding tubes.



Washington v. Glucksberg and *Vacco v. Quill* (1997)

With the *Washington v. Glucksberg* and *Vacco v. Quill* cases, the US Supreme Court handed down a landmark decision on assisted suicide and the right to die.⁵ The court concurrently reviewed these two cases that challenged the state laws prohibiting physician-assisted suicide. In both cases the lower courts had ruled that there was a constitutionally protected right to die. Thus the laws that prohibited assisted suicide were ruled unconstitutional. However, the Supreme Court reversed both decisions, ruling that there is no constitutionally protected right to die.⁶

The court argued that there is a legally and morally relevant distinction between assisting suicide and withdrawing life-sustaining treatments. Patients have the right to say no to life-sustaining treatments because they have the right of bodily integrity—the right to determine what is done to their own bodies. Medical treatment administered against the will of the patient is generally considered battery, and patients have the right to protect themselves against it. Assistance in suicide is grounded neither in the broader right to die, which the Supreme Court argued was absent from the Constitution, nor in American legal tradition.

The court did not say, however, that assisted suicide is illegal. It simply ruled that states are not violating anyone's rights if they prohibit assisted suicide, since there is no constitutionally protected right to die. But if states desire laws allowing for assisted suicide, they can do that too, as Oregon, Washington, California, Montana, Vermont, Colorado, and Washington, DC, have done. The court left the decision about assisted suicide in the hands of the states and as a matter for continued public debate. The court declined to issue a broad ruling about assisted suicide in general and opened the door for any state to allow or prohibit the practice based on the will of the people of that state.

Child Euthanasia in Belgium

In 2014, Belgium removed age restrictions on minors' eligibility for euthanasia, and in October 2016 the first child was administered euthanasia. Belgian law requires that any minor can be eligible for euthanasia if they have rational decision-making capacity and are in a "hopeless medical situation of constant and unbearable suffering that cannot be eased and which will cause death in the short term." The parents must give consent in addition to the minor child giving consent. At the time, the Director of the Federal Control and Evaluation Committee on Euthanasia Wim Distelmans stated, "Fortunately



there are very few children who are considered (for euthanasia) but that does not mean we should refuse them the right to a dignified death.” Critics argue that minors do not have the decision-making capacity to make such life and death decisions for themselves and should not be legally eligible for euthanasia.

Cook, Michael. “First Child Euthanized in Belgium.” *Bioedge*. September 17, 2016. <https://www.bioedge.org/bioethics/first-child-euthanised-in-belgium/12008>.

The End of Life in Biblical Perspective

In the Bible, human life is made in God’s image. Human life is a sacred gift, and a basic and intrinsic good, and thus innocent life is not to be taken intentionally. This notion of human life as an intrinsic good is not dependent on a person’s ability to function. It is the basis for the insistence on equal rights under the law and equal respect for human dignity. The timing and manner of a person’s death belong ultimately to God (Eccl. 3:1–2; Heb. 9:27). With this is the obligation to care for the most vulnerable, which throughout the biblical period clearly included the dying.

Theologically, death was not a part of God’s original design for human beings. It came into the world as a result of the entrance of sin (Rom. 5:12; 1 Cor. 15:21–22). Death can be seen as the ultimate *indignity*, coming as a result of the fall of humanity. The late Protestant ethicist Paul Ramsey suggested that death is something wholly alien to humankind, imposed upon humans as a consequence of sin.⁷ Since man in Christ is destined for eternal life, Ramsey argued, death is an indignity, inconsistent with man’s eternal destiny in Christ.

However, the Bible also affirms that death is a normal and natural part of a person’s life “under the sun,” or on this side of eternity (Eccl. 2:14–16; 3:19–21; 5:15–16; 9:1–6). Death is both an enemy and a normal part of life, due to the pervasiveness of sin in the world. But from the perspective of the cross and resurrection of Jesus, for the Christian, death is also a *conquered* enemy, having been vanquished by the death and resurrection of Christ. Thus, since death for the Christian is a conquered enemy, it need not always be resisted. Physicians need not always “do everything” to stave off death, especially when it involves no more than simply delaying an inevitable death. In general, when the dying person’s prognosis is very poor and further treatment is futile or more burdensome than beneficial, death can be welcomed as the “doorstep to eternity.” However, these foundational principles concerning the sanctity of life and the obligation not to take innocent life extend to



suicide, making the biblical prohibition of suicide clear. The notion that innocent life cannot be taken because the timing and manner of someone's death belong to God alone suggests that while life support can be removed and death be allowed to run its natural course, physician-assisted suicide and euthanasia are problematic.

The Value of a Few Months of Life

Harriet and Mort Frank are retired and living on a fixed income of roughly \$1,450 per month. Harriet is being treated for lymphoma, which cost them \$2,000 per month. "So far this medication is working wonders, but I keep thinking, *How are we going to afford it?*" says Mort. Irene Knoll is undergoing treatment for pancreatic cancer but has a monthly income of only \$1,200 from Social Security and bills to her various physicians and pharmacies for thousands of dollars. Other targeted cancer drugs, such as Herceptin, which is used to treat end-stage breast cancer, costs \$20,000 for a cycle of treatment. Erbitux, approved in 2004 to treat end-stage colorectal cancer, costs roughly \$10,000 per month. Other drugs, such as Avastin and Tarceva, can cost as much as \$100,000 per year. The costs of many of these specialty drugs are forcing decisions about how much the extra months of life are worth. Patients often refuse these drugs because they know that using them would leave crushing financial burdens on a spouse or other family members after their death. As patients and their families calculate the costs and benefits of these ultraexpensive medications, one wonders about the wisdom of fighting cancer until the end. In fact, some physicians are now raising questions about whether they ought to be prescribing some of these very expensive drugs that will extend life for only a few months to a year.

Costell, Daniel. "Setting a Price for Putting Off Death." *Los Angeles Times*. March 18, 2007.

Ethics and the Termination of Life Support

Though the courts have ruled that the decision to remove or withhold life support is legal, that does not mean that no moral issues are involved. Nor does it mean that every decision to terminate life support is morally acceptable. For example, if a person can fully recover from an illness and needs ventilator breathing support temporarily, it would be unethical to terminate that prior to the patient improving. Or if CPR will restart an otherwise healthy person's heart, it would be immoral to withhold it.



In this discussion, a distinction is often made between *withdrawing* and *withholding* treatments. Ethically, if it is acceptable to withdraw a treatment, then it is also acceptable to withhold that same treatment. There is no significant moral difference between the two. But withdrawing a treatment once begun can be more emotionally difficult for family members than simply withholding it. The reason for this emotional difference is that the family sees their loved one being maintained on life support, and the decision to withdraw it often feels more like they are causing the death of their loved one.

When life-sustaining treatments are removed, the physician does not necessarily cause the patient's death intentionally. Rather, the disease or condition affecting the patient is simply allowed to take its natural course. Thus the disease, not the doctor (nor the family who makes the decision), is responsible for the patient's death. In some cases death comes quickly when life support is removed; in others it does not. Even though it often feels to the family like they are complicit in their loved one's death, morally that is not the case. Removal of life support does not constitute euthanasia or assistance in suicide, since death is not necessarily intentionally caused. In fact, many people who request to have life-sustaining treatments removed do not actually wish to die; they simply desire to live out their remaining time free of unwanted medical technology. However, if the patient did intend to end his or her life, removing treatment could be problematic.

Some suggest that termination of life support is "playing God," that is, usurping a prerogative that belongs to God alone. But that charge is accurate only if TLS is actually killing a patient, which it is not. If it is simply allowing death to take its natural course, then it does not violate the long-standing prohibition against killing innocent persons. This would also be true if the treatment removed is a feeding tube, as opposed to a ventilator. Removal of a feeding tube from a patient who is severely brain damaged can feel like starving someone to death. But removing a feeding tube is no more starving someone to death than removing a ventilator is suffocating someone to death. When a feeding tube is removed, the cause of death is still the underlying disease or condition that is preventing the person from taking food and water by mouth. Thus the condition is being allowed to take its natural course and is like any other form of medical treatment. It may be that TLS is, in effect, a way of turning the patient over to God and entrusting the remainder of his or her days to him.

Still others insist that termination of life support violates the principle of the sanctity of life—that since life is sacred, medicine ought to be keeping people alive as long as they have breath. Under this view of the sanctity of life, families should not make decisions to remove treatments that would keep their loved ones



alive. However, though it is clear that life is sacred, it does not follow that medicine is obligated to keep everyone alive at all times and at all costs, a view known as *vitalism*. If it is true that death is a conquered enemy, then it need not be resisted at all times. It is then acceptable, in humility, to recognize that death is the doorstep to eternity and not employ life support simply to delay someone's inevitable death and, in doing so, delay his or her homecoming to eternity.

Refusing Treatments with Time to Live

When columnist Art Buchwald's kidneys failed, he decided to forgo kidney dialysis. He was older and had seen many of his friends ravaged by end-of-life treatments, their quality of life compromised—and for what? Another few months, or a year or two to live? When he looked at the options, he said, “No thanks.” He chose to live out the remainder of his days without treatments, except for those necessary to keep him comfortable. Doctors had little doubt that dialysis could give him more time, but the more he thought about it, the more he was willing to trade off less time for a better quality of life in those final days. He was essentially entering hospice care far earlier than most terminally ill patients take advantage of hospice. His family respected his decision but understandably wanted him to undergo the treatments in order to be around as long as possible. He lived longer than physicians anticipated but not nearly as long as he could have if he had opted for dialysis.

Brink, Susan. “Life on Her Terms.” *Los Angeles Times*. February 2, 2007.

In fact, if the sanctity of life means that medicine is obligated to keep everyone alive at all costs and at all times, then it would seem that the sanctity of life, as understood that way, would involve a problematic theological assumption—that earthly life is the highest good. Theologically, it is more consistent to see earthly life as a *penultimate* good—that is, close to ultimate but just below it. The ultimate good for the person in the community of God's people is his or her *eternal* fellowship with God. With earthly life being a penultimate good, it follows then that it is acceptable under the proper conditions for patients and families to say “enough” to life support and allow death to run its natural course. It is true that human life is both a basic and intrinsic good, but this view of the sanctity of life is a middle ground between two problematic extremes—vitalism, mentioned above, and the



idea that human life is an instrumental good only (meaning that it has no value strictly in and of itself).⁸ This latter notion is inconsistent with the biblical foundation for human life being made in the image of God. Because human beings are made in God's image, they have an intrinsically esteemed status as God's earthly representative, regardless of their ability to function.⁹

Some families insist on all treatments to continue in order to give maximum opportunity for a "miracle." Though it is true that miracles do happen in medicine, though rarely, it may be that this desire is simply an unwillingness to "let go" of a dying family member. It might be tempting to say, "If you want to see a miracle, then let's remove everything." The miracle that will come is that in eternity their loved one will be healed not only from this disease but from all diseases and infirmities. The patient will be healed, but it may not occur on this side of eternity. Further, it is more appropriate theologically to suggest that the paradigm for end-of-life care is that of eternity and resurrection (1 Cor. 15), rather than hoping for miracles in earthly life.

Finally, some object to termination of life support on the basis that suffering has redemptive value. Though in principle, this is true (James 1:2–5), the suffering that generally has value for a person is suffering because of one's faith (1 Peter 2:20–24) or suffering that is unavoidable. To say that all suffering is redemptive would be to suggest that someone ought never go to a doctor or dentist! Further, it seems that the value of suffering has to do with the formation of character in this life, since in eternity one's character will be fully formed by virtue of meeting Christ. Thus, just because suffering in general has value, it does not follow that life support can never be removed.

Therefore, termination of life support is generally acceptable, but only under the right conditions: (1) if a competent adult patient requests it, either in writing in an advance directive or orally; (2) if the treatment is futile or clearly of no benefit to the patient; (3) if the burden to the patient outweighs the benefit. In most cases competent adults request termination of life support when their situation is futile or too burdensome. Termination of life support is legal, and competent patients have the right under the law to refuse any form of treatment they do not want.

A treatment is futile if it is of no benefit to the patient. Certain treatments are physiologically futile—they simply don't work—such as prescribing antibiotics for a virus. But more broadly, treatments are futile if they will not reverse an imminent and irreversible downward spiral toward death for the patient. To put it another way, treatments are futile if they will not restore the patient to an acceptable quality of life. Much of the debate about futility has to do with physicians' removing futile treatments even when the family requests that they continue.



Euthanasia for the Mentally Ill

In a paper published in early 2016, Dr. Paul Applebaum of Columbia University Department of Psychiatry studied the increasing incidence of euthanasia being requested by those with psychiatric disorders. Since 2010, the number of deaths by euthanasia has increased by roughly 75 percent. From published material on euthanasia by Dutch authorities from 2011-14, Dr. Applebaum concluded that roughly one in five patients with a psychiatric disorder who requested euthanasia had not been hospitalized for their disorder. This “raises concerns about eliminating people from the population as an alternative to providing them with the medical care and social support they need.” Dutch supporters of euthanasia insist that these cases are consistent with the law that allows for aid in dying for “unbearable suffering with no prospect of improvement.”

“The Number of Mentally Ill Seeking Help to Die Is Rising. Are the Rules Being Twisted?” *The Economist*. June 15, 2016. <http://www.economist.com/news/international/21700506-between-life-and-death-number-mentally-ill-seeking-help-die-rising-are>.

More common at the end of life are treatments that have some benefit but are so burdensome to the patient that they actually increase the net level of suffering experienced prior to death—that is, the burden exceeds the benefit, and usually the burden *far* exceeds the benefit. A good case can be made that it is unethical for families to increase the net level of suffering for their loved ones and that treatments in which the burden exceeds the benefit ought to be discontinued. Much of the current debate about the burdens and benefits involves who should be included in that calculation. Should family members and the burdens on them for caring for their loved ones be included in the burdens? Should the calculation of the burdens involve the financial burden on the family for what may be enormous costs of care that must be borne after the patient dies? There is a growing movement that suggests that when weighing the burdens of treatment, the interests of the family and even of society should be considered as well as the interests of the patient.¹⁰

Withdrawal of Nutrition and Hydration

A closely related and highly controversial issue is the legitimacy of withdrawing medically provided food and water from patients who are in a permanent vegetative state or whose brain function is substantially compromised as a result of a stroke or Alzheimer’s disease. Patients in a permanent vegetative state are the ones who most



commonly require feeding tubes. Those in a permanent vegetative state are those who have lost all higher brain function and for whom the only part of the brain that continues to function is the brain stem, which controls the person's involuntary activities, such as breathing, heartbeat, and digestion. A person in this condition is likely to live to a relatively advanced age as long as food and water are provided. The fact that the patient may not have a terminal illness raises additional questions for the one who permits removal of feeding tubes.

The case of Terri Schiavo illustrates the tension involved in decisions about feeding tubes. Schiavo lapsed into a near vegetative state as a result of a heart attack that deprived her brain of oxygen so that she was severely brain damaged. She eventually required a feeding tube to keep her alive, which was surgically inserted into the lining of her stomach. Her prognosis for recovery was considered very poor. Her husband and her parents shared in her care, and she was cared for in a variety of settings ranging from home to skilled care facilities. Eventually her husband requested that the feeding tube be removed and that Terri be allowed to die. Her parents insisted that she would have wanted to live, and they took her husband to court to prevent him from having the feeding tube removed. Through a long process of appeals that went to the Florida Supreme Court and the federal courts, and eventually included Congressional involvement, a special "Terri's law" (which prevented removal of the feeding tube), and a media circus, eventually her husband was allowed to have her feeding tube removed, and she was allowed to die. Part of what made the case so interesting was the deteriorating relationship between Terri's husband and her parents, the charges that her husband was physically abusing her, her husband's fathering two children by another woman while Terri was on feeding tubes, and the intense involvement of activists on both sides of the issue.

It does seem clear that *medically provided nutrition and hydration are medical treatment*. One of the most helpful aspects of the *Cruzan* decision was the clear reasoning provided by the Supreme Court on this issue. Once one allows for the general right to refuse life-sustaining medical treatment—a right that is justifiably established in our society—the heart of the issue is whether nutrition and hydration qualify as medical treatment that a patient has the right to refuse.

The phrase "medically provided nutrition and hydration" is used intentionally to underscore the technological nature of the treatment. There is a strong parallel to the ventilator insofar as medical technology is performing an essential function that the body, through injury or disease, can no longer perform itself. Certainly, air to breathe is as basic a human need as food and water. Yet very few question



the morality of removing a ventilator under certain conditions since it is considered legitimate medical treatment.

Some suggest that provision of food and water is always required, even if it is through medical means. The primary reason for this is the insistence that nutrition and hydration are necessary to preserve patient comfort and dignity in the dying process. To put it another way, food and water are symbolic of basic human care for the dying, so we don't dare neglect to provide them in light of what that will say about our care for the dying.¹¹ Others would suggest that it is indeed symbolic but of something quite different. It is symbolic of someone being held hostage to medical technology, likely against his or her wishes. It may even be symbolic of something further: exile from the human community. Life in a permanent vegetative state can be seen as the modern equivalent of a punishment considered worse than death—exile—in which the person is cut off from loved ones and dies alone.¹² Regarding the need for patient comfort, if the person is in a permanent vegetative state and has no higher brain function, it is difficult to see how he or she can experience pain at all.

Although there is still some debate on this issue, in part generated by Terri Schiavo's case, most bioethicists hold that it is ethically permissible to withdraw medically provided nutrition and hydration from patients in a permanent vegetative state if there is evidence of the patient's wishes to do so. The rationale for this is that the right to refuse life-sustaining treatment in general is well established in our society, and this clearly falls under the heading of medical treatment. It is not essential to patient dignity and comfort, nor is it necessarily symbolic of basic human care. The Supreme Court's insistence on clear and convincing evidence of patient desire to refuse this treatment is a necessary safeguard in a matter of life-and-death decision-making.

Physician-Assisted Suicide and Euthanasia

The discussion of physician-assisted suicide and euthanasia is becoming increasingly public as states have initiatives and bills pending in the legislatures. The debate is no longer confined to physicians, philosophers, and theologians, as many people have to make decisions about end-of-life care for loved ones. When a person has a relative who is dying and perhaps suffering in the process, the arguments for and against physician-assisted suicide/euthanasia are no longer academic; they touch real life. For example, I had a conversation with a woman in my church, shortly after my home state of California legalized assisted suicide, hoping that it



was consistent with her Christian faith to have her physician's assistance in suicide should she become terminally ill or seriously demented.

From the context of a Christian worldview, the Bible seems clear that taking innocent life is a prerogative that belongs to God alone. This is the basis for the long-standing prohibition of suicide and laws against murder. Advocates of PAS/euthanasia argue that terminal illness should constitute an exception to these prohibitions, and that out of compassion for the dying and respect for their autonomy, PAS/euthanasia should be allowed. There is a growing trend among religious believers that PAS should be accepted and is consistent with a biblical worldview.¹³ The American Medical Association still opposes PAS as inconsistent with the Hippocratic Oath and the physician's role as a healer.

However, the moral and theological aspect is only the beginning of the discussion about physician-assisted suicide/euthanasia. There is also a significant public policy dimension that is still under debate today. In the aftermath of the 1997 Supreme Court decision, many states passed laws prohibiting physician-assisted suicide, and there is still a strong movement to legalize physician-assisted suicide in some parts of the United States, the United Kingdom, Canada, and Australia. Some countries in Europe, such as France and the United Kingdom, remain opposed to PAS, but in other parts of Europe, such as Belgium, Luxembourg, and the Netherlands, both physician-assisted suicide and euthanasia are legal (in Germany and Switzerland, only PAS is legal). Though physician-assisted suicide and euthanasia are two different things, many of the arguments for legalizing physician-assisted suicide also apply to euthanasia, so the following discussion will consider both together.

Long Time Oncologists Change Their Minds about Euthanasia

Dr. Ian Haines, a medical oncologist and a professor in the Department of Medical Oncology at Cabrini Monash University in Australia, has gone public about how his thinking has changed about euthanasia. As a teenager in the late 1960s, he watched his aunt suffer terribly at the end of her life and saw her nurse secretly administer euthanasia at her request. That history combined with his training in medical oncology and palliative care convinced him that legalizing euthanasia was not necessary and that it was not the best thing for patients at the end of life. He states, "As an oncologist with 35 years' full-time experience, I have seen palliative care reach the point where the



terminally ill can die with equal or more dignity than euthanasia will provide. It is now very effective and increasingly available.” Haines goes on to describe the importance of advanced care planning and the right to refuse life-sustaining treatments. He is afraid that the right to die will become a duty to die to become less of a problem for society. He states, “[Legalizing euthanasia] will be the wrong choice. It is not necessary and it will inevitably increase the pressure, for some chronically ill patients to move on and stop being a burden.”

In contrast, a California physician Dan Swangard describes a different journey, from oncologist to patient to PAS advocate. Swangard was diagnosed with cancer and treated with radical surgery, but if it comes back, it could be terminal. He knows he might face the decision personally about PAS and wants that to be an option on the table for him to consider. California now allows that option for terminally ill patients.

Haines, Ian. “I Believed That Euthanasia Was the Only Humane Solution. I No Longer Believe That.” *The Sydney Morning Herald*. November 20, 2016. <http://www.smh.com.au/comment/i-believed-that-euthanasia-was-the-only-humane-solution-i-no-longer-believe-that-20161118-gss921.html>.

Gorman, Anna. “From Doctor to Patient to Assisted-Suicide Advocate.” *The Atlantic*. March 31, 2015. <https://www.theatlantic.com/health/archive/2015/03/from-doctor-to-patient-to-assisted-suicide-advocate/389108/F>

Is PAS/Euthanasia More Compassionate?

When confronted by a dying patient who is suffering and wants to die, PAS advocates argue that the most merciful thing to do is to stop needless suffering by physician-assisted suicide/euthanasia. After all, one of the principal aims of medicine is the alleviation of suffering, and we have no hesitation about relieving the suffering of animals when they are approaching death. We routinely administer “mercy killing” for animals for whom the end of life constitutes great suffering, though we may also take this action for convenience’ sake. The argument from mercy usually elicits strong feelings of compassion toward the suffering patients when presented in public policy debates.

Opponents of PAS, such as many hospice physicians and palliative care nurses, might respond by mentioning that the number of cases in which suffering prior to death is too severe to adequately control is very small. With available pain medication, they maintain that virtually every patient’s pain can be adequately managed. In the vast majority of cases, physician-assisted suicide/euthanasia simply is not necessary to fulfill the goal of medicine to provide relief of suffering. In those cases



in which pain relief is particularly challenging, there are options short of physician-assisted suicide/euthanasia that can be employed. For example, it is acceptable for dying patients to “sleep before they die.” That is, if the amount of pain medication necessary to control their pain puts them in an unconscious state before they die, and that is their wish, then there is no reason why that cannot be accomplished. That is not killing the patient, since death still takes its natural course. In addition, if the amount of pain relief necessary to control pain slows down the patient’s heartbeat and breathing, it is morally justifiable under what is called “the law of double effect” to prescribe a sufficient dosage of medication to relieve the pain even if one of the possible side effects is hastening, though not causing, the death of the patient.¹⁴

This principle states that an unintended but foreseen negative consequence of a specific action does not necessarily make that action immoral. Here the *intent* is critical. With pain management, if the intent is simply to end the patient’s life quickly and quietly, then that constitutes PAS/euthanasia and is directly killing the patient. However, if the intent is actually pain relief (though not permanently) and the patient’s death is hastened (though not caused) as a result of the amount of medication necessary to do that, that is something quite different and may be justifiable as an unintended, though foreseen, consequence of an intended action.

The argument from mercy has receded into the background in recent years, and has been supplanted by the argument from autonomy, which is considered below. For example, evidence from the Netherlands and the state of Oregon suggests that fear of pain is not the primary motive for requesting PAS. In many US state initiatives and laws in Europe that allow for PAS, the requirement that the patient be in unrelievable pain is no longer a criteria for an allowable administration of PAS. In addition, studies show that the connection between depression and the request for PAS was more significant than previously envisioned. In fact, one particular study showed that the main motivation for requesting PAS was depression, not a poor medical prognosis.¹⁵ This suggests that a part of good end-of-life care is treating the depression that unsurprisingly accompanies the losses experienced as a person declines.

Is There a “Right to Die”?

The primary argument made today for legalizing PAS is from personal autonomy, and proponents insist that there is a fundamental right to die. What PAS supporters mean is that the law generally protects the right of individuals to make life’s most private and personal decisions apart from interference by government. For example, decisions about marriage, family, child rearing (except in cases of abuse), procreation, birth control, abortion, and other personal matters are left to people



to make by themselves in ways that reflect their values. Except in cases of abortion, where the life of another person is at stake, it is right that the government leaves people alone to make these decisions as they see fit. This falls under the heading of the “right to privacy,” and the law protects the rights of individuals to exercise personal liberty in this way. This is what the Constitution means when it says that people cannot be denied liberty without due process of law.

PAS supporters want to extend the right to privacy to the end of one’s life. They maintain that the timing and manner of one’s death are surely as personal and private a decision as those already protected by the right to privacy. That decision reflects one’s deepest values about life, death, and the afterlife and should not be subject to interference by a law that makes physician-assisted suicide/euthanasia illegal. This is particularly the case when the patient is terminally ill and death is imminent.

Opponents of PAS maintain that personal autonomy is not absolute; there are things that one cannot morally do to one’s body, such as put illegal drugs into it or use it for prostitution. Further, when there has been a conflict between autonomy and the rights of others, the rights of others usually take precedence. This is particularly the case when the exercise of autonomy results in harm coming to others. Opponents of PAS argue that by opening the door to PAS and euthanasia, others at the end of life are being harmed. The data from the Dutch experience of euthanasia strongly suggest that terminally ill people are being administered euthanasia without their consent. Most who advocate for PAS/euthanasia insist that the practice must be administered only with the consent of the terminally ill patient, that nonvoluntary euthanasia is clearly immoral. However, some influential advocates for PAS maintain that consent is not always necessary and that nonconsensual euthanasia could be morally acceptable for those for whom we would presume consent, or if they cannot enjoy a threshold quality of life, such as the severely cognitively impaired or demented.¹⁶ Others maintain that once PAS is legalized, there will be irresistible pressure to extend it to incompetent patients.¹⁷ But if by legalizing physician-assisted suicide/euthanasia, other terminally ill people are put at risk for nonvoluntary aid in dying, this suggests that the exercise of autonomy for some is bringing harm to others. In such cases, the reality of harm should override the right to privacy and personal liberty.

Another way to respond to the argument from autonomy is to insist that if the right to die is grounded in personal autonomy (the common grounding for a right to die), it is a *universal* right. Since everyone has autonomy over these key personal decisions, everyone has the right to determine the timing and manner of one’s death. Thus the right to die with physician-assisted suicide cannot be limited to



the terminally ill. It must be available to all, regardless of age or illness. Yet many proponents of physician-assisted suicide insist that it be limited in meaningful ways, even though it can't be both limited and based on autonomy.

For those approaching this from a Christian worldview, we need to be clear that the argument from autonomy faces additional challenges. In the Bible, a person's autonomy over his or her life is not the absolute value that many in the culture take it to be. For example, the admonition of Jesus to "deny yourself, take up your cross, and follow me" (see Mark 8:34) suggests that our autonomy over our lives is limited by the requirement of faithfully following Jesus. In addition, Paul's teaching that our bodies are not our own but have been bought by the redemption of Jesus indicates that we are co-owned, with God as the ultimate owner (1 Cor. 6:19–20). As it relates specifically to the end of life, the Bible seems clear that the timing and manner of one's death belongs to God alone. For example, Hebrews 9:27 says, "It is appointed for men to die once and after this comes judgment" (NASB). It is clear from the context that the one who has appointed the time for man to die is God. This echoes the statement in Ecclesiastes 3:2 that there is "a time to be born and a time to die." These texts maintain that God, who is the sovereign over all of life, is the one who appoints these times, including death. This long-standing part of Christian tradition informed, in part, the US Supreme Court's decision not to recognize a constitutionally protected right to die. In its deliberations the court needed to see a long tradition outside the legal arena in which people recognized a right to die. Precisely the opposite is the case in American history, in which there is consistent agreement against aiding suicide.

Euthanasia During Hurricane Katrina

In the aftermath of the most devastating hurricane ever to hit the Gulf Coast, physicians caring for elderly seriously ill patients in New Orleans area hospitals faced an incredibly difficult moral dilemma. With patients either too ill or too elderly to be moved, and with no power, no fresh water, soaring temperatures, flooding in the hospitals, and sanitation breakdowns, physicians were apparently no longer able to take care of their patients. Rather than abandon them, as hospital staffs were alleged to have done, the other option was to mercifully administer euthanasia to them. Some physicians and hospital workers felt it was more compassionate to perform "mercy killing" than to let them die from their deteriorating conditions. The Louisiana attorney general



investigated the allegations and looked into six hospitals and thirteen nursing homes in the New Orleans area to see if there was merit to the claim that patients had been administered euthanasia. When the coroner was called in to investigate the deaths, he could not determine the cause of death because many of the bodies were badly decomposed from the heat and the flooding.

Lahl, Jennifer. "When Is Killing Merciful? Life Choices in Hurricanes Katrina and Wilma." *Breakpoint Worldview*, January–February 2006, 12–17.

Is it Fair to Allow TLS but Deny PAS/Euthanasia?

PAS supporters and several influential courts have argued that it is unfair to allow life-sustaining treatments to be refused or withdrawn without also allowing for PAS/euthanasia. Patients on life support or who are otherwise dependent on treatments that can be refused or removed can hasten their death by stopping their treatment. Other patients who may be severely demented, very frail, or otherwise ready to die, but who have no life-sustaining treatments to remove, cannot hasten their deaths if PAS is not legalized. Since some patients are not on any life support and may want to die, it is unfair to deny them the ability to hasten their death. Thus, they claim it is unfair to allow TLS but not PAS/euthanasia.

They insist that this unfairness is compounded by the fact there is no significant difference between killing through euthanasia and allowing someone to die by termination of life support. Since we have already established the morality of terminating life-sustaining treatment, advocates of PAS/euthanasia argue that there is no significant moral difference between allowing a patient to die by ending life support and killing that patient by administering euthanasia.

PAS/euthanasia advocates often illustrate this distinction by using the late moral philosopher James Rachels's analogy of the nephew in the bathtub.¹⁸ In this case, a man stands to inherit a fortune if his young nephew, who is the sole heir to his father's fortune, meets an untimely demise. In one scenario, the uncle comes into the bathroom and actively drowns the boy in the bathtub by holding his head under the water. In the other, the uncle walks into the bathroom just after the boy has hit his head on the tub's faucet, and is lying unconscious under the water. The uncle does nothing, allowing the boy to die. In these two scenarios, the uncle is equally responsible for his nephew's death. There would seem to be no significant moral difference in this case between allowing the boy to die and actively killing him.



Rachels then applies the analogy to end-of-life decisions and concludes that there is no meaningful moral difference between killing patients through physician-assisted suicide/euthanasia and allowing them to die through terminating life support.

However, there are ways to respond to this analogy. First, you could suggest that this is an example of what is called the “sledgehammer effect,”¹⁹ in which analogies are used with the result that essential distinctions are masked in the process of transferring the analogy to another setting. For example, if I mixed lemon juice into two glasses of wine, one white and one red, no one would be able to taste the difference between the wines because the lemon juice would be overpowering and would effectively mask the subtle differences in the two wines.

But most of the significant criticism leveled at this argument concerns its inadequate analysis of a moral act. There is more to a moral act than the means used to accomplish the end. *Intent* is a critical component and at times the only determinant of the morality of the case. Consider, for example, Rachels’s illustration of Jack and Jill visiting their sick grandmother.²⁰ He poses a scenario in which Jack goes to visit his grandmother out of good intentions, simply to show kindness to her. By contrast, Jill has ulterior motives relating to her grandmother’s considerable estate. Although on the surface they performed the same action, their motives were clearly different. Rachels would argue that different intent only reveals the different character of Jack and Jill. It seems clear, however, that they did two fundamentally different things. Whereas Jack visited a sick and elderly woman to cheer her up, Jill visited her to secure a place in her grandmother’s will. Here intent is not irrelevant but makes all the difference in determining the morality of these acts.

Even though the result is the same, the intent is critical in distinguishing between TLS and PAS/euthanasia. We can distinguish between *intending* death, *foreseeing* death, and *accepting* death.²¹ For example, a soldier who falls on a grenade to save his fellow soldiers has not necessarily intended his death, but he has foreseen and accepted it. A martyr for a cause likewise foresees and accepts death, but does not intend it. Similarly, a patient who authorizes TLS is not necessarily intending death, but he or she foresees it and accepts it. As we discussed earlier in this chapter, most patients who desire to stop such treatments do not want to die; they simply want to live out their remaining days without dependence on medical technology that will not change the downward course of their disease and may be more burdensome than beneficial. Although it is true that the patient often dies soon after the termination of life support, it is not usually or necessarily the intent. By contrast, the intent in physician-assisted suicide/euthanasia is clearly to cause the patient to die.

The intent applies to both the end and the means. In PAS, the patient may have



pain relief as the goal, but the means by which that is accomplished is by causing the death of the patient. For example, the American Medical Association statement on PAS maintains, “The use of palliative care is never acceptable when the physician intends death either as an end in itself or as a means to some further purpose, such as relieving suffering.”²² Intent has always been an important part of the definition of suicide, historically and in the law. Actions that lead to death without the intent to die have never constituted suicide. To qualify as suicide, the act has to be voluntary and deliberate, precisely what PAS initiatives have required.²³

Not only is the intent different between killing and allowing to die, but the cause of death is also. In cases in which life support is terminated, the underlying disease that is allowed to take its natural course is the immediate cause of death. The treatment was not curing the patient. At best, such treatment was only delaying an inevitable death. Withdrawing treatment does not allow for further delay of the patient’s death. The disease is allowed to run its course uninhibited by additional treatment. Of course, when the patient chooses this course, the physician is morally obligated to provide adequate comfort care for the patient. But when a physician assists in suicide or administers euthanasia, the physician’s act is the immediate cause of death.

So it appears that there is a meaningful moral distinction between TLS and PAS/euthanasia. But the question remains, is it fair to allow one and deny the other? Advocates of PAS/euthanasia maintain that it’s a short step from the right to stop treatments to the right to die. They further insist that unless PAS/euthanasia is an option for the end of life, patients lose control over their lives when they need it most. In addition, some courts have maintained that prohibiting PAS/euthanasia is a violation of the equal protection clause of the Constitution, that two groups of similarly situated patients are being treated differently under the law.²⁴

Opponents of PAS/euthanasia, echoed by the US Supreme court, argue that there is a big jump, not a short step, from stopping treatments to administering PAS/euthanasia. Not only are the intent and cause of death different, they are grounded in very different moral principles. The right to refuse treatment is based on a right of *bodily integrity*, or a freedom from unwanted touching. Under the law, most examples of administering treatments without consent, in violation of a patient’s wishes, constitute battery and can be punishable by the law. A fundamental right to die is grounded in quite different moral principles, such as exercise of autonomy over one’s life. The US Supreme Court has consistently maintained that rights to privacy in *Roe v. Wade* and the right to refuse treatment in *Cruzan* do not extend to a fundamental right to die.²⁵ Just because a right to privacy protects some intimate and personal decisions, that does not entail that all private and consensual



decisions are so protected. Part of the reason for that includes some of the social consequences of legalizing PAS/euthanasia, such as the move from voluntary to nonvoluntary aid in dying, as discussed below.

Opponents of PAS/euthanasia maintain that even if PAS is not an option for the end of life, that doesn't mean that patients have lost control of the end of their lives. They still have control over treatments to refuse or accept, where they live out the remainder of their days, and the level of pain management they desire. To be sure, the end of life brings many losses, of function and sometimes mental acuity. But it is overstated to insist that if PAS is not an end-of-life option, patients have lost control of their dying process.

The US Supreme Court also addressed the equal protection argument, that two similarly situated groups at the end of life are treated differently. On the contrary, they maintained that a law prohibiting PAS/euthanasia treated both groups the same—the law grants the right to everyone to refuse unwanted treatment, and the right of assistance in suicide to no one.

Is PAS/Euthanasia Always Killing a Person?

Some proponents of PAS/euthanasia, such as James Rachels and Peter Singer, distinguish between *being alive* (biological life) and *having a life* (biographical life, or the aspects of one's life that make it meaningful). This is one way of maintaining a distinction between a human being and a person. That is, one can be a human being but not a person—by being alive but so impaired or ill that it can be said that the person's "life" is gone. Some view the unborn in this way; others view certain types of severely handicapped newborns as human beings but not full persons. Some argue that some terminally ill elderly people are so debilitated or demented that they cannot reasonably be called persons. They are, for the most part, only bodies from which the persons have already departed. It is common to view patients who are in an irreversible coma or a permanent vegetative state in this way—merely as bodies with physiological function but with no "life."²⁶

Thus PAS/euthanasia proponents insist that administering euthanasia or assisting patients in suicide does not actually involve killing a person. It means ending only the physiological functioning of the body—since they maintain that the *person* has already died. So proponents argue that physician-assisted suicide and euthanasia do not violate the sixth commandment against killing innocent persons.

According to proponents of this distinction, one's biographical life is the sum total of one's goals, dreams, aspirations, accomplishments, and human relationships. These are the things that form the narrative of one's life. According to advocates



of this position, modern medicine has enabled one to exist biologically while the person's biographical life has ended. They suggest that a person in a permanent vegetative state or in intense suffering with death imminent can be said to have lost his or her biographical life. Therefore a human being basically exists only as a body and has lost the essence of what makes him or her a person. Since it is biographical life that gives human beings their distinctive value, when that has been lost, what is essential about personhood has been lost. Therefore, concerns about killing persons by physician-assisted suicide/euthanasia are minimized, thus deflecting much of the sanctity-of-life criticism of his position.

Opponents of PAS reject this distinction between being alive and having a life. They maintain that having a life, far from rendering being alive morally irrelevant, rather presupposes it. The capacity to have biographical life is grounded in a person being of a specific kind, namely, a human being. A human being has an essence that can construct those necessary elements of biographical life.²⁷ The possibility of a coherent full biographical life is grounded in biological life, both of which are part of the essence of being human. Thus personhood is not lost just because the ability to exercise its capacities has been lost. Losing the essence is not the same thing as losing the function, in the same way that losing the use of my arm is not the same thing as having the arm amputated.

Opponents of PAS also argue that, if having a life is what gives life its value, and if only a body remains when biographical life is gone, then what prevents us from stripping that "person" of all rights? Could we then bury the "person" and treat him like a corpse? Can we take organs with consent of next of kin? Can we experiment on him with appropriate proxy consent? One could even argue that if rights have been lost with biographical life, not even consent would be necessary for physician-assisted suicide/euthanasia. If the essentials of one's life and one's rights are tied up with biographical life, and that is lost, there does not seem to be any consistent way of preventing the above scenarios as long as they are done with appropriate respect for the dead.

What Social Consequences Might Result from PAS Being Legalized?

In the short term, and related to the patient and his or her loved ones, PAS supporters maintain that when PAS/euthanasia is performed at a patient's request, it's a "win-win" situation in which everyone involved benefits. The patient's suffering is ended, the high cost of expensive terminal medical care is avoided, the family can grieve appropriately and get on with their lives, and the medical staff can avoid the stress and anguish of an unnecessarily drawn-out dying process. On a societal scale, taking PAS instead of



palliative end-of-life care is much less expensive and will save the health care system some money, though the amount will depend on the prevalence of PAS should it be legalized. Opponents of legalization insist that there are other social consequences that are not desirable and cannot be avoided if the practice is given legal sanction.

Experimental Drugs for the Terminally Ill

Abigail Burroughs was nineteen when she discovered she had cancerous tumors in her head and neck. She was dying, and her last hope, according to her oncologist, was an experimental drug, Erbitux, which they hoped would shrink the tumors. But in 1999, when Abigail was ill, Erbitux was still in the process (a decade-long process on average) of being approved by the Food and Drug Administration (FDA). She died in 2001 at the age of twenty-one, three years before Erbitux gained FDA approval. The FDA's policy is that even the terminally ill cannot legally receive experimental drugs, even though it may be their last and only hope. Some terminally ill patients do get access to these drugs through participation in clinical trials—experiments on human subjects required by the FDA before they will approve a drug for general use. The Abigail Alliance, an advocacy group for the terminally ill, sued to force a change in the FDA's policy. A federal judge dismissed their suit, but the court of appeals reversed the ruling, saying that “a mentally competent, terminally ill adult patient has a right to obtain potentially lifesaving new drugs.” However, in early 2008, the US Supreme Court ruled that there is no such right of access to experimental drugs for the terminally ill, arguing that the vast majority of experimental drugs have no benefit and may be harmful to patients.

Savage, David G. “Justices Uphold Ban on Test Drugs for the Dying.” *Los Angeles Times*, January 15, 2008.

A principal concern of most opponents of PAS/euthanasia is that the acceptance of voluntary aid in dying may lead to nonvoluntary aid in dying. It is not hard to see how family pressure and mounting medical bills that eat away at a patient's estate could coerce one into consenting to end one's life, not because he is tired of living, but because others are tired of his living. The pressure to do one's “duty to die and get out of the way”—as a former governor of Colorado Richard Lamm regrettably put it—could be subtle yet significant. This pressure could grow as the baby boomers enter their retirement years in record numbers over the next few decades and pressures to reduce the cost of medical care increase dramatically.



Further, if assisted suicide and euthanasia are legalized, the elderly and seriously ill could face the unenviable situation in which they would have to justify their continued existence. That is, in the face of this pressure to end their lives and stop being a drain on society's or the family's resources, they would have to make the case why they should be allowed to *continue* their lives. Such a need to justify one's continued existence is inconsistent with the right to life.

Already there is evidence that a movement from voluntary to nonvoluntary euthanasia is occurring. In places such as the Netherlands, nonvoluntary euthanasia is occurring at a rate that alarms opponents of the practice and is even increasingly conceded by proponents.²⁸ These studies generally show that for every three or four cases of euthanasia, one occurs without consent. This is based on physicians' self-reporting, and physicians often put a natural cause on the death certificate to obscure the fact that euthanasia was performed.²⁹

There is a good reason why the movement from voluntary to nonvoluntary physician-assisted suicide/euthanasia is difficult to stop. Any law that would prohibit coercion or pressure on a potential candidate for euthanasia would be impossible to enforce since no one except family members or close friends would have access to those coercive conversations. Most of the discussions in which elderly or terminally ill persons could be pressured into making decisions about ending their lives could never be detected without having access to a family's private conversations.³⁰ Further, the physician who recommends such a course holds a very influential position over a vulnerable patient and could easily or unknowingly coerce the patient.

Additional concerns about heading down the "slippery slope" are voiced by those who fear that euthanasia would not be restricted to the terminally ill but would be extended to people with varying quality-of-life circumstances. Opponents fear that candidates for euthanasia will include the nonterminally ill, such as people with Alzheimer's disease or other degenerative brain diseases, the severely mentally retarded, and handicapped newborns. Movement in the Netherlands to perform euthanasia on certain classes of handicapped newborns is underway with the Gronigen Protocol and its application in Belgium (see sidebar on pp. 236–37).

Let's look more carefully at the connection between demographics and legalizing PAS/euthanasia. Increasingly, advocates of PAS link legalizing PAS with the demographic changes sweeping the developed countries, which will result in an unprecedented percentage of the population over the age of 65, with a shrinking younger segment of the population available to generate the resources to support the aging population. For example, British philosopher Kevin Yuill points out the explicit connection being made between support for PAS and the numbers of elderly



that will populate the Western countries in the next several decades. Yuill describes himself as a typical European liberal on abortion but opposes legalizing PAS due to its open eugenics agenda. As British social commentator Brendan O'Neill points out in the foreword to Yuill's book,

Time and again, thinkers and activists who claim only to support the exercise of individual autonomy at the end of life talk openly about the fact that letting people die will save society money and resources. Indeed, this has become one of the key implicit arguments for assisted suicide, since in the words of British journalist and disability activist Melanie Reid, "it is 'ridiculous' that a society in crisis, a society filled with more old, demented people than have ever existed before, has failed to legalize the ending of sick people's lives (by PAS/euthanasia)."³¹

In addition, British Baroness Mary Warnock, an influential European philosopher and bioethicist as well as a well-known advocate for PAS, has insisted that the elderly should exercise their duty to die if they have become a burden to others or to the state. She states, "If you are demented, you are wasting the resources of the National Health Service."³² In the United States, the strain on the health care system has been echoed by *New York Times* columnist David Brooks (who was not recommending legalizing PAS/euthanasia), who was drawing attention to economic conditions following the financial crisis in 2008–10, when he said, "The fiscal crisis is about many things, but one of them is our inability to face death—our willingness to spend our nation into bankruptcy to extend life for a few more sickly months."³³ O'Neill concludes that, "Indeed today, to insist on the right to continue living despite the economic or environmental cost of one's life, despite the 'uselessness' of one's life in comparison with the lives of other, more able-bodied individuals—is surely regarded as immoral—after all, it sins against the new moralities of environmental awareness and generational responsibility."³⁴ His fear is that the right to die might become a duty to die as the resources necessary to take care of the growing number of elderly reaches the breaking point.

Some of the potential abuses that concern opponents extend from the values that proponents strongly hold. For example, the argument from compassion, if taken too far, could lead to nonvoluntary euthanasia. If it's a matter of mercy, then consent seems less relevant. In addition, the argument from autonomy, if taken to its logical conclusion, could lead to euthanasia for virtually any reason, especially since it would be a recognized fundamental right to die.

There is additional concern about how the right to die could become a duty to die, and especially how it might affect the weakest and most vulnerable in society,



as well as certain ethnic minorities that have traditionally had inadequate access to health care resources. It's important to keep in mind that societies like the Netherlands have very generous universal health care provisions and still have a significant incidence of nonvoluntary euthanasia. The financial pressure, especially on those who are most vulnerable, in countries like the United States, with quite different health care systems and a considerable number of people still uninsured, could be substantially more intense. With more direct financial incentives governing health care, legalization could provide inducements to discourage access to palliative care and hospice and instead incentivize PAS. As a result, good end-of-life care could become a luxury, available only to those who can afford it.

The difficult ethical issue here is how to weigh making PAS/euthanasia available to those who desire it, while at the same time, preventing the abuse of nonvoluntary euthanasia. The relatively small number of patients whose pain cannot be adequately controlled and the great potential for abuse both weigh against legalization. In addition, under the long-standing legal theory that it is better to let ten guilty people go free rather than convict one innocent person, it would seem more prudent to protect the potential victims of abuse.³⁵ This is the case even though it might bring harm to those denied access to PAS/euthanasia.

The prospect that the right to die might mutate into a duty to die, especially given the impending demographic changes, brings to mind the euthanasia/eugenics program of the 1930s and '40s. The eugenic impulse began in the salons of Europe and the elites in the United States long before the Nazis came to power in Germany. To be clear, the Nazi program never had a beneficent purpose. It was always for eugenics, to create a master race rid of those it deemed deficient. It did slide down a slippery slope but started at the bottom of the slope and slid further. It is not a good example of the slide from beneficent to strictly eugenic purposes. But eugenics and euthanasia share some points of commonality—namely, the notion that some people are “useless eaters,” a phrase being resurrected today, and the idea that someone could be a human being but not be a full person with inalienable rights to life. Both should be causes for alarm, prompting us to reconsider the way the elderly are viewed today.

Conclusion

The issues surrounding end-of-life medical decisions and PAS/euthanasia will likely become more complex as medical technology continues to develop, increasing the ability to extend people's life without necessarily improving their quality of life. End-of-life issues will become more acute as the demographic shifts put increasing



strain on the health care systems around the world. Although one should be cautious about the separation of biological life and personhood, one should be equally wary about using scarce and very expensive medical resources on futile treatments. There is more to the sanctity of life than simply postponing an imminent death. All life is intrinsically valuable to God, irrespective of its quality, and the biblical commands against killing innocent people should make us cautious about supporting euthanasia and assisted suicide, as merciful as they seem. Nevertheless, that does not mean that the sanctity-of-life principle demands that every patient receive the most aggressive treatment available. In many cases, treatment is no longer helpful to the patient, no longer desired by the patient, or more burdensome than beneficial to the patient. Even though death ought to be resisted through reasonable medical means, death is ultimately a conquered enemy that need not always be resisted.

For Further Reading

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Chapter Review

1. Brittany Maynard's case concerned which of the following elements: termination of ventilator support, physician-assisted suicide, or removal of feeding tubes? Terri Schiavo's case was about which of those elements?
2. What are the three primary methods physicians can use to hasten a patient's death?
3. What are some common forms of life support technology?



4. What is the main difference between physician-assisted suicide and euthanasia?
5. What is the literal meaning of the term *euthanasia*?
6. What is a living will? What is another name for that document?
7. What is a “durable power of attorney for health care”?
8. What is a DNR order?
9. To what does the term *competence* refer?
10. What was the basic issue at hand in the case of Karen Ann Quinlan?
11. How was the case of Nancy Cruzan different from Quinlan’s case?
12. What issue was decided in the Glucksberg/Vacco cases? Which court decided those cases?
13. Which US states have legalized physician-assisted suicide?
14. Name at least one country in Europe in which euthanasia is legal.
15. Briefly summarize the biblical perspective on death.
16. How should death be viewed from the perspective of the death and resurrection of Jesus?
17. What is the difference between *withholding* and *withdrawing* a treatment?
18. Does the termination of life support (TLS) violate the sanctity-of-life principle?
19. Under what conditions is TLS morally acceptable?
20. What does it mean to say that a treatment is “futile”?
21. Should feeding tubes be considered medical treatment that can be removed under the right conditions? Defend your answer.
22. What are the primary arguments given in support of physician-assisted suicide/euthanasia? How would you respond to each one?
23. Explain why the movement from voluntary to nonvoluntary physician-assisted suicide/euthanasia is likely to happen.
24. Evaluate the use of the Nazi analogy in the discussion of physician-assisted suicide/euthanasia.

Cases for Discussion

Case 8.1: Your Father’s Living Will

Your elderly father has recently been diagnosed with terminal lung cancer. His doctors estimate that he has roughly a year left to live before the cancer will overtake him. He is wisely using this as an opportunity to think about what kinds of treatments he wants or wants to refuse as the cancer runs its course. He has seen several of his friends die on life support in hospitals and wants to make sure that he



doesn't die that way. He is asking you to be his medical decision maker should he lose the ability to make those decisions for himself. Specifically, he does not want to be put on ventilator support, especially if it looks like he cannot be weaned from it. You realize that means that he may die sooner than if he were on such support, and you wonder if you can do that, given your strong view of the sanctity of life. It feels as if you would be killing your dad if you authorized the withholding or withdrawal of ventilator support. He has maintained that if his life gets too painful or has suffering that can't be alleviated, he wants to have the option of physician-assisted suicide, since it's legal in the state in which he resides.

Questions for Discussion

1. Do you think it is acceptable to remove or withhold a ventilator from your father in his condition, even if it means he will die sooner? If not, why not? If so, under what conditions is it acceptable?
2. Do you believe that removing a ventilator would be killing your father? Would it make you complicit in his death? Why or why not?
3. Your father also does not want to be on feeding tubes for his nutrition and hydration should he lose the ability to swallow. Would you consider feeding tubes the same as a ventilator, or are feeding tubes more basic care? Is removing the feeding tubes the same as starving someone to death? Why or why not?
4. Assuming you live in a state where physician-assisted suicide is legal, would you help facilitate physician-assisted suicide for him? Why or why not?

Case 8.2: Feeding Tubes and ALS

You have recently been diagnosed with ALS—amyotrophic lateral sclerosis, otherwise known as “Lou Gehrig’s disease.” It is a degenerative disease that affects the nerve cells that control the muscles in the body. The result is gradual loss of all muscle movement and control in the body. The term “amyotrophic” literally means “no muscle nourishment,” which means that the nerve cells that control muscle movement (known as the “motor neurons”) progressively degenerate, resulting in the patient losing the ability to move, speak, eat, and eventually breathe. There is no cure for ALS at present, though there are drugs that can slow its progress.

Your physician has told you that the exact progression of the disease is hard to predict, but she has cautioned you to be prepared to require feeding tubes while you still have a quality of life that she believes will be of value to you. This has created a dilemma for you since you do not desire to have long-term dependence on



feeding tubes, or any other life support treatment such as a ventilator. The reason for this is that you very much do not want to be a burden to your spouse, who will assume the role of your primary caregiver. You have no thought of assisted suicide, since that violates your religious convictions. However, you are especially fearful that your spouse will not authorize the removal of your feeding tubes at the point where your quality of life has so diminished that you cannot make your wishes known and are ready to “have your homecoming” when you die. You are wondering if it would be better to refuse the feeding tubes now and not take the risk that you will linger too long on feeding tubes when you desire to die, go home to heaven, and no longer be a burden to your spouse. But you realize that by refusing the feeding tubes at the point you require them, you will die while still having some quality of life that you think would be worthwhile.

Questions for Discussion

1. What decision will you make about starting feeding tubes when it becomes necessary? If you refuse them, how do you justify giving up time with your family with an acceptable quality of life? If you accept them, how will you be sure your spouse authorizes their removal at the right time?
2. How does your view of the sanctity of life impact your decision about the feeding tubes?
3. How does your desire to avoid being a burden to your spouse impact your decision, especially since your spouse is willing and able to provide you with the necessary care, at least for now?

Case 8.3: Treatment Decisions for Your Young Child

You and your spouse are the parents of three-year-old triplets. Two of your children are perfectly healthy, but the third had severe complications during delivery and was born with cerebral palsy. This has produced serious brain damage and significant loss of muscle coordination and motor skills. It also seriously affects posture and balance. Your child has little mobility and muscle control. An additional complication is that your child has required multiple surgeries in order to drain fluid from the brain. Early on in her life, shunts were inserted in order to facilitate fluid control, but treating this has required multiple surgeries to replace the shunt or deal with infections caused by the shunt. You estimate that your daughter has had fifteen surgeries to date in her short life. The surgeries simply maintain her current level of functioning, which is quite low given her severe cognitive impairment. Physicians have suggested to you that further surgeries cause significant burdens to the child



with no hope of any improvement of her condition. You hold strongly to the sanctity of life, and love your child deeply, but wonder if authorizing additional surgeries is providing any benefit to your daughter. You can't imagine the thought of making decisions to stop treatment knowing your daughter will die without them, but you wonder if continuing treatment is doing her more harm than good.

Questions for Discussion

1. What decision will you make when it comes time for another surgery for your child to maintain the shunts? Explain your decision thoroughly.
2. How does your view of the sanctity of life contribute to your decision about stopping or continuing treatment for your child?
3. How would you weigh your daughter's very poor quality of life as a factor in your decision?

Case 8.4: PAS and Dementia

One of your closest friends was recently diagnosed with early onset Alzheimer's disease, a form of dementia that is progressive and debilitating, eventually resulting in death. Though Alzheimer's usually affects more elderly people, he has the kind that begins in the 40s or 50s. It affects memory, cognitive function, and the person eventually loses the ability to interact with others and their environment. You have seen your own family members decline from Alzheimer's and some of your friends have died from this as well. From what you have observed, it is a very difficult way to decline and die, one that you would not wish on anyone else. It has become very clear to your friend that he does not have any interest in dying this way. He has little doubt that once his decline becomes evident, he is going to request assisted suicide. You know that he has religious convictions as a Christian and holds to the sanctity of life. In one of your early conversations with him, he makes it clear that he does not consider PAS the same as suicide when someone has a good bit of life at high quality ahead of them. You live in a state where PAS is legal.

Questions for Discussion

1. Your friend has asked you what you think of his decision. What would you tell him? What reasons would you give for your opinion?
2. Your friend challenges you to provide places in the Bible that speak to his decision. Where would you point him?
3. How would you care for him as a friend, or as his pastor, at present, having just found out about his diagnosis?



Chapter 9

Capital Punishment

Whenever there is an execution in one of the US states that have the death penalty, one can usually find both advocates and opponents of capital punishment gathered outside the prison to make statements about the morality of the death penalty. The advocates claim that the condemned murderer is getting what he deserves, that the demands of justice are about to be satisfied. Opponents protest that capital punishment is a barbaric practice, out of place in the modern world, and unconstitutional as cruel and inhuman punishment.

Some of the most passionate supporters and opponents of the death penalty are religious believers from a variety of traditions. The advocates of the death penalty cite Old Testament passages that speak of the principle of “life for life” and insist that condemned murderers should justly receive death as a consequence of their actions. On the other hand, opponents of capital punishment (CP) reference Jesus’ emphasis on mercy, the fact that vengeance belongs to God, and the sacredness of human life.

Imagine a situation in which you are a member of a jury that is hearing a murder case. The jury has already convicted the person of first-degree murder. You now proceed to the sentencing phase of the trial. Here you must decide if the crime committed warrants the death penalty. In most states, carefully defined conditions, such as the heinousness of the crime or multiple murders are necessary for a death sentence. You were likely questioned by the attorneys about your view of the death penalty prior to being selected for the jury. Neither the prosecution nor the defense had reservations about your view. But now that it is time to make a decision that may result in the death of another person, you are seriously reconsidering your view.

The United States is one of the few developed countries that still has CP. At present, thirty-one US states have the death penalty (though four have a moratorium on it), and nineteen (plus the District of Columbia) have abolished it.¹ Most recently, New Mexico (2009), Illinois (2011), Connecticut (2012), and Maryland



(2013) have eliminated it. The momentum in the United States seems to be toward abolition of CP since one-third of the states that have eliminated CP have done so since 2007. Most countries in Europe have prohibited it, while it remains in force in some Asian, Middle Eastern, and African countries.² Other countries still have the death penalty as the law but have not executed anyone for several years. Some countries apply the death penalty for a variety of crimes, not just for murder. For example, drug trafficking warrants the death penalty in countries such as Singapore and Malaysia. The Philippines is one country that had previously abolished the death penalty but has reinstated it.

The US Supreme Court has issued three significant decisions concerning CP. The first was the case of *Furman v. Georgia* (1972),³ in which the court ruled that CP *as currently administered* in the state of Georgia violated the Eighth Amendment against cruel and inhuman punishment. In *Gregg v. Georgia* (1976),⁴ the court upheld a death sentence for murder but made sure that juries had careful guidelines to follow in determining the appropriateness of the death sentence. A third case, also from Georgia, *McCleskey v. Kemp* (1987),⁵ maintained that racial prejudice in death sentences was undeniable and was biased against African Americans. Ironically, Georgia's empirically demonstrated racial bias was not enough to overturn the death sentence in this case.

Those who oppose the death penalty are known as *abolitionists*, since they favor abolishing death sentences. Although they may disagree about the particulars of some of their arguments, all abolitionists agree that the death penalty is never morally justifiable. Those who favor CP are called *retentionists* because they favor retaining the death penalty. Not all retentionists, however, agree on the particular circumstances that justify CP or on the specific arguments for their position. Further, some retentionists may have concerns about certain procedural elements in the administration of the death penalty.

A third view occupies somewhat of a middle ground between the two predominant views. I will call this the *procedural abolitionist*. Those who hold this view maintain that there is nothing wrong with the death penalty in principle and might even support death sentences in rare cases. But since there are a variety of procedural problems with the administration of the death penalty, one should be very careful about having the death penalty at all. The advocate of this view might put a moratorium on CP or even abolish it entirely for these reasons. But one who holds this view might also agree that in some cases, the death penalty could be justified. For the most part, those who have these procedural concerns find them sufficient to support ending the death penalty.



At the root of the CP debate, people on both sides disagree on the primary goal of criminal punishment, whether it should be retribution, deterrence, or rehabilitation. Criminal sanctions intend to evoke a respect for the law that is necessary if society is to keep from plunging into chaos. From the biblical perspective, given the reality of humankind's nature (called "total depravity" by theologians), some kind of deterrent is necessary for people to obey the law. Further, respect for those who do abide by the law demands a penalty for those who do not.

The Eighth Amendment of the US Constitution protects individuals from cruel and unusual punishment. Specifically, it provides protection from the wanton and unnecessary infliction of pain. That is the reason imprisonment is the principal form of criminal punishment administered in most of the Western world. In addition, the Eighth Amendment protects a person from punishment that is out of proportion with the crime committed. Further, the Constitution protects individuals from punishment without due process of law. Historically, CP has not been considered cruel and inhuman punishment, because when the Bill of Rights was written in 1789, every state allowed the death penalty. Its constitutionality was not substantially challenged until the *Furman* case in 1972.

Death Penalty Use Declines in United States

At the end of 2016, the death penalty had continued its decline in the United States, as the fewest people were executed and the fewest number of death sentences were handed down since 1991. In 2016, only twenty people were executed and the number of death sentences dropped by 33 percent in that same time period. In 2017, only twenty-three people were executed. Statistically, now less than half of the US population surveyed support retaining the death penalty.

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Biblical Teaching on Capital Punishment

Many references to the death penalty can be found in the Bible. The Old Testament law in Exodus and Deuteronomy contains most of the biblical references to CP, but references and allusions to the death penalty are also scattered throughout the New Testament. The Old Testament prescribed the death penalty for a variety of crimes. The crimes that merited CP included:⁶

1. Murder (Ex. 21:12–14)⁷
2. Cursing or killing one's parent (Ex. 21:15;⁸ Lev. 20:9)⁹
3. Kidnapping (Ex. 21:16; Deut. 24:7)¹⁰
4. Adultery (Lev. 20:10–21; Deut. 22:22)
5. Incest (Lev. 20:11–12, 14)
6. Bestiality (Ex. 22:19; Lev. 20:15–16)
7. Sodomy or homosexual sex (Lev. 20:13)
8. Premarital sexual promiscuity (Deut. 22:20–21)
9. Rape of an engaged virgin (Deut. 22:23–27)¹¹
10. Witchcraft (Ex. 22:18)
11. Offering human sacrifice (Lev. 20:2)
12. Offering sacrifice or worship to a false god (Ex. 22:20; Deut. 13:6–11)
13. Blasphemy (Lev. 24:11–14, 16, 23)
14. Violating the Sabbath (Ex. 35:2)
15. Showing contempt for the court (Deut. 17:8–13)

Compared to other cultures in the ancient Near East, the Old Testament has a limited number of offenses that merited CP. Except for showing contempt for the court, the capital offenses can be organized around three general classes of violations: (a) violations against the sanctity of life (1–3); (b) violations against the source of life, primarily sexual sins (4–9); and (c) violations against the purity of the worship of God (10–14). What these have in common is that they are violations against the sacredness of life, whether directly, as in the case of murder, or indirectly, as in the case of sexual sin (sins regarding the source of life) and the purity of worship (sins against the Creator of life).

The degree to which the death penalty was actually carried out for each of these offenses is not clear from the historical accounts of the Old Testament. The historical books and the prophets contain little information on how the death penalty was administered. Although the Old Testament includes scattered examples of



people who received CP in accordance with the guidelines of the law, it does not provide a thorough sense of how consistently the nation of Israel followed through on the prescribed penalties for many crimes.

Many retentionists use these texts in the Mosaic law to support their position. But there are significant theological questions about the relevance of the Old Testament law to moral questions today. Simply because the death penalty was prescribed in the Old Testament does not mean that the death penalty should be prescribed for civil society today. Most advocates of CP recognize some limits on how far to use Mosaic law to support their view. For example, most retentionists favor the death penalty only for murder under certain circumstances. They do not favor the death penalty for the variety of crimes for which it was prescribed in the law, such as adultery and idolatry. The abolitionist charges that the retentionist who appeals to the Mosaic law must do so consistently and support CP for the crimes laid out in the law.

The retentionist will respond that of course he does not support CP for every crime mentioned in the law. But they argue that the Old Testament texts do give solid support for the principle of the death penalty. The details of the law may or may not be relevant to the present day, but the law does support the idea of the death penalty. Even though one might admit that not all the details of the law are directly and personally applicable, one must admit that, generally, the law is relevant for today. For example, believers no longer offer thanksgiving offerings as the law prescribed, but the principle of being thankful to God for his blessings and publicly expressing thanks is clearly relevant today. Or consider the example of the Day of Atonement (Lev. 16). While the church no longer celebrates this festival, one of its underlying principles—the necessity of confessing sin—is surely applicable and mandatory today.

Most agree that the Mosaic law as a rule of life is not applicable in the same way it was in Israel during Old Testament times. The books of Romans, Galatians, and Hebrews all make clear that the law is not directly applicable today as it was in Old Testament times (Gal. 3:24; see also Rom. 6:14–15; Heb. 10:1). The law consisted of three parts: the moral law (Ten Commandments), the ceremonial law (laws concerning Israel's religious rituals), and the civil law (laws for maintaining order and justice in civil society). The New Testament clearly teaches that the ceremonial law is neither necessary nor appropriate because of the once-for-all sacrifice of Christ.

When it comes to the civil law, Israel under the law was a theocracy, or a society in which the law of God was automatically the law of the land. In Old Testament Israel, the people did not vote on the laws to which they were to be subject. No legislative body made the laws, and no executive branch enforced them. People could not change the laws that God had given to Moses on Mount Sinai by amendments



or ballot initiatives. The law of God was automatically and unquestionably the law of the land. The reason for this was to make Israel a “kingdom of priests and a holy nation” (Ex. 19:6) by setting up a model society that would corporately bear witness to the reality of God. However, with the coming of Christ, the theocracy ended. The emphasis in the New Testament was on the church as a multinational body that would bring the gospel to different cultures and fulfill Jesus’ mandate to be the salt of the earth and the light of the world (Matt. 5:13–16).

Regardless of the debate on the specifics of Mosaic law for today, most agree that the general principles that undergird the law are relevant for today and need to be taken seriously. Of course, abolitionists and retentionists will disagree about whether CP is a specific part of the law or one of its more general principles. At the least, the principle that underlies the idea of CP is the sanctity of human life made in the image of God. Whether the death penalty accompanies that principle is at the heart of the debate between those who want to abolish and those who want to retain CP.

Given prior to the Mosaic law, Genesis 9:6 links the sanctity of life and the death penalty:

Whoever sheds human blood,
by humans shall their blood be shed;
for in the image of God
has God made mankind.

The general principle is “life for life,” and the support for it comes from the overarching theological truth of man and woman being made in God’s image. The life-for-life principle is important because it is based on the unchanging truth that God created human beings in his own image. The life-for-life principle and its link to the image of God in human beings seems to support the notion that murder and the consequence for murder—taking the murderer’s life—are not morally the same thing. That is, Genesis 9:6 clarifies that murder and the death penalty are not morally equivalent.¹²

The New Testament makes scant reference to the death penalty, and most references are in the form of allusions as opposed to more direct teaching. It was clearly in use during the time of Jesus, though the Roman empire prohibited first century Jews from exercising it themselves. Romans 13:4 perhaps makes the clearest reference to CP when Paul states that the responsibility of civil government is to maintain civil order as God’s servant. Believers and unbelievers alike are to fear the civil authorities in the case of wrongdoing, since “he [the one in authority] does not bear the sword for nothing.” Retentionists will argue that Paul assumed the



legitimacy of the death penalty as a part of the role of God-ordained government. Abolitionists will counter by suggesting that Paul also assumed the legitimacy of slavery, yet no one considers slavery as a moral option for today. The use of the term *sword* evokes some debate, but it is probably a figure of speech. Abolitionists maintain that it is a metaphor for punishment and law enforcement in general and not necessarily CP. But retentionists argue that it may also be a figure of speech for the death penalty, since the sword was often used as a weapon of death and was likely seen as such by the first-century readers of Paul's Epistle to the Romans.

Abolitionists sometimes refer to the episode of the woman caught in adultery (John 7:53–8:11) as an example of Jesus setting aside the death penalty. But there are substantial textual issues with this narrative, and there is a lack of clarity concerning its place in the original text. Assuming it belongs in the text, Jesus still does not authorize the death penalty. The woman who was brought to Jesus faced an unjust situation since the man who was also guilty was not brought forward. It was clearly an attempt to trap Jesus, and he refused to participate in the religious leaders' scheme. Even so, Jesus offered forgiveness to the woman, and neither side of the debate suggests that murderers should be forgiven by the state.

Even if one accepts the life-for-life principle, one must admit that the Bible places significant limits on its application. There are some notable exceptions to the life-for-life principle. For example, the first two murderers recorded in biblical history, Cain and Lamech (Gen. 4), were not given the death penalty, not to mention Moses and David being exempt.¹³ In addition, cities of refuge were established in places throughout the land of Israel to provide sanctuary for those who were guilty of manslaughter, or *accidental* killings. A person who committed manslaughter could flee to one of these cities and be free from any retribution. In these cases, a life was not required in exchange for the one that was taken (Num. 35:6–29). Further, taking the life of combatants in war is clearly justified in the Old Testament, as is evident from the numerous wars that Israel fought under God's direction. Thus the life-for-life principle was not meant to be applied as an absolute but within limits laid down by the law.

One important limit on the administration of CP is described in Numbers 35:30, which says, "Anyone who kills a person is to be put to death as a murderer only on the testimony of witnesses. But no one is to be put to death on the testimony of only one witness." This part of the law prevented someone from being put to death on the basis of circumstantial evidence alone. The term translated "witness" literally means an eyewitness. Hence, it took two eyewitnesses of a murder to justify use of the death penalty. The key principle in this verse is that the judicial system must have a high degree of certainty about the guilt of the murderer. Even the testimony of an eyewitness must



be corroborated, and the law was careful to ensure that no one could be put to death on the basis of one eyewitness who might have an ulterior motive for testifying against the accused. In fact, perjury in a capital case was itself a capital crime. Circumstantial evidence leaves room for doubt, and two eyewitnesses were necessary to ensure that eyewitness testimony was corroborated before someone could be put to death for murder. Thus the degree of certainty required to use the death penalty seems higher than the “reasonable doubt” standard that is used throughout the Western legal system today.

If this principle is applied literally to capital murder cases today, both principled and procedural abolitionists insist that most death row inmates have been sentenced to death in a way that is inconsistent with biblical guidelines. The procedural abolitionist can argue that the life-for-life principle is valid but that in terms of procedure the proponent of CP cannot meet the biblical standard for administering the death penalty. Since there was virtually no such thing as circumstantial evidence in the ancient world, the way it is handled today is clearly more reliable in assessing guilt than in the ancient world. But most people on death row today were convicted and sentenced without even one eyewitness of the crime, not to mention a second eyewitness to corroborate the account. If advocates of the death penalty desire to administer CP consistently with biblical guidelines, both principled and procedural abolitionists maintain that we must reconsider the cases of many inmates who now sit on death row and move them to a life sentence. Retentionists can respond by insisting that only the general principle of the certainty of guilt is required today, not the ancient specifics of the Mosaic law. They insist that the two eyewitnesses mandate does not adequately consider the sophistication of other forms of evidence, which are capable of satisfying the general principle of the certainty of guilt. They argue further that opponents of the death penalty are appealing to the details of the law when only the more general principles are required for today.

Arguments for Capital Punishment

The retentionist view accepts CP as appropriate under some circumstances. Advocates of this view do not favor any “across the board” view of the death penalty without careful guidelines to direct the way death sentences are handed down. Nor do they usually insist that the death penalty *must* be administered in cases of capital murder. There are a wide variety of opinions concerning the circumstances that would justify use of CP, but all advocates agree that in some cases the death penalty not only can but should be used in egregious cases. The procedural abolitionist can accept all of the following principled arguments while at the same time opposing the death penalty due to procedural concerns—those will be addressed in



the arguments against CP. The four primary arguments in favor of the retentionist view are as follows:

1. Capital Punishment Expresses an Appropriate Demand for Justice

According to both the abolitionist and the retentionist, criminal justice in general demands that the punishment fit the crime. When a murder occurs and innocent life is taken, retentionists argue that the only punishment proportionate to the crime is the death penalty. Only the death penalty can express society's moral outrage at the taking of innocent life. Justice being satisfied is especially important for a society dependent on due process of law instead of vigilantism to restore the imbalance created by crime. The retentionist has a difficult question for the abolitionist in this regard: What is it that is intrinsically unjust about requiring life for life? The retentionist insists that there is nothing inherently wrong with such a requirement. The reason for applying the life-for-life principle is that the condemned murderer actually forfeits his or her right to life by virtue of taking the life of another. Failing to require life for life as a general rule would involve a low view of the victim's life that has been needlessly taken. It seems unjust to the retentionist that the condemned murderer could continue with his or her life (albeit in prison) when the victim's life has been tragically and undeservedly ended.

The Execution of Timothy McVeigh

Timothy McVeigh was convicted of the worst act of domestic terrorism in US history for the 1995 bombing of the Oklahoma City federal building, which killed 168 people and wounded several hundred more. After only six years on death row, he was executed in 2001 by lethal injection. Surviving members of the victims' families called it "the completion of justice" and felt a long-overdue sense of closure to the bombing and its aftermath. Still others protested McVeigh's execution because they opposed the death penalty in principle. Opponents of CP had their sentiments summarized by one of McVeigh's lawyers, who said, "If there is anything good that can come from the execution of Tim McVeigh, it may be to help us realize that we simply cannot do this anymore. I am firmly convinced that it is not a question of if we will stop, it's simply a matter of when."

"McVeigh Execution: A Completion of Justice." *CNN* (online), June 11, 2001. <http://edition.cnn.com/2001/LAW/06/11/mcveigh.02/>.



This demand for justice can be consistent with the New Testament emphases on showing mercy and forgiveness and on vengeance belonging to God. However, when family members of a murder victim express a demand for justice, they are often expressing a desire for revenge that does not reflect the teaching of Jesus. Nevertheless, it is true that the victim's family has personally experienced the loss caused by crime, and thus their demand for justice may be a legitimate demand.

The problem with bringing Jesus' ethic of forgiveness to bear on the issue of the death penalty is the way abolitionists confuse personal and social ethics. The New Testament teachings on revenge and forgiveness are part of a personal ethic that forbids individuals from taking revenge and that requires forgiveness when wronged. But that ethic cannot be applied to the state. The responsibility of the state is to punish and deter criminals, not to forgive them. The state may not exercise its role unjustly or indiscriminately, but God has given the state the responsibility of criminal punishment (Rom. 13:1–7; 1 Peter 4:15). The retentionists argue that the biblical emphasis for forgiveness and mercy, and against revenge, is irrelevant to the morality of the state-administered death penalty and has nothing to do with the state's legitimate responsibility to uphold criminal sanctions.

2. Capital Punishment Deters Crime

The argument that CP provides a unique deterrent against crime has a strong intuitive appeal, particularly since many societies around the world are perceived as becoming more chaotic with less respect for law and morality. Since the fear of death is virtually a universal phenomenon, the death penalty is an unparalleled deterrent for people considering a capital crime. Generally, the harsher the potential penalty, the greater the deterrent value of such a penalty. Deterrence increases with the severity of the penalty involved.

A strong view of the sanctity of life is not inconsistent with advocating the death penalty when viewed from the perspective of a deterrent. If society is serious about the sanctity of life, then it will mandate the strongest possible deterrent to keep people from taking innocent life. To deny the legitimacy of the death penalty cheapens life by discounting the life of the murder victim. Retentionists argue that it is not inconsistent to be pro-life *and* support the death penalty, since it encourages people to consider the consequence of taking the life of an innocent person.

It is undoubtedly true that the death penalty is not a deterrent for certain types of people—for example, terrorists who kill innocents out of a commitment to a cause, those who commit a murder while serving a life sentence, and professional killers. Although the prospect of the death sentence cannot deter all murderers,



that does not mean it is unable to deter any murderers. This fact suggests retention of the death penalty as the only adequate deterrent for some types of people. Though not entirely related to the deterrent effect, prosecutors maintain that without the death penalty as a realistic sentencing option, they have considerably less leverage over accused murderers in arranging plea bargains in which they admit to lesser crimes to avoid harsher sentences.

Although most people have a strong intuitive belief in the deterrent power of CP, abolitionists will point out that, statistically, there is no relationship between CP and the murder rate. In fact, the murder rate is lower in Europe in countries that have abolished the death penalty. The murder rate is very complex and is influenced by many factors other than the deterrent force that the death penalty contributes (such as the socioeconomic background of the perpetrator), which make it nearly impossible to determine the deterrent effect of CP. Thus substantial debate will likely always surround the subject of the effectiveness of the death penalty as a deterrent.

Murder Suspect Not Eligible for Capital Punishment Due to Intellectual Disability

A Columbus, Ohio, man, who was accused of stabbing an eighty-nine-year-old woman while committing a robbery, was ruled not eligible for the death penalty due to his intellectual disability. The man's IQ was between sixty-six and seventy-two, and he had trouble with communication and self-care. IQ tests dating to his elementary school years indicate his disability, and the US Supreme Court ruled in 2002 that the death penalty for those "suffering from intellectual disability constitutes cruel and unusual punishment." An IQ of 70 is generally considered the minimum threshold for intellectual disability, though that is not a rigid standard and can be contested with other evidence of intellectual impairment.

Futty, John. "Murder Suspect Not Eligible for Death Penalty Because of Intellectual Disability, Judge Rules." *The Columbus Dispatch*, December 9, 2015. <http://www.dispatch.com/content/stories/local/2015/12/08/death-penalty-case.html>.

But that is not the end of the deterrence discussion. Let's consider what is called the *best-bet argument*.¹⁴ First, let's assume that the death penalty works as a deterrent. If society has the death penalty, society ends up in a positive position



with regard to CP because murderers are put to death, and some innocent people are saved by the deterrent effect. Conversely, if CP is effective, and society does not have the death penalty, society ends up in a worse position because murderers live, and some innocent people are killed because the deterrent effect of CP is not present.

Now let's change our assumption. Let's assume that CP does not work as a deterrent. With that assumption and society having CP, society is in a worse off position—some murderers die with no deterrent value. Again, conversely, if we assume CP doesn't work, and we don't have the death penalty, society seems in a better position, with murderers living and, the important part, no additional risk to the lives of innocent others. To summarize, if we are unsure about the deterrent effect of CP, we should bet that it does have such a value. So if we bet on CP, and it works, innocent people are saved. Further, innocent people die needlessly if society does not have CP. By contrast, if CP doesn't work, either way we bet, the lives of innocents are not affected. This argument then asks, "Who should get the benefit of the doubt—the potential victims or the convicted murderers?" The retentionist argues that the obligation would clearly be to the potential innocent victims, not to convicted murderers. Thus, in light of the ambiguity of the ability of the death penalty to deter killers, the retentionist insists that society should retain the death penalty rather than unnecessarily risk the lives of potential murder victims who may die if a potentially effective deterrent is abolished.

Abolitionists maintain that the best bet argument only considers the consequences to potential victims and does not include the social costs of mistakenly executing innocent people. If that were calculated into the discussion, the best bet argument might look a bit different. The abolitionist extends the best bet argument to include erroneously executed people as part of the group of the innocent. They would argue that the cost of executing an innocent person is so high that, given the ambiguity of the deterrence argument, society ought to bet against the death penalty.

3. Society Should Not Have to Bear the Cost of a Life Term

The cost of housing, feeding, providing security, and providing health care to an inmate, particularly as the inmate ages, could easily exceed \$1 million, assuming the inmate lives to old age. In some cases, the cost of the appeals may exceed the cost of maintaining the inmate over the course of his or her life. Of course, the debate over CP involves much more than the "bottom line." Yet abolitionists frequently



argue that the death penalty is too expensive due to the exhaustive appeals that are normally pursued. The cost of CP should be weighed against the cost of a life term in prison. Even if a life term costs less, retentionists argue that such costs should not be borne by the public. The retentionist argument assumes that the condemned murderer has forfeited his or her right to life and is therefore not entitled to lifetime room, board, and medical care at the expense of the public.

4. Capital Punishment Is Not Cruel and Unusual Punishment

The Eighth Amendment to the Bill of Rights prohibits cruel and unusual punishment. The amendment is usually understood to mean punishment that inflicts pain in a wanton and unnecessary manner, as well as punishment that is disproportionate to the crime committed. Critics argue that the death penalty is inherently cruel and unusual punishment, yet retentionists respond that it can be, and often is, administered without the wanton infliction of pain. In fact, retentionists argue, the death can be essentially painless, much like the lethal injection of drugs administered in cases of physician assisted suicide and euthanasia. Euthanasia is sometimes referred to as “mercy killing,” in which a patient is painlessly put out of misery. If something like a lethal injection can be performed medically as an act of mercy for a terminally ill patient, then proponents suggest that the death penalty can be administered in the same way. Thus, retentionists maintain that CP can be accomplished in a way that is neither cruel nor unusual.

Retentionists insist that it is reasonable to demand the life of a person who has taken another’s life by first-degree murder. This is not to suggest that all crimes in which an innocent life is taken should insist on taking a life for a life. However, for first-degree murder convictions that meet the criteria for the death penalty, for particularly heinous crimes, exchanging the murderer’s life for the innocent victim’s life does not seem out of proportion with the crime. Sometimes retentionists argue that a life sentence is out of proportion with especially horrific crimes, since it would be too light a sentence.

Compared with the alternatives, the death penalty, when quickly and painlessly administered, may actually be less cruel and unusual than serving a life term in a maximum security prison. The indignities and harsh conditions of some prisons can also be considered cruel and unusual punishment. Thus, retentionists sometimes argue that if abolitionists are concerned about the death penalty being cruel and unusual, they should also object to a life term in prison in order to be consistent.



Arguments against Capital Punishment

Six US States Ban the Death Penalty

In December 2007 New Jersey became the first state in forty years to abolish the death penalty, thereby making life in prison the harshest penalty available for convicted murderers. The bill to prohibit CP was introduced following a report from a state commission that concluded that the death penalty does not deter violent crime and could involve innocent people being executed. Some dissenters in the legislature insisted that the death penalty should still be available for convicted murderers of police officers and for convicted terrorists. Opponents of the death penalty were pleased with the legislature's action. "New Jersey lawmakers are demonstrating sound judgment in abandoning CP after learning of its costs, the pain it causes victims' families, and the risks the death penalty poses to innocent lives," said Richard Dieter, director of the Death Penalty Information Center. However, proponents of the death penalty noted that one of the convicts on New Jersey's death row is Jesse Timmendequas, who murdered seven-year-old Megan Kanka in 1994. Her brutal murder led to the various Megan's law efforts to better identify and track sex offenders. Proponents argue that someone like Megan's killer does not deserve to live, especially at taxpayers' expense. Since New Jersey's legislation, New Mexico, New York, Illinois, Connecticut, and Maryland have followed, bringing the total of states prohibiting the death penalty to nineteen.

Mears, Bill. "New Jersey Lawmakers Vote to Abolish Death Penalty." CNN.com, December 13, 2007. <http://www.cnn.com/2007/POLITICS/12/13/nj.death.penalty/>.

Abolitionists believe CP is not justifiable under any circumstances. No crime, however heinous, and no view of criminal punishment can be adequate grounds for a death sentence. The procedural abolitionist normally does not find the first four arguments (which are more principle based) persuasive but focuses on the final two concerns—the likelihood of mistakes and the existence of discrimination. Following are the most common arguments used to support the abolitionist position.

1. The Death Penalty Undermines Human Dignity

Abolitionists argue that the death penalty undercuts the human dignity and degrades human life. This argument suggests that the death penalty is inconsistent



with Western civilization's evolving standards of decency and respect for human beings. Thus, by definition, abolitionists insist that CP constitutes cruel and inhuman punishment. While the death penalty has had a long history, most of that history comes from a barbaric past, with criminal punishment being motivated by the uncivilized desire for revenge. Most modern nations have seen the inconsistency of CP with civilized thought and have abolished the practice. Following World War II and the horrific abuses of state-sanctioned killing in the first half of the twentieth century, many European nations abolished the death penalty, taking the right to kill its citizens out of the hands of the state. Even the state of Israel, founded in 1948 in the aftermath of World War II, which had plenty of motivation to pursue justice for the perpetrators of the Holocaust, declined to have the death penalty from their beginning.¹⁵

For abolitionists, administering the death penalty sends a conflicting message about respect for human life. If the state wants to teach a lesson about the sanctity of life, the death penalty is surely an odd way of doing it. The state should not compound one wrong (the crime committed) by committing another (putting the criminal to death). Retentionists respond that the murderer has forfeited his or her right to life and is not deserving of any respect. Yet abolitionists maintain that the right to life is an inalienable right, which means that it cannot be forfeited or taken away under any circumstances. They commonly take this from the opening statement of the Declaration of Independence, which states that all are "endowed by their Creator with certain inalienable rights, among these are life, liberty and the pursuit of happiness." However, retentionists hold that the founders clarified this notion in the fourteenth amendment to the Constitution with the proviso that the rights to life, liberty, and property cannot be forfeited *without due process of law.*"

2. Reform Becomes Impossible

The death penalty removes the prospect of rehabilitation that could lead to a criminal becoming a productive member of society again. With the process of appealing a death sentence taking as long as it does, a convicted murderer could be a very different person at the execution date than at the date of sentencing. A person could be put to death despite being rehabilitated during their time on death row. While many criminals do not change for the better in prison, some clearly do, even some awaiting CP.

For the Christian, reform includes the prospect of someone coming to faith in Christ while serving a life sentence, of being redeemed and having hope not only



of a changed life but also of eternal life. Implementing the death penalty removes the possibility of someone later in life becoming reconciled to God. Since one of the primary missions of the follower of Jesus is to be an agent of reconciliation, working to bring people into a saving relationship with God (2 Cor. 5:17–21), many religious groups suggest that support of the death penalty is inconsistent with that goal. Retentionists reply that on death row there are numerous opportunities for someone to be redeemed, and impending mortality can be especially effective in motivating that consideration. Further, the retentionist insists that reform is not the primary goal of criminal justice; retribution is.

The Transformation of Karla Faye Tucker Brown

Karla Faye Tucker died by lethal injection in Huntsville, Texas, after spending fourteen years on death row. She was convicted for a brutal double murder and sentenced to death. While on death row, she turned her life around as a result of her conversion to Christianity, and she and those close to her claimed she had become an entirely new person. She never denied her guilt and never asked for a different sentence than what she received. She married the prison chaplain while on death row, and virtually everyone close to her testified to her changed life—that it was genuine and a result of her faith. Although she had no qualms about facing her date with execution, numerous observers suggested that her case illustrated something very wrong with the death penalty, that it would preclude someone like her, who has been transformed, from being a contributing member of society. They argued that the death penalty was a waste of her new life. Proponents of the death penalty insisted that her changed life was not relevant to her conviction and subsequent penalty. And she seemed to think that way, too, evidenced by the way she was at peace with accepting her fate.

"Karla Faye Tucker: Born Again on Death Row," *CNN.com*, March 26, 2007. <http://www.cnn.com/2007/US/03/21/larry.king.tucker/>.

3. The Accompanying Appeals

Abolitionists maintain that death sentences are usually accompanied by long and expensive appeals. The reason for the appeals process is to ensure that no mistakes are made. The process normally takes from five to twenty years and costs hundreds of thousands of dollars. It creates backlogs in the appeals courts, since



approximately half of the appeals heard in the courts in which the death penalty is legal involve death penalty appeals. In many cases, the requests for appeals hearings are requested up until the “eleventh hour,” just prior to a person’s execution. It would be much simpler and more cost-effective to eliminate the death penalty in favor of life sentences without the possibility of parole. Yet retentionists insist that the costs of these appeals be compared to the cost of maintaining an inmate for a life term, which may exceed the costs of the exhaustive appeals process.

4. The Demand for “Justice” Is Inconsistent with Jesus’ Ethic

Abolitionists claim that the demand for “justice” is inconsistent with Jesus’ ethic of forgiveness and redemption.¹⁶ This is not to say that society does not hold people accountable for their crimes. But the cry for “justice,” which in many cases is only a facade for revenge, is inconsistent with Jesus’ ethic in the Gospels and Paul’s statement that vengeance belongs only to the Lord (Rom. 12:19). Significantly, the cry for “justice” is most often made by surviving family members of the slain victim. In many of these cases, the family members have clearly confused justice with revenge, having little compassion for the person condemned to die. Putting someone to death cannot bring the victim back to life or compensate the family in any significant way. In reality this emphasis on “justice” is an expression of the primitive and uncivilized desire for revenge, which is inconsistent not only with the message of the gospel but also with the humane standards of civilized societies. Abolitionists point out that when Jesus quotes the Old Testament in places like the Sermon the Mount, he repeats the “eye for an eye and tooth for a tooth,” but omits a “life for life” (Matt: 5:38; see also Ex. 21:24; Lev. 24:20; Deut. 19:21). Retentionists suggest that though revenge is understandable but not justifiable, the demand for justice can be real and only satisfied by the death penalty.

The next two arguments express more *procedural* concerns with CP rather than principled objection to the death penalty. A person could hold to the death penalty in principle yet have serious reservations about these procedural problems and end up holding to the aforementioned *procedural abolitionist* view. That is, one could agree that there is nothing intrinsically unjust about requiring life for life under certain circumstances, but the procedural concerns, depending on their significance, could make one an abolitionist for all practical purposes. This position is becoming more widespread as the number of people exonerated from death row increases.



Death Row Doctor Who Opposes the Death Penalty

Dr. Carlo Musso, president of CorrectHealth, a health care service provider to four state prison systems, personally opposes the death penalty but nonetheless participates in state-sanctioned executions out of a desire to provide the necessary comfort care to what he considers patients at the end of their lives. He states, “Instead of a carcinoma (form of cancer), that individual’s dying of a court order.” He has faced widespread criticism from the anti-death penalty advocacy groups and the medical establishment, which opposes physician involvement in the administration of the death penalty. He defends his participation as a part of providing a person of compassion who will care for them at the time of their death. He sees himself as providing comfort measures at the end of life in order to keep the death penalty process as humane as possible, while at the same time, desiring that someday he will no longer have to be involved in the practice once it is abolished. He holds that the death penalty ultimately is too expensive and ultimately unnecessary.

Knapp, Lauren. “Death Row Doctor.” *New York Times*, January 17, 2017. https://www.nytimes.com/2017/01/17/opinion/death-row-doctor.html?_r=0.

5. Mistakes Are Inevitable and Irreversible

The primary procedural reservation about CP is the likelihood of mistakes. Given fallible human beings and the constant involvement of an imperfect justice system, mistakes are not just possible, they are inevitable, say abolitionists. Although the Western judicial system most often works well, miscarriages of justice do occasionally occur. Innocent people are sometimes wrongly convicted and incarcerated. In some cases innocent people who maintained their innocence throughout their trial and appeals process have been executed. In other cases convictions have been overturned, leaving the judicial system to acknowledge that injustices were done. Since 1973, more than 130 people have been declared innocent and released from death row.¹⁷ When mistakes are made in noncapital cases, the state can compensate wrongly convicted persons and release them from prison. But if the court makes a mistake in a death penalty case, nothing can be done for the person who was wrongly put to death. The death penalty leaves no room for correcting the inevitable mistakes of an imperfect judicial system.



Religious people who oppose CP sometimes suggest that the reason the Bible required the testimony of two eyewitnesses was to avoid some of the problems that arise when relying on circumstantial evidence. And some suggest that that criteria still be used today, thus making one a practical abolitionist, since corroborating eyewitness testimony is very rare today. In some US states, seeing death-row inmates exonerated and released has brought about a moratorium on executions. Some people who support measures like this also support CP in principle, but the mistakes that are made periodically make them abolitionists for all practical purposes. The retentionist will maintain that the mandated long process of appeals is designed to ensure that mistakes are not made. They insist that noneyewitness evidence can establish the certainty of guilt in many cases with forensics such as DNA evidence. They argue that because mistakes are sometimes made, that does not mean that CP should be eliminated in all cases.

North Carolina Man Exonerated after Fifteen Years on Death Row

Glen Edward Chapman, who was given the death penalty for two 1992 murders, was released from death row after fifteen years of awaiting execution. In 2007 he was given a new trial, and in April 2008 prosecutors dropped all charges against him. He was granted a new trial on the basis of evidence that had been withheld, key documents that had been lost or destroyed, and false testimony by one of the investigators. New evidence came to light after the trial that suggested that one of the victim's deaths may have been due to a drug overdose, not homicide. The trial court judge also cited Chapman's inadequate legal representation—one of his attorneys had been disciplined by the North Carolina Bar Association for drinking during another capital trial. According to the Death Penalty Information Center, Chapman was the 128th death row inmate to be exonerated since 1973.

Hartness, Erin. "Death Row Inmate Freed After 15 Years." WRAL.com, April 2, 2008. <http://www.wral.com/news/local/story/2669008/>.

6. The Death Penalty Is Discriminatory

Another procedural concern is the way the death penalty is administered. Most convicted murderers who receive death sentences in the United States are minority



men, particularly African Americans and Hispanic Americans of lower socioeconomic status. Rarely do whites or middle- or upper-class individuals receive the death penalty, and even more rarely are women executed. It is true that minority men are more likely to be convicted of violent crimes. But even taking that into account, the incidence of minority men receiving CP is still disproportionately high. Thus abolitionists argue that CP is unjust, discriminatory, and actually oppresses the most disadvantaged groups in society. Minority men receive a death sentence more often because of inadequate representation, race, gender, jury misperceptions, and geography (some states and regions have a higher incidence of death sentences). Procedural abolitionists cite this as a major reservation about CP because they conclude that the current system is incapable of administering it within fundamental norms of fairness. While acknowledging that the problems that contribute to this shortcoming in the system are deep and pervasive, retentionists argue that there is a solution to this—administer CP more evenhandedly. In addition, retentionists, holding the life-for-life principle, suggest that the ones who receive CP are not wronged but those who receive a life term instead. Unless a mistake was made or the person received poor representation, the retentionists argue that the convicted have not been wronged by receiving CP.

Conclusion

The debate over CP is ongoing, and society is still divided over both moral and legal aspects of the death penalty. There are now three primary positions that one could hold and have good arguments to support one's case. A person could be a *retentionist*, who holds to CP under some conditions, such as the certainty of guilt for first-degree murder; one could be an *abolitionist*, who opposes CP in all circumstances. Or one could be a *procedural abolitionist*, accepting CP in principle but having serious reservations about its administration.

Both the abolitionist and the retentionist still face difficult questions. For the abolitionist, what is *intrinsically* problematic with the life-for-life principle in cases of first-degree murder? In other words, is there something fundamentally wrong with taking a life for a life in these cases? For the retentionist, what is lost by a life term without parole that would offset the gains of insuring that innocent people are not executed? To put it another way, what does the death penalty provide that cannot be accomplished by a life without parole sentence?

The Bible seems to allow for the death penalty in principle as long as the absolute certainty of guilt is established. Genesis 9:6 occurs before the law, which



grounds CP in the notion that human beings are created in the image of God. However, procedural elements, such as the possibility of mistakes and the death penalty's unfair application, are cause for concern regardless of how a person views the death penalty. There is room for legitimate debate over the procedural elements and over whether one should support CP in the current legal and forensic context.

Whether or not one believes in CP in certain cases, one needs compassion for the criminal, the victim, and the victim's family. Often compassion and the hope of redemption for the convicted criminal are overlooked in the retentionist's demand for justice. The demand for justice can too easily become a demand for vengeance and retribution, which Christians reserve for God alone. Also, the victim and the victim's family can too easily be forgotten by the abolitionist. In a desire to protect the rights of the criminal, the abolitionist may too easily forget the life-shattering damage done by the criminal's actions. Thus the Bible commands compassion for both parties but also reminds us that actions have consequences.

For Further Reading

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Chapter Review

1. What is the significance of *Furman v. Georgia*? *Gregg v. Georgia*? How do both cases relate to the death penalty?
2. Briefly identify the three primary positions on the death penalty.
3. What is the point of the Eighth Amendment to the US Constitution?
4. List some of the capital crimes recognized by the Old Testament.
5. How does the law of Moses relate to the death penalty today?
6. What is the contribution of Genesis 9:6 to the discussion of CP?



7. What is the primary New Testament reference to CP? What is the point of that passage?
8. What does the account of the woman caught in adultery (John 7:53–8:11) contribute to the Bible’s teaching on CP?
9. What does Numbers 35:30 tell us about the procedural requirements to administer CP?
10. What are the primary arguments in favor of CP?
11. What is the “best-bet argument”?
12. What are the main arguments against CP?
13. What is your position on CP? Which of the arguments do you find most persuasive?

Cases for Discussion

Case 9.1: Death Penalty for Dylann Roof?

You are on the jury for the capital murder case of Dylann Roof, the white twenty-three-year-old man accused of racially motivated murder. In June 2015, he entered the Emmanuel African Methodist Episcopal Church in Charleston, South Carolina, and after sitting in their Bible study time, without warning he uttered racial epithets and then fired a handgun at the church members, killing nine men and women, including the pastor of the church. During his questioning by police, Roof admitted his guilt and maintained that he did it in order to provoke racial tensions in the community. His journal was brought into evidence during the trial, and a part of it was read that highlighted his lack of remorse for his crimes. He wrote, “I would like to make it crystal clear, I do not regret what I did. I am not sorry. I have not shed a tear for the innocent people I killed.” Roof did not claim any factors that might have explained his killing spree, such as mental illness. He maintained that he was fully aware of what he was doing when he deliberately took the lives of nine men and women. Incredibly, some of the victims’ surviving family members have forgiven Roof, arguing that such forgiveness is required by their faith.

In the trial, you have convicted him of those nine murders and now are deliberating over the sentence to hand down. You have the choice of giving Roof the death penalty or life in prison without parole. You must vote according to your moral convictions in this penalty phase. Death penalty advocates maintain that defendants such as Roof show why the death penalty is just, appropriate, and still needed today. Opponents of the death penalty insist that no one is beyond the



hope of redemption, and that CP is a barbaric holdover from less civilized times, a practice that most of the developed world has abandoned.

Questions for Discussion

1. How would you vote in the penalty phase of this case? Would you vote for the death penalty or for life in prison without parole? Explain your reasons.
2. If you vote for the death penalty, how do you respond to the abolitionist argument that not much is lost by handing down a life sentence instead of the death penalty, especially given that mistakes are possible and the state cannot compensate someone for an erroneous death penalty? In other words, what exactly is lost with a life sentence as opposed to the death penalty?
3. If you vote for life in prison, how do you respond to the retentionist argument that there is nothing intrinsically wrong with requiring “life for life?” In other words, what do you believe is wrong with the life-for-life principle?
4. How do you understand the teaching of the Bible on the death penalty?

Case 9.2: Capital Punishment in the Philippines

You are a national legislator in the senate in the Philippines, which is debating whether to reinstitute the death penalty. This would make it one of the first nations to abolish CP and then reinstate it. In the Philippines, the death penalty was abolished in 2006, following a moratorium on CP from 1987–99 and its temporary restoration from 1999–2006. New President Rodrigo Duterte, elected in 2016, in fulfilling a campaign promise, has requested that CP be restored to aid in the fight against drug trafficking and other forms of violent crime that accompany the drug trade. The debate has divided the country and the legislature. The author of the bill to bring CP back is the former world boxing champion Manny Pacquiao. There are twenty crimes that are being proposed for eligibility for CP, including murder, rape, kidnapping, treason, some forms of piracy and bribery, parricide, infanticide, robbery with violence, arson, drug trafficking, planting evidence, and stealing a car.

Nicholas, Fiona. “Bumpy Road for Capital Punishment: Lawmakers, Government Officials Divided.” *CNN Philippines*, February 8, 2017. <http://cnnphilippines.com/news/2017/02/07/restoration-capital-punishment-revival-death-penalty-senators-lawmakers-divided.html>.

Questions for Discussion

1. How will you vote on this bill to reinstate the death penalty for the crimes that are eligible? Explain your reasons.
2. Which, if any, of the crimes listed above as eligible for CP would you eliminate from the list?
3. If the bill were reinstating CP only for murder, how would you vote?





Chapter 10

War, Violence, and Morality

In recent years, violent crime, including murder, has been on the rise in many cultures around the world. Terrorist violence targeting civilians has also increased alongside the rise of more virulent terror groups such as ISIS. In addition, entertainment media is now saturated with violence, and not only in films and music, as war and first-person shooter video games are some of the biggest selling games on the market. It often seems that culturally, people are relatively untroubled by the prevalence of violence in media and desensitized to the effects of violence.

The wars in recent history, especially since World War II, are grim reminders that humankind possesses greater skill and machinery to bring death and destruction in war than at any other time in human history. Even though the Cold War is over, and the fear of nuclear weapons that accompanied it has receded, there is a sufficient nuclear arsenal to destroy the earth many times over. In addition, the remarkable rise of international terrorism in recent decades means that the traditional ways of conducting warfare have changed dramatically. Some suggest that concepts like just war have become obsolete because of these developments. Others argue that the notion of a just war is actually a contradiction—that there is no such thing as a just war.

Most views on the morality of war and violence correspond to one of two positions. For lack of a better term, we will call the first position *pacifism*. Pacifists today sometimes prefer the term *peacemakers* to describe their position and consider the term *pacifism* to be a bit out of date.¹

Although there are various kinds of pacifism—in both secular and religious arenas—which makes generalization difficult, pacifists essentially hold that neither participation in war nor the personal use of violence, especially lethal violence, is ever justifiable. As a result, the pacifist cannot be involved in war as a combatant because war necessarily involves the use of lethal violence against another person.



Neither can the pacifist use violence against any personal attack. But some forms of pacifism extend this to the view that participation in war of any kind is not justifiable, including work that supports a war effort, or national defense in peacetime. This would include, for example, being employed by companies that make military weapons and/or provide essential support for the military. Some pacifists argue that governments should not ever undertake war efforts, but most of the discussion of pacifism in recent years has focused on an individual's use of violence and participation in the military.

Eye in the Sky

The 2016 film *Eye in the Sky* exposes the moral dilemma for drone pilots. The screenplay is based on hypothetical but realistic scenarios in which drone pilots can attack targets of interest with no risk to one's own military personnel and an increased risk of collateral damage to civilians. In the film, military intelligence has identified an al-Shabaab terrorist hub operating in Nigeria, which is used as a staging area for suicide bombing attacks. The building is targeted, orders are given to launch a drone strike, and as the pilot is about to launch the missile that will destroy the building, a child sets up a bread stand directly outside the gates of the compound. This will put her squarely in the blast area and she will surely be killed. There is urgency to take out the compound, but the pilot is torn between conflicting moral duties—to take out the terrorist cell and potentially save many lives or to save the innocent child from certain death. There is ongoing debate about the amount of collateral damage results from drone strikes, and accounts of civilian casualties vary widely.

Friedersdorf, Conor. "The Obama Administration's Drone-Strike Dissembling." *The Atlantic*, March 14, 2016. <https://www.theatlantic.com/politics/archive/2016/03/the-obama-administrations-drone-strike-dissembling/473541/>.

Holden, Stephen. "Review: 'Eye in the Sky,' Drone Precision vs. Human Failings." *New York Times*, March 10, 2016. https://www.nytimes.com/2016/03/11/movies/review-eye-in-the-sky-drone-precision-vs-human-failings.html?_r=0.

Peterson, Matt. "Is Obama's Drone War Moral?" *The Atlantic*, August 18, 2016. <https://www.theatlantic.com/international/archive/2016/08/obama-drone-morality/496433/>.

The alternative is commonly referred to as the *just war* theory. Advocates of a just war theory hold that participation in war can be morally acceptable under certain conditions, as outlined in the just war criteria that we will discuss later in this chapter. Again, the primary difference is one of definition, namely, the



definition of a “just war.” Some within this camp favor the more traditional idea of the just war, that is, war is justifiable only when it is undertaken in self-defense, as the victim of aggression by an outside intruder. A common example of this appeal to just war theory occurred during World War II, when the United States attacked Japan in response to the attack on Pearl Harbor.

Others define a just war more broadly to include preventive strikes that ward off imminent attack. Advocates of this position hold that this is a similar form of self-defense that only operates prior to an attack instead of solely in response to it. A commonly used example of this is the preemptive strike that Israel undertook against the Arab nations in the Six-Day War of 1967. A third version of just war theory is that it is justifiable to participate in wars that reverse clear cases of injustice visited upon a vulnerable group or nation by a stronger aggressor. For example, a just war would be one that intervenes militarily to prevent genocide from occurring or expels an aggressor from the victim nation’s territory.

War in the Bible

The debate over the morality of war is set against the backdrop of war in the Old Testament. Throughout the Old Testament, Israel was commanded by God to go to war. Some of these wars were designed to secure Israel’s boundaries and could be called preventive strikes (2 Sam. 5:17–25; 11:1–2). Others were clearly wars of national defense, fending off the attacks of a belligerent foreign nation (1 Kings 20). But others were aggressive in nature, designed to push Israel’s enemies out of the promised land (Josh. 6–12). Military force was one of the methods God used to help accomplish his purposes for his chosen nation Israel. What is particularly difficult about some wars in the Old Testament is that, on rare occasions, God commanded total annihilation of certain enemies because of their idolatry (Deut. 25:17–19; 1 Sam. 15:1–3). This is commonly seen as God exercising his judgment in a more temporal way rather than the norm, which was to delay judgment until one’s death. We discussed this in more depth in chapter 3.

The divinely sanctioned wars of the Old Testament do not necessarily correspond to wars today. Old Testament Israel was unlike any other nation in its time or today. It was a theocracy, with a national homeland between the two great empires of the world that gave them maximum exposure to other cultures but made them vulnerable to attack. No nation today has the kind of national relationship to God that Israel did in the Old Testament. Neither can any nation claim that God commanded them to go to war in the way God commanded Old Testament Israel.



Since God does not deal with the church or the nations today as he did with Old Testament Israel, one should be very careful about drawing conclusions from the Old Testament that validate military force. The case for just war cannot be made from the precedent in the Old Testament alone.

The subject of war on a national scale is not addressed in the New Testament, since the first century church was not a national entity, and for the New Testament period, was a persecuted minority. Because of that status, the personal use of violence, especially in retaliation, is addressed in several places in the New Testament.

Pleas for God's Justice

Some of the psalms contain *imprecations*, or pleas for God to take vengeance on those who obstinately oppose him (Pss. 5; 10; 17; 35; 58–59; 69–70; 83; 109; 129; 137; 140). Here is an example of an imprecation from Psalm 69:22–29:

May the table set before them [Israel's enemies] become a snare;
 may it become a retribution and a trap.
May their eyes be darkened so they cannot see,
 and their backs be bent forever.
Pour out your wrath on them;
 let your fierce anger overtake them.
May their place be deserted;
 let there be no one to dwell in their tents . . .
Charge them with crime upon crime;
 do not let them share in your salvation.
May they be blotted out of the book of life
 and not be listed with the righteous.

Or take this more graphic example from Psalm 137:8–9:

Daughter Babylon, doomed to destruction,
 happy is the one who repays you
 according to what you have done to us.
Happy is the one who seizes your infants
 and dashes them against the rocks.



In *Crying for Justice*, John Day argues that the imprecations are still appropriate for today. He concludes, “It is legitimate for God’s present people to utter prayers of imprecation, or pleas for divine vengeance—like those in the Psalms—against the recalcitrant enemies of God and His people. Such expression is consistent with the ethics of the Old Testament and finds corresponding echo in the New Testament” (109). Even though the New Testament ethic is characterized by love of enemies, Day holds that there is still a place allowed for pleas for divine vengeance, though human beings are never allowed to personally carry out vengeance. Critics of this view argue that the mandate to love our enemies and pray for those who persecute us is so strong in the New Testament that imprecations like these have no place today. Others insist that the imprecations are figures of speech (hyperbole) that communicate a person’s loyalty to God by disassociating himself totally from God’s enemies.

Day, John N. *Crying for Justice: What the Psalms Teach Us about Mercy and Vengeance in an Age of Terrorism* (Grand Rapids: Kregel, 2005).

The New Testament reflects a spirit of pacifism that mirrors the teaching of Jesus and the sociological conditions in which Jesus taught. For example, the Sermon on the Mount forbids retaliation with respect to evil (Matt. 5:38–42), enjoins love for enemies (5:43–48), and blesses peacemakers, calling them sons of God (5:9). Similarly, the apostles encouraged submission to persecutors (1 Peter 4:12–19) and to civil government, even to the tyrannical Roman Empire (Rom. 13:1–7). During the first few centuries of church history, this same spirit is carried forward. Little mention is made of Christians serving in the military, and the early Christian martyrs offered little resistance to their persecutors.

Critics of pacifism suggest that there were good reasons why there were few early Christians in the military.² To join the Roman army would have been quite challenging for a first century follower of Jesus, because the Roman military was the primary persecutor of the early Christian community. But more important, joining the Roman legions normally involved swearing an idolatrous oath of loyalty to Caesar, which believers clearly were unwilling to do. Thus, just because there were few Christians serving in the military in the early days of the church, it does not necessarily follow that pacifism is the biblical teaching on war. Nor does that conclusion follow from the admonitions to avoid personal resistance and retaliation.



Many advocates of the moral use of military force argue that Jesus is addressing personal relationships, not the government's role in society. They remind us that Paul clearly sanctions the state's valid use of force to maintain justice and public order (Rom. 13:1–7). If that role of the state is valid, then the critics of pacifism can argue that a believer is not prohibited from involvement with the state in its divinely ordained function.

Neither the Gospels nor Acts have any record of soldiers being converted and then being asked to give up their profession (Luke 7:1–10). When John the Baptist was preaching, some soldiers were strongly influenced by his teaching. When asked what they should do in response to John's message, he did not require that they give up their occupation in the military. He only required that they not misuse their authority for oppressive purposes (Luke 3:7–14). New Testament scholar Richard Hays suggests that, despite the overall peacemaking message of the New Testament, "these narratives about soldiers provide one possible legitimate basis [though he argues it is a fragile one] for arguing that Christian discipleship does not necessarily preclude the exercise of violence in defense of social order or justice."³ Pacifists rejoice that the state may be permitted to use violence to fulfill its God-ordained mandate, but the Christian cannot participate with the state in those instances.

Pacifism

Pacifists insist that all uses of violence, particularly the use of lethal force, cannot be justified.⁴ Most pacifists agree that participation in war is always immoral and that even the use of violence in self-defense cannot be justified. However, it is a mistake to equate pacifism with passivity in the face of evil. Most pacifists recognize the obligation to resist evil but through nonviolent means. For example, take the civil rights movement of Martin Luther King, Jr. He was committed to resisting the injustices of racism, even though he avoided the use of violence to accomplish that goal. Though many pacifists who hold their views out of religious convictions (both Eastern and Western religions), other pacifists have no such religious inclinations.

Some pacifists would insist that one's personal ethic cannot be imposed on society and made into a social ethic. Thus, since the society at large does not claim to follow Christ, it cannot be expected to follow his mandate for nonviolence. Certainly they desire that such a view of war would permeate the general society, but the expectation of nonviolence is only addressed to believers in Christ. As a



result, some Christian pacifists do not bar the state from war but maintain that Christians cannot participate when the state does wage war. In commenting on the role of the state in Romans 13, theologian John Howard Yoder insists that “the function exercised by government (the use of violence to maintain order) is not the function to be exercised by the Christian.”⁵ Some versions of secular and other religiously grounded pacifism suggest that the state should never go to war, but the support for these versions of nonviolence is usually based on the harm caused by the ravages of war, both to people and the environment. Those who would uphold pacifism as social policy would oppose efforts to create a strong national defense. They would also argue that the money used to support the defense effort could be and should be better spent on social programs aimed at helping the poor and other vulnerable groups in society.

Most religious versions of pacifism are premised upon a separation of the church from the world. Violence, pacifists claim, characterizes the world’s way of doing business and accomplishing its ends. Therefore Christians can have no part with the world’s values in using force. Christ’s kingdom is not of this world (John 18:36), and the Christian does not wage war with the weapons of the world (2 Cor. 10:3–4). Since the Christian’s citizenship is in heaven (Phil. 3:20), and since Christians are called to hold values separate from the values of the world (Rom. 12:1–2), use of violence cannot be consistent with following Christ. Some pacifists suggest that a major indicator of the advance of Christ’s kingdom is the degree to which nonviolence is practiced in society.

Biblical Basis for Pacifism

Christian versions of pacifism are grounded on several central passages of Scripture. These include selections from the Sermon on the Mount (Matt. 5:38–48; Luke 6:27–36), Paul’s teaching on vengeance in Romans 12:19–21, and Peter’s doctrine of nonresistance to persecution in 1 Peter 2:18–24. Undoubtedly, the primary text used to support most forms of pacifism is the Sermon on the Mount. The heart of this passage as it applies to war is as follows:

You have heard that it was said, “Eye for eye, and tooth for tooth.” But I tell you, Do not resist an evil person. If someone strikes you on the right cheek, turn to him the other also. . . .

You have heard that it was said, “Love your neighbor and hate your enemy.” But I tell you: Love your enemies and pray for those who persecute you, that you may be sons of your Father in heaven. (Matt. 5:38–40, 43–45)



According to the pacifist, here Jesus requires nonresistance to an evil person or, at the least, nonviolence when assaulted. Nothing in the text indicates that soldiers are somehow exempt from this teaching. Rather, wartime seems to be when the passage would most directly apply because in times of war your enemies are the most intense and clearly defined. According to pacifists, Jesus' command to love your enemies is inconsistent with participating in war. The passage's context implies a wider application than just persecution. The passage refers to the way a believer should treat enemies in war, in persecution, in business, and in the church. According to most pacifists, violence is never justified, not even in self-defense. That does not mean that one is to stand by idly while being overrun by evil. They should resist by nonviolent means. These may include nonviolent ways of making their persecutor's task more difficult, similar to the way Martin Luther King Jr. resisted the injustices of racism.

The Just War proponent maintains that in the Sermon on the Mount Jesus is distinguishing his teaching from the traditional understanding of the religious leaders of his time. "*You have heard it said, 'Eye for eye, and tooth for tooth,'*" contrasts with "*But I tell you, Do not resist an evil person*" (vv. 38–39). Jesus then provides four specific examples that explain precisely what he means by the statement, "Do not resist an evil person." These examples include turning the other cheek when struck (an insult, not a life-threatening assault), giving up one's cloak in response to being sued for one's tunic, going the extra mile, and not turning away someone who wants to borrow from you (vv. 39–42).⁶ These refer to the oppressions that a persecuted minority suffered at the hands of a dominant and powerful majority. Crucially, none of them refer to a life-threatening situation for the individual or those close to that person. Jesus is insisting that his followers do not respond with retaliation when insulted or taken advantage of by a persecuting power. His admonition to "turn the other cheek" suggests doing precisely the opposite of what might come naturally—to retaliate. The just war advocate argues that the text here does not address the types of life-threatening scenarios that are commonly cited by advocates of pacifism. Thus one cannot use these examples to support nonviolence in all circumstances. As Theologian Nigel Biggar maintains, "The Sermon on the Mount urges Christians not to respond instinctively and vengefully to tolerable injuries to oneself. . . . The text does not allow us to infer an absolute prohibition of any violent response to injury."⁷ Jesus prohibits revenge, not self-defense or defending others when threatened by lethal force.

Pacifists generally respond to this by pointing out that toward the end of the segment from the Sermon on the Mount, Jesus maintains that his followers are



to love their enemies. They are to follow his example and lay down their lives for one another (Rom. 5:8) as the ultimate expression of Christ-likeness. Pacifists point out that in war combatants cause *someone else* to lay down their life—their enemies on the battlefield—which Pacifists maintain is entirely contradictory to Jesus’ teaching.⁸

A second central passage is a teaching of Paul on nonretaliation:

If it is possible, as far as it depends on you, live at peace with everyone. Do not take revenge, my friends, but leave room for God’s wrath, for it is written: “It is mine to avenge; I will repay,” says the Lord. On the contrary:

“If your enemy is hungry, feed him;
if he is thirsty, give him something to drink.
In doing this, you will heap burning coals on his head.”

Do not be overcome by evil, but overcome evil with good. (Rom. 12:18–21)

The initial admonition sets the context for the rest of the passage. The believer ought to be at peace with everyone, while realizing that a person cannot control the “two-way street” that being fully peaceful involves. Just because someone cannot control all aspects of being at peace with another, according to the pacifist, that does not justify the use of violence. Rather, the rest of the passage lays out the believer’s response when someone is intent on being at war. For the pacifist, both violence and retaliation are ruled out by this passage, so being “overcome by evil” would be responding with revenge or violence. Paul is stating what Jesus made clear in the Sermon on the Mount—you are to love your enemies. Whatever loving enemies involves, for pacifists it certainly does not leave room for violent force.

The just war advocate argues that Paul is prohibiting retaliation and encouraging his readers to leave that to God (v. 19). Paul maintains that the offended individual’s responsibility is to stop the cycle of revenge and to do good to one’s enemies as a way of promoting peace. However, he acknowledges that peace may not be possible with everyone (v. 18). Nothing in the text precludes ensuring one’s safety or the safety of others. But once the offended person is victimized, the revenge belongs to God. One way it belongs to God appears in the very next passage—Romans 13:1–7—which, as we have already seen, outlines the responsibility of the state, under God’s authority, to keep order and secure justice, by force



if necessary. The individual can trust God's providence over the state because God has entrusted the state as his instrument of justice, particularly for those who are oppressed. According to the just war theorist, Paul is thus prohibiting retaliation, not self-defense or the defense of others.

A third central text occurs specifically in the context of Christian persecution. Pacifists argue that 1 Peter 2:18–24 reinforces the nonviolent thrust of the New Testament and grounds it in the example of Christ, which strongly suggests that it is normative for believers today. The heart of the passage is the section that refers to the nonresistant model of Jesus on the cross:

To this [suffering] you were called, because Christ suffered for you, leaving you an example, that you should follow in his steps. . . . When they hurled their insults at him, he did not retaliate; when he suffered, he made no threats. Instead, he entrusted himself to him who judges justly. (1 Peter 2:21, 23)

Because nonresistance is such a significant part of the identity of Christ on the cross and following Christ in his sacrifice is such a significant part of the Christian's lifestyle, the pacifist concludes that trusting God and using nonviolent means of resisting evil are the only appropriate responses to evil for the Christian. Thus genuinely following Christ, the use of violence and participation in war are all mutually exclusive.

Just war proponents point out that 1 Peter 2:19–24 comes in the context of persecution for a believer's faith. In the face of persecution for following Jesus, a believer ought to follow Jesus' example, which is summarized in verse 23 when Peter says, "When they hurled their insults at him, he did not retaliate; when he suffered, he made no threats. Instead, he entrusted himself to him who judges justly." Although the believer should endure persecution willingly by following Jesus' example, even in life-threatening situations, that is different than being the victim of a life-threatening assault in general. According to the just war advocate, Peter does not prohibit self-defense in general. Instead, he addresses it solely in the context of enduring persecution for one's faith.

In addition, some critics of pacifism point out that Jesus' and Peter's teaching, if taken in the kind of absolute sense that pacifists take them, also rule out nonviolent resistance to evil. Jesus seems to be very clear that the believer is not to resist evil, and on the cross he did not simply avoid the use of violence with his enemies, but he did not resist at all. In the Sermon on the Mount, Jesus instructs his disciples to go the extra mile, and if someone takes your coat, let him have other parts of



your clothing. To the critic of pacifism this does not sound much like nonviolent resistance to evil. Rather, it sounds like complete nonresistance.

Some pacifists oppose more than participation in war as combatants. They oppose any involvement in a specific war effort because of the Christian's calling to be a peacemaker (Matt. 5:9) and our role as ambassadors of reconciliation, bringing men and women back to God (2 Cor. 5:18–21). Supporters of this version of pacifism suggest that it is inconsistent for Christians to be involved in any way with a system that, by waging war, kills people for whom Christ died. Not only can the believer not be personally involved in the use of violence (which for some pacifists would rule out involvement in law enforcement as well), but anything that contributes to the overall war effort is seen as being on the same moral level as being a combatant. Thus the believer in Christ cannot support the defense industry in any way, such as working for companies that make weapons and other materials used in war. If everyone was consistent, these pacifists argue, they would realize that there is little moral difference between the direct combatant role and other supporting roles.

However, taking pacifism to this extent could lead to a position in which it is impossible to draw meaningful lines to distinguish between participation and nonparticipation in war. For example, consider the companies that do some business with the defense establishment, while most of their business is unrelated to the military. Rubber companies that make tires for commercial airplanes, for instance, also make them for military airplanes. Separating military from nonmilitary use of the company's product seems very difficult to do with consistency. Or consider companies that bottle water for sale. Most of their business is clearly nonmilitary use. Yet they played a very important role in supporting the troops engaged in the Iraq war in the desert. Should a Christian who owns a water bottle company refuse to sell it to the military? Or should the Christian who works for one of these companies quit when they start selling water to the army, even though this is a small part of the company's overall business?

In summary, the pacifist maintains that the mandate of Jesus to love one's enemies and to be peacemakers, Paul's admonition to overcome evil with good, and Peter's command to follow the example of Jesus on the cross strongly suggest that nonviolence and at least some forms of nonparticipation in war are required for faithfully following Jesus. Even though it may cause hardship, the pacifist insists that eschewing violence is a critical component of what it means to be a disciple of Jesus.



What about Hitler?

In the book *What about Hitler?* philosopher Robert Brimlow wrestles with his commitment to pacifism as it confronts the reality of evil in the world. With self-reflective honesty, he faces the difficult questions that pacifism must face in order to be credible in the world today. He offers a penetrating critique of the just war theory and rejects it as inconsistent with following Christ. In the book's conclusion he summarizes his response to the book's titular question. That is, how should someone who desires to follow Christ and takes nonviolence seriously respond to someone like Hitler who embodies evil in the world? He puts the response like this:

At this juncture it is time for me to respond to the Hitler question: how should Christians respond to the kind of evil Hitler represents if just war theory is precluded? We must live faithfully; we must be humble in our faith and truthful in what we say and do; we must repay evil with good; and we must be peacemakers. This may also mean as a result that the evildoers will kill us. Then, we also shall die. That's it. There is nothing else—or rather, anything else is only a footnote to this. We are called to live the kingdom as he proclaimed it and be his disciples, come what may. We are, in his words, flowers flourishing and growing wild today, and tomorrow destined for the furnace. We are God's people, living by faith. The gospel is clear and simple, and I know what the response to the Hitler question must be. And I desperately want to avoid this conclusion. (151)

Brimlow, Robert W. *What About Hitler? Wrestling with Jesus' Call to Nonviolence in an Evil World* (Grand Rapids: Brazos, 2006).

Just War Theory

The just war tradition goes back to the time of Augustine but was not systematically well developed until theologians such as Hugo Grotius, Francisco de Vitoria, Luis de Molina, Francisco de Suarez, and Thomas Aquinas did so in the Middle Ages. Advocates of the classical view hold that war is justifiable under certain carefully worked out conditions, namely, when it is a response of self-defense to unprovoked aggression. Some just war advocates have taken the view a bit further and justified



preventive wars, or those that anticipate certain aggression, and wars to reverse clear injustices against vulnerable nations by stronger aggressors.

The just war theory is often presented as if war is an intrinsically but occasionally necessary evil. However, that is not how the initial advocates of the just war envisioned it. They argued that war could actually be a moral good if practiced under the just war criteria because of the way war could repel and deter those who wanted to use aggressive force against someone or another nation. The original just war theory was intended to apply both to individuals and nations and is still often used today to assess the justice of particular military actions.

Just war advocates often appeal to a classic scenario in which your spouse and children were being brutally attacked by a home-invader who intended to kill them. The crazed killer has chosen your home at random, and unless you intervene, your family will be killed. There is not enough time to call the police. What should you do? What would be most in keeping with your calling as a follower of Jesus? One response would be to attempt to disarm him and detain him until the police arrive. If that can be done, that would be the best option, although it could be argued that you still used violence in disarming him. In this case, it may be that the only way to disarm him would be to inflict bodily harm on him in order to stop his murderous rampage. But what if the only way to stop him is to kill him? If you don't, your family, and likely you, will be killed.

Most people have a strong intuitive aversion to pacifism because of cases like this. Somehow they think it cannot be right to allow their family to be harmed, or even killed, because they are unwilling to use violence when necessary. Augustine recognized this intuition, which, throughout the course of church history, helped open the door to legitimizing the use of force. He held that at times the only way someone can obey the law of love (the biblical mandate to "love your neighbor as yourself," Lev. 19:18) is to use violence when another person is threatened with deadly force. So the only way you could truly fulfill the law of love for your family is to do whatever is necessary to repel their attackers, even using lethal force in response if necessary. Refusing to take such action would not be loving toward your family. Seen in this way, using violence can be justified as a fulfillment of the higher law of love (Rom. 13:8; Gal. 5:14).

Another way that just war advocates justify the use of violence in this situation is through the law of double effect, which was introduced in chapter 8 in the discussion of physician-assisted suicide. Remember that double effect distinguishes between what was *intended* and what was *accepted* as a foreseeable consequence of an otherwise moral action. Applied to this scenario, you intend to protect yourself



and your family and reluctantly accept the harm to the intruder, even if the intruder's death is the only way to protect your family.⁹ Double effect reasoning seems to apply similarly to the use of force in law enforcement, since the intention is to restrain law-breakers and maintain public order, not to harm or kill the offenders. Whether the application of double effect can apply to soldiers in war is another matter, since it is debatable that soldiers can perform their duties on the battlefield without intending the death of their enemies. Some would argue that double effect need not be invoked in any of these scenarios since the Bible prohibits taking *innocent* life (precise translation is “thou shalt not *murder*,” Ex. 20:13). They maintain that aggressors, lawbreakers, and combatants in war do not constitute the innocent. As we will see below, the just war tradition distinguishes between combatants and innocents in prohibiting the intentional targeting of noncombatants.

Just war advocates also defend the use of force with a set of more explicitly theologically grounded arguments. First, they insist that the sinfulness of people and the biblical demand for justice make the use of force necessary in society.¹⁰ The inhumanities against the human race in the twentieth century alone, which have surpassed any in the history of civilization, make it apparent that force is sometimes necessary to maintain social control and to keep societies from moving toward chaos. The biblical demand both for love and justice, coupled with the depravity of people, make the use of force necessary to deter and repel aggression.

Some just war advocates argue that pacifism might actually contribute to the spread of evil by not effectively resisting it when it comes and by not deterring it before it comes. Just war supporters refer to this as the “costs of peace,” a counterotion to the pacifists’ insistence that there are horrific costs of war.¹¹ Just war proponents find pacifism unsatisfying when confronted with the reality of evil and maintain that some people simply cannot be reasoned with or loved out of their intention to do evil—they can only be coerced out of it. What pacifists call faithfulness, just war proponents might call capitulation to evil and failure to protect the innocent. Pacifists hold that faithfulness to the peacemaking demands of following Jesus should be weighted more heavily than their effectiveness, or their lack thereof. Just war proponents suggest that effectiveness cannot be ignored when the lives of real people are at stake.

Just war proponents see their views as consistent with the role of the state in Romans 13:1–7. In this passage Paul outlines the God-given role of the state to maintain order and justice by enforcing the law and punishing those who break it. God entrusted the state with maintaining social order and restraining sinful, self-interested people. The state is to be not an instrument of personal



vengeance but rather an agent that enforces restraint on a person's pursuit of his or her self-interest. When Paul says that the state "wields the sword" (13:4) in accomplishing this, this is at the very least a figure of speech for the use of force. At a minimum the state is authorized by God to use force to maintain order and secure justice. If the state is so entrusted, and it is exercising its God-given authority by using force to maintain order, there is no reason the follower of Jesus cannot be involved with the state today in the exercise of its legitimate God-given role. This means that individuals are permitted to use force if necessary, but they must do so by the just war criteria: in self-defense, for law enforcement, or as combatants in the military.

Even if the just war proponents concede the biblical argument to pacifists, they can still make a case for some just use of force in defense of self and others. This is done by seeing the use of force as a genuine moral dilemma (a conflict of moral principles, see ch. 4) in which one has a higher obligation to defend oneself and one's family against the imminent threat of harm over and above the obligation not to use violence.¹² This way of approaching the problem concedes that the pacifist has a valid point about the Bible prohibiting the use of violence. But nonviolence is not an absolute under this view and can be outweighed by the higher mandate to love one's neighbor as oneself. Most pacifists find these explanations unconvincing, and they insist that one of the weaknesses of the just war tradition is its unwillingness to accept Jesus' and the apostles' clear endorsement of nonviolence.

The well-known German theologian and pastor Dietrich Bonhoeffer frames his personal involvement in the attempt to assassinate Hitler toward the end of World War II as this kind of a moral dilemma. In his writing, Bonhoeffer defended nonviolence as part of the "cost of discipleship." He made it clear that he considered it one of the nonnegotiable components of faithfully following Christ. Yet he was one of the conspirators in the plot to kill Hitler in order to stop the evil of Nazism and the genocide of Jews. He saw himself as caught between two evils—using violence and allowing Nazism and genocide to continue. He reasoned that either choice was evil, for which he would obtain grace and forgiveness, but he felt obligated to choose the lesser evil and participate in the use of violence against Hitler. He saw the danger in pacifism allowing evil to go unchecked but also saw his use of violence against Hitler as the lesser evil and thus his moral duty. Critics of pacifism cite Bonhoeffer as an example of why pacifism cannot be consistently held in the face of a world of evil. When faced with the reality of evil and the opportunity to stop it, critics of pacifism hold that pacifism is indefensible, dangerous, and a refusal to face the facts of evil in the world.¹³



Just as the just war proponents have their criticisms of pacifism, so do pacifists have their critique of just war theory. Critics of just war maintain that the theory did not originate in the Bible or in the church fathers, who were the earliest successors to the tradition of the early church. Rather, they argue that the idea of the just war arose about the same time as emperor Constantine declared Christianity the official religion of the Roman empire.¹⁴ Once that happened, Christianity underwent a dramatic transition, from a persecuted minority to an in-power majority, now with majority interests, and extensive property holdings, to protect. Critics of just war argue that it is not a coincidence just war theory gained significant momentum at this time, though its specific development and formalizing took several hundred more years. However, during those years in which the doctrine matured, Christianity became even more the dominant political power in the world, with even more interests to protect. Just war proponents often concede that the establishment of Christendom contributed to the specific origin of the doctrine but maintain that there is nothing in the biblical witness that prohibits the use of violence in just causes such as self-defense or defense of others. They argue that the church's position as a persecuted minority did not surface issues of the morality of war and violence in the same way that they were raised after Constantine's declaration.

A second common critique is that the emphasis on proportionality in the just war criteria is impossible to calculate, and as a result, the just war criteria are vulnerable to serious abuse.¹⁵ Not only does this assessment require weighing evils against goods that cannot be measured, it also involves accurately foreseeing the potential goods and evils of war. For example, how does one weight the proportionality of the decision to drop nuclear weapons on Hiroshima and Nagasaki at the end of World War II? Planners weighed in strictly in terms of estimated lives lost. But even if that could be calculated accurately, the goods and costs of that decision were far broader than simply lives lost and potentially saved. How does someone measure what a nuclear explosion does to a country and to its national psyche? To its infrastructure and ability to recover from the war? These are impossible to weight and as a result, the concept of proportionality, a key limit on the damage of war, is either useless, or reduced to mere intuitions about the costs and benefits.

The just war proponent maintains that this same criticism applies to the pacifist in assessing the goods and harms produced by nonviolence. They maintain that the pacifist also takes it on faith that nonviolence would produce a better world. So we are left at an impasse; neither the pacifist nor the just war proponent can demonstrate that their approach is more effective than the other. The just war proponent then asks an important question: Why might a society choose just war over



nonviolence? Or vice versa? As British moral theologian Nigel Biggar puts it, “One reason [to choose the just war theory] is that human experience teaches us that wickedness, unpunished, tends to wax. Sometimes wrongdoers are so shamed by defenseless innocence that they renounce their wrongdoing. But history suggests at most that this is rare, and at least that it cannot be relied upon. It is highly doubtful that Gandhi would have embarrassed or softened Hitler, Stalin, Mao, Pol Pot . . .”¹⁶ The pacifist will insist that the results are out of their control and for the Christian pacifist, faithfulness to the demands of the gospel outweighs any considerations of effectiveness in the world.

A third common critique of just war theory is based on the proposed analogy between personal self-defense and its extension to national self-defense.¹⁷ Critics of just war point out that in just war theory, as originally formulated, combatants are generally only held responsible for the criteria known as *jus in bello* (defined below)—which regulates their conduct in war. They are not responsible for the decision to go to war (the *jus ad bellum* criteria), since their superiors make that decision. As Augustine said, when a soldier fights in “obedience to God or some proper authority . . . [he is] not responsible for the death he deals.”¹⁸ This puts the soldier in the contradictory position of justly fighting an unjust war, which critics decry as a significant problem with the theory. In addition, this contradiction means that combatants would be viewed as moral equivalents on the battlefield. If this is true, then the analogy from personal self-defense fails, since the justification for personal self-defense is that you are defending yourself against an unjustified aggressor who is no longer an innocent person. Proponents of just war theory maintain that the proper framework for the theory is not that of personal self-defense. Rather, it is the context of law enforcement, particularly the duty of police and courts to punish unjust aggression.¹⁹ The just war criteria governs the decisions and conduct of law enforcement officials and provides the restraints necessary to ensure that the proper authority for maintaining order and justice is not abused. The just war theory is thus an extension of the legitimacy of the state in law enforcement with similar limits.

A final common critique of just war theory is that war simply cannot be just, and believing it can be is simply an illusion. Pacifists often argue that the just war criteria are rarely, if ever, effective restraints on the use of military force. They further contend that the supposed moral reasons for the decision to go to war often are thinly veiled justifications for national self-interest being advanced by military means. They cite numerous wars in which abuses have occurred, and argue that such abuses are the norm, and that the just war criteria are powerless to stop them.



By contrast, realists insist that “war is hell,” and that even if it’s possible for morality to enter into the decision to go to war, once it begins, “War has a momentum and logic of its own, to which the constraints of morality are irrelevant.”²⁰ As General Sherman of the Union army in the Civil War insisted, “War is cruelty and you cannot refine it.”²¹ Just war proponents maintain that failure to live up to just war standards does not necessarily invalidate them. They further insist that the abuses of the just war ideals actually confirm their necessity.

Traditional Criteria for the Just War

Proponents of the classical just war tradition maintain that only wars of self-defense are justified. They admit that war is an atrocity but is sometimes regrettably necessary to maintain security and justice within one’s borders. Any just war must meet a series of conditions that specify when a war is just in order for a war to be engaged. They are generally structured in two distinct categories—*jus ad bellum* (the right to war), a Latin phrase that refers to justice in going to war, and *jus in bello* (the law in waging war), or justice in the conduct of war. Criteria 1–4 are classified as *jus ad bellum* criteria and 5–7 are in the category of *jus in bello*. The criteria are as follows:

Jus Ad Bellum Criteria

1. *The war in question must be prompted by a just cause*, defined as a defensive war; that is, no war of unprovoked aggression can ever be justified. Only wars that are a response to aggression already initiated are morally legitimate. Thus, after the Japanese attack on Pearl Harbor during World War II, the United States had just cause to respond to Japanese aggression by declaring war. Whether the war was entirely just depends on how well it measures up to the rest of the just war criteria, but the just cause rule is a critical one. But simply because a nation has a just cause for war does not mean that the war can be morally justified. It must meet the rest of the criteria.
2. *The war in question must have a just intention*, that is, its intent must be to secure a fair peace for all parties involved. It cannot be undertaken with the aim of securing a peace that is to one’s clear advantage, not only a peace that ensures one’s security. This criterion rules out wars of national revenge, economic exploitation, and ethnic cleansing. Many would argue that the Allies in World War II had a just intention to secure a just peace, as evidenced by the Marshall Plan to help rebuild Europe.
3. *The war in question must be engaged in as a last resort*. All diplomatic efforts to resolve the conflict must be exhausted prior to engaging in defensive war.



This criterion also implies that diplomatic efforts should continue once the war is begun in an effort to settle the hostilities at the negotiating table rather than on the battlefield.

4. *The war in question must be initiated with a formal declaration by properly constituted authorities.* Warfare is the prerogative of governments, not individuals, vigilante groups, or paramilitary units operating outside legitimate government authority. A just war is declared and engaged in by the highest authority in government and must be recognized by appropriate legislative bodies, assuming they operate in the nation in question. This criterion does not mean that individuals do not have the right of self-defense, but on the surface, it would seem to preclude wars of national liberation by paramilitary groups operating against the government.

Jus In Bello Criteria

1. *The war in question must be characterized by limited objectives.* Wars of total annihilation, unconditional surrender, or wholesale destruction of a nation's infrastructure and ability to rebuild following war are not moral. The overriding purpose for a just war is peace, not the humiliation and economic crippling of another nation. It may be that insuring the victor's future security may involve disarming the enemy nation and crippling its offensive military capabilities, but it must not involve destruction of its potential to survive as a nation.
2. *The war in question must be conducted with proportionate means,* that is, the amount of force used must be proportionate to the threat. Only sufficient force to repel and deter the aggressor can be justifiably used. Total destruction, perhaps by nuclear attack, is ruled out. The defending nation, in responding to the attack, must not be guilty of a response out of proportion with the threat. Many critics of just war theory aim their criticism right here, that any use of nuclear weapons violates this criterion, and thus any war in which nuclear weapons are engaged cannot be just. They would therefore conclude that American attacks on Hiroshima and Nagasaki violated just war doctrine. But advocates of the bombing of these two cities could respond by saying that if conventional war had continued and an invasion of Japan had taken place, far more lives would have been lost than were lost as a result of the nuclear bombing. However, the final criterion poses even greater problems for nuclear weapons.



3. *The war in question must respect noncombatant immunity.* Only those individuals who are representing their respective governments in the military can be targeted in the course of the war. Civilians, wounded soldiers, and prisoners of war cannot be objects of attack. Since most nuclear weapons are indiscriminate in their destructive capacity, they would not be considered implements in a just war. This would also rule out other weapons of mass destruction, such as chemical and biological weapons and terrorist attacks on innocent civilians. It also raises questions about one of the strategies employed in World War II, the firebombing of cities both in Britain by the Nazis and in Germany by the Allies.

Hamas and Human Shields

Israel has accused Hamas of using their own people as human shields, putting weapons in mosques, hospitals, and schools in order to accuse Israel of harming civilians in their incursion into Gaza. According to Israeli ambassador to the US at the time, Ron Dermer, while Israeli citizens are ordered into bomb shelters when rocket attacks come, civilians in Gaza remain above ground and in harm's way, while the fighters go underground to achieve maximum protection from Israeli reprisals. This tactic puts Israel in an ethical dilemma—how to best protect their own citizens while minimizing harm to noncombatants.

"Israeli Ambassador: Hamas Using Own People as Human Shields." *Fox News*, July 18, 2014.
<http://video.foxnews.com/v/3683497144001/?#sp=show-clips>.

Extending the Just War Theory

Once you accept the basic position of the just war theory, two extensions of just war theory follow logically. First, a preventive strike would seem to be morally acceptable. If your enemy is poised for an imminent attack and capable of dealing you a damaging blow, it makes little sense to wait until formally attacked to defend yourself. In other words, a preventive strike can still be essentially a war of self-defense if the signs that you are in imminent danger from military attack are clear.

The classic example of a justifiable preventive strike was undertaken by Israel in the 1967 Six-Day War. It would have been foolish, and perhaps suicidal, for



Israel to wait until their enemies crossed their borders to respond with their own military action. It was a strike that had self-defense as its goal. One can argue that once you accept the idea of a just war of self-defense, there is no moral difference between self-defense taken *in response* to attack and self-defense taken *in anticipation* of imminent attack. The only difference is the timing, that is, when the strike for self-defense occurs. Of course, one has to be careful that preventive strikes do not become a disguise for hiding aggressive intentions toward a nation's enemies. The threat of attack must be clear and imminent in order to justify a preventive strike.

Again, if you accept the basic morality of the just war, it can be argued that another type of war follows logically. If war is justifiable to prevent or restrain the spread of evil by a hostile aggressor nation, would it not also be justifiable to use force to reverse injustices perpetrated on vulnerable nations? If it is legitimate to prevent evil from spreading to another's territory, then certainly it is legitimate to use force to reverse injustices that have already been visited on a vulnerable people. This is the way the Gulf War was justified and the way many people argued for international intervention in the former nation of Yugoslavia, particularly to the atrocities in Bosnia, and in the eruptions of genocide in various parts of sub-Saharan Africa, most notably the Darfur region of the Sudan.

Some argue that just war theory needs updating because it cannot account adequately for the presence of nuclear weapons. Further, it is argued that the just war "founders" did not anticipate anything like international terrorism as it exists today. Since the notion of nuclear deterrence played such a significant role in keeping the peace during the Cold War, it is argued that such a successful concept would have been ruled out by the just war criteria. Just war advocates suggest that even though nuclear weapons were not in existence when the just war doctrine was first put forth, its authors did clearly anticipate both the targeting of noncombatants and the disproportionate use of force. Perhaps this is why nuclear weapons have only been used twice in recent history, both at the end of World War II.

Just War and the Supreme Emergency

Philosopher Michael Walzer, in his landmark book *Just and Unjust Wars*, argues that the rules of war may be overridden in cases of what he calls "supreme emergency." He addresses two commonly held violations of the just war theory: the decision to



bomb German and British civilian populations during World War II and the American decision to drop the atomic bomb on Hiroshima and Nagasaki at the end of the war. The purpose of both decisions was “the destruction of civilian morale,” and to thereby hasten the end of the war. In the case of dropping the atomic bomb on Japan, the United States thought of the decision to shorten the war in terms of lives saved by the decision. Walzer puts the question like this: “Should I wage this determinate crime (killing of innocent civilians) against the immeasurable evil (a Nazi triumph)?” (258). Walzer suggests that a supreme emergency occurs when a defeat is not only likely but would “bring disaster upon a political community” (267). In those rare cases, he argues, the normal rules of war may be suspended.

Michael Walzer, *Just and Unjust Wars*, 3rd ed. (New York: Basic Books, 2000).

Our intuitions appear to be consistent with the just war notion that the force used must be proportionate to the threat. Further, the principle of noncombatant immunity is consistent with our caution taken to safeguard civilians from harm whenever possible. This principle also explains our innate revulsion at terrorist attacks that target innocent noncombatants and with the use of other weapons of mass destruction on noncombatants. Just war advocates argue that the criteria, far from being out of date, rather, reflect our basic intuitions about what constitutes just conduct in war.

The most recent challenge, not solely to just war theory but to the morality of war in general, has to do with the use of torture. The just war idea as well as basic human rights, operating on a deontological foundation of the principle of human dignity, insists that torture is immoral and should not be used. Critics of this view construct a scenario in which a prisoner has critical information that must be obtained in order to save many lives. Operating within a utilitarian framework, one could argue that the benefits could be so substantial in terms of lives saved that torture of a prisoner of war could be justified. The greater the benefit, the more likely torture could be justified from a utilitarian perspective. For example, if torture were to gain information that would save an entire city from being destroyed, it is not difficult to imagine the justification for use of torture in that setting. The opponent of torture would insist that no utilitarian calculus can justify something as intrinsically, from a deontological view, morally repulsive as torture.



Conclusion

Jesus predicted that wars and rumors of wars will be with us until his second coming. But tribal and ethnic conflicts are continuing with increasing ferocity and are likely to remain for some time. As society becomes more violent and people become more fearful of becoming victims of violent crime, even the use of force for personal self-defense is becoming an issue for more people. Thus the questions that are at the heart of the debate over the morality of war affect people personally, beyond the decision that concerns actually going to war. Therefore, the age-old debate between pacifists and advocates of the just war will likely remain until Christ, the Prince of Peace, returns and brings real and lasting peace. The prophet Isaiah predicted this final, universal peace in vivid terms:

They will beat their swords into plowshares
and their spears into pruning hooks.
Nation will not take up sword against nation,
nor will they train for war anymore. (Isa. 2:4)

For Further Reading

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Chapter Review

1. What are the two primary forms of pacifism described in this chapter? How are they different?
2. Why were so few of the first-century Christians members of the military?



3. What are the various extensions of the just war theory?
4. How does Matthew 5:38–45 support pacifism? How does the just war advocate understand this passage?
5. How do proponents of pacifism understand Romans 12:18–21 and 1 Peter 2:18–24? How do just war advocates interpret these texts?
6. What are the primary criticisms of pacifism?
7. How does the just war proponent justify the use of violence under some circumstances?
8. Summarize the view of the state presented in Romans 13:1–7. What is the argument for the just war from the role of the state?
9. What is the difference between the *jus ad bello* criteria and the *jus in bello* criteria for just wars?
10. What are the criteria for a just war?
11. How would you evaluate nuclear weapons under just war criteria?
12. Which part of the just war criteria does terrorism violate?
13. How did Dietrich Bonhoeffer attempt to harmonize his pacifism with his support for killing Hitler?
14. How does the just war theory relate to terrorism? Torture?

Cases for Discussion

Case 10.1: Drone Strikes and Collateral Damage

You are a drone pilot for the military. Your job is to launch preemptive strikes from halfway around the world on targeted individuals or groups deemed terrorist threats. After an extensive review process that evaluates evidence of terrorist activity or planning, you receive your orders to strike particular targets. This is done without any risk to your own personnel, but drone strikes are notorious for inflicting collateral damage on noncombatants, either through pilot error, imprecision, or unavoidable harm to noncombatants due to their proximity to the target. At present, your orders are to launch a strike on a building in a civilian neighborhood. The building is a staging area for suicide bombers—that is, the bombers get “dressed” in suicide vests, receive final instructions, and are sent out from this building. In this instance, a small drone that has been placed virtually inside the building by a local intelligence asset, confirms that several suicide bombers now have their vests on and are preparing to go on a suicide mission. But as you are getting ready to launch the drone strike on the building, you see several children setting up fruit and bread



stands across the street from the building you are going to strike. They are not going to leave their stands any time soon. You are faced with the dilemma that if you launch the strike, the children will certainly be killed, since they are well within the blast radius of the strike. But if you don't strike, the suicide bombers will likely not be stopped.

Questions for Discussion

1. What decision will you make about launching the drone strike at this time? Explain the reasons for your decision.
2. How do the criteria for *jus in bello* that deal with noncombatant immunity and proportionality contribute to your decision to launch or not?

Case 10.2: Violence and Self-Defense

You and your family are startled awake by an intruder who has broken into your house. As he bursts into your bedroom, it is apparent that he is high on some drug and does not seem to be in control of his faculties. He is threatening you and your wife, and it becomes clear to you that he intends to kill you both. You fear for your safety, but more importantly, for the safety of your wife and of your children who are sleeping in other bedrooms down the hallway.

This intruder has created a major moral dilemma for you because you don't believe that the use of violence is ever justified. In fact, you hold to Jesus' teaching in the Sermon on the Mount where he says, "Do not resist an evil person" (Matt. 5:39). Later in that same chapter, Jesus advises his followers to "turn the other cheek," "love your enemies," and "go the extra mile." You believe that Paul repeats this teaching later when he exhorts the Romans to "overcome evil with good" (Rom. 12:21). You further are reminded of the example of Christ on the cross, trusting God and not resisting the people who wanted to do him evil (1 Peter 2:23).

Questions for Discussion

1. As a pacifist, how should you respond to the intruder who is threatening your own life and that of your family?
2. Do you believe that the Bible teaches pacifism? If so, what would you do in the situation above? If not, how do you explain what appears to be a clear teaching of the Bible?
3. If you would kill the intruder, on what basis would you justify taking his life?



Case 10.3: Torture and Interrogation

You are in the military's special forces, stationed in a part of the world where terrorists organize and train. You are responsible for interrogating and maintaining suspects who are captured in raids into those camps. This is part of an ongoing effort to strike back at the terrorists who organized the 9/11 attacks and who are part of the insurgency in Iraq. Many of these suspects are extremely difficult to question and are very resistant to conventional methods of interrogation. One technique you have found to be effective is known as *waterboarding*, a method that gives them the experience of near drowning and thereby produces extreme fear in the suspects. Human rights advocates have condemned this method as torture.

Questions for Discussion

1. Do you believe that waterboarding constitutes torture? Why or why not?
2. Do you think that torture is an acceptable method of interrogating suspects? Defend your answer.
3. When assessed by the just war criteria, do you think torture is justified? If not, what part of the just war criteria does it violate?
4. If you generally oppose the use of torture, are there any circumstances under which you think it could be acceptable?

Case 10.4: Innocent Lives or Combatants?

During one of the many missions against the Taliban in Afghanistan, a SEAL team was sent to the mountainous Hindu-Kush region of Afghanistan with the mission to kill one of the top Taliban commanders. While they were making their way to their target, three goat herders, tending their goats on a hillside, inadvertently discovered them. After capturing and speaking to the herders, the team leaders concluded that the goat herders did not harbor any hostile intentions toward the team. However, they were very concerned that the herders would inform the Taliban and expose the location of the team. In their view, the only way to ensure that they would not inform on them was to kill all three of them. Yet they did not appear to be combatants nor did they give the impression of being an imminent threat to the team.

Questions for Discussion

1. What decision would you make if you were the team leader on this mission—release or kill the herders? Explain the reasons for your decision.
2. How would the just war criteria of *noncombatant immunity* apply to this situation?



Chapter 11

Sexual Ethics

With the 2015 *Obergefell* decision by the US Supreme Court that legalized same-sex marriage, the landscape for marriage and sexuality changed quickly and dramatically.¹ Only eight years earlier, voters in California passed Proposition 8, which defined marriage as between one man and one woman, which was ruled unconstitutional in 2012. Once the Supreme Court decision was handed down, LGBT advocacy groups celebrated marriage equality and seemed determined to portray their opponents as bigots, parallel to those who historically had denied civil rights to African Americans. Those who held to a traditional view of marriage maintained that the right to disagreement, even on fundamental issues, was a part of what it meant to be members of a civil, pluralistic society.

Sexual ethics refers to the ethical issues raised by sexual relationships and arrangements both inside and outside of marriage. Cultures throughout the centuries have been concerned about the moral parameters for sexual expression, although with cultural changes groups and individuals are rethinking many of those sexual boundaries. The “sexual revolution” of the 1960s and ’70s has now given way to the “hookup culture,” where sex is essentially disconnected from any type of meaningful relationship.

To appreciate the challenges involved in this area of ethics, think about how you would respond to the following scenarios.

1. You are counseling a high school student who is unsure of her sexual orientation. She feels some attraction for the same-sex and has received some very private encouragement from gay teens at her high school. She has doubts about her ability to be attracted to men but is very reluctant to admit that she is struggling with her sexual identity.
2. You are a high school counselor and a young man comes to you and tells you that he is experiencing gender confusion. He tells you that he feels like he is a



girl who is living in a man's body. He feels alone and has no one he can talk to about this. He admits that this is not mainly about sex but about feeling like he is someone very different than his biological sex. He wants to know what you think about things like cross-dressing and sex reassignment surgery.

3. An engaged couple comes to you for counsel prior to their marriage concerning the subject of birth control. They do not want to become pregnant before they are ready, and they believe that life begins at conception. They believe that children are a gift from God, and they want to know if any birth control is acceptable. They have some Catholic friends who tell them that all artificial methods of birth control are a problem. They have also heard that some birth control methods actually prevent embryos from implanting in the womb. They have questions about those but are not sure if they are any different from a miscarriage that might happen naturally.
4. A gay couple comes to you asking you to perform their wedding ceremony. They know you are a minister in the area, and they are committed to each other and plan to stay together, and either adopt a child or “procreate” using assisted reproductive technologies.
5. A college student asks for your opinion on masturbation. He wants to know if that is something that the Bible allows or if it is a practice that should be discouraged. He acknowledges that it is widespread, and he sees nothing wrong with it.
6. Your fifteen-year-old daughter asks you to take her to the doctor so that she can get started on birth control. She assures you that she is not sexually active, but you are not so sure, since she has had a boyfriend for the past year.
7. A same-sex couple with two children have recently come to your church looking for a place to raise their children. Their faith in Jesus seems real, and they want to know if your church is a welcoming place for them. They would especially like to be involved in the religious education of their children and are asking about the possibility of being involved in your church's children's ministry.

The Bible and Sexual Relationships

Much to the surprise of people who have never read the Bible carefully, there is a wealth of material in Scripture that addresses the sexual relationship. God did not appear to be bashful or embarrassed when he spoke about sex in the Bible, and his teaching is both clear about the need for restraint and explicit about the passion of



sex when expressed within the proper parameters. Central biblical passages include Genesis 1–2, where the notions of sex and marriage are introduced; Leviticus 18, 20, which lists prohibited sexual relationships; the wisdom literature, especially the Song of Songs, which passionately celebrates sex in marriage; 1 Corinthians 5–7, which addresses the sexual excesses of the church in Corinth; and selected statements in the rest of the New Testament that encourage avoiding sexual immorality.

Genesis

In Genesis 1–2 there is a critical link between man and woman in the context of marriage and the sexual relationship that may eventually result in the procreation of children. In Genesis 2:18–25 both marriage and sexual relations are instituted. This complementary account of creation fits into the broader overview of creation given by Genesis 1. When viewed as complementary, Genesis 2:18–25 actually occurs between God’s intention to create humankind (1:26) and the command to the newly formed couple to begin procreating and populating the earth (1:28). The first command given to them is the command to reproduce in 1:28, clearly a result of their becoming “one flesh” in 2:24.

Genesis 2:24 marks the first reference to the institution of marriage. The way that this text is quoted in other places in the New Testament makes it clear that it was originally intended for married couples (Matt. 19:5; Eph. 5:31).² In addition, the term “leave” (Gen. 2:24) is used to suggest that a husband and wife are to separate from their families of origin and begin a new family unit of their own—contrary to ancient Near Eastern cultural practice in which the bride moved in with the groom and his family.

Placing the more specific account of the creation of male and female and the subsequent institution of marriage back into the broader context of the creation in Genesis 1:26, the command to procreate presumes sexual relationships and is therefore given to Adam and Eve in the context of their leaving, cleaving, and becoming one flesh—in the context of marriage. This sets the precedent for heterosexual marriage and sexual relationships for the purpose of procreation within that setting. Though it does not suggest that every male and female must be joined in marriage, it does indicate that marriage is to be between male and female and that only in marriage are sexual relationships and procreation to occur. In other words, God has established sex and procreation to be restricted to heterosexual couples in marriage. There is continuity between God’s creation of the family in Genesis 1–2, sexual expression, and the command to procreate within that context.³ This structure of the family seems to be basic to God’s creative design, however



extended the family became due to cultural and economic factors. The intrinsic goods of marriage that emerge from the Genesis account include procreation but are not limited to it. They also include intimacy between the husband and wife, and as the New Testament clarifies, marriage later becomes a symbol of the love between Christ and the church (Eph. 5:22–33).

Contrary to the original design for monogamous marriage, polygamy (as well as concubinage) was practiced periodically in ancient Israel. The patriarchs, such as Jacob, had multiple wives, as did King Solomon—though Solomon used marriage to solidify foreign alliances, which was contrary to God’s explicit demand that the king trust God, not foreign allies, for Israel’s national security. Although polygamy was never sanctioned nor commanded, it does appear to have been allowed in Old Testament times.⁴ The reason polygamy was allowed is not clear, though it may have something to do with the provision of an economic safety net for women. For the most part, women were provided for either by their family of origin or by marriage. Women who never married or were widowed were not generally seen as able to financially provide for themselves, despite a few exceptions.

In the New Testament, monogamy is affirmed as the norm. For example, when Jesus teaches on divorce (Matt. 19:1–5), he does so from Genesis 1–2, presuming monogamy as the standard. Further, when the qualifications for leadership in the church are clarified, elders are to be the “husband of one wife” (1 Tim. 3:1–5). Interestingly, when missionaries bring the gospel message to cultures where polygamy is still practiced, this raises a very sensitive ethical issue. What should be done with multiple wives once someone has come to faith in Christ? Clearly, it would be callous and uncaring to insist that polygamy be abandoned, virtually putting women into a state of destitution. Rather, many missions organizations suggest that no current marriages be renounced but that, following Christ demands, no additional wives be taken from that point forward.

Genesis 19–20 describes the destruction of Sodom and Gomorrah as evidence of how far and how quickly the world degenerated after the entrance of sin (Gen. 3). It is a common interpretation of this episode to hold that the judgment on the two cities came about as a result of their sexual perversions, which include homosexuality. Critics of the traditional Christian view of homosexuality argue that the sin of the cities was primarily neglect of the poor and materialism (Ezek. 16:49–50), and that even if homosexuality was involved, it was a case of gang rape, not consensual sex. They argue that this kind of gang rape was often associated with dominance and enforced submission in the ancient world, and that this narrative cannot be used to condemn loving, committed, and consensual homosexuality.⁵ Those who



defend the traditional view point out that the New Testament clarifies the basis for the judgment on these two cities being a wide variety of sexual offenses, including homosexuality (Jude 7). One should exercise caution in using this account, since the specific instance of homosexuality was clearly nonconsensual.

Old Testament Law

Other parts of the Old Testament Law were designed to safeguard the creation model of the family outlined in Genesis 1–2. Most cultures around the world have some moral rules/taboo to protect the family similar to Old Testament law. For example, the prohibitions against illicit sexual relations assumed that the creation model for sex within marriage was normative and functioned to preserve the family from breakdown. In the sexual code in Leviticus 18 and 20, every sexual relationship except that between a heterosexual couple in marriage is prohibited. All forms of incest (sex with a relative), homosexuality, adultery, cultic prostitution, premarital sex, and even bestiality (sex with an animal) are forbidden. Among all the sexual relations listed in Leviticus 18 and 20, no specific one is singled out as being any more egregious than other problematic sexual relationships.

Though no specific reason is given for the prohibitions in Leviticus 18 and 20, it seems clear that they violate the normative structure of the family that is rooted in creation. Keeping the creation ideal of the family intact and free from undermining influences was considered central to the preservation of Israel as a society set apart as God's holy nation (Ex. 19:6). It was so important that the prohibition of adultery specifically was included in one of the Ten Commandments (Ex. 20:14; Deut. 5:18). Although God's people are no longer under the law as a rule of life (Rom. 7:1–3), the protection of the creation norm of sexual relationships within heterosexual marriage remains relevant. The prophets remind Israel of their covenant faithfulness to God by comparing their idolatry to spiritual adultery (Jer. 3:6–10; Hos. 1–3). This comparison had a rich double meaning since Israel's worship of false gods often involved physical adultery and other forms of sexual immorality.

Levirate Marriage in Ruth

One of the most interesting sexual ethics questions raised in the Bible comes in the book of Ruth—the tradition of levirate marriage. Being a widow and having no surviving children created two significant problems for a woman. First, she had no way to support



herself other than returning to her family of origin. Second, she had no opportunity to continue the lineage of her deceased husband, a significant concept in the ancient world due to the link between lineage and property. In addition, having a lineage was considered an important form of respect for the person.

In the book of Ruth, Ruth is a foreign, childless widow who returns to Israel with her mother-in-law, Naomi. She attracts the interest and favor of Boaz, a landowner of some means in the town of Bethlehem, where they live. Through elaborate imagery, Ruth and Boaz connect and express their interest in each other. Naomi reveals that Boaz is a close relative, which means that he is a candidate to perform levirate marriage with Ruth. Ruth indicates her willingness to follow what the law indicates, and Boaz expresses his desire to fulfill his legal responsibility to marry Ruth and provide for her. But there is a relative who is closer than Boaz who, according to the law, has the first option to marry Ruth. Boaz defers to this relative who is not willing to marry Ruth. Boaz then publicly marries her and they conceive a child who continues Ruth's late husband's lineage. She gives birth to a child whom they name Obed, and everyone appears to live happily after that. Levirate marriage was especially important in this case, since the child born to Ruth and Boaz was the grandfather of King David. We learn later that the lineage of Ruth's deceased husband actually includes Jesus the Messiah, since he is a descendant of David.

Wisdom Literature

In contrast to the Law, which stresses sexual parameters, the wisdom literature celebrates the beauty of sex in marriage, while at the same time praising faithfulness to one's marriage partner. For example, the proverbs speak to the easy availability of sexual temptation, and insist that the beauty and satisfaction of sex be enjoyed only with one's spouse (Prov. 5:1–23; 6:20–29; 7:1–27). Throughout the Song of Songs there are exquisite descriptions of the lover and his beloved bride, particularly in 4:1–10, where Solomon describes the body of his bride in passionate detail prior to the consummation of their marriage (see also Song 5:10–16; 7:1–9). The imagery for sexual enjoyment is vivid and includes things like the choicest foods, drinks, and spices, and water from the freshest springs and fountains (4:11–5:1). Sex is seen as a sensual delight, entirely blessed by God and to be enjoyed.

Song of Songs proceeds in rough chronological order and can be divided into four major sections: courtship (1:1–3:5), marriage and consummation (3:6–5:1),



conflict (5:2–6:3), and reconciliation (6:4–8:14).⁶ Restraint is exercised during courtship (2:7; 3:5), and sex is not fully enjoyed until after the wedding procession (3:6–7) and ceremony (3:11). Like Proverbs, Solomon compares sex to a garden, spring, and fountain, and compares his bride's virginity to a locked garden, sealed spring, and enclosed fountain (Prov. 5:15–20; Song 4:12–5:1). After they have consummated their marriage, he speaks of having entered the garden and tasted its choice fruits and spices (Song 5:2). The book appears to assume that sex is to be enjoyed only within the parameters of marriage.

New Testament

The New Testament consistently appeals for the believer to avoid sexual immorality. For example, in 1 Thessalonians 4:3 Paul equates avoiding sexual immorality with the will of God for the believer, one of the few occasions in which it is stated that directly. Similarly, the believer should avoid even a hint of immorality because it is inconsistent with his or her position as one of God's people (Eph. 5:3). Sexual immorality is seen as a part of the old life of the believer (Col. 3:5), and believers are discouraged from associating with those who boast in such immorality (1 Cor. 5:9). Marriage ought to be kept pure, particularly in the sexual expression (Heb. 13:4). Sexual immorality is also included in many of the "vice lists"—lists of specific sins that the believer must avoid (Matt. 15:19; Mark 7:21–23; 1 Cor. 6:9–11; Gal. 5:19–21; Rev. 21:8). Paul puts it in a simple and straightforward way: "Flee sexual immorality" (1 Cor. 6:18). Peter advises believers to resist Satan (1 Peter 5:8). Comparing Peter's advice to Paul's shows the power of sexual sin. Believers are encouraged to *resist* Satan, but to *flee* sexual temptation.

The general term in the New Testament that is translated "sexual immorality" is the Greek term *porneia*, from which the English word *pornography* is derived. Though at times it does refer to a more specific type of sexual immorality, in general it refers to all illicit sexual relations. These are listed in Leviticus 18, 20, as we discussed earlier, and the New Testament repeatedly urges the believer to avoid sexual immorality and thus restrict sexual expression to heterosexual marriage.

First Corinthians 5–7 is one of the New Testament texts that develops its teaching in more detail, presumably because the church at Corinth was having significant problems with sexual immorality in the church. They seemed to be proud of their accommodation to the sexual morality of the Corinthian culture (5:1–2), and it appears that many in the church came to faith in Christ from a background of immorality (6:9–11). Paul rebuked both their incestuous relationships and the pride that accompanied it (5:1–13). Then in 6:12–20, he laid some theological groundwork



for his admonition for sexual purity. He then addressed specific problems related to married and single adults (1 Cor. 7, esp. vv. 25–35).

Paul gives three theologically grounded reasons the believer should avoid sexual immorality. First, God the Father will raise the body to immortality in eternity (1 Cor. 6:14). Because of this, the body is important and should be treated with as much care as the soul. With this point Paul is combating a view that dominated the Greek culture of the day—that the soul was all that mattered about a person. There were for the Greeks, therefore, two options for the body: either the person could severely discipline the body in order to keep it from interfering with the soul's development (also known as asceticism), or a person could do whatever one desired with one's body since the body was of no consequence to the soul (hedonism). The Corinthian culture had clearly chosen the latter option, and sexual license was commonplace as a result. Yet, according to Paul, a person's body has as much of a future as his or her soul. Thus a person's body is to be maintained with the utmost purity and care since God will redeem it at Christ's second coming.

A second reason for sexual purity is that believers are one with Christ the Son (1 Cor. 6:15–17). Since believers are “members of Christ” (v. 15) and one with him, a believer should never become one with someone other than his or her spouse. This is especially true if, in sexual immorality, the believer is actually participating in idolatry through religious prostitution, as was the case in Corinth (v. 16). Not only does immorality result in breaking the one-flesh relationship with one's spouse, but it also violates a person's relationship with Christ by joining him to the person with whom one has sex.

A third reason Paul gives for avoiding sexual immorality is that the believer's body is the temple of the Holy Spirit (1 Cor. 6:19). Thus it is to be revered and cared for, not abused or used in any way that would compromise a person's testimony for Christ. Ultimately, the body does not belong to the believer because God has purchased it at the cost of his Son's death. Therefore, the believer does not have the right to do with his or her body whatever he or she desires. The believer's body belongs to God and is to be used to honor him by avoiding sexual immorality (6:19–20).

Thus, in 1 Corinthians 6:12–20, sexual immorality is prohibited because it violates the believer's relationship with all three members of the Trinity. God the Father will raise the body (v. 14), thus it is to be considered sacred. The believer is one with Christ the Son (v. 15), and thus should not join a part of him sexually to someone other than one's spouse. The believer is also a temple of the Holy Spirit (v. 19), and thus the body is to be used for his honor.



Ashley Madison—Advertising Affairs

Ashleymadison.com advertises itself as the dating site for those seeking discreet connections. It has over 51 million members, and its tag line used to be “life is short—have an affair” (which no longer appears on its site). Its data was hacked in August 2015, and its membership list of roughly 32 million members was posted on the dark web. A part of the hacking was to establish a search site so that you could search the hacked data to see if you knew anyone who was a member—namely someone close to you. The hackers, identified only as Impact Team, wanted to embarrass their members for looking for infidelity. Some of the members are gay or lesbian in orientation and come from countries where homosexuality is criminalized. As a result of their information being accessible, some of their lives were put in danger. Ashley Madison insists that today their information is secure, but they no longer guarantee it.

Bisson, David. “The Ashley Madison Hack—A Timeline.” *The State of Security*, September 1 2015. <http://www.tripwire.com/state-of-security/security-data-protection/cyber-security/the-ashley-madison-hack-a-timeline/#>.

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Singleness

In the United States for over a decade, more than 50 percent of households are headed by single adults. The expectation of marriage may be diminishing as well, as many single adults are no longer viewing marriage as a viable or desirable option. A substantial portion of the culture is single and will remain that way. The Bible speaks about singleness as well as marriage, even though the percentage of single adults in biblical times was considerably smaller than today.

In the New Testament, 1 Corinthians 7 affirms singleness and suggests that at times it may be a more expedient life choice than marriage. Verses 25–35 argue that singleness is preferable to marriage because of the “present distress” (v. 26) in the culture, which most take as the context of persecution for the faith facing the Christian community there. Given the likelihood of enduring persecution, singleness may be a better option because being single minimizes a person’s vulnerability to persecution. Having a family makes one more at risk for succumbing to persecution because far more pressure can be brought to bear on a person through persecuting his or her spouse and/or children than by pressuring that person.



The passage goes on to affirm singleness by suggesting that marriage is part of the world that is passing away (1 Cor. 7:29–31; see also Matt. 22:30). That is, marriage is part of the world that will pass away when Christ returns, which the early community anticipated as imminent. Thus marriage and singleness have the same eternal value. It seems like the Bible affirms singleness as the moral equivalent of marriage, that both have value, though not eternal value in and of themselves.

But perhaps the strongest affirmation of singleness comes when the passage suggests that single adults can serve Christ with undivided loyalty in a way that married couples cannot (1 Cor. 7:32–34). In terms of “undivided devotion to the Lord” (v. 35), it would seem that singleness has advantages over marriage. This passage clearly affirms that both choices, marriage and singleness, are good things and that no one has done wrong with either choice. Of course, there can be a variety of reasons and motives for pursuing marriage or remaining single, some reasons and motives better than others. But the Bible appears to affirm singleness as a morally good choice, while at the same time upholding marriage as the model from Genesis 1–2.

Sexuality in the World of the Bible

The Old Testament’s view of sexuality developed primarily in the context of the ancient Near East, particularly Egypt and Mesopotamia, the two great empires of the Old Testament world. As we have seen, Old Testament sexuality emerged from the norm set up in Genesis 1–2. The various sexual prohibitions protected the ideal of heterosexual marriage, as well as giving parameters for both sexual expression and procreation. However, the Old Testament background on sexuality is also set within the context of idolatrous worship that pervaded the cultures of Israel’s neighbors. It was critically important that the people of God maintain their devotion to God and his law and dissociate themselves from any practices that imitated the idolatry of the nations surrounding Israel. For example, throughout Old Testament history, Israel worshiped Baal, the god of agriculture. The ritual of Baal worship included religious prostitution. These sex acts were designed to entreat Baal to “fertilize” the ground and bring agricultural prosperity. Israel was to forsake this kind of worship with its sexual expression and, instead, trust God to provide for them under the terms of the Mosaic covenant (Deut. 27–30).

The background to the New Testament teaching on sexuality was the first century AD world of Greece and Rome. To summarize, the Greco-Roman culture of the New Testament was a world of sexual abundance and variety that would



have rivaled any major city in the world today. However, what was important about sex was quite different than today. Many sexual relationships were expressions of a power differential between active and passive partners.⁷ This applied to sex between men and women, since the culture was largely patriarchal, and women were the passive and thus inferior partner. Similarly, with same-sex relations, what was most important was masculinity—that is, not being the passive partner. That was far more important than whether sex was with a man or a woman.⁸ This is why many, but not all, same-sex relations for men were with younger boys (known as “pederasty”), male prostitutes, or slaves. It was considered unmanly and effeminate to be the passive partner in any sex act, which was not acceptable for “real men” in Greco-Roman culture.⁹ Of course, with same-sex relations between women, there was no distinction between the active and passive partner. Same-sex sexual relations among women were much more consensual and did not usually involve anything like pederasty or exploitation.¹⁰ There were prohibitions on some types of sexual relations among Roman citizens, including adultery and same-sex relations. In this culture, bisexuality was not unusual, and it was considered generally acceptable to engage in relations with both sexes, as long as one was not the passive partner, or if the relations did not involve Roman citizens.¹¹

Churches and Homosexuality

According to Pew research published in late 2015, attitudes are changing in traditionally conservative Christian culture. Roughly one third of conservative Protestants surveyed indicate that homosexuality should be accepted in the broader culture, and approximately half of millennials indicated such acceptance. Pew researchers concluded that this is evidence of the church culture being impacted by trends in the culture at large.

A similar trend exists in the Church of England, as indicated in a recent report that suggested that, when it comes to church clergy, officials will no longer ask questions about the private lives of gay priests. This amounts, to some, as turning a blind eye to same-sex sexual relationships in the Church of England clergy. However, for some gay priests, this “don’t ask, don’t tell” policy is not enough. In late 2016, fourteen gay priests officially married, in defiance of church teaching on same-sex marriage.

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Same-Sex Sexual Relationships and the Bible

Nowhere in the New Testament does Jesus directly address same-sex relationships. Thus, any views he had on the subject must be inferred from other evidence. The argument from silence should not be taken as evidence of his affirmation of homosexuality. Given his Jewish background and how he stood in the tradition of the Old Testament, it is likely that he held similar views to that of mainstream Judaism at that time. These views reflected the Old Testament law, particularly Leviticus 18, 20. It would have been a significant departure from this tradition had Jesus been affirming of same-sex relationships. Though Jesus came to fulfill the law (Matt. 5:17–18), he did not hesitate to depart from misunderstandings of that tradition held by the religious leaders of his time. But those were corrections to the rabbinic tradition that had misread and misapplied the law, such as the tradition of the Sabbath and gift giving (Matt. 12:1–14; Mark 7:1–23). However, Jesus was also immersed in the prophetic tradition, and its high place for the marginalized in God's economy. It would also seem likely that Jesus would have accepted homosexuals in the same way he accepted others who were on the fringes of first century society, such as prostitutes and tax collectors. First century Jews who were homosexual would likely have been part of the marginalized community that was accepted by Jesus. It is probable that he would have been accepting of them without affirming either their sexual orientation or behavior.

When it comes to the New Testament letters, especially those of Paul, the debate really begins. There are a variety of approaches to understanding his epistles and same-sex sexual relations. Some approaches are dismissive of his teaching, arguing that Paul was held hostage to first-century Jewish views on sexuality, similar to his views on slavery and patriarchy. They refer to him as a cultural captive, essentially parroting the views of his Jewish contemporaries. It is true that Paul was a Jewish religious leader prior to his conversion to Christianity, and he, like Jesus, was a product of the Old Testament law. But remember, he wrote the parts of the New Testament that teach on same-sex relationships to the Romans and the Corinthians. There he espouses a view of sexuality that was tremendously countercultural when it came to the Greco-Roman



culture of the day. If he had written these letters to the Hebrews, the argument that he was a cultural captive would have more merit. But he was turning the Greco-Roman view of sexuality upside down by promoting sexual purity in marriage.

A more sophisticated version of this approach takes his teaching at face value, and maintains that Paul saw same-sex orientation as a departure from God's original design at creation and prohibited all same-sex sexual relationships.¹² This view maintains that Paul saw both the attraction and the behavior as morally problematic, and did not acknowledge that some people naturally have a same-sex orientation. Rather, he saw the orientation as coming from a perversion that was a consequence of an idolatrous rejection of God, suggesting that one's orientation is always a choice. That is, he did not believe that someone could be naturally gay, as proponents of this approach maintain. They argue that Paul's prohibition of homosexuality came out of an outdated view of human sexuality. Even though this view acknowledges that Paul was prohibiting all same-sex relationships, advocates argue that he was limited in his understanding of human psychology and his teaching on homosexuality cannot be adopted without serious revision. Such revision would include affirming both gay people and, by extension, gay marriage and sexual relationships.

A second approach is that Paul's prohibition of same-sex sexual relationships refers only to male religious prostitutes in idolatrous worship ceremonies. Therefore, only sex in the context of idolatrous worship, is condemned. This is parallel to the description of homosexuality in Deuteronomy 23:17–18, where religious prostitution of all types is condemned. Since idolatry is in the immediate context of the condemnation of homosexual sex, advocates of this view argue that limits the application Paul is making in the passage. Though this approach may fit better in Romans 1:24–27, the context of idolatry is less clear in some of the other texts in 1 Corinthians 6 and 1 Timothy 1.

A third approach is that the Bible only has a problem with sexual excess or other sexual relationships outside loving and exclusive relationships.¹³ The assumption underlying this approach is that most people in the Greco-Roman world were bisexual. Thus, most same-sex sexual relationships were not loving and committed relationships but were in arrangements such as prostitution, pederasty, or slave exploitation. They maintain that same-sex sexual acts were acts of sexual excess, mainly by men who also had wives for their sexual needs. Thus by prohibiting same-sex sexual relationships, the Bible was not condemning a person to celibacy, only requiring that he or she curb sexual overindulgence. Advocates of this approach insist that nowhere in the Bible does it prohibit sex between committed and married partners, whether same-sex or opposite sex.¹⁴ Most advocates for same-sex sexual relationships argue that the Bible simply does not address same-sex committed relationships.



A final approach is that Paul intended to prohibit all same-sex sexual behavior. Paul's appeal to a universal truth about sexual relations linked to the order of creation prevents someone from seeing this passage limited to only certain kinds of homosexual behavior and from seeing Paul as culturally outdated in his teaching. Rather, it provides an appropriate context for an assessment of all same-sex sexual relationships.

Several New Testament passages address same-sex sexual relationships (e.g., Rom. 1:24–27; 1 Cor. 6: 9–11; 1 Tim. 1:9–10). Romans 1:24–27 is part of Paul's broader argument for the universality of sin and judgment, setting the need for the believer to be justified by faith in Christ's atoning death on the cross, as outlined in Romans 4–5. Those who reject the available knowledge of God and choose instead to worship the Greek and Roman idols have lifestyle consequences that they cannot avoid. Same-sex sexual behavior, among other things, indicates this idolatry. Paul implicitly appeals to the natural order of creation to assess same-sex sexual behavior (Rom. 1:27). Male and female were created with an innate tendency toward opposite-sex attraction, but because of the brokenness of the world, humanity developed the potential for same-sex attraction. Because of the reality of sin, every person has the potential for homosexuality in the same way that we have the potential for any other kind of sin that the Bible describes.

Same-sex sexual relationships are described as against nature, referring to the created order in Genesis 1–2. They are against nature, not because they are not procreative, but because they are against the original design for sexual relationships, though one could argue that the procreative aspect is assumed from Genesis 1–2. Neither does the text support the idea that the problem with same-sex sexual relationships was making one person the submissive partner, which in Roman culture was a violation of masculinity.¹⁵ In this text, the same-sex prohibitions apply even handedly to men and women both, which suggests that the text has more in mind than prohibiting sexual excess and exploitation, which was more traditional for men. Women were rarely inclined to nonconsensual sex and sexual excess, yet same-sex sexual relations between women are also called against nature. The phrase “natural relations *with women*” specifies the natural relations as heterosexual (Rom. 1:27, emphasis added) and suggests that the natural sexual relation is not dependent on a person's subjective individual orientation.

A second passage that addresses same-sex sexual relationships is in 1 Corinthians 6:9–10. It's a warning to those whose lives are inconsistent with the kingdom of God. Two terms are used to describe same-sex sexual relationships—*malakoi* and *arsenokoitai*. The first term, *malakoi*, is only used once in the Bible. In other Greek contemporary literature, the term means someone who is “soft,” or effeminate, and it



was assumed that such a person would also be the passive partner in any sexual activity.¹⁶ If this is the case, then the text is doing something that would be expected in Roman culture—condemning the passive partner in a same-sex act, on the grounds of being unmasculine, not necessarily because it was a same-sex act. However, the following term, *arsenokoitai*, is a combination of two Greek words, *arsen*, meaning, “with males” (regardless of age), and *koite*, meaning intercourse. *Arsenokoitai* only appears in one other place in the New Testament, in 1 Timothy 1:10, in a similar list of actions that are inconsistent with the kingdom of God. The term is, however, used in the Septuagint, a Greek translation of the Old Testament, to translate the Hebrew terms that mean having sex with males, which suggests that Paul had Leviticus 18:22 and 20:13 in mind when he penned 1 Corinthians 6 and 1 Timothy 1.¹⁷ Had Paul wanted to restrict the text to prohibit sex with boys only, he could have used more accurate and commonly used terms (such as *paiderastes* or *paidophthoros*), rather than this unusual compound, which refers to males of any age. What this suggests is that, contrary to Greco-Roman culture, *both* the active and passive partners in a same-sex sexual relationship were involved in sexual immorality.

In applying these passages that address same-sex sexual relationships, it is important to make a distinction between same-sex *attraction* and same-sex *sexual relations*. This is particularly the case given that a person’s sexual orientation is not normally something that is chosen. That is not to say that it is necessarily genetic in its origin, which sometimes is what is meant by the phrase, “I was born this way.” It can emerge developmentally and, similar to many other traits, is not a choice. Many same-sex attracted individuals maintain that they have never known a time in their lives when they were not same-sex attracted, which underscores that fact that the orientation is not usually chosen. As a general rule, people are held accountable only for those things that are conscious choices. Thus, the attraction is normally not something for which people are morally culpable, though the orientation is a departure from the original design. However, the behavior, which is chosen, is something for which someone is morally accountable.

It may be helpful to see this distinction in parallel with heterosexual relationships. For example, for a married person to be attracted to a person of the opposite sex other than his or her spouse is not necessarily morally problematic. It becomes so when that attraction is acted upon, either in lust (which is the decision to fantasize having sex with a person [Matt. 5:27–32]), or in further sexual activity. Likewise, it may be that homosexual attraction in itself is not blameworthy, though at variance with the order of creation. But when that attraction gives way to lust or sexual activity, it then becomes morally problematic. Some Christians who are same-sex oriented have grasped this



distinction and are attempting to be faithful to Christ and sexually pure at the same time.¹⁸ They insist that the vocation of singleness and celibacy (“spiritual friendship”¹⁹) needs renewal as a morally viable option. It may be that failure to recognize this distinction between sexual attraction and sexual behavior has kept the church from being a more accepting place for those sorting out their sexual orientation.

Those who are same-sex attracted maintain that this distinction between the attraction and the behavior essentially condemns to celibacy the person who desires to be faithful to God and be true to their sexual orientation. This strikes many as unfairly denying the benefits of sexual intimacy to same-sex individuals. For many, that seems a very high price to pay for faithfulness to God, a price that, not surprisingly, many are unwilling to pay. This is especially the case given the current cultural ethos that is centered on individual autonomy and self-fulfillment. However, there is an assumption underlying this charge of unfairness that merits closer scrutiny. It is presumed that an active sex life is essential for a fully satisfying life, which may be part of the reason that there is the pressure in some Christian traditions and cultures for people to marry. Some even see marriage as a key indicator that someone has arrived at adulthood and maturity. Of course, one can also argue that marriage is not a destination but only taking on a travelling companion. Neither is marital status any necessary indicator of maturity, to which the incidence of dysfunctional marriages readily attests. In addition, the life of Jesus himself suggests that it is possible to flourish without sex.

The presumption that a sex life is a necessary part of a fulfilled life is a strong one in most Western cultures. It is part of a larger cultural ethos that insists that a flourishing life comes largely, but not entirely, from the fulfillment of one’s desires. But it’s difficult to find that ethos in the life or teaching of Jesus. By contrast, consider his requirement for discipleship: “Whoever wants to be my disciple must deny themselves, take up their cross, and follow me. For whoever wants to save their lives will lose it, but whoever loses their lives for me and for the gospel will save it” (Mark 8:34–35). Statements like this put the satisfaction of individual desires much farther down the list of priorities. As it applies to the satisfaction of sexual desires specifically, there is an obvious counterexample—Jesus himself. Though he faced somewhat different cultural pressures than today, it’s striking that the biblical model for a flourishing life did not include sexual activity. As theologian Stephen Holmes argues, “Our sexual desires are not in pressing need of being fulfilled; they are in pressing need of being mastered and reordered so that we may grow into Christlikeness. Marriage is a discipline for the latter, not permission for the former.”²⁰ In addition, it’s not uncommon for couples to experience periods, sometimes long, of necessary restraint from



normal sexual activity. Examples of this include during times of pregnancy, when raising small children, during illness, or as couples get older postmenopause and sexual drive generally diminishes. Further, one could argue that many ethical dilemmas involve precisely a conflict between our desires and established moral norms. The demands of morality generally indicate that our desires be controlled by these moral norms, which most cultures consider essential for social cohesion and order.

Pizza Shops, Florists, and Bakeries

Since the *Obergefell* decision in 2015 that legalized same-sex marriage, various business establishments have come under criticism and been subject to boycotts for their refusal to provide service for same-sex weddings. Sweet Cakes by Melissa, an Oregon bakery, was forced by court order to pay \$135,000 in damages to a same-sex couple after they elected not to bake the wedding cake for a same-sex wedding in 2015. Similarly, Memories Pizza in Walkerton, Indiana, stated that if asked, they would not provide the food for a same-sex wedding reception and eventually closed their business due to the backlash from their statement. And in Richland, Washington, a florist refused to provide the flowers for a gay wedding ceremony and was taken to court by the couple she refused. The court ruled that she violated the state's antidiscrimination laws, and the court distinguished between religious beliefs, which are protected, and actions based on those beliefs, which they ruled are not. The decision was upheld by the Washington Supreme Court. All of these businesses claimed to be following their religious views, protected by the First Amendment. Conor Friedersdorf, writing in *The Atlantic*, argued that those who disagree with the business owners do not have the right to ruin their lives and livelihoods. He states, I believe their position on gay marriage to be wrongheaded. But I also believe that the position *I'll gladly serve any gay customers but I feel my faith compels me to refrain from catering a gay wedding* is less hateful or intolerant than *let's go burn that family's business to the ground.*"

Amos, Candace. "Bakery Pays \$135K for Refusing to Make Gay Wedding Cake." *NY Daily News*, December 29, 2015. <http://www.nydailynews.com/news/national/bakery-pays-135k-refusing-gay-wedding-cake-article-1.2479452>.

Friedersdorf, Conor. "Should Mom-and-Pops That Forgo Gay Weddings Be Destroyed?" *The Atlantic*, April 3, 2015. http://www.theatlantic.com/politics/archive/2015/04/should-businesses-that-quietly-oppose-gay-marriage-be-destroyed/389489/?utm_source=eb.

Seattle Times Staff. "Judge: Washington Florist Who Refused Gay Wedding Broke Law." *Seattle Times*, February 18, 2015. <http://www.seattletimes.com/seattle-news/judge-washington-florist-who-refused-gay-wedding-broke-law-1888-2/>.



Opposing Gay Marriage Akin to Racism?

It is common in the post-*Obergefell* culture, and a very effective rhetorical device, to equate opposition to same-sex marriage with racism and to hold that laws that allow businesses to refuse service to gay weddings are equivalent to Jim Crow laws. Conor Friedersdorf, in *The Atlantic*, though he advocates for same-sex marriage, disagrees with the notion that those who oppose gay marriage are like racists. He says, “Opposition to gay marriage can be rooted in the insidious belief that gays are inferior, but it’s also commonly rooted in the much-less-problematic belief that marriage is a procreative institution, not one meant to join couples for love and companionship alone. That’s why it’s wrong to stigmatize *all* opponents of gay marriage as bigots.”

Friedersdorf, Conor. “Why Gay-Marriage Opponents Should Not Be Treated Like Racists.” *The Atlantic*, April 10, 2014. http://www.theatlantic.com/politics/archive/2014/04/why-gay-marriage-opponents-should-not-be-treated-like-racists/360446/?utm_source=eb.

Same-Sex Marriage

With the *Obergefell* decision that legalized same-sex marriage in the United States, most of the legal debate on the issue is over. Supporters of gay marriage insist that fairness was upheld and that right to marry indicated that gays now have full equality under the law. Opponents of gay marriage maintain that a new era of discrimination has arrived—against those who hold to a traditional view of marriage. They argue that those who hold the traditional view should not be labeled as bigots, nor have their businesses and livelihoods ruined because of their views. They insist that in a pluralistic culture, people are called to live together peaceably with those with whom they disagree. As the Supreme Court of British Columbia held in ruling in favor of Trinity Western Law School, which as an institution held to a traditional view of marriage, “A society that does not . . . accommodate differences cannot be a free and democratic society—one in which its citizens are free to think, to debate and to challenge the accepted view without fear of reprisal. This case demonstrates that a well-intentioned majority acting in the name of tolerance and liberalism, can, if unchecked, impose its views on the minority in a manner that is in itself intolerant and illiberal.”²¹

The legal debate over same-sex marriage is now focused on the religious exemption that churches, mosques, synagogues, and other religious organizations



have maintained is essential for them to be faithful to their religious convictions. Gay marriage supporters seek to eliminate all such exemptions on the grounds that they legalize discrimination against gay couples. Religious groups insist that they have the right to live out their missions according to their deepest convictions about marriage. They further argue that holding the traditional view of marriage does not necessarily mean that gays and lesbians are being treated unfairly or being discriminated against. For example, religious colleges that have standards of sexual conduct maintain that they are applying the same standard of conduct to everyone in the institution, regardless of sexual orientation.

Debating the Exemptions in Australian Same-Sex Marriage Bill

In the federal bill that would legalize same-sex marriage in Australia, proponents of gay marriage expressed alarm about a provision that would allow an exemption from antidiscrimination laws for individuals and organizations to exercise their religious views and not participate in gay wedding ceremonies. They argue that the bill already prevents ministers from being forced to perform gay wedding ceremonies. They worry that “an organisation with no recognised religious connection could claim to be a religious organisation based on the beliefs of its owners or members” and refuse goods or services for gay weddings. Conversely, the Australian Christian Lobby praised the bill for protecting “freedom of religion is a fundamental right that protects both individuals’ beliefs and practices based on those beliefs.”

Karp, Paul. “Marriage Equality Bill Contains Discrimination Law Loophole, NSW Warns.” *The Guardian*, January 16, 2017. <https://www.theguardian.com/australia-news/2017/jan/17/marriage-equality-bill-contains-discrimination-law-loophole-nsw-warns>.

As gay marriage increasingly enters the social fabric of culture in many parts of the world, the ways “marriage equality” might extend beyond same-sex couples are worth noting. Remember that the primary argument advanced in favor of gay marriage was an argument from fairness—the denying marriage equality to same-sex couples was fundamentally unfair. Underlying the argument from fairness is the notion of personal autonomy—that a person has the right to make life’s most significant decisions, especially the ones that are value laden, apart from judgment or the intrusion of the law. Because of personal autonomy, whether a



person chooses same-sex or opposite-sex relationships is irrelevant—the law should recognize them both because they are the informed choices of consenting adults. Critics insist that this grounding in personal autonomy opens the door to any type of relationship between consenting adults, including various forms of incest and polygamy. Some have even argued that there can be consenting relationships between adults and children, and others suggest that even relationships with animals and even inanimate objects can be acceptable if they are based on a person's informed desires.

Critics of same-sex marriage are understandably concerned about what else besides same-sex marriage may emerge on the basis of the same personal autonomy that supports same-sex marriage. They point out that there are already some countries in Europe that have recognized same-sex marriage that are also legally recognizing multiple marriages as the equivalent of monogamy. For example, when a Dutch jurisdiction recognized a legal “cohabitation contract” between a man and two women (though it was not technically a marriage), social commentator Stanley Kurtz made this observation: “Increasingly bisexuality is emerging as a reason why legalized gay marriage is likely to result in legalized group marriage. If every sexual orientation has a right to construct its own form of marriage, then more changes are surely due. For what gay marriage is to homosexuality, group marriage is to bisexuality.”²² In addition, when defending fundamentalist Mormons who are being prosecuted under state law in Arizona and Utah, the ACLU points out the similarity to the defense of same-sex marriage. One ACLU attorney in Utah put it this way: “Talking to Utah’s polygamists is like talking to gays and lesbians who really want the right to live their lives and not live in fear because of someone they love.”²³

Parents Marrying Adopted Children

Two different accounts of parents wanting to marry adopted children highlight some of the implications of the legalization of same-sex marriage in the United States. In the first case, a New Mexico mother, having met as an adult the child she gave up for adoption, claims they fell in love and will challenge the state law prohibiting incest in order to be together. The son claims he never knew his mother as his actual mother. They have gone public with their legal challenge in order to raise awareness of what is known as GSA relationships (Genetic Sexual Attraction).



In a second case, a Pennsylvania man adopted his longtime partner, before same-sex marriage was legalized. The adoption was, as he put it, “the most legitimate thing available to us at the time,” even though they were only 11 years apart in age. They used adoption to protect inheritance and other rights before it was legal to formally marry. They are now seeking to annul the adoption so that they can legally marry, but the adoption was challenging to undo under state law because it’s usually done only in cases of fraud. However, in December 2016, a Pennsylvania court annulled the adoption so they could legally marry.

Perez, Evan and Ariane de Vogue. “Couple Seeks Right to Marry. The Hitch? They Are Father and Son.” *CNN*, November 3, 2015. <http://edition.cnn.com/2015/11/03/politics/same-sex-marriage-adoption-father-son-pennsylvania/>.

Perry, Ryan. “‘We Ended up Kissing and Kissing Led to Other Things’: Mother, 36, and Son, 19, Who Fell in Love When They Met Last Year after She Gave Him up for Adoption as a Baby, Say They’ll Go to Jail to Defend Their Relationship.” *Daily Mail*, August 10, 2016. <http://www.dailymail.co.uk/news/article-3725551/Mother-36-son-19-fell-love-met-year-gave-adoption-baby-say-willing-risk-JAIL-defend-love.html#ixzz4Gr7sDSRJ>.

Potter, Chris. “Adoption Decision Ends Marriage Predicament for Gay Couples in Pennsylvania.” *Pittsburgh Post Gazette*, December 16, 2016. <http://www.post-gazette.com/local/north/2016/12/21/Pennsylvania-court-ruling-clears-way-for-gay-Fox-Chapel-couple-to-marry/stories/201612210196>.

Birth Control

Two primary issues arise in dealing with birth control—whether birth control is acceptable at all, and if so, what types of birth control are within biblical parameters. Except for official Roman Catholic teaching, which prohibits all forms of artificial birth control, the consensus among most religious believers and the culture at large is that birth control is not only acceptable but desirable. Further, there is no moral distinction between temporary birth control and sterilization—vasectomies and tubal ligations (in which the woman’s fallopian tubes are tied), as long as it is done wisely. The debate over birth control is primarily a religious one—most nonreligious people in the culture take birth control for granted.

Nowhere does the Bible prohibit the use of birth control. The only instance in which birth control was practiced was in Genesis 38:9–10 with the “sin of Onan.” Onan engaged in what is called *coitus interruptus* and, by doing so, refused to fulfill his responsibility as the “kinsman redeemer” by fathering a child to carry on the lineage of his deceased brother. He was unwilling to do this because he didn’t want the burden and responsibility of raising and supporting the child. So he



practiced a crude form of birth control by having sex and withdrawing just prior to inseminating the woman.

Some argue that the original mandate given to human beings in Genesis 1–2 (“be fruitful and multiply”) makes it mandatory for married couples to procreate children. Since the goal of that original mandate was to “fill the earth,” it seems like that goal has been fulfilled, many times over. Additionally, in chapter 6, I noted that the official Catholic view of procreation that must always link the unitive and procreative aspects of sex is a more rigid view than Scripture makes necessary. I pointed out that the Bible seems to separate those aspects of sex and holds that the unitive (the one flesh) aspect of sex is a sufficient end in itself. If those two components of sex do not always have to be connected, then married couples can have sex without procreation without violating any moral norm.

Even conceding that the mandate to procreate is still in effect, the Bible nowhere indicates when or how many children a couple should have. Advocates of birth control insist that couples have stewardship responsibilities both to their family and to the broader world and therefore should avoid having more children than they can properly parent and provide for. In addition, couples should avoid contributing to overpopulation and taxing the world’s resources.

Opponents of birth control insist that children are a gift from God, and God’s good gifts should not be refused. However, proponents of birth control respond that, of course, if God gives a couple a child, they should see the child as God’s gift, and the child should not be refused or abandoned. But they insist that it does not follow that a couple must have as many children as they biologically can bear. It appears that God has ordained limits on procreation that are biological in nature when a woman starts menopause and stops releasing eggs monthly. Thus the mandate to procreate has a God-ordained time limit.

If temporary birth control is acceptable, there does not seem to be any reason why more permanent sterilization measures could not be utilized. Of course, this must be done wisely and not prematurely. But for couples who have reached their limit in terms of the number of children they have, nothing seems to prohibit sterilization. In fact, such measures may be consistent with obligations of stewardship toward one’s family and toward the broader community.

A second area of discussion about birth control concerns the specific methods of birth control. Most agree that *contraceptive* methods are morally acceptable—that is, methods that prevent conception are not problematic. The methods that are *abortifacient* are the ones that generate discussion. Given a view of the moral status of embryos defended in earlier chapters, abortifacient methods are intrinsically



problematic because they cause the death of human persons, either by preventing implantation or by expelling the embryo from the uterus. IUD's prevent implantation, and RU-486 causes an implanted embryo to evacuate the uterus. Both are morally problematic from the view that embryos have full moral status. Of course, if one views embryonic status differently, these methods that cause the embryo's destruction are not immoral.

The controversial method in this area is the birth control pill—a very common birth control method used by vast numbers of women around the world. The pill acts by suppressing ovulation and thickening the cervical mucous in order to prevent sperm from reaching the egg. There is nothing problematic about the contraceptive part of the pill. But what is under debate is the abortifacient aspect of the pill—whether it has one and how significant it is. Some argue that there is a secondary effect of the pill that affects the lining of the uterus, making it inhospitable for an embryo to successfully implant. Others insist that no such mechanism is involved, or if it is, it is impossible to quantify how often it occurs. There is still considerable debate over this, and no consensus exists among specialists who are sensitive to the moral status of the embryo. For couples considering the pill, it is best to consult with your physician and be very open with him or her about your values and concerns about birth control.²⁴

Masturbation

This is an area on which the Bible is almost entirely silent. It is common to suggest that the “sin of Onan” refers to masturbation, but as mentioned above, that narrative is about Onan's unwillingness to fulfill his obligation as a kinsman redeemer (Gen. 38:8–10). In fact, it is coitus interruptus, not masturbation, that is occurring in the narrative. So Onan's narrative is entirely unrelated to the issue.

As noted in chapter 6, masturbation is necessary to obtain sperm samples for in vitro fertilization and intrauterine insemination. In addition, it may be that couples may experience some periods where sex is either not possible or more difficult, such as during pregnancy or while nursing small children, or even postmenopause. Nowhere does the Bible suggest that there is anything inherently wrong with masturbation, especially when done with one's spouse. However, the Bible is clear that the sexual fantasy that normally accompanies masturbation is lust, and that is very problematic. Lust is equated with adultery (Matt. 5:27–29), and what is done in the mind is just as troubling as what is done in the body. Thus, for example, if it is done with one's spouse and done apart from lust or sinful sexual fantasy, it can be



acceptable. In the cases in which sexual fantasy is involved, that is the problem with masturbation, not the action itself.

Transgender and Intersex

The issues revolving around transgender and intersex emerged into prominence following the *Obergefell* decision and the public debates over transgender restroom facilities. The experience of high profile people such as former Olympian Bruce Jenner has contributed to the public attention given to transgender persons. The term “gender dysphoria” is generally used to describe the tension a person feels when their gender experience/identity does not correspond to their biological sex. Ways of managing gender dysphoria can range from cross-dressing to hormonal treatments to sex reassignment surgery. Cases of gender dysphoria raise many important and difficult issues, such as how exactly to care for those experiencing it, and what institutions should do to accommodate transgender persons.

To be clear, one’s sex refers to the “physical, biological and anatomic dimensions of being male or female,” whereas gender refers to the “psychological, social and cultural aspects of being male or female.”²⁵ Three different frameworks are employed to categorize gender dysphoria. Psychiatrist Mark Yarhouse describes these as the integrity model, the disability model, and the diversity model.²⁶ The *integrity* model views transgender issues through the lenses of the “sacred integrity of maleness and femaleness stamped on one’s body.”²⁷ Attempts to cross gender boundaries, such as cross-dressing or sex changes, are said to violate the sacred integrity of a person’s given sex. Adherents of this model would maintain that a person who experiences gender dysphoria should accept their biological sex as one of the givens of life from a sovereign God. Any attempt to manage the symptoms of gender dysphoria would be seen as a violation of the sacredness of their maleness or femaleness.

The *disability* model is a second framework often utilized. Here the experience of gender dysphoria is seen as parallel to other mental health disorders, a result of living in a fallen and broken world. The experience of gender incongruity is not chosen and is seen as morally neutral, but it is also clear that the experience of gender dysphoria is not what God originally intended from creation.

The *diversity model* is quite different from the previous two. This framework sees the transgender experience as something like other forms of diversity, something to be embraced, celebrated, and part of their identity. There are no moral overtones in this model, and those who work out of this model would likely



object to the term *dysphoria* to describe their experience. Advocates of this model would see gender fluidity as something positive and see few, if any, valid gender distinctions.

Each of the above models has something to offer to the transgender experience. The integrity framework brings a theological understanding of the original design for gender differences. The disability framework recognizes that gender incongruity is the result of the general entrance of sin and normally not chosen, bringing a place for compassion similar to dealing with other mental health issues. The diversity model is considerably more problematic theologically, but perhaps in the way someone perseveres through gender dysphoria, the experience of suffering could be redemptive and part of their identity.

Caitlyn Jenner

In the most widely publicized case of transgender sex change, former Olympic decathlon gold medalist and symbol of masculinity Bruce Jenner completed a sex change and became Caitlyn Jenner. Jenner had experienced gender dysphoria for some time and finally made the decision to undergo the necessary procedures to become identified as a woman (except for the genital changes). Caitlyn has become undoubtedly the most celebrated transgender person in the United States. Her going public with the story was empowering to other transgender persons seeking acceptability in their communities and the broader culture.

Bissinger, Buzz. "Caitlyn Jenner: The Full Story." *Vanity Fair*, July 2015. <http://www.vanityfair.com/hollywood/2015/06/caitlyn-jenner-bruce-cover-annie-leibovitz>.

Scripture seems to teach that the original design for human beings was a gender binary, which the integrity model upholds.²⁵ In Genesis 1–2, God created two distinct genders with differences, since they “correspond to each other” and the “two will become one flesh” (see Gen. 2:18, 24). Jesus seems to understand Genesis 1–2 in this way in his teaching on divorce, in which he claims that God “made them male and female” (Matt. 19:4). At times, the Bible does use a figure of speech known as a merism, in which two opposite extremes are stated and refer to the whole spectrum. But it is unlikely that such a figure of speech is used in Genesis 1–2 since a few chapters later the animals go into the ark “two by two,”



suggesting a binary view of the sex of the animals.²⁹ In addition, the eunuch in the Bible does not necessarily refer to a transgender person but likely refers to a male who is infertile, who is either born that way or became that way.³⁰ They lacked the primary criteria for masculinity in Jewish culture, the ability to procreate children. This seems to make the best sense of Jesus' statement about eunuchs in the context of marriage and divorce. Though eunuchs could also be characterized by other things, such as impotence, promiscuity, and even prostitution, what the various uses of the term "eunuch" have in common is the inability to procreate children.³¹

In some cases a child is born with an ambiguous gender, and it is not clear whether the child is male or female. One form of this is known as *intersex*. Ambiguous gender results from a genetic abnormality, and normally the parents select a gender at birth, which then requires corrective surgery and hormone replacement therapy. There are some medical indicators that help parents make a good decision when gender is selected. However, it seems reasonable to assume that mistakes are sometimes made in that selection, which then generates a later desire for sex change. In cases where sex change is done to correct a mistake made at birth, it would seem appropriate to allow medicine to make such a correction.

There is considerable debate over what should be done to deal with gender dysphoria. In the broken and fallen world in which we all have some degree of sexual brokenness, it is not surprising that some people experience gender dysphoria. In most cases, the experience of gender dysphoria is real, and the pain and distress it causes should not be underestimated. Some professionals maintain that the incongruence between gender experience and biological sex should be managed with the least invasive means possible.³² Others suggest various forms of therapy to relieve the distress. Most agree that more invasive measures such as gender reassignment surgery are acceptable but should be considered only as a last resort. On the other end of the spectrum, some maintain that any blurring of gender boundaries, such as cross-dressing, not to mention reassignment surgery, violates God's design for male and female. Thus, those with gender dysphoria should accept their biological sex as one of the givens of life and deal with the incongruity with their gender experience as best they can. What seems clear is that the transgender person today would fit well in the category of the marginalized that Jesus went out of his way to include, leading with grace but without affirming things that were contrary to the truth.



Chelsea Manning and Transgender Persons

Chelsea Manning was convicted in 2010 and sentenced to 35 years for leaking thousands of documents, many of them classified, to WikiLeaks, and spent her prison sentence in an all men's prison even though she was identifying as a woman. Having been forced to deny her gender in prison and surviving it (though she attempted suicide twice) has made her "an immensely important figure for the trans movement and the broader LGBT movement," according to transgender law professor Dean Spade at Seattle University School of Law. Others, however, see her as a divisive figure, with considerable disagreement about what she has done in leaking classified material. Dana Beyer, executive director of Gender Rights Maryland, argues, "The community is divided on her actions, and parading her around as a hero will not only negatively impact her . . . Manning as the face of the trans community would be very dangerous." As one of his last actions in office, President Obama commuted her sentence, and she was released in May 2017.

Associated Press. "Chelsea Manning a Potent Symbol for Transgender Americans." *NBC News*, January 19, 2017. <http://www.nbcnews.com/feature/nbc-out/chelsea-manning-potent-symbol-transgender-americans-n709126>.

Savage, Charlie. "Chelsea Manning to Be Released Early as President Obama Commutes Sentence." *New York Times*, January 17, 2017. <https://www.nytimes.com/2017/01/17/us/politics/obama-commutes-bulk-of-chelsea-mannings-sentence.html>.

Sexual Purity in a Hook-up Culture

A biblical sexual ethic holds that sex should be exclusively in the context of marriage and that sexual fulfillment is best achieved by respecting those parameters. It is one thing to outline a biblical sexual ethic, but it is quite another to apply it consistently in a society that is inundated with sexual stimuli. Even with sexually transmitted diseases (STDs) being so pervasive, as well as the long-standing fear of pregnancy (though less today due to the reliability of birth control), many remain undeterred from sexual activity outside of marriage. The emphasis in the culture is to encourage safe sex, and there is a great deal of debate about how *safe* sex can actually be. Imagine a scenario in which you knew that your sexual partner was HIV positive, or had some other STDs. Would you have sex with that person, using only a condom for protection? I suspect most of you would not. Safe sex may not be nearly as safe as its advocates would like the public to believe.

In moving toward sexual self-control, it is important to realize that individuals



can control their sexual urges like they can control any other desire. Sexual purity is routinely dismissed as unrealistic for adolescents today because they are simply going to have sex anyway. But such language actually insults teenagers because it suggests that they are incapable of self-control in this area. Individuals do have choices about sex beyond whether to use adequate protection. They also have choices about whether to become sexually involved.

Maintaining Sexual Purity

A person can do a variety of things to uphold sexual purity. First, it is important to avoid sexually tempting situations in the same way that one should avoid other potentially morally compromising situations. This involves conscious decisions to limit one's intake of sexually stimulating media and to avoid situations in which a person could end up sexually involved. This may also require some sort of accountability from a trustworthy friend who has permission to ask difficult questions about one's sex life.

Condom Distribution and Teen Pregnancy

A 2016 study of twenty-two school districts in twelve states that began condom distribution programs in the 1990s (and included major metropolitan areas such as New York City, Los Angeles, and San Francisco) found that access to condoms in school increased teen pregnancy rates by roughly 10 percent. University of Notre Dame researchers Kasey Buckles and Daniel Hungerman looked at teen-fertility data from the 1990s and concluded that condom availability may have contributed to teenagers engaging in sexual activity earlier and in riskier sexual behavior than they might have otherwise done. They found that sexual activity, STDs, and teen pregnancies increased in the counties in which the school districts and other public service organizations made condoms available to students. As Buckles and Hungerman admit, if condom programs were accompanied by requiring sex education, the programs might be more effective in curbing teen pregnancies.

Buckles, Kasey S. and Daniel M. Hungerman. "The Incidental Fertility Effects of School Condom Distribution Programs." *National Bureau of Economic Research*, Working Paper 22322, June 2016. <http://www3.nd.edu/~kbuckles/condoms.pdf>.

New, Michael J. "New Study Shows '90s Era Condom Programs Increased Teen Fertility Rates." *National Review*, June 17, 2016. <http://www.nationalreview.com/corner/436798/condom-distribution-programs-1990s-increased-teen-fertility-rate>.

Stonestreet, John. "The Condom Conundrum." *Breakpoint*, July 21, 2016. <http://www.breakpoint.org/bpcommentaries/entry/13/29595>.



A second element of sexual self-control is to realize that sex is not the glue that holds a relationship together. If anything, sex is the dessert, and the main course of the meal of marriage is the emotional and spiritual relationship of the couple. Sex is simply not like the media portrays it. On television or in the movies, every time a couple goes behind closed doors, it is assumed that sexual fireworks and magic result. Rarely does one get the impression that anything disappointing ever happens in the bedroom. Yet many married couples will testify that a healthy sexual relationship takes work, adjustments, and communication—which are rarely portrayed in the media.

Restoring Sexual Purity

One's moral obligation may be clear in matters of sex, but the more pressing question might be what to do when someone falls into sexual immorality. An extension of the garden imagery for sex in the Song of Songs is particularly helpful here (Song 4:12–5:1). It may be that a person has unwisely allowed someone to enter his or her garden, and as a result the garden is in a state of disarray. Or worse, it may be that someone has forced himself or herself into a person's garden through rape or sexual abuse. If someone came to you and asked what to do about sexual failure, perhaps you could tell him or her something like this:

If I were a gardener and someone had broken into my garden and overturned the flowers and fairly well spoiled it, I suppose I would be the best person to go in and fix it and place things back like I wanted them. I could accept the problem and restore the garden to its original beauty. You are the garden of your Creator. He is the One who made you, and He knows how you are best prepared for marriage. He can accept the problem and remake the garden. He can accept the broken flowers of your life and forgive them. And He can give you instructions for your part in the restoration of the garden.³³

Even though physical purity cannot be restored, it appears that emotional and spiritual purity can be. In his forgiveness and grace, God can heal the emotional scars of past sexual promiscuity and restore a person's hope for a fulfilling sexual relationship in marriage. One woman who wrote to “Dear Abby” put it this way:

Dear Abby:

I was raped by a relative when I was a teenager. I spent the next five years searching desperately for love through numerous brief sexual encounters. I felt



cheap and dirty and was convinced that no one could love or want me. Then I met a very special young man who convinced me that God loved me just the way I was, and that I was precious in His sight. I then let go of my burdensome past, and by accepting God's forgiveness, I started on the long road to forgiving myself. It works. Believe me.

—Free and Happy

For Further Reading

- Hill, Wesley. *Washed and Waiting: Reflections on Christian Faithfulness and Homosexuality*. Grand Rapids: Zondervan, 2010.
- Hollinger, Dennis P. *The Meaning of Sex: Christian Ethics and the Moral Life*. Grand Rapids: Baker Academic, 2009.
- Pruss, Alexander. *One Body: An Essay in Christian Sexual Ethics*. South Bend, IN: University of Notre Dame Press, 2013.
- Sprinkle, Preston. *People to Be Loved: Why Homosexuality is Not Just an Issue*. Grand Rapids: Zondervan, 2015.
- Sprinkle, Preston, ed. *Two Views on Homosexuality, the Bible, and the Church*. Grand Rapids: Zondervan, 2016.
- Yarhouse, Mark. *Understanding Gender Dysphoria: Navigating Transgender Issues in a Changing Culture*. Downers Grove, IL: IVP Academic, 2015.

Chapter Review

1. What types of sexual relationships are prohibited in the Mosaic law?
2. What is the general norm for sexual relationships in Genesis 1–2?
3. Which sexual sin was Israel's idolatry compared to? Why?
4. Why was polygamy allowed in Old Testament times?
5. Which book in the Bible celebrates the sexual relationship in marriage?
6. In 1 Corinthians 6:12–20, what is violated when sexual immorality occurs?
7. Why does 1 Corinthians 7:25–35 affirm singleness?
8. What are some of the primary approaches to the New Testament texts on same-sex sexual relationships?
9. What does Romans 1:24–27 teach about homosexuality?
10. Who are the *malakoi* and *arsenokoitai* in 1 Corinthians 6:9?
11. What is the primary concern of opponents of same-sex marriage now that it is legal in the United States?



12. What does the term “intersex” mean?
13. What is the difference between sex and gender?
14. What are the three main approaches to gender dysphoria?
15. What is the difference between contraceptive and abortifacient types of birth control?
16. What does the sin of Onan refer to?
17. What is the primary argument against the use of birth control?
18. What arguments support birth control being acceptable?
19. What is the clear moral difficulty in the discussion of masturbation?
20. What is the main concern with the notion of safe sex?
21. What things can be done to maintain sexual purity?
22. How can the garden imagery from the Song of Solomon help someone to recover from sexual failure?

Cases for Discussion

Case 11.1: Wrestling with Sexual Orientation

You counsel a high school student from your church. He has come to you privately concerned about his sexual orientation. He comes from a culture in which being gay is looked at with disapproval, and he is afraid of what his friends and family will think if he comes out as gay. He has had these feelings of same-sex attraction for as long as he can remember. Despite trying, he cannot sustain interest in an opposite-sex relationship. He thinks he might be gay but is not completely sure. He wants to know what you think about same-sex attraction and sexual relationships—he knows you have religious views on this, and he wants to know what you think.

Questions for Discussion

1. How will you help him wrestle emotionally with this issue? How will you address the pastoral issues that are emerging in this discussion?
2. What would you tell this student about your views on same-sex sexual activity? How does the Bible inform your views on the issue?
3. How would you respond to his view that the Bible simply doesn't address loving, monogamous same-sex relationships—that all it addresses are the perversions of sexual activity that apply to opposite-sex relationships too?
4. Suppose he ends up deciding that he's gay and holds similar religious views to yours. Is it possible for him to be a Christian and gay at the same time? Why or why not?



Case 11.2: Dealing with Gender Dysphoria

You are a high school teacher in the public schools in your community and a volunteer in the high school group in your local church. You have a student who comes to you and explains that he is experiencing something he's been afraid to tell anyone, even his parents. He is very nervous about telling you but he goes ahead and describes how he feels trapped in his body. He is a male physically, but he experiences his life as a female. He is describing what you have read about as "gender dysphoria." He has read a good deal about transgender persons and feels like it accurately describes what he is going through. He has grown up in the church and is terrified about telling anyone about this. He is pretty sure his parents will not understand and that his friends at school will disappear from his life if this becomes known. He has read the Genesis account repeatedly about God creating male and female, but he doesn't feel that this binary view of gender leaves any room for people like him. He has been taught in school that gender is a social construction and that there is no "built in" gender that corresponds directly to biological sex. He wants his faith to continue to be important to him, but he's not optimistic about the church receiving him as a transgender person.

Questions for Discussion

1. How would you minister to him pastorally in this situation?
2. How do you understand his experience in view of your understanding of the Bible's teaching on gender? If he asks what the Bible teaches on transgender persons, what would you tell him?
3. If the person in view was an adult and had had sex reassignment surgery, how, if at all, would your counsel be different than in the earlier case of the student experiencing gender dysphoria?
4. What would you do if the transgender person in view here wanted to join the women's bible study in your church? What would you tell the person? What if the high school student in view wanted to play on the women's basketball team at your school? Would your answer be different?

Case 11.3: Same-Sex Couples in the Church

You are the pastor of a church, and at one of your church's ministries, a same-sex couple comes to Christian faith. They are legally married in the state of California. They have two children from IVF and two different sperm donors. They are asking about your church as a church home for their family. They think it's important to have their children raised in a church but are concerned about Christianity's



reputation as unfriendly to same-sex couples. But they really like your church, especially your preaching and teaching and are looking to take their next steps in their newfound faith at your church.

Questions for Discussion

1. Outline what you consider to be the biblical view of marriage? Can same-sex couples be included in God's view of marriage? Why or why not? Be sure to support your view with appropriate biblical texts.
2. How would you advise this couple according to your answer to question 1? If God approves the marriage of same-sex couples, how would you counsel them as they become involved in the church? If God does not approve of same-sex marriage, would you have them remain together but refrain from sex? Would you have them proceed with a divorce, and how would you handle God's hatred of divorce?
3. How would you instruct the community of the church to support them in your decision from question 2?
4. Assume that they are willing to adhere to any guidelines that you have for same-sex couples in your church. They are involved in the life of the church and now they are responding to your need for teachers in the children's ministry. How would you respond to their desire to be involved in this area of leadership in the church?

Case 10.4: Birth Control Methods

You are involved in premarital counseling with an engaged couple who are trying to decide about which types of birth control they are going to use. They have assumed that all birth control methods are basically the same and they fully intend to use whatever method seems best to them. They do not want to have children any time soon and have strong feelings about the number of children they want. They are open to any information you might give them about birth control. They are unfamiliar with the common distinction between birth control that is *contraceptive* (which prevents egg and sperm from coming together) and that which is *abortifacient* (which prevents a fertilized embryo from implantation or expels the embryo from the uterus).

Questions for Discussion

1. How would you advise this couple on the methods of birth control that are morally acceptable? Are all of them ethically appropriate? Why or



why not? Or would you counsel them to avoid artificial birth control altogether? Why or why not? Or would you suggest that some of them are acceptable? If so, which ones?

2. How would you counsel them about birth control pills?
3. Suppose they were committed to remaining childless. What do you think about that option from a biblical perspective? How would you counsel them if they wanted to take permanent birth control measures, such as a vasectomy for him or tubal ligation for her?



Chapter 12

Creation Care and Environmental Ethics

The past century has brought unprecedented progress in economic growth, technological innovation, and the spread of prosperity throughout most regions of the world. Though the globalization of economic life has not been a benefit to everyone, millions of people have been lifted out of grinding poverty as a result of their participation in global economic growth. But this remarkable growth has also brought its share of costs, primarily to the environment. *New York Times* columnist Thomas Friedman summarizes these costs in his book, *Hot, Flat, and Crowded*. He maintains that, “The world has a problem: It is getting *hot, flat, and crowded*. That is, global warming, the stunning rise of the middle classes all over the world, and rapid population growth have converged in a way that could make our planet dangerously unstable. In particular, the convergence of hot, flat, and crowded is tightening energy supplies, intensifying the extinction of plants and animals, deepening energy poverty, strengthening petro-dictatorship, and accelerating climate change.”¹

Some of the specific costs include the increase in *disposable products* that have highlighted the downsides of a consumer economic culture around the world. In addition, disposal of waste products, including toxic ones, continues to be an issue. Moral conflicts also exist among various types of *means of producing the food* necessary to feed a still growing world population, including genetically modified foods as well as the treatment of animals in food production. This raises the broader issue of *animal rights* in general. Today, it is impossible to address environmental ethics without getting into the discussion of *climate change*, its causes, its severity, and what the human community is obligated to do about it.

Environmental responsibility has become a part of the business culture in most companies in the developed world. The emphasis on the “triple bottom line”—people, profits, and *planet*—has been widely adopted as the mantra for social and environmental accountability. Companies increasingly strive for environmental



sustainability, some even stressing what's come to be known as the “cradle to cradle” production process.² Critics suggest that these emphases are little more than public relations, and they argue that environmental responsibility often weakens when it becomes a drag on a company's profits.

Different cultures around the world, for a variety of reasons, have different environmental standards and priorities. Products available in some parts of the world can be illegal in others, such as lead-based gasoline or asbestos. The developing world often accuses the industrial and information age economies of hypocrisy when developed countries demand the same environmental standards of developing countries to which they adhere. The developing countries argue that when the developed countries were in their economic and industrial infancy, they were far less concerned about the environmental implications of their economic growth than they are today. High environmental standards are something that the wealthy countries can afford but didn't practice when they were themselves emerging. As a result, some in the developing world insist that the developed world should actually subsidize the environmental protection of the developing countries so that they don't have to choose between lifting their people out of poverty and protecting their environment. Further, developing countries insist that each country should be able to set their own environmental priorities. They maintain that since many environmental protections disproportionately impact the poor, countries should be able to prioritize helping their poor citizens escape poverty over care for the environment.

What makes environmental ethics so challenging is, in part, based on what has commonly been called “the tragedy of the commons.”³ Since the environment is considered “common space,” it belongs to no one exclusively and no one can exercise property rights over it. Even countries share resources, such as rivers and the air we breathe. Unfortunately, a person (or country) can harm the common area and spread out the harm so that it is almost unnoticeable. Since the environment is an unowned, common area, traditional appeals to individual or national interests are inadequate for protecting the environment.

An Inconvenient Sequel

Former Vice-President Al Gore, who won a Nobel Peace Prize and Academy Award in 2007 for his film *An Inconvenient Truth*, remains one of the most well-publicized voices in environmental circles. He has taken the stage again in *An Inconvenient Sequel*,



a hard-hitting look at climate change and the predicted impact it will make if Gore's suggested and drastic changes are not made. In a controversial scene in the film, Gore maintains that the melting of the polar ice caps will flood the 9/11 Memorial site, and he cites Hurricane Sandy as evidence of that possibility. The film argues that the earth has an Ebola-type virus that will destroy it. Critics insist that the film exaggerates the truth and maintain that it's possible that what plagues the planet is more comparable to type-2 diabetes. Yet diabetes would still be concerning, and delaying or ignoring climate issues might require more drastic measures in the future.

Murdock, John. "Al Gore's Holy Anger." *First Things*, April 25, 2017. <https://www.firstthings.com/web-exclusives/2017/04/al-gores-holy-anger>.

There are several competing frameworks for viewing the environment. An increasingly popular perspective on the natural world is the *biocentric*, or *deep ecology*, view of the environment, which suggests that the environment should be protected because it has intrinsic value.⁴ Biocentrists, or deep ecologists, hold that the environment can and should be protected *for its own sake*, not for what it can benefit human beings, and that only such a view supports a robust agenda of environmental protection. In contrast, the *anthropocentric* view of the environment view argues that the environment has no inherent value—its only value comes from its usefulness for human beings. According to adherents of this view, concern for the human interests of succeeding generations is sufficient to produce measures that responsibly safeguard the environment. For Christians, their *theocentric* view gives the environment intrinsic value because it is God's good creation but places it under human dominion and trusteeship to use responsibly for human benefit.⁵

The Bible and the Environment

Religious traditions, including Christianity, exist on a spectrum of environmental views. Some groups within the Christian tradition have come to environmental commitment more recently, while others remain skeptical due to various political associations. This is particularly true of the most recent debate over climate change. Some have argued that Christianity has been the chief cause of the various environmental problems faced today. For example, medieval historian Lynn White Jr. offered "the classic critique," which was the conventional wisdom in environmental



ethics for quite some time. White argued that Christianity's doctrine of human dominion over the environment was the chief contributor to humankind's neglect and abuse of the environment.⁶ It is possible that the biblical notion of the sacredness of human life being made in the image of God could undermine respect for other parts of God's creation, especially nonhuman animals. In addition, some eschatologies insist that the world will be destroyed prior to the return of Christ, which generates a dualist view of the world and minimizes the importance of environmental flourishing.⁷ Today most religious traditions advocate for environmental responsibility, though the way human interests are weighted vis-à-vis environmental concerns varies widely.

From a biblical perspective, developing a Christian ethic of the environment begins at the beginning—in Genesis 1—wherein God is portrayed as the sovereign creator of all things. The natural world is good because it's *his* creation that he declared “very good” at the end of creation (Gen. 1:31). Because God is the Creator, the creation has value. God's conclusion that his creation was good reflected the notion that it has value simply because it is the object of a loving and creative God who invested it with value. Thus the environment has conferred value because God has created it and because it reflects his glory (Psalm 19:1–2).⁸ Its value is further reflected by the promise of ultimate redemption that extends to creation. Human beings are not the only recipients of God's redemption. As Scripture makes known, creation is at present awaiting its redemption, when it too will have the curse of sin removed (Rom. 8:19–22; Eph. 1:10; Col. 1:20). In other words, there is eternal hope for creation, for human beings and the nonhuman beings that inhabit it.

Genesis shows human beings to be at the pinnacle of creation—as those made in God's image. In Genesis, God clearly gives human beings dominion over creation, as illustrated by their naming the animals, an exercise of their dominion. Creation is God's gift to them to be used responsibly for their benefit. Human beings are given dominion with a responsibility akin to God's “junior partners” in extending his rule over creation. It's critical to acknowledge that in Genesis the call to exercise dominion *over* creation presumed stewardship *for* creation. Though it is true that the term for dominion literally means “to rule over,” in the Bible ruling and serving always go together (Luke 22:24–26). This is reinforced by the task of tending the garden given to humanity in Genesis 2:15. Adam and Eve are called to serve and protect the land of their dominion.⁹ Such a role suggests that human beings will be held accountable by God for their stewardship over creation. Calvin DeWitt expands eloquently upon this point:



Genesis 2:15 conveys a marvelous teaching. Here, God expects Adam to serve the garden and to keep it. . . . Adam and his descendants are expected to meet the needs of the garden so that it will persist and flourish. . . . God also expects us as Adam's descendants to keep the garden. This word keep is sometimes translated tend, take care of, guard, and look after. The Hebrew word upon which these translations of "keep" are based is the word *shamar*. And *shamar* indicates a loving, caring, sustaining type of keeping.¹⁰

The privilege of dominion over the environment is always balanced by the responsibility to be a good steward over that which has been entrusted to humanity. The term "environmental stewardship" captures those two dimensions well. The Bible is clear that human beings do not own the environment. It ultimately belongs to God (Ps. 24:1–2), and the property laws of the Old Testament reflected God's ultimate ownership of the earth (Lev. 25:23). God commanded humanity to subdue the earth, which was for its benefit. Dominion is never equated with environmental tyranny but is, rather, responsible trusteeship over the earth. After the fall, dominion took on the added dimension of reversing or alleviating the effects of the entrance of sin. For example, medicine is an extension of humanity's dominion over creation, alleviating one of the primary effects of the entrance of sin, which is disease. Similarly, business and commerce is an extension of human dominion, providing the means of making goods and services plentiful, and allowing an outlet for human creativity, initiative, and vocation.¹¹ Business and commerce also help alleviate the scarcity of goods, one of the effects of the entrance of sin. In addition, the entrance of sin into the world brought the possibility to abuse the environment and use it to bring harm instead of good. For example, greed often has motivated humankind to misuse the environment, thereby abandoning human beings' rightful place as a steward and caretaker of the creation for the sake of materialism. Strip-mining, clearcutting forests, and gill netting the ocean floor are examples of greed-motivated neglect that leaves the environment blighted and its inhabitants in jeopardy. These abuses are a deviation from the Genesis account of environmental stewardship, not something that follows directly from it.

As human beings' dominion over creation and God's command to subdue the earth clearly imply, developments that bring creation under human control for human benefit are good things from God's perspective. Peter J. Leithart insightfully points out that the environmentalist ideal of a return to the pristine undeveloped wilderness is not necessarily a biblical ideal. He suggests a contrast between the biblical notion of dominion and the contemporary environmentalist ideal. He states,



More precisely, in God's wisdom, man best guards the world precisely by subduing it. . . . Wild animals become safe and serviceable only after they are made submissive to human rule. Land becomes more productive under human care. Art and architecture are possible only because of human effort to transform the material of creation. Subduing the earth brings safety, prosperity and beauty. As the earth is subdued, it becomes something worth guarding; it becomes a sanctuary. By contrast, should man fail to exercise this royal mandate, the world will be less productive, safe and beautiful. This pattern implies a very different perspective from that of contemporary environmentalism. Instead of guarding the pristine creation, humanity is called to guard the world once it has been subdued to human rule, once it has been transformed into something like a sanctuary. Man guards the garden and the city, not the wilderness.¹²

Humanity's dominion is clearly seen as a good thing from the perspective of Scripture. It is debatable how much development contributes to the beauty of creation, and Leithart likely overstates how much beauty comes out of development. Most people would prefer an undeveloped wilderness to the city for sheer aesthetics. But that does not undermine his primary point, that development was originally a good thing, though, like everything else in creation, corrupted by sin, which makes abuses and excesses inevitable. Conversely, the natural environment prior to the entrance of sin was very different from the undisturbed wilderness after the fall. As philosopher Holmes Rolston points out, "Wildness is a gigantic food pyramid, and this sets value in a grim, deathbound jungle. Earth is a slaughterhouse, with life a miasma rising over the stench. Nothing is done for the benefit of another. Blind and urgent exploitation is nature's driving theme."¹³

A good case can be made that the environmental ideal of a pristine, undisturbed wilderness is actually parallel in the Bible to the land under God's curse.¹⁴ Furthermore, the ultimate ideal in the Bible, eternity itself, uses a metaphor not of the undisturbed wilderness but of the developed city. The eternal state is referred to as the heavenly *city* (Revelation 21–22).¹⁵ Thus it would appear that development is not inherently problematic, nor is the pristine environment inherently as good as some seem to assume. That is not to suggest that human dominion has not been corrupted by sin and the environment abused. Yet to insist that development is inherently problematic is inconsistent with the biblical account of humanity's relationship with creation.

Not only did God create, *he also tends to and cares for his creation* in an ongoing way. In contrast to deism, the Bible portrays God as intimately involved



with his world. Psalm 104 is a creation hymn that shows the natural world as the home God provides for his creatures (Ps. 104:12, 17–18, 26; see also Job 39:6). The psalmist puts it this way:

He waters the mountains from his upper chambers;
the land is satisfied by the fruit of his work.
He makes grass grow for the cattle,
and plants for people to cultivate—
bringing forth food from the earth. (Ps. 104:13–14)

God uses the natural world to house and feed his creatures, both animal and human.¹⁶ In parts of Psalm 104, God is said to care for creation and for its creatures in passages that have little if anything to do with the interests of human beings.

God's care for his creation is evident from the Sabbath command requiring rest for animals (Ex. 20:8–11; Deut. 5:12–16) and legal penalties for animal mistreatment. In these commands, it is made clear that God expects human beings to emulate his care for creation and for his creatures. The command to keep the sabbatical year, thereby giving the land periodic rest, reinforces God's care for his creation and extends it to the land itself (Lev. 25:1–7). In fact, this command was considered so important that its repeated violation was a basis for Israel's exile (2 Chron. 36:20–21).

God's care for living things is also evident from an often-overlooked passage in the covenant he made with Noah following the flood. In Genesis 9, God actually makes the covenant not only with Noah and his family, but with all the living beings on earth. The covenant involved a promise never again to destroy the earth with a flood, and its significance in part has to do with how God's care for all living beings is reflected in his promise (Gen. 9:8–16, summarized in v. 16 as "the everlasting covenant between God and *all living creatures of every kind* on the earth").

Ringling Brothers and Animal Rights

Long advertised as the "greatest show on earth," Ringling Brothers and Barnum and Bailey Circus held its last show outside New York City in 2017, marking a victory that is more than thirty years in the making for the animal rights movement. The circus, founded in 1884, thrilled children and families with its varieties of human and



animal entertainment. For many years, animal rights activists protested the way the circus forced animals to perform unnatural and degrading acts, accusing the circus of bullying and mistreating animals. Other shows such as SeaWorld have come under criticism for the mistreatment of killer whales, leading to their elimination of their captive breeding program. The public views on animal rights is changing. According to a 2015 Gallup poll, 62 percent of Americans believe that animals should be protected from abuse, and almost one third believe that animals should have the same rights as human beings.

DeRose, Chris. "The Demise of Ringling Bros. Is a Victory for the Animal Rights Movement." *Los Angeles Times*, May 17, 2017. <http://www.latimes.com/opinion/op-ed/la-oe-ringling-brothers-circus-20170517-story.html>.

Riffkin, Rebecca. "In U.S., More Say Animals Should Have Same Rights as People." *Gallup*, May 18, 2015. <http://www.gallup.com/poll/183275/say-animals-rights-people.aspx>.

Creation can be seen to have value because *the natural world will be redeemed when Christ returns*. God's plan of redemption includes more than individual human beings. It includes a proper ordering of society (Isa. 42:1–4) and a renewal of the created order. Romans 8:19–21 makes this promise: "For the creation waits in eager expectation for the children of God to be revealed. For the creation was subjected to frustration, not by its own choice, but by the will of the one who subjected it, in hope that the creation itself will be liberated from its bondage to decay and brought into the freedom and glory of the children of God." The text speaks of the natural world being freed from the curse of sin, and thus the object of God's renewing work. What this passage makes clear is that the present creation will not be destroyed at the return of Christ, but will be restored, analogous to a master painting that is in need of restoration to its original beauty and artistry. Thus care for creation today is required by the long-term plan of God for the natural world and is part of his plan for redeeming everything he created.

As a result of a misconstrued eschatology, some have insisted that the created order will be destroyed at the return of Christ, and thus there need not be any concern with the environment. But such a view is not biblical. In fact, in Romans 8, the renewal of creation is analogous to the renewal of the body for the believer (Rom. 8:23). One cannot argue that the future resurrection body justifies abuse/neglect of the body today. In the Bible, there is as much hope for the body as there is for the soul. In the same way, one cannot maintain that the future renewal of the creation justifies abuse/neglect of the environment today.



Assessment of Frameworks for Viewing the Environment

The biblical material helps us evaluate the various frameworks used to construct an environmental ethic. For example, in view of the Bible's teaching on environmental stewardship, any exclusively anthropocentric view of the environment would be incomplete if it neglects humanity's task to serve the environment as well as be served by it. In addition, any view that sees the environment as valuable only with regard to human interests is similarly incomplete because it neglects the value that the natural world has simply by virtue of being God's creation. This kind of anthropocentric view risks neglecting God's place as Creator and sustainer of the world, can be reduced in practice to human narcissism over the environment, can lead to scarcity due to overuse of resources, and risks overreliance on technology in resolving environmental problems.¹⁷ That is not to say that such a view cannot provide a view of environmental responsibility that is based solely on human interests, since protecting the environment for future generations can be a very compelling reason for environmental responsibility. But history has repeatedly illustrated the risks to the environment of this anthropocentric framework; there is a well-documented history of human beings abusing the natural world for their short-term benefit.

The biblical material on environmental stewardship also helps us to evaluate the increasingly popular framework of biocentrism, or deep ecology. Many religious groups with environmental concern have adopted this view and have given it strongly spiritual overtones. Outgrowths of biocentrism such as creation spirituality, the Mother Earth movement, and treating the planet as a sacred thing to be worshiped are actually a form of ancient pantheism, in which the creation was revered and worshiped. To be sure, God reveals himself in the creation (Ps. 19:1) and the earth does belong to the Lord (Ps. 24:1). *But the earth is not the Lord.* Nowhere does the Bible equate worship of the creation with worship of the Creator. In fact, one of the purposes of the Genesis account of creation was to distance Hebrew theology from the Canaanite religions, most of which worshiped the creation or parts of it. According to the creation account of the Bible, God stands over and above the creation. He is not to be identified with creation, nor is creation to be worshiped instead of him. To be sure, human beings honor God when we properly care for his creation, exercising our role as stewards over it. But human beings also honor God when they develop and harness creation for the benefit of humanity. The biblical notion of God as creator, giving value to the earth and giving human beings dominion over creation, suggests a theocentric view of the



environment, not a biocentric one. There is no reason why a proper theocentric view of the environment, with God as creator investing the earth with value and entrusting human beings with responsible dominion over the earth, cannot produce a rigorous environmental ethic. Most religious people are motivated to take care of the environment not only because it belongs to God and is his creation but also so that there is something left to pass on to the succeeding generations.

A second concern with biocentrism is that it leads to trees, plants, and animals having parallel rights to human beings.¹⁸ Biocentrists suggest that nonhuman living things are also integral parts of the ecosystem that have intrinsic value. Thus, for the biocentrist, human beings with rights do not stand above animals and plants, lacking such rights. Rather, all are part of a more holistic system in which all things are valued equally. This would seem to lead to the idea that animals and trees have intrinsic rights that should be protected. We would not want to suggest that animals, for example, have no interests that are worthy of protection. The problem with the biocentrists view of plants and animals is that it presents a system that is very difficult to live with consistently. If plants and trees have rights, then basic questions about dinner arrangements become problematic. To be fair, biocentrists do hold that with clear criteria, human interests can take precedence over the environment, but often these criteria are not spelled out with sufficient specificity that they can address the key areas of conflict.¹⁹ Once one admits that animals and trees have rights, then it becomes difficult to draw the lines necessary to justify promoting human interests ahead of the rest of the ecosystem. In our view, a theocentric view balanced by the responsibility of stewardship for the creation avoids many of those problems.

A third difficulty for biocentrism are the extremes it leads to when practiced consistently. To live out one's biocentrism consistently, philosopher Thomas Sieger Derr suggests it involves what he calls "biocentric fatalism."²⁰ That is, if, for example, overpopulation threatens the environment and the ongoing existence of certain species of animals, then it is not clear that human well-being would take priority. In fact, some have argued that when core human interests conflict with core nonhuman interests, human interests must give way. It may even be that in some cases, as Derr points out, some biocentrists even suggest a "thinning of the herd" of human beings, in order to safeguard the environment. Most would regard this as a chilling prospect, as do some biocentrists, but to be consistent, one would have to admit to that possibility.

Ironically, most of the proponents of biocentrism hold to the worldview of evolutionary naturalism, that is, that the world came into being apart from any activity of a transcendent, intelligent being such as God. If the earth is nothing more than



the product of natural forces, then it is unclear on what basis biocentrists attribute value to it. In fact, if naturalistic evolution is true, then the earth has no intrinsic value, natural processes are amoral, and there is no basis on which to attribute rights to any part of the environment, including human beings.

Thus the environment should be seen from a *theocentric* perspective—with God at the center. The environment has value because it is the special creation of God. But it also has God-ordained instrumental value for human beings, and there is nothing wrong with human beings responsibly using the earth for their benefit. Nor is there anything necessarily wrong with placing human well-being as the higher priority when it conflicts with environmental concern, though most issues in environmental ethics revolve precisely around this conflict. That is, when is it morally required to weight environmental concerns more heavily than human interests? A proper theocentric view reflects both God as creator and human beings as beneficiaries of the environment. But such a theocentric view does not by itself solve any of the contested ethical issues. Rather, it gives the most biblically consistent framework for viewing the environment.

Environmentally Friendly Chip Bags

Frito-Lay developed a compostable and, therefore, biodegradable bag for its popular Sun Chips product. Its traditional bags take one hundred years to degrade, but these new bags decomposed in just fourteen weeks. Frito-Lay spent roughly four years in design and production of the bag, and due to its environmental commitments, Frito-Lay was anxious to see how consumers would respond to its new chip bags. Unfortunately, the bag turned out to be quite noisy when it was handled, and it turned out to be annoying to customers. After months of declining sales and numerous complaints, including being the object of jokes on late-night television, Frito Lay discontinued the chip bags and went back to their less noisy and less environmentally friendly bags. This elicited the following response from the alternative publication *Mother Jones*: “Seriously? The company is bagging the bag because American couch potatoes can’t hear their TVs over the sound of their chip sack?” In Canada, for a time, Frito-Lay continued with the bag but offered ear plugs with the chips.

Terrill, John. “Snack Chips and Lessons in Environmental Consciousness.” *Comment*, January 28, 2011. <https://www.cardus.ca/comment/article/2483/snack-chips-and-lessons-in-environmental-consciousness/>.



Animal Rights

Since the publication of philosopher Peter Singer's *Animal Liberation*, which heightened public awareness of the animal rights debate, there has been ongoing discussion of what exactly are animal rights and how are they grounded. Biocentrists generally claim some rights for animals, though the grounding for those rights varies widely. Ironically, the worldview of evolutionary naturalism that undergirds many biocentric views, makes it difficult to see how animal rights could be grounded. After all, the natural world centers on the relationship between predator and prey, where life is "nasty, brutish and short." Yet many animal rights advocates presume that there is nothing special about human beings that sets them over and above animals and justifies treating them differently. As a result, any rights that are recognized for human beings also ought to be conferred on animals. For example, Singer maintains the essential equality of animals and human beings, and he accuses religions that hold to a special status for human beings of being guilty of "speciesism," a belief akin to racism in which you believe your species (presumably humanity) is more important than other species.

Animals seem to have some rights, or interests, that our laws protect. For example, most civilized parts of the world have laws that prevent animal cruelty, and we generally consider people who mistreat animals as morally defective human beings. In fact, one of the key indicators of sociopathic behavior, in which there are no feelings of guilt for anything, is how the person treats animals. It is not uncommon for criminal sociopaths, such as serial killers, to have a history of animal cruelty.

Laws such as these are consistent with the scriptural mandates for the care of animals. As already mentioned, animals were to be given Sabbath rest, and it is clear that a providential God cares for and provides for animals in his creation (Ps. 104:10–23). However, one of the ways that God provides for animals is through the predator-prey relationship. For example, in Psalm 104:20–21, God

bring[s] darkness, it becomes night,
and all the beasts of the forest prowl [presumably for food];
the lions roar for their prey
and seek their food from God.

It does not appear inconsistent to the psalmist that God can provide for animals and predators can have prey at the same time.



Since sin entered the world, animals have been routinely used for food and for sacrifices in worship, but the Bible clearly argues against their mistreatment. The New Testament allows for eating meat, even though the sacrificial system was done away with. It seems clear that God cares deeply for the plight of animals in his creation, but something like animal rights, with a foundational right to life for animals, is more difficult to support from the Bible. But adopting the heart of God for animals can be done without necessarily believing that animals possess rights analogous to human beings. As philosopher Robert Wennberg suggests, perhaps we should consider how we can “enlarge our moral universe” by including animals in a more significant way and taking their interests more seriously.²¹ We might distinguish between rights and interests that animals have. Animals can have interests that merit protection, such as protections against mistreatment, without having rights, such as the right to life.

One way to ground the interests of animals is with a virtue-based approach. That is, animals should not be mistreated not because they have rights but because the mistreatment of animals is a commentary on the virtue, or lack of it, of human beings. It is true that we have laws against animal cruelty because animals have interests in being protected from mistreatment. But we also have those laws because, as a society, we want to have the virtues that are exemplified by treating animals humanely. As a culture, we want to promote the virtues of compassion, kindness, and care for the vulnerable that we see manifest when we treat animals well. However, we would also maintain that animals could be ethically euthanized when they are clearly suffering at the end of their lives. This would suggest that animals would not have the fundamental right to life that human beings do, but they do have interests in being protected from needless suffering.

More difficult ethical issues include the use of animals in product testing, particularly in medical testing. Animals have long been used as test subjects for lotions, sprays, and cosmetics, as well as for pharmaceuticals, surgical techniques, and medical devices. It is not uncommon to see animal rights protestors demonstrating outside medical laboratories, demanding an end to what is known as “vivisection,” or performing medical experiments on live animals. These experiments can include practices such as infecting animals with diseases on which to test drugs, poisoning animals to test for toxicity of certain compounds, testing medical procedures without anesthesia, and other procedures that inflict severe suffering on animals. Opponents of vivisection maintain that the experiments are unnecessary and irrelevant. In addition to the pain and suffering they cause to animals, these experiments cause the death of several million animals annually. The argument against using animals for cosmetics testing seems even stronger, since cosmetics and lotions do not have the



same sense of medical necessity that pharmaceutical and surgical testing does. Some personal care products manufacturers, such as the Body Shop, have eliminated the use of animals in their testing procedures, and they have actually used that as part of a marketing campaign that their products are “animal testing free.”

Proponents of using animals argue that animal testing is an essential first step to discovering if a product or technique is safe for human beings. They insist that these initial steps be taken with animals since they would not want to take such preliminary risks on human subjects. They maintain that in those cases in which the medical interests of human beings conflicts with the interests of animal test subjects, the interests of human beings should be weighted more heavily. They most often argue that if animals do have rights, those rights ought to be subordinate to the medical interests of current and future suffering human patients. Even if one grants that animals do not have rights, it does not follow that animals can be used in medical testing without regard to general moral standards that prevent wanton and unnecessary cruelty. It does seem at times that the field of medical research “gets a pass” on their treatment of animals, though this does not justify vandalism, theft, or other actions that harm the medical research facilities.

There is sufficient anecdotal evidence to show that needless and excessive abuse of animals routinely occurs in some research facilities. Even if one holds that animals do not have rights, this would still be a concern, since animals do have interests worth protecting, such as preventing cruelty to them. The argument that human interests should be more heavily weighted than the interests of animals has merit but only in cases in which the use of animals is necessary for critical medical research. In addition, clinics and research facilities are obligated to ensure the humane treatment of animals in every use as test subjects. Animals may not be necessary for testing of cosmetics and personal care products, as the evidence from the Body Shop has shown. With these products, the case for weighting human interests above those of animals is much harder to make.

Animal Rights and National Pastimes

Spain and other Latin American countries have a long tradition of bullfighting that has more recently come under criticism from animal rights activists. Critics of the sport maintain that it is among the most blatant forms of cruelty to animals, as the bullfighter cripples then kills the bull, sometimes with a single stroke, but frequently



it takes multiple stab attempts to finish the bull off. There are annual protests in the spring during the height of the bullfighting season and they are often accompanied by attempts to outlaw the sport. However, in 2013, Spain passed a law declaring that bullfighting was part of the Spanish cultural heritage.

Associated Press. "Thousands Demand End to Bullfighting in Spain." *Salt Lake Tribune*, May 13, 2017. <http://archive.sltrib.com/article.php?id=5287967&itype=CMSID>.

A related ethical issue concerns the use of animals for luxury products such as fur coats and leather goods. Proponents maintain that these products provide jobs and livelihoods for many people and that the animals used in these products are killed humanely. Critics insist that using animals for these kinds of products is an especially egregious violation of animal rights, since these products are luxury items and unnecessary for anyone to experience flourishing. Increasingly today, companies are advertising themselves as "cruelty free" or "animal friendly" brands. Designers such as Calvin Klein, Ralph Lauren, and Tommy Hilfiger have pledged not to use animal fur for their coats, and others have produced animal free handbags for some time.

Food Ethics

If someone holds that animals have fundamental rights, such as the right to life, then it makes a big difference in what you eat. From the beginning in Genesis 1, before the entrance of sin, God intended human beings to be vegetarians (Gen. 1:29). It was only after the fall that human beings were given divine sanction to eat meat. Under the law of Moses, certain types of animals were appropriate for food, while others were considered unclean (Lev. 11:29; 20:25). The distinction between clean and unclean animals was no longer maintained in the New Testament era (Acts 10:9–16; 11:1–10) in order to illustrate that both Jews and gentiles (the latter previously considered unclean) are both welcome in the church. But the diet under the Mosaic law was principally fruits, grains, and vegetables, with allowance for meat that was not unclean. In addition, animals were routinely used as sacrifices in worship, though with the coming of Christ, the sacrificial system was superseded by his atonement on the cross. However, since it seems clear that Jesus himself ate meat, it's difficult to conclude that there is anything intrinsically problematic about eating meat.



However, when the kingdom comes in its fullness, the Bible indicates that the entire created realm will be transformed, so that the original values in creation, prior to the entrance of sin, will be restored. For example, when the Old Testament prophets envision the kingdom in its completion, they indicate that there will be peace permeating the world. Isaiah 11:6–9 indicates that the relationship between predator and prey will no longer be operative. Isaiah envisions:

The wolf will live with the lamb,
the leopard will lie down with the goat,
the calf and the lion and the yearling together;
and a little child will lead them.
The cow will feed with the bear,
their young will lie down together
and the lion will eat straw like the ox. . . .
They will neither harm nor destroy
on all my holy mountain,
for the earth will be filled with the knowledge of the LORD
as the waters cover the sea.

Part of the vision of universal peace includes the animal world, and animals will feed together instead of on each other.

If this is the vision of the kingdom when it comes in its fullness, then it may be that not eating meat could be considered a “kingdom foretaste,” that is, a glimpse now of what life in the kingdom will be like when Jesus returns. That is not to say that there is anything intrinsically wrong with eating meat. But one of the ways in which the people of God can look forward in anticipation of the coming kingdom could be by refusing, or minimizing, eating meat.

Meatless Mondays

More than 2,500 students at Cornell University have pledged to adhere to “meatless Mondays,” in an effort to reduce the demand for meat and encourage a movement toward going vegan. The movement is sponsored by the Cornell Students for Animal Rights and is part of a wider international effort by the group Mercy for Animals. Their goal is to reduce the amount of animal cruelty in the meat industry, as well as decrease



the amount of water and grain that goes into feeding animals that are used for food. They advocate steps to help the environment that do not require radical change, and the students see involvement in this way as something that is concrete and achievable, even though it is only an incremental step. They hope that meatless Mondays would eventually encourage students to forego meat on more than just Mondays.

Bogel-Burroughs, Nicholas. "Meatless Monday Campaign Attracts More Than 2500 Students." *The Cornell Daily Sun*, May 2, 2017. <http://cornellsun.com/2017/05/02/meatless-monday-campaign-attracts-more-than-2500-students/>.

Although some people go vegetarian or vegan simply for health reasons, others do so to protest the way animals are treated prior to being killed for food or to protest the way they are killed. Factory farming includes practices animal rights activists find particularly objectionable: the way animals are caged with little movement, the hormones they are given to maximize their meat productivity, and the way they are killed. The amount of food that routinely goes to waste is another ethical concern, especially given the people in our communities, as well as in other parts of the world, who often go hungry. In addition, food ethics includes questions about the obligations of the well-fed toward those suffering food deprivation around the world. Some have argued for a *prima facie* obligation to prevent deaths from starvation by, minimally, giving regularly to famine relief organizations and by not wasting food that could feed the hungry.²² Others maintain that relief efforts often only increase the dependency of communities and hinder them from becoming independent and sustainable.²³ Yet even those critics would argue that in some cases the need is so severe and immediate that it warrants giving aid so that people don't face imminent death from starvation.

Further ethical issues concerning food revolve around the controversial practice of genetically modified foods. Known as genetically modified organisms (GMOs), such foods have been on the market for some time in the United States and Europe. Supporters of GMOs maintain that the foods produced by genetically modifying plants and animals are safe and constitute the best hope for developing a food supply sufficient to feed the Earth's entire population. In addition, advocates insist that GMOs may be better for the environment in the long run because they could minimize the need for polluting pesticides and allow land to be used most efficiently.²⁴ Critics of GMOs insist that such foods have not been shown to be safe, even though some have been approved by the Food and Drug Administration. They argue that altering the genetic code of plants could have all kinds of unanticipated



consequences that could be very destructive to human beings, given how much we still don't know about the genomes of plants. This is a similar argument to that made in chapter 7 about biotechnology and germ line modifications to human DNA—that there is so much that is unknown about the genome and how genetic modifications affect other parts of the genetic code. As a result, some critics call the process of genetic modification of plants “inherently hazardous” and are critical of the combination of large corporations and GMO technology. Critics ask, “Should potentially dangerous food serve as a solution to world poverty?”²⁵

Climate Change

Perhaps the most controversial area of environmental ethics is climate change. And connected to this debate are concerns about how to ensure the long-term supply of clean energy. For most of the industrial history of the West, economic growth depended on the availability of fossil fuels, namely coal, oil, and natural gas. Increasingly, developing countries depend on these same energy sources to participate in the global economy and relieve their poor communities from poverty. For examples, the economies of countries such as China and India heavily depend on fossil fuels and will likely stay dependent for the foreseeable future.

Views on climate change exist on a spectrum of opinions. There are debates over whether the climate is changing, what is causing it, and what should be done about it. On one end of the spectrum, some hold that the worry about climate change is exaggerated. This group maintains that climate change has occurred naturally throughout the history of civilization, and that human activity is a negligible contributor to any climate changes that are currently occurring. Even if the planet is threatened, they believe technology can provide a solution. They maintain that there is no reason to enact draconian measures that would seriously limit economic growth and disrupt the lifestyles of the affluent nations. This group is known (pejoratively) as the *climate change deniers*.

On the other end of the spectrum, another group claims that climate change is real, caused primarily by human beings burning fossil fuels, and, without drastic changes to our economic life, will damage the planet, which will no longer be able to support our current level of economic growth. This is the group that claims that the planet has a catastrophic virus, analogous to the Ebola virus. They advocate radical changes to how we live and dramatic changes to our energy use in order to reduce our “carbon footprint” in the world. This group is sometimes known (pejoratively) as the *climate alarmists*.



A third group maintains that climate change is real, is predominantly caused by human beings burning fossil fuels, but compares the disease from which the planet suffers, not to the Ebola virus, but to something like type-2 diabetes.²⁶ For this group, the threat is not catastrophic, but it is nevertheless a threat that needs careful monitoring and requires changes to the way we live. They dispute the dramatic changes to human lifestyle and production that others feel are necessary, though they recognize the need in the long term for a transition to more clean sources of energy. We could call this group the *climate realists*.

Another concern for those in the climate change debate is the degree to which fossil fuels are a limited source of energy. Virtually no one disputes that the world will eventually run out of fossil fuels, though when that will happen is a matter of ongoing debate. As a result, there is widespread agreement on the need to develop alternative and renewable sources of energy, such as wind and solar power. New technologies such as hydraulic fracturing (fracking) for extracting oil and natural gas have expanded the available supply and actually exceeded the growing demand, even though use of these sources of energy has risen dramatically over the past several decades and will likely continue to do so.²⁷ Though precise projections on energy availability are difficult to make, fossil fuel shortages do not seem imminent.²⁸

Some efforts to develop alternative energy and restrict the use of fossil fuels have the unintended consequence of adversely impacting the poor. So far, alternative sources of energy have tended to be less reliable and more costly than conventional sources, thus putting a disproportionate burden on the world's poor. Higher energy prices can be absorbed much more easily by the affluent than they can by the poor. For example, ethanol, derived from corn, is a part of many gasoline supplies in the United States today, and a good bit of corn production has been diverted from a food source, both for animals and human beings, to an energy source. This has raised food prices globally, adversely impacting the poorest of the poor around the world. In addition, the costs of transporting corn from the field to ethanol production sites is significant, perhaps burning as much fossil fuel as it is intended to save. To help alleviate the burden of the poor, economic development may depend on fossil fuels until reliable and cost-effective supplies of renewable energy become available. Advocates of alternative energy maintain that the way to hasten the adoption of clean energy is to put restrictions, perhaps severe, on the use of fossil fuels, which would dramatically raise the price of energy. But as theologian Brent Waters argues, "To unduly restrict the exploration and extraction of coal, oil, and gas is tantamount to consigning much of the world to perpetual



impoverishment, and foreclosing any prospect of pursuing the good of affluence, it would effectively diminish human flourishing.”²⁹

However, the environmental costs of continued reliance on fossil fuels must also be considered, particularly the emission of carbon dioxide into the atmosphere. Though the emission levels of carbon dioxide have increased dramatically in recent decades, the extent of the damage caused by these emissions remains under debate. According to climate alarmists, the changes in global climate will cause extreme weather, diminish the ecological diversity that is critical to the planet’s flourishing, and disproportionately burden the poor. Others maintain that such dire environmental projections have often been wrong in the past, and that countries should be careful about taking draconian steps that would certainly curtail economic growth significantly. Developing nations would surely be reluctant to burden themselves with environmental restrictions that would stifle their participation in the global economy. Some of the developing nations actually accuse the West of hypocrisy in their demand for environmental responsibility on the part of the developing world. These critics maintain that the industrial economies were launched with little concern for the environment. They insist that they should be allowed to set their own priorities and place environmental issues subordinate to economic growth. Some even maintain that the developed nations are obligated to provide the financial resources to the developing world so they can adhere to strict emission standards without crippling their already impoverished economies.

Viewed from historical precedent, it would seem that economic prosperity is some sort of a necessary precondition for environmental prioritization. At least, that seems to have been the experience of the developed world. Continued dependence on fossil fuels may be necessary as a bridge to a future in which renewable and clean energy sources are widely and economically available.³⁰ But how long should that bridge extend into the future? Some argue that the bridge should be relatively short given the dire projections about damage to the atmosphere. While acknowledging the risk to the environment, others argue for a longer bridge so that the poor are not further disadvantaged. As Waters puts it, “Building too short a bridge could prove disastrous, particularly for the poor. . . . To plan on building a short rather than a long bridge would be to commit an injustice against poor and developing countries. . . . The risks involved in building a short bridge fall disproportionately on the poor and less affluent.”³¹ Given the high priority in the Bible to God’s heart for the poor and marginalized, perhaps we should prioritize their interests as environmental and energy alternatives are considered.



For Further Reading

- Bouma-Prediger, Steven. *For the Beauty of the Earth: A Christian Vision for Creation Care*. Grand Rapids: Baker Academic, 2001.
- Moo, Douglas J. and Jonathan A. Moo. *Creation Care: A Biblical Theology of the Natural World*. Edited by Jonathan Lunde. Grand Rapids: Zondervan, 2018.
- Wennberg, Robert N. *God, Humans, and Animals: An Invitation to Enlarge Our Moral Universe*. Grand Rapids: Eerdmans, 2003.

Chapter Review

1. What are the three emphases in the “triple bottom line?”
2. What is the “tragedy of the commons?”
3. What is the biocentric view of the environment? What is the other term that describes this view?
4. What is a theocentric view of the environment? How does that differ from biocentrism?
5. Which of the Ten Commandments mandates care for animals?
6. What are some of the criticisms of biocentrism?
7. What is a virtue-based approach to animal rights?
8. What is “vivisection?”
9. What two principles are in conflict when it comes to animal testing?
10. True or False—human beings were allowed to eat meat from creation onward.
11. What are GMOs?
12. What are the various views on climate change?
13. What biblical principle should be prominent in the discussion of climate change?

Cases for Discussion

Case 12.1: Research on Animals in the Medical Laboratory

You work in research at a major university in their animal testing lab at the university’s medical school. You are testing drugs for particular diseases. The tests involve infecting the animals with the diseases and then testing the medication on them. Some of the diseases are very painful as the symptoms begin to show up in the test subjects, and you have discovered that minimal attempt is made to relieve



the animals' pain. You see the animals suffering. In some cases the drugs cure the disease. Other times they do not. Even when the drugs work, you must still have a control group (that does not get the drug) to ensure accurate data.

Questions for Discussion:

1. What, if any, rights do you believe these test animals have? On what basis do you hold your view?
2. Do you believe the tests that cause animal suffering are unethical? Why or why not? How do you weigh the interests of animal test subjects against the interests of potential human patients? Would it make a difference if the animals were used in testing for cosmetics instead of medical products?
3. If part of your job was to perform these tests, would you be able to do so in good conscience?

Case 12.2: Animals for Luxury Goods

Your family business for the past two generations has been raising chinchillas. You are the owner of the business, which employs family members as well as numerous others from the community. You grew up in the business, and it's the only trade you know. You anticipate that some, if not all, of your children will take it over for you when you retire. However, environmentalists have targeted your business and others like it for alleged violations of animal rights. Even though you have shown that the animals are treated humanely and killed without their suffering, activists object to the animals being used for their fur (for coats) at all. They consider it particularly egregious that the products made with the fur are luxury items, which they view as entirely unnecessary. They find it morally abhorrent that the ranchers kill these animals solely to satisfy the needs of the rich for conspicuous consumption. They further argue that the animals have just as much right to life as human beings. You wonder if they have a point about the use of animals for luxury products like fur coats. You insist that there is nothing wrong with using animals to meet the needs of human beings, and that even luxury goods provide jobs for many in the community.

Questions for Discussion

1. What is your opinion of the morality of the chinchilla farming business? Is it moral to use animals for luxury goods? Why or why not?
2. Assuming you can afford it, given your views on the rights/interests of animals, do you think it's morally appropriate to own a coat made of the fur of chinchillas? Explain your position.



Case 12.3: Family Farms and GMO Crops

You and your family have run a large farm in the Midwest of the United States for generations. You and your spouse are now the ones in charge of the farm, and have to decide whether to plant genetically modified corn, called Bt corn, a genetically modified organism (GMO). You have tried to do as much organic farming as possible but find it difficult to achieve the same levels of yield and profitability, even though some of your customers, such as baby food manufacturers, insist on organic products and will not buy GMO crops. You have done considerable research about Bt corn, and you are aware that some of your neighbor farms have adopted GMO products for their farms. According to your neighbors, the yields are increased, and they do not have the same need for polluting pesticides that you have traditionally had to use. The research you have done suggests that these products are safe. However, other research you have recently come across makes the case that we don't know what the impact of genetic modifications will be in the long term since much about the plant genomes remains unknown. You are concerned about the possibility of Bt corn being shown to be unsafe in the future, but you are also concerned about the present financial viability of the farm. Bt corn could increase the farm's profitability and decrease the amount of pesticides you use.

Questions for Discussion:

1. Will you plant the GMO Bt corn in your fields? Explain your decision.
2. How do you balance the need for the farm to be profitable with the potential environmental risks of the GMO corn?
3. Is the pest resistance that is part of the genetic modification of the corn seed, which minimizes the need for polluting pesticides, enough of an environmental good to offset the potential future risks of altering the corn seed's genome? Why or why not?

Case 12.4: Going Vegetarian?

You are friends with several people in your community who are committed vegetarians. You have always eaten meat and not really thought much about it until you became friends with some of your current peer group. They have challenged your views on eating meat and have encouraged you to join them in going vegetarian. Some have gone a bit further and gone vegan, which means that they use no animal products at all. They maintain that it is a healthier diet and that you'll feel better once you make the transition. But the main reason they give is that they don't want to contribute to the mistreatment of animals that are kept and processed for food.



According to your friends, the animals have the right not to be abused or killed for food. They cite the abuses that come from factory farming of animals and urge you not to violate your conscience with the food you eat. Some of these friends are Christians. They remind you that at creation the first human beings were vegetarians, and when the kingdom of God comes in its fullness at Jesus' return, there will be peace in the kingdom and there will be no predator-prey relationships. They maintain that minimizing meat today might be a way to anticipate life in the fullness of God's kingdom.

Questions for Discussion:

1. How do you respond to your friends who are vegetarians/vegans? Do you think they have a valid point? Why or why not?
2. What do you think of their theologically based reasoning for their views?
3. What do you think of their views on animal rights not to be mistreated?



Ethics and Economics

Think about all the companies that have been associated with ethical scandals in the past few years—Volkswagen equipped their cars to cheat on emissions tests, Wells Fargo created thousands of phony accounts, Bernie Madoff swindled investors out of billions of dollars, and the classic case of corporate scandal, Enron, whose top executives went to jail. In addition, the collapse or near collapse of many banks and mortgage companies, which led to the financial crisis in 2008–9, contributed to a general sense of crisis in ethics in these industries. There is a widespread perception in the general public that business operates without much of a moral compass—greed is their overriding principle. Many people refer to the term “business ethics” jokingly, as an oxymoron.

The intersection of ethics and a *global economy* raises issues for public policy as well as for individual companies. There is a widespread view that the benefits of globalization are unbalanced, and though many have been lifted out of poverty, far too many have been left behind. The 2016 Brexit and US Presidential election underscored the notion that not everyone is enjoying the benefits of globalization. Specifically, there is deep conflict about many economic issues, including the morality of outsourcing domestic jobs, importing products being made in sweatshop conditions, employing children, imposing environmental standards and priorities (especially in light of global climate change), and the unequal distribution of basic resources, namely food, energy, and health care.

In addition, there are issues related to *business ethics*, such as information disclosure/bluffing; issues in accounting and finance related to accurate disclosure of information and fairness in the access to the market (i.e., insider trading); issues in sales, marketing, and advertising, relating to truth in marketing, product safety, and corporate social responsibility; and issues in human resources management, such as sexual harassment, the right to privacy in the workplace, and conflicts of conscience among employees.



Of course, each of these areas has been the subject of entire books, so a comprehensive treatment is well beyond what we can do in a single chapter. In this chapter you will receive an introduction to the primary fundamental questions in economic ethics. Some have to do with the moral assessment of the market system of global capitalism. Others have to do with ethical behavior in the workplace. This chapter also introduces some of the more specific issues, such as international business ethics and insider trading.

Economic Life in the Bible

The Bible has a great deal to say about money and wealth. In fact, there are more references to money in the Bible than there are to eternity. Integrating the Bible's teaching with many of these debated issues is often very challenging because the Bible was written to a very different socioeconomic culture than our own. In fact, it would be hard to imagine two worlds more different when it comes to economic life.

That does not mean that the Bible has nothing of relevance for today's economic world, only that we must use the Bible carefully when applying its general principles of economic life to current times. A direct application of many biblical commands relating to economic life would be impossible today because the system to which those commands were addressed has dramatically changed. Rather, we are seeking from Scripture general principles or norms that govern economic life and can be applied to different economic arrangements. Of course, some commands apply directly, for which the differences between the ancient world and today's society do not affect the application of the text. For example, the repeated admonitions of Scripture to take care of the poor remain directly applicable, even though how that is done may have changed. By contrast, the Old Testament commands the people of Israel to keep a sabbatical year, allowing the land to lie fallow for one year in seven (Lev. 25:1–7), and the Year of Jubilee, in which all land was returned to its original owners every fiftieth year (vv. 10–17). These principles cannot be directly applied today, because they were written to a society that revolved around agriculture, not a modern information age economy in which far fewer people are tied to the land to make their living. Rather, we must glean a general principle from each of these commands that can be applied to the different setting of today.

The pursuit of wealth in the ancient world was fraught with potential problems, which made it easy to view those who possessed wealth with moral and spiritual



skepticism. Although the temptations facing the pursuit of wealth today should not be minimized, some important differences exist between the modern and ancient economic systems that may partially account for the strong cautions in the Bible about wealth. For example, generally in the ancient world people became wealthy differently than in today's market system. The ancient economic system was largely centered on subsistence agriculture with limited commerce and trade. Real estate was the predominant productive asset. The ancient economy is best described as what is called a *zero-sum game*. The pool of economic resources was relatively fixed, so that when one person became wealthy, it was usually at the expense of someone else. Stated differently, the economy was like a pie. When someone took a larger piece, someone else received a smaller piece. This set up numerous opportunities to attain wealth abusively by theft, taxation, or extortion.

TOMS and Social Entrepreneurship

TOMS shoe company founder Blake Mycoskie was working at the online driver's education business he founded when he took some time off from work to travel to Argentina in 2006. He was captivated by what is called the "national shoe" of Argentina, the alpargata, a popular canvas shoe widely distributed in the country. But what really got his attention as he traveled throughout the country was the number of kids without shoes. He met several nonprofits who were supplying shoes to the kids, but they were entirely dependent on outside donations to fund them, making their shoe supply inconsistent. He envisioned a market for those shoes in the United States and translated this idea into a business that could serve the kids who needed shoes while also providing a stable source of funding for the business. He put it this way: "Then I began to look for solutions in the world I already knew: business and entrepreneurship. An idea hit me: Why not create a for-profit business to help provide shoes for these children? Why not come up with a solution that guaranteed a constant flow of shoes, not just whenever kind people were able to make a donation? In other words, maybe the solution was in entrepreneurship, not charity." In what has become a well-known philosophy, TOMS sells a pair of shoes today and gives a pair away tomorrow. TOMS became the company name—a shortened version of "Tomorrow's Shoes."

Mycoskie, Blake. "How I Did It: The TOMS Story." *Entrepreneur*, September 20, 2011. <https://www.entrepreneur.com/article/220350>.



One of the most common instances of this abuse involved those who loaned money to the poor at terms they could not repay, requiring what little land the poor owned as collateral. Then when the debtors inevitably defaulted, the lender appropriated their land. The debtors became tenant farmers, slaves, or dependent on charity. This form of taking advantage of the poor occurred regularly in the ancient world and is one of the reasons why the Bible so frequently condemns exploitation of the poor. In these cases, literally, the rich became richer at the expense of the poor, and when someone was wealthy, more often than not, they had acquired it by some immoral means. In addition, the misuse of political power to extort money unjustly was common. For example, tax collection in the ancient world was considered a form of legalized extortion. Thus the wealthy were viewed with suspicion, and great emphasis was placed on the potential temptations of becoming wealthy because the ancient world had so few morally legitimate avenues to acquire great wealth.

This may also be the reason why there is so little in the Bible about ambition. Social mobility in the ancient world was very limited—there were no “rags to riches” stories in the ancient world. As a result, the Bible does not have much to teach about economic ambition, since getting ahead economically was so difficult. This may also explain why the Bible has a lot to say about contentment, and why envy, not ambition, is the opposite of contentment.

Today the zero-sum game view of economic life is no longer the dominant paradigm for viewing the economy. The market system is in various stages of development in different parts of the world, but in more mature market systems, the economy is anything but a zero-sum game. In modern industrial and information economies, the size of the economic pie itself is constantly increasing. Wealth is being created instead of simply being transferred. In fact, every time a company makes a profit, wealth is created and the size of the pie grows larger. For this reason, the rich can become wealthy while at the same time the poor can also be better off. That is why the incomes of the poor can and have increased at the same time the wealth of the rich accumulates, though admittedly at very different rates. Someone like Bill Gates or Warren Buffett having extraordinary wealth does not mean that the poor are necessarily worse off. Nor does it necessarily follow that Gates’s or Buffett’s wealth was gained at the expense of someone else. In a modern market economy, wealth is constantly being created, so it is possible for someone to become wealthy without necessarily succumbing to the temptations about which Scripture warned. Today’s market economy makes it far easier to be wealthy and virtuous than did the economy of the ancient world.



Biblical Teaching on Wealth and Possessions

At first glance, the Bible appears to condemn the accumulation of wealth. Classic passages of Scripture, such as “It is easier for a camel to go through the eye of a needle than for someone who is rich to enter the kingdom of God” (Luke 18:25) and “Blessed are you who are poor” (Luke 6:20), suggest that possession of wealth is suspect while poverty is virtuous. These texts should be balanced by others that present wealth in a different perspective. These include the sayings of the Old Testament wisdom literature that regard wealth as God’s blessing to be enjoyed (Eccl. 5:18–20) and a result of one’s diligence (Prov. 10:4–5). Similarly, in the New Testament, while Paul counsels Timothy to keep wealth in proper perspective (1 Tim. 6:6–19), Paul acknowledges that God gives liberally to his people for their enjoyment (v. 17). Yet this acknowledgment is balanced by admonitions not to trust in one’s wealth because of the temptation to arrogance and of the uncertainty involved in retaining wealth (see also Eccl. 5:8–6:12) and thus, conversely, to be content with one’s economic station in life.

The Bible distinguishes between possession of wealth and love of wealth. Only the latter is condemned (1 Tim. 6:10). The love of wealth and desire to become wealthy bring a variety of temptations and have the potential to wreck one’s spiritual life (v. 9). Perhaps it is stated in such stark terms because of the way people often attained wealth in the ancient world—by morally questionable means. If this is true, then there were numerous temptations for someone attempting to become wealthy that had to do with the very way they attain wealth. This is in addition to the common temptation for wealth to become a source of trust instead of God.

The members of the early church and the crowds who followed Jesus covered the socioeconomic spectrum from the poor to the wealthy. From what we know of Jesus’ background and his trade as a carpenter, he probably lived a modest middle-class lifestyle, which conflicts with the portrayals of him in poverty. It does not appear that the possession of wealth per se is problematic in Scripture, but hoarding one’s wealth when surrounded by poverty is a sign of selfishness and greed. Throughout Scripture, the wealthy are condemned for callously disregarding the needs of the poor (Amos 4:1–4; James 2:1–7). The early days of the church were characterized by an extraordinary generosity toward the poor, many of whom helped constitute the majority of the early church (Acts 2:43–47). Although the pattern of the early church did not involve a socialistic style of holding property in common, it did involve heightened sensitivity to the needs of the poor. Though the Bible affirms the right to private property, this right is not absolute. It is tempered



by the reality that all property belongs to God and that we are trustees, or stewards, of God's property. God has entrusted his property to us both for our personal needs and enjoyment, and for use to achieve God's purposes (such as meeting the needs of the poor). To summarize the Bible's teaching on wealth, *God owns it all* and has entrusted what he owns to us for responsible use and enjoyment. Human beings are but *trustees* using God's resources wisely. God commands *generosity*, especially toward the poor and vulnerable. Clearly since he owns it all, *there is more to life than our material possessions*.

Work and Calling in the Bible

The Bible not only has much to say about money and possessions, but it also addresses the subject of work in substantial detail.¹ Work has *intrinsic* value because God ordained it *prior* to the entrance of sin into the world. If you look at the “bookends” of the big story of the Bible—creation (the way things *ought to be*), fall (the way things *are*), redemption (the way things *could be*), and consummation (the way things *will be*)—work is prominent in the accounts of creation and consummation, when the kingdom comes in fullness. Specifically, if you look at the first “bookend” in the Genesis account of creation, you will see that God commanded Adam and Eve to work the garden *before* sin entered the picture (1:28; 2:15). God did not condemn human beings to work as a consequence of sin. Work is not a punishment on human beings for their sin. To be sure, work was affected by the fall, making it more arduous and stressful, and less productive, but that was not the original design (3:17–19). God's original idea for work was that human beings would spend their lives in productive activity, with regular breaks for leisure, rest, and celebration of God's blessing (Ex. 20:8–11). Even in the prefall paradise, God put Adam and Eve to work. Work was a part of God's original design for human beings from the beginning, and because of that it has intrinsic value to God.

If you look at the other “bookend” of biblical history, work will also be a part of the world after Jesus returns and the kingdom has come in all its fullness. For example, the prophet Isaiah envisions the world after Christ's return as one in which nations “will beat their swords into plowshares and their spears into pruning hooks” (Isa. 2:4). The obvious point of the passage is to show that universal peace will characterize the kingdom when it is fulfilled. But what often goes unnoticed is that weapons of war will be transformed *into implements of productive work* (plowshares and pruning hooks). That is, there will still be productive work when Christ returns to bring his kingdom in fullness. So work has intrinsic value because



it was ordained before the fall and will be a part of life when the kingdom comes. In the paradise settings at the beginning and end of human history, God ordains work.

What makes work so valuable to God is its connection to another mandate from creation, the command to exercise dominion. The series of commands to “be fruitful and increase in number; fill the earth and subdue it” (Gen. 1:28) suggest that being fruitful involves more than simply procreation. It means to be productive, using one’s gifts and skills in ways that are primarily economic. God ordained work so that human beings could fulfill one of the primary roles for which they were created—to be fruitful. In addition, in Genesis 2:15, God places Adam and Eve in the garden to “work it and take care of it.” The term for work here is the Hebrew term “*avodah*,” which is translated in other places in the Old Testament as “to serve” (e.g., Josh. 24:15: “We will serve the LORD”) or even “to worship” (e.g., Ex. 8:1: “Let my people go, so that they may worship me”). Work, service, and worship are seen as seamless in the Old Testament, not separated as is common in our modern world.

Work is not something that we do just to get by or to finance our lifestyles and leisure. It is not a necessary evil that will be done away with at some point. Work has inherent dignity and value because it is the way God arranged for human beings to fulfill a part of their destiny on earth by exercising responsible, fruitful dominion over creation. That mandate is still in effect today, and God is still empowering human beings to be effective trustees of his world. Adam and Eve were doing God’s work in the world by tending the garden and doing their part to be responsible trustees over creation. We do God’s work in the world in our jobs because they are connected with the task assigned to all human beings, to be fruitful and productive. The very work we do is part of our service to God. All followers of Jesus are in his full-time service (that is, all followers of Jesus are in “full-time ministry”), regardless of where our paycheck comes from. Of course, work is not restricted by what someone does for a paycheck. Those who are unemployed, retired, or who work as volunteers are still engaged in productive, fruitful activity in service to God, as compensation is not necessarily related to one’s contribution.

The New Testament echoes this idea in Colossians 3:23–24, which is addressed to household servants: “Whatever you do, work at it with all your heart, as working for the Lord, not for human masters . . . It is the Lord Christ you are serving.” Here the Bible affirms that even the lowliest work can have dignity and value as a form of service to Christ. In addition, throughout the New Testament, the same term for a person’s good works (*ergon*; e.g., Eph. 2:10) also describes a person’s occupational work (Mark 13:34; Acts 7:41). That is, some of the good works God ordained for us includes our work in the marketplace. Thus, a person serves Christ



well in the workplace principally, though not entirely, by doing his or her work well and faithfully. The workplace, by virtue of the sheer number of hours spent there, is also the place with the most frequent opportunities to do the good work of loving your neighbor. Further, the workplace is the primary place in which a person is spiritually formed.²

Celebrating Labor Day

The late Christian leader Chuck Colson would often devote his *Breakpoint* commentary on Labor Day to a discussion of work and labor from a Christian worldview. Citing the cultural consensus that sees work as a necessary evil, something that must be done to pay the bills, Colson points out that work has inherent dignity “because we worship a God Who labored to make the world—and Who created human beings in His image to be His workers.” In contrast to the surrounding culture’s view of work, which Colson attributes to the ancient Greeks, “We are made in the image of God and as such we are made to work—to create, to shape, to bring order out of disorder.” So he urges us to celebrate Labor Day as a reminder “that all labor derives its true dignity as a reflection of the Creator. And that whatever we do, in word or deed, we should do all to the glory of God.”

Colson, Chuck. “In Celebration of Labor.” *Breakpoint*, September 1, 2003. <http://www.breakpoint.org/bpcommentaries/entry/13/29802>.

However, there is a more foundational reason why work has value to God: God is a worker, and human beings are workers by virtue of being made in God’s image. Look carefully at the way God is portrayed when it comes to work. One of the first portraits of God in Genesis is as a worker, fashioning the world in his wisdom. God is portrayed as a creative God in Genesis 1–2, with initiative, ingenuity, passion for creation, and innovation all a part of his work in creation. God is portrayed with what we might call “entrepreneurial” traits in Genesis 1–2. From the beginning of the biblical account, God is presented as engaged in productive activity in fashioning and sustaining the world. At the end of the creation account, Genesis 2:2–3 gives the Sabbath model as a day for God to rest from all his work. God blessed the Sabbath because “he rested from *all the work of creating* that he had done” (emphasis added). The pattern for the Sabbath was to rest because God rested (Ex. 20:11) and, conversely, to work because God worked in creation (v. 9).



We work because it is part of what it means to be made in God's image and to be like him. The British novelist Dorothy Sayers put it this way: "Work is not what one does to live, but the thing one lives to do. It is the medium in which he or she offers himself or herself to God."³ As the late Chuck Colson explained, "We are indeed 'hardwired' for work,"⁴ which gives work inherent value to God.

Moral/Theological Principles for Economic Life

Though the Bible is not a textbook on economics, a variety of theological principles can be drawn from Scripture that spell out the type of economic arrangements that enable work to flourish as originally designed. It's clear from the numerous places the Bible addresses economic life, that economics is seen as fundamentally a moral issue. Economics is essentially about how we order our lives together in community, specifically how the burdens and benefits of society are to be distributed, which has all sorts of moral overtones. God is just as concerned about economics as he is about bioethics or sexuality. What follows are general principles—remember that using the Bible in economics is complicated by how different economic life was in the ancient world. There is considerable agreement on these general principles—the debate is over the specifics of their application. Here are some of the primary theological principles governing economic life:⁵

1. *Though tarnished by sin, the created world is intrinsically good because it is God's creation.* The Bible is clear that the material world is good because it came from God and that the reality of sin has not eradicated the essential good of creation. When God saw his creation at the end of the process, he declared it "good" (Gen. 1:31). It is also clear that the Creator, not the creation, is to be worshiped.
2. *God is the ultimate owner of all the world's productive resources.* Though private property is affirmed, human beings do not own the world's resources. God clearly affirms his ownership of the earth's means of production. For example, in the Mosaic law, the reason for such institutions as the Year of Jubilee and the right of redemption is that God owns the land. As a result, in Old Testament Israel, land could not be permanently bought or sold, only leased. Leviticus 25:23–24 puts it this way: "The land must not be sold permanently, because the land is mine and you reside in my land as foreigners and strangers. Throughout the land that you hold as a possession, you must provide for the redemption of the land." Private property is affirmed in laws



- prohibiting theft, but the use of one's property was to reflect that human beings are the *penultimate* owners, not the ultimate ones.
3. *Human beings are stewards of these resources, charged with their responsible and productive use.* God sees human beings as trustees of his resources. This is a critical part of the dominion mandate (Gen. 1:28) that gives human beings both use of and responsibility for God's resources. The dominion mandate does not give human beings the right to do whatever they please with the world. Rather, human beings should put their resources to productive use, analogous to managers working for their owners. Adam and Eve managed the garden for God (Gen. 2:15), thereby setting a pattern for their descendants to manage God's productive resources.
 4. *Responsible wealth creation is part of the dominion mandate and a way to honor God.* Exercising dominion over God's good creation involves unlocking what he has embedded in creation by means of his general revelation. Technology and entrepreneurial activity are consistent with creatively extending God's dominion over the world. After the entrance of sin into the world, the task became more complicated. Productively using God's resources necessarily involves generating wealth, as resources are utilized in ways that meet human needs and wants. Wealth creation simply indicates that God's resources are being put to productive use.
 5. *Human beings are created with freedom and a need for community, making them more than autonomous economic agents.* Human beings are created in God's image, both free to act and by nature relational. Just as the Trinity necessarily involves relationships between the three persons, so also human beings are fundamentally relational beings. They are much more than simply economic agents acting to satisfy their desires. Created as free moral agents, human beings can take initiative and act creatively in the world—but they are not simply out to satisfy their desires. This principle affirms the place of initiative-driven entrepreneurial activity and the freedom to pursue economic goals. It also affirms the need for community and relationships, not just material gains, as part of a full and good life.
 6. *Work is inherently good, though marred by sin.* As outlined earlier in this chapter, work is intrinsically good because it was ordained by God *prior* to the entrance of sin into the world. The presence of sin and its effect on work (Gen. 3:17–20) are the causes of alienation, dissatisfaction with work, exploitation of workers, and ethical lapses and quandaries in the workplace.



7. *Human beings who are capable of working are responsible for supporting themselves and their families.* The Bible is clear that if a person is able and does not work, he or she has no share in the community's goods (2 Thess. 3:9–12). Rather, people are to “settle down and earn the bread they eat.” The Bible further clarifies that the person who does not provide for his or her family has committed a very serious omission analogous to denying the faith (1 Tim. 5:7–8). The norm in God's economy is that individuals work to support themselves and their families and to have some to give to the poor (Eph. 4:28).
8. *The community is responsible for taking care of the poor—those who cannot support themselves.* The poor in the Bible are those who are unable to work and take care of themselves, and they are deserving of access to the community's goods. The Bible requires provision for the poor and repeatedly reminds the community of its obligation to be generous toward the poor (Deut. 15:7; Gal. 2:10). The Bible also recognizes that some people become poor through misfortune that is out of their control and provides for regular opportunities to make a fresh start. This seems to be the purpose of many of the real estate laws that kept someone from permanently losing his land (Lev. 25:8–53).
9. *Human beings should not exploit the economically vulnerable but take care of them.* The Bible again and again prohibits the “oppression” of the poor—taking advantage of someone's economic vulnerability for one's own benefit (Prov. 14:31; Ezek. 22:29; Amos 2:7). Jesus compares taking care of the poor to showing regard for him (Matt. 25:31–46). Micah suggests that “doing justice” is one of the things required by God, in addition to loving mercy and walking humbly with God (6:6–8). Communities should create “safety nets” that can take care of the poor and guard their rights.
10. *Economic justice is the provision of access to the productive resources necessary for self-support.* Part of the mandate for any economic system is to make available the resources (jobs, capital, labor, etc.) that are required for a person to support himself or herself. These resources should not be hoarded but made available to those seeking to support themselves. This principle does not mandate community ownership of these resources, only that individuals who can work have the opportunity for self-support.
11. *Distributive justice in the Bible is based on a combination of merit and need.* The goods that society produces must be distributed in an orderly and fair way. The Bible makes clear that there is nothing intrinsically problematic with the accumulation of wealth as long as one is generous toward those in need. Though initiative and diligence are rewarded, and thus *merit* (Prov. 10:4–5),



there is also a place for *need* as a criterion for a minimum level of provision. It is expected that hard work, initiative, and investment would be rewarded—an indication that merit does have a place in a system of distributive justice.

Moral and Theological Critique of Global Capitalism

Historically business and commerce were viewed with moral suspicion, since most economic activity in the ancient world fit the “zero-sum” paradigm. That is, most people who became rich did so at someone else’s expense. The Industrial Revolution generated its share of critics, most notably in the novels of Charles Dickens. Karl Marx has been perhaps the most widely read critic of the market system, and his economic critique was applied to Latin America in the 1970s and ’80s primarily by a group of Roman Catholics in a widespread movement known as liberation theology. With the fall of communism in the late 1980s, many thought that the debate over the market system was essentially over. Rather, the discussion has intensified, since market capitalism in some form appears to be the only surviving economic system. In more recent years, with the rapid expansion of globalization, some of the same critique has been reapplied, as the benefits of globalization are seen as being unevenly distributed. What follows below are the critiques of the market system that seem to be recurring, regardless of the version of market-based economics currently in operation.

Perhaps the most common criticism of market capitalism is that *it is based on greed*. It is often attributed to Adam Smith that “greed is good,” when in reality he said nothing of the sort. It is worth noting that Smith was first and foremost a moral philosopher, not an economist, who attempted to apply his moral philosophy to economic life. His work of moral philosophy *The Theory of Moral Sentiments*⁶ was published *before* his better-known work *The Wealth of Nations*.⁷

Critics argue that since greed is clearly a vice condemned in most religious traditions, there must be something problematic about an economic system that is premised on greed. Certainly there is ample evidence to suggest that greed is a significant motivator for many companies and individuals who go to seemingly absurd excesses to increase their company’s profits or their own net worth. For example, the common public perception of Wall Street is that it is dominated by greedy companies willing to do whatever it takes to maximize their profits. This perception is often applied to large companies, especially multinational corporations, which ship domestic jobs overseas in search of higher profits.



Wells Fargo Phony Accounts Scandal

Wells Fargo bank fired 5,300 employees in the aftermath of a fake accounts scandal in 2016, which was remarkable for how widespread the wrongdoing was over a roughly six-year period. Consultants to Wells Fargo estimated that close to 1.5 million accounts were created without the consent or knowledge of customers. Wells Fargo wanted to encourage more of what is called “cross-selling,” that is, getting customers to take advantage of other services the bank offers—for example, encouraging checking account customers to get credit cards, lines of credit, or savings accounts. This is a common practice in the banking industry, but Wells Fargo provided bonuses and promotions to those employees who were most effective at cross selling. In order to maximize the financial incentives available to employees, they began creating fake accounts for existing customers, opened without the consent or knowledge of these customers. “Wells Fargo employees secretly opened unauthorized accounts to hit sales targets and receive bonuses,” stated Richard Cordray, director of the Consumer Financial Protection Bureau. Other regulators indicated that “employees moved funds from customers’ existing accounts into newly-created ones without their knowledge or consent.”

Ethics and compliance consultant Mark Pastin underscored the problem this way: “The Wells Fargo mess teaches a clear lesson which is that you get what you pay for. Specifically, you can talk yourself blue in the face about ethics, as many Wells Fargo managers did, but you can not send employees a clearer signal than their paycheck.”

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- Pastin, Mark. “The Surprise Ethics Lesson of Wells Fargo.” *The Huffington Post*, January 20, 2017. http://www.huffingtonpost.com/mark-pastin/the-surprise-ethics-lesson_b_14041918.html.

Defenders of global capitalism respond to this charge by distinguishing between greed and self-interest. They agree that greed is a vice, but that is a different thing from companies and individuals pursuing their own interests. The Bible commends the pursuit of self-interest necessary to take care of one’s own needs and those of one’s family. Though it is true that greed sometimes permeates the conduct of business, that is different from the insistence that greed is the “engine of capitalism.” A properly functioning market economy presumes a modicum of virtue among the



participants—otherwise it is more difficult to do business efficiently. It may be that there are some cultural contexts that are better suited to market flourishing than others. Smith envisioned that market systems would flourish in settings in which the participants had the internal moral resources to restrain their self-interest. He realized that greed run rampant would actually have a negative impact on a company's profitability because it would alienate the key constituents necessary for the business to flourish, such as customers, suppliers, employees, and, eventually, the public.

We should be careful to recognize that *profit* and greed are not the same thing. Simply because someone, or a company, makes a profit, even a substantial one, does not necessarily mean that they are acting greedily. The means by which the profit is made is more important than the profit itself. To be sure, profit is not the goal of business—it's a by-product of providing a needed service or product. In a sense, profit is like food. You need food to live, but if you live for food, there's something amiss.⁸ Similarly, profit is necessary for companies to stay in business, but if profit is the sole goal, there's something missing—the service to the community that comes from the product or service the business is providing.

Profit, like prices and wages, is nothing more than a market indicator that a company is using its resources *efficiently*. Profit is not necessarily an indicator of how *well* a company is using those resources, since it matters a great deal how a company is making a profit. Profit made through immoral means, by fraud, theft, extortion, or by providing services/products that are destructive, is no indicator of how well an organization serves its community. However, if we qualify profit with the notion of an "honest profit," then there is a closer connection to how well a company might be contributing to the common good with its business. An honest profit is a signal that the company is both efficiently and effectively serving its key constituents, which include customers, employees, and shareholders. Theologically, since work and business exist to utilize the resources that God has embedded into his world for the common good, it may be that an honest profit is an indication of how effective a company is accomplishing the purpose of advancing the dominion mandate of Genesis 1–2.

A second common criticism of global capitalism is that *it causes poverty by leading to an unequal concentration of wealth and resources*. It is often said that "first world" prosperity is causing "third world" poverty. Critics cite the world's energy use. For example, the United States has roughly 3 percent of the world's population and uses 25 percent of the world's energy resources. Critics see the vast inequalities in wealth between the industrialized West and the rest of the world and attribute it to the abuse of the system of global capitalism. They accuse the West of becoming wealthy at the expense of the rest of the world. The saying "the rich



get richer and the poor get poorer” suggests that the wealth of the rich is *causing* the poverty of the poor.

Defenders of globalization counter by pointing out that this criticism assumes a “zero-sum” economy, which is no longer accurate. They argue that a global, market-based economy is not static but has dramatically increased the size of the economic pie. Though it is true that there may be some parts of the developing world where the zero-sum view is accurate, those are mainly concentrated in places that, for a variety of reasons, are not yet meaningfully participating in the global economy.

Market defenders insist that there is a different cause-and-effect relationship between market capitalism and poverty—that the introduction of markets actually raises people out of poverty rather than causing it. They point out that since the introduction of the market system in many parts of the world, virtually 3 billion people have been lifted above the poverty line. To be sure, there are still 3 billion below it, which is a cause for ongoing concern. And there are certainly examples of companies who have left the local communities in which they operate worse off. But there are numerous examples of nations with few natural resources that are experiencing significant economic growth because of the introduction of market systems. Countries such as Singapore, Hong Kong, Taiwan, and South Korea (especially in contrast to North Korea) have been growing for some time as a result of the introduction of market-style economics. In countries such as India and China, which are still mixed systems at best, their growth is commonly accounted for on the basis of the introduction of market mechanisms.

The concern about a growing inequality, both within countries and globally, has become more acute in recent years. For example, economist Joseph Stiglitz writes about what he calls America’s “1 percent problem,” which could be extended globally, that wealth is increasingly concentrated in the top 1 percent of the world’s net worth individuals.⁹ He and others claim that this growing inequality is unjust and is tearing the social fabric of previously peaceful societies apart, as people lose hope that they can participate in the benefits of economic growth and global prosperity.

To be clear, statistics on income in the United States indicate that there is much more movement in and out of socioeconomic classes than one might expect. For example, people tend to move fluidly in and out of income classes throughout their working lives. Statistics show that 12 percent of the working age population are in the top 1 percent of income for one year or more, and 39 percent are in the top 5 percent of income for one or more years. That means that over half of the population are in the top 5 percent of income at some point in their working lives. Further, 73 percent of people are in the top 20 percent of income for one year or more. On the other end of the spectrum, 54 percent of people are poor, or nearly poor, for one or more years of their working lives.¹⁰



In looking at inequality data, it's important to recognize that the data are normally presented before taxes and transfer payments, such as food stamps and other forms of welfare and tax credits. If these are not taken into account, they tend to give a misleading picture of the level of inequality currently in existence. For example, between 1979 and 2013, income of the bottom 20 percent grew by 18 percent, but when taxes and transfer payments are factored in, income of this quintile actually grew by 46 percent, presenting a bit different perspective.¹¹

Societies routinely accept all kinds of inequalities that result from differences in people's natural endowments, such as intelligence, physical features such as height and attractiveness, and athletic ability. To be sure, some inequalities are the result of disease or genetic abnormalities and are not only unfortunate but tragic. If they prevent someone from supporting himself or herself, the community is obligated to provide that support. Further, some inequalities are the result of choices that people make, both for better and for worse. Some inequalities result from differences in work ethic, effort, and a lifetime of wise choices about life and resource management. Conversely, poor life choices often limit a person's economic mobility. In addition, some occupations that produce personal satisfaction don't have financial rewards. Thus income inequality sometimes results from occupational choices.

However, some inequalities are the result of injustice. We have not and should not accept those inequalities. Someone who receives a substandard education due to nothing more than their location, or someone who is denied hiring or promotion as a result of racial or gender bias—inequalities like these are unjust and worth challenging. Not every inequality is the result of injustice, but those that are should get our attention. It may be that it's the extremes of inequality that trouble people so much. It is certainly true that these extremes are evident around the world. It's worth remembering that for most of human history, the vast majority of people were equal—that is, equally poor, wretched, and miserable. When markets were introduced, so was inequality, as people climbed the socioeconomic ladder at different rates and as middle classes were created, some for the first time. The issue that demands our attention is not so much that there is inequality, but that for some, there is *insufficiency*. It's not that some are unequal, it's that some don't have enough. *The problem is poverty, not inequality.*

That's not to dismiss inequality as an issue, however. Inequality is a problem when it's the result of injustice, but it's also a problem when people lose hope of socioeconomic progress. When people feel like they are trapped in a low socioeconomic place with little hope of getting out of it, then inequality is a problem that must be addressed.



A third common criticism of global capitalism is that *it brings human suffering through outsourcing and unemployment*. One of the most common features of the global market system is that jobs are sent overseas where wages are much lower and working conditions are more hazardous. According to critics, this is endemic to the system and causes predictable human suffering due to loss of jobs, income, and self-esteem. Many factory jobs, for example, have been sent overseas, leaving factory workers unemployed and in some cases unable to get comparable work. Even jobs that require education and a high level of skills are being outsourced today. For example, software engineering and computer programming are increasingly being done in other parts of the world, putting those jobs at risk too.

Defenders of global capitalism respond that there is an upside to outsourcing of jobs—it holds down wages, which enables prices of goods and services to remain competitive. Further, they argue that companies should be free to locate where they can obtain the most competitive wage rates in order to keep their costs down. Critics reply that these companies are making high profits and do not need to outsource to stay profitable. It is true that the process of “creative destruction,” coined by the economist Joseph Schumpeter, can cause hardship as resources are transferred from unproductive sectors to productive ones. For example, the advent of cell phones made pagers obsolete, and companies that made pagers had to change. In addition, the internet as a source of news has caused a steep decline in newspaper readership. The same pattern followed with many other innovations. Defenders of the market system argue that the benefits of innovation and change are overall more positive than the costs of people losing their jobs. Those who have lost their jobs, and their ability to support their families, tend to see it differently.

“Two Cheers for Sweatshops?”

New York Times columnist Nicholas Kristof, after making repeated trips to Asia and seeing sweatshops firsthand, offers an alternative view, different from the conventional wisdom on outsourcing and globalization. He admits that the working conditions in many of these Asian factories are oppressive and that workers are abused—conditions that all call for change. Interestingly, more Western companies who contract with these factories are auditing their working conditions more regularly and refusing to do business with those who do not make the necessary changes. Ironically, a cottage



industry of consultants has arisen, helping the factories “pass” their audits—in reality, enabling them to continue their oppressive practices. But Kristof also admits that “the simplest way to help the poorest Asians would be to buy more from sweatshops, not less.” This is because work in these factories helps the poorest to better their situation and escape from poverty. He urges accepting sweatshops as part of the price of development, while at the same time recognizing that there is a place for workplace monitors and improving conditions.

Kristof, Nicholas, and Sheryl WuDunn. “Two Cheers for Sweatshops.” *New York Times Magazine*, September 24, 2000. <http://www.nytimes.com/2000/09/24/magazine/two-cheers-for-sweatshops.html>.

A fourth common criticism is that *the system of global capitalism encourages consumerism*, which in turn produces moral and spiritual poverty. Critics cite the egregious examples of overconsumption and point out that economic growth is premised on consumers purchasing all sorts of things that they do not need. They further point out that many of the goods available on the market have little socially redeeming value yet are continually produced and made available. This seems all the more egregious when compared with the scarcities that exist in many other parts of the world. Critics argue that such overconsumption reflects callousness to the poor around the world.

Defenders of the market readily concede that overconsumption and materialism exist and are the result of the prosperity produced by the market system. But they point out that materialism is fundamentally a matter of the heart and has existed regardless of the specific economic system. Because human beings are self-centered and sinful, consumerism can emerge in any economic system. Overconsumption is fundamentally a matter of character, not economic system. However, we should recognize that given the affluence of the information economy nations, the temptations to overconsume are multiplied. Yet the resources for unprecedented charity are equally multiplied in market-based economies.

It may be that there are some goods and services that should not be distributed according to market mechanisms. That is the reason why many countries have laws prohibiting the sale of organs and body parts, and why adoption law does not allow birth mothers to be paid for their adoptable children. Part of the reason why some goods and services ought to be off the market is that if everything was a market transaction, there would be no place for uncompensated altruism. There is



debate over some goods being on the market, such as a woman's eggs (used in infertility treatments), and renewable body components, such as blood and sperm. Further debate exists over having reproductive services such as surrogacy be market services.¹²

Not every social context contains the necessary conditions for prosperity. Some parts of the world are more conducive to prosperity than others because they have put in place the necessary conditions for economic flourishing. These conditions for economic flourishing include the establishment of the *rule of law*, particularly so that contracts and agreements can be enforced. In addition, *incentives* must be in place to foster risk-taking and entrepreneurship. These include things that protect innovation, such as patent laws, and a tax system that allows people to keep most of what they earn and does not discourage high achievement and business risk-taking. Further, there must be an *educational system* in place that equips the next generation of employees with the necessary skills to compete in a globalized, connected, and technologically sophisticated world. Finally, the culture must have a modicum of *trust and virtue* to enable transactions to go forward smoothly and to provide the moral capital for competition to be productive. Flourishing economies have always been based on openness, trust, and transparency. It is important that self-interest be rewarded. But self-interest should also be tempered so that competition is fair. The early advocates of the market system insisted that economic activity actually civilized human beings by forcing them to work together in mutually beneficial arrangements. Economic activity in healthy systems both requires and nurtures important virtues, such as trustworthiness, perseverance, initiative, creativity, and hard work.¹³ To be biblically specific, the fruit of the Spirit (Gal. 5:22–23) makes someone more employable and generally more successful in the marketplace than do the deeds of the flesh (Gal. 5:19–21). Read through these traits and decide which type of person you would rather have working with or for you. Which type of person would you rather do business with?

Ethics in the Workplace

In contrast to the broad issues of the global economic system, the intersection of ethics and economics also includes issues commonly understood as relating to *business ethics*. These have to do with how a person conducts himself or herself in the workplace when confronted with ethical challenges. Remember, we have already discussed a model for making ethical decisions (ch. 4) in situations where values conflict.



Before we proceed, we need to address some more fundamental questions about how a person approaches ethical behavior in the workplace and about the connection between ethical behavior and successful business. It is common to presume that you cannot adhere to ethical standards at work and still compete successfully. This presumption begs the two issues we will address next: the issue of a dual morality and the relationship between good ethics and good business.

Although Adam Smith viewed business as a morally serious calling and a form of honorable service to the community (analogous to the other professions, such as medicine and law), the general public views business with a degree of cynicism today. The corporate executive is a common villain in modern films and television. Think back through some of the movies you have seen lately and see if you see evidence of this cynical view of business.

Dual Morality

One common strategy for dealing with ethical challenges in the workplace is to create two separate worlds that you operate in—your life in the workplace and your private life. Each sphere then has its own set of rules and guidelines that you follow. That is, you have one set of moral rules for the workplace and a different, and presumably higher, set of rules for your private life. You realize that the workplace is a very competitive place that requires you to set aside some of your Christian virtues, such as love, compassion, and sometimes even fairness. You insist that those values are fine for private life, but the environment of business is such that you must play by a different set of rules in order to succeed.

Epipen Pricing Controversy

Epinephrine, a lifesaving medication for treating severe allergic reactions, is normally delivered through an autoinjector known as the EpiPen. In the past it was injected through a syringe in camp or school nurses' offices, but today the EpiPen is portable and does not require the time or preparations the normal injections do. It can be administered quickly, through clothing and wherever it is needed, often making the difference in saving a person's life who is suffering from an allergic reaction. Mylan Pharmaceuticals is the primary manufacturer of the EpiPen. Having acquired the rights to the delivery device in 2007, Mylan has been quietly raising the price by roughly 20 percent per year. However, in late 2016, they announced that the price was being raised



to \$600 for two pens, increasing the price from \$50 in 2004 and \$250 in 2013. Mylan's 2016 price increase appeared to correspond to its primary competitor being withdrawn from the market because of concerns about its safety. Mylan's CEO, Heather Bresch, is described by critics as a typical Washington, DC, insider. Her father is a US senator, and her mother is with the National Association of School Boards that advocated to mandate EpiPens in schools. Mylan dealt with some of the criticism by offering a coupon to cut the price in half and making a generic version that sold for half the price of the name brand. There is still high demand for the product since Mylan's name is associated with the EpiPen, and many physicians and groups trust its reliability.

Rosenthal, Elisabeth. "The Lesson of EpiPens: Why Drug Prices Spike, Again and Again." *New York Times*, September 2, 2016. https://www.nytimes.com/2016/09/04/opinion/sunday/the-lesson-of-epipens-why-drug-prices-spike-again-and-again.html?_r=0.

Tuttle, Brad. "Why the EpiPen Price Scandal Sums Up Everything We Hate About Big Business and Politics." *Money*, September 21, 2016. <http://time.com/money/4502891/epipen-pricing-scandal-big-pharma-politics/>.

You see colleagues of yours who you know to be good people, but who are involved in some very questionable business practices, and you admit that this way of compartmentalizing your life may not be that unusual. Perhaps a lot of people accept what Albert Carr wrote years ago: "A sudden submission to Christian ethics would produce the greatest economic upheaval in history."¹⁴ According to Carr, if a person practiced Christian ethics consistently in the workplace, he or she would not be competitive. However, compartmentalizing your life, especially a part as big as work, is clearly contrary to the mandate to live our entire lives under the lordship of Christ, with no part of our lives exempt from his scrutiny and direction.

Good Ethics and Good Business

Hidden in the statement of Albert Carr is the assumption that having integrity in the workplace is not good business, that is, it is costly to one's bottom line. However, most people would like to believe that doing the right thing in the workplace will pay off somehow, but their experience often tells them something very different.

From a Christian worldview, good ethics is always good business. This is because from God's perspective, what constitutes good business is much broader than a company's bottom line and includes how you do business. The company that makes a lot of money using immoral means or providing an immoral product is viewed by God as a failure, regardless of the company's profitability. Conversely,



just because a company or an individual has strong ethics does not necessarily mean that they will be profitable. They could have integrity but be incompetent in running a business or have an inferior product or service.

In the short term, good ethics is usually costly. If it were not, everyone would always do the right thing! And this discussion would be unnecessary. But the Bible is full of references to how the wicked prosper (e.g., Ps. 73:1–9). Some of the most profitable industries today are some of the most destructive and morally objectionable, such as pornography and the illegal drug trade. I suspect that many of you know both the “rich idiot” and the “righteous pauper.”

In the long run, however, a better case can be made that integrity generally pays off, though there will always be exceptions. That’s because integrity builds trust, and trustworthiness is a critical component in building a successful business over time. People will generally go out of their way and sometimes even pay higher prices to do business with people they trust. More important, they will take pains to *avoid* doing business with people they don’t trust. However, in some cases, you don’t have choices with whom you do business. Some companies are so dominant in their industry that it’s unrealistic to think that the market will punish them somehow for violating the trust of their customers. So, in general, good ethics is good business—in the long run, with room for exceptions.

Volkswagen Emissions Scandal

The German carmaker Volkswagen (VW) admitted to installing “defeat devices” in their diesel cars to enable it to pass emission standard tests. In reality, the cars allowed as much as forty times higher emissions than permitted by US law. This was after the EPA in the United States detected the irregular emission test results and investigated further. The device, a piece of software, enabled the car to detect when it was being tested, and put it on “safety mode” in which the performance and emissions were below normal. The motive for this appears to be to improve the performance of the diesel cars, long an issue for US buyers. Diesel cars are more popular in Europe, and VW claims that they run as cleanly as gas-powered cars. VW was ordered to recall roughly 450,000 cars in the United States to have the software removed. VW later admitted that nearly 11 million cars were equipped with the defeat device, including 8 million in Europe. Many observers have asked, “What was VW thinking?” bringing back to memory other well-publicized corporate scandals. Former CEO Martin Winterkorn



admitted, “We have broken the trust of our customers and the public.” He was forced to resign as a result of the scandal.

Hotten, Russell. “Volkswagen: The Scandal Explained,” *BBC News*, December 10, 2015. <http://www.bbc.com/news/business-34324772>.

Kollewe, Julia. “Volkswagen Emissions Scandal—Timeline.” *The Guardian*, December 10, 2015. <https://www.theguardian.com/business/2015/dec/10/volkswagen-emissions-scandal-timeline-events>.

Useem, Jerry. “What Was Volkswagen Thinking?: On the Origins of Corporate Evil—and Idiocy.” *The Atlantic*, Jan/Feb. 2016. <http://www.theatlantic.com/magazine/archive/2016/01/what-was-volkswagen-thinking/419127/>.

Specific Issues in Business Ethics

Although new issues continue to arise in business ethics, often as a result of new technologies and new ways of doing business, there are a variety of issues in business ethics that have remained constant for some time. This section will introduce you to the principal debated issues in business ethics that will likely be under discussion for years to come.

Much of this discussion falls under the heading of *corporate social responsibility*. That is, what is a company’s responsibility to its various *stakeholders*, or those affected by the company’s way of doing business? Actually, a significant part of the discussion is *to whom* do companies have responsibilities? Is it only the shareholders, or the owners of the company, or do companies have responsibilities to other stakeholders besides their shareholders?

In a classic article published in 1970, the late economist Milton Friedman argued that a company’s only social responsibility was to increase its profits.¹⁵ That is, the shareholders were the only party to whom companies had any responsibilities—to maximize their wealth. To show how widespread this view is, ask someone studying in a business school or any businessperson this question: What is the goal of a corporation? They will likely answer you with the standard view that they probably learned in business school—that the sole goal of a corporation is to increase the wealth of its shareholders.

Friedman suggested that companies serve the community substantially in three specific ways: (1) by providing goods and services that are in demand, (2) by employing people from the community, and (3) by paying their taxes to support community services. Friedman insists that any activity a company undertakes that is not designed to maximize the shareholders’ wealth is actually stealing from them, or at the least,



he maintains, it constitutes taxation without representation. For example, if a company makes charitable contributions, unless they are for public relations purposes (in which case they constitute a business expense, not a charitable contribution), they are taking the shareholders' money and using it for a nonbusiness purpose. Friedman argues that the executives are using someone else's money (the shareholders') without their consent. Further, he suggests that it's not a particularly virtuous act to do something charitable with someone else's money. If I give to help the poor but steal from you to do it, that seriously undermines the charitable nature of the act.

By contrast with Friedman, an alternative view that has become very popular in business is known as the *stakeholder view*.¹⁶ A version of this is often referred to as the "triple bottom line," meaning an emphasis on "people, profits, planet." This goes hand in hand with a greater emphasis today on businesses and industries becoming more environmentally sustainable. Proponents of this view argue that there are a variety of stakeholders, or affected parties, to whom companies have social obligations. These include employees, suppliers, the community, the environment, and the shareholders. They argue that individuals have prior moral obligations not to harm their communities, including the environment, which does not warrant an exemption simply by virtue of going to work. The majority of large publicly traded corporations have an office or officer responsible for corporate responsibility, and it is now widely accepted that companies do have obligations to the communities they serve, at the least, to avoid doing harm to them in the process of conducting their business. Most companies have mission statements that affirm excellence in the service or product of the company, service to the community, and a *reasonable* return to their shareholders. How consistently they act according to such a mission is another question, but it does appear that many companies accept something like a stakeholder model even in the way they state their mission.

Daraprim and the Corporate Conscience

Founder and CEO Martin Shkreli was vilified in the media when his company, Turing Pharmaceuticals, acquired the drug Daraprim and shortly after acquisition raised the price from \$13.50/tablet to \$750/tablet. Daraprim is used to treat a parasite infection that can be life threatening for people with compromised immune systems, such as AIDS patients, as well as being used to treat malaria. Turing's actions followed other drug companies doing something similar. For example, Rodelis Therapeutics raised the price



of its TB treating drug, Cycloserine, from \$500 for 30 pills to \$10,080 for the same 30 pills. Valent Pharmaceuticals increased the prices of Isuprel and Nitropress, which treat heart disease, by 500 and 200 percent respectively. Shkreli maintains, “This isn’t the greedy drug company trying to gouge patients, it is us trying to stay in business.” Yet he explained in an interview with *Forbes* that he regrets not raising the prices higher because, “My shareholders expect me to make the most profit. . . . That’s the ugly, dirty truth.” In a provocative commentary in *First Things*, Joe Heschmeyer points out that the Daraprim controversy illustrates a double standard in the culture about the expectation of a corporate conscience. Reflecting on the Hobby Lobby case involving providing abortion-inducing contraception, which they have a conscientious objection to providing, he states, “So the outraged public can’t eat their cake and have it, too. Either Hobby Lobby needs to be less conscientious, or Turing needs to be more so, but it can’t very well be both. Having spent the last few years demanding that for-profit corporations behave without consciences, we can hardly complain when we find them doing so.”

Diamond, Dan. “Martin Shkreli Admits He Messed Up: He Should’ve Raised Prices Even Higher.” *Forbes*, December 3, 2015. <http://www.forbes.com/sites/dandiamond/2015/12/03/what-martin-shkreli-says-now-i-shouldve-raised-prices-higher/#7c577591964f>.

Heschmeyer, Joe “Martin Shkreli and the Crisis of Corporate Conscience.” *First Things*, February 18, 2016. <https://www.firstthings.com/blogs/firstthoughts/2016/02/martin-shkreli-and-the-crisis-of-corporate-conscience>.

Pollack, Andrew. “Drug Goes from \$13.50 a Tablet to \$750, Overnight.” *New York Times*, September 20, 2015. <https://www.nytimes.com/2015/09/21/business/a-huge-overnight-increase-in-a-drugs-price-raises-protests.html>.

International Business Ethics

When business is conducted in other parts of the world, ethical issues emerge when cultures collide. When different moral standards in different cultures come into conflict, ethical issues emerge. For example, in many non-Western cultures, *child labor* is common and necessary for families to make it economically. Yet in the United States, child labor is illegal, and even as children approach the age of eighteen, there are state-imposed limits on how much they can work. Much of the criticism of sweatshops around the world is that they employ children, and it is widely assumed that this constitutes exploitation. Yet the issue of child labor is quite complicated. Many argue that there is no good reason to prohibit children from working if it is critical to their family’s economic survival.

A second example of this collision of cultures producing ethical issues concerns *bribery*. In some parts of the world, bribery is common and widely seen as



essential to a successful business. Yet bribery is illegal in much of the West, and the Foreign Corrupt Practices Act prohibits US companies from bribing foreign entities in order to secure a competitive advantage. Many other forms of bribery are practiced around the world, ranging from payments made to civil servants to secure swifter service (arguably analogous to paying a premium for overnight mail or other expedited service) to paying off customs officials in order to get people or equipment into a country (which is more like extortion than bribery).

Additional examples of international ethical issues include different standards of worker safety, which some argue puts employees at risk, and different environmental standards, which many suggest puts the environment at risk. Safety standards vary widely around the world, and in some cases employees are being harmed, which is clearly unethical and should be enforced as illegal. But in other cases, it may be that more stringent safety standards do not serve a useful purpose or do not reduce harm to employees. The same holds true for different environmental standards. Some countries argue that more stringent standards do not contribute significantly to protecting the environment (this is the argument made routinely by skeptics of global warming), and that even if they did, countries should have the right to set their priorities according to their needs. Some countries maintain that it is more important to provide jobs and income to lift people out of poverty than it is to protect the environment. Of course, this argument is more difficult to sustain the more a country's environmental damage spills over into other countries and communities.

In dealing with international ethical issues, you should beware of relativism, which insists that whatever is the moral consensus of a culture is to be accepted and no judgments be made. But as demonstrated in chapter 3 in the critique of relativism, that view is flawed and cannot be of much help when heinous practices enjoy a cultural consensus. To resolve some of these ethical conflicts that arise when cultures collide, one must appeal to some sort of universal principle that transcends culture. It may be that the cultures actually share the principles in common but differ on the application. It is required that fundamental human rights be protected, fair competition be encouraged, and employees and communities be protected from harm.

Ethics in Human Resources Management

Ethics issues in human resources often revolve around employee rights in the workplace and include the rights of free speech, conscience, protection from harm, and privacy. At a minimum, a Christian worldview requires that employees be treated



with dignity and respect, consistent with being made in God's image. This can be in contrast to the way employees are often treated—as impersonal, replaceable parts of a corporate machine. Many states have what is called *employment at will* as part of state law, which gives employers the right to hire and fire employees at will. Of course, employees can leave their company at will too. There are exceptions to employment at will. For example, companies cannot discriminate against someone and terminate their employment simply because of their race, gender, or sexual orientation. Neither does employment at will give employers the right to break mutually agreed upon employment contracts. Supporters of this concept argue that employers ought to have this right because employees can leave their jobs without reason and that this gives employers the same rights to let employees go for any legal reason. They also suggest that since the employees are assets of the company, the company has the right to use or not use those assets in whatever legal way it desires. Critics maintain that employment at will treats employees like property that the company can dispose of whenever it so chooses. They further argue that it creates an atmosphere of fear and insecurity in the workplace that makes employees less productive.

Consistent with respect for fundamental human dignity, at the least, employees have the moral right to have their contracts upheld, be paid in a fair and timely way, work in a safe workplace (free from discrimination and sexual harassment), have some due process prior to termination, and have a modicum of privacy. Other legal rights are set forth in the law, such as the right to family leave and the right to exercise one's conscience in the workplace (protection for whistle-blowers).

Some of the most debatable issues in this area have to do with privacy rights for employees. It is widely assumed that employees have privacy at work like they do at home, and that they can exercise free speech at work like they do outside the workplace. But the protected right of free speech in the First Amendment to the Constitution only protects a person from the reach of *government* censoring their speech—that is, one cannot be arrested by the state for one's speech. But that does not give employees the unqualified right to say whatever they want at work without consequences. For example, if employees are consistently being critical of their employer, they may be terminated for their impact on morale. The exception to this is if they are exercising their legal rights as whistle-blowers, pointing out that the company is engaged in illegal or unethical behavior.

It is further assumed that the right to privacy means that one's employer cannot read an employee's email or have access to his or her desk. It is certainly true that a presumption of privacy is good management practice, but the email and desk



are owned by the company and are to be used for company business. Periodic monitoring of email and internet use is now standard procedure for most companies and has been upheld in the courts as a justifiable invasion of privacy.

Mozilla CEO Ousted for Supporting Traditional Marriage

Mozilla, a Silicon Valley firm that produces the popular Firefox web browser, fired CEO Brendan Eich for his \$1,000 contribution to the effort to support traditional marriage in 2008. Eich gave a contribution to support Proposition 8, which was designed to ban same-sex marriage in California. The measure won narrowly. Six years later, when it came out that Eich contributed, he stepped down from the company he cofounded because of pressure from various factions within and outside the company. Groups called for his removal arguing that he should be removed not only because of performance issues but also for actions and activities in his private life. Writing in *The Atlantic*, Conor Friederdorf argues, "It isn't difficult to see the wisdom in inculcating the norm that the political and the professional are separate realms, for following it makes so many people and institutions better off in a diverse, pluralistic society. The contrary approach would certainly have a chilling effect on political speech and civic participation, as does Mozilla's behavior toward Eich." Mozilla claims to advocate for both equality and freedom of speech, and his supporters argued that there is nothing in Eich's record as CEO to indicate that he would undermine Mozilla's policies of inclusion.

Friederdorf, Conor. "Mozilla's Gay-Marriage Litmus Test Violates Liberal Values." *The Atlantic*, April 4, 2014. http://www.theatlantic.com/politics/archive/2014/04/mozillas-gay-marriage-litmus-test-violates-liberal-values/360156/?utm_source=eb.

Employees do have *rights of conscience* that deserve protection in the case of pointing out illegal or unethical behavior. However, this should be balanced by the company's right to protect itself from harm should the allegations be false or improperly motivated by an employee's desire to damage the company's reputation. This is also the reason why a company may put some limits on how employees conduct themselves off the job. Employees may be terminated for engaging in illegal behavior off the job and for engaging in activities that harm the employer. The right of conscience also extends to employees who do not want to service clients or do work they find morally objectionable. Companies usually show some flexibility if the individual has been a good employee. But companies also reserve the right



to suggest that employees find work elsewhere at a place where their conscience is not so troubled.

Product Safety

Companies have the obligation to produce safe products—there is no ethical issue about that. The issues revolve around how to share the responsibility for insuring product safety. Some argue that the consumer has the primary responsibility for this: “buyer beware.” This view puts much of the responsibility on the market as the vehicle through which consumer choices can influence companies. It is argued that if a product is unsafe, consumers will stop buying it and companies will be forced to make changes if they want to stay in business. The problem with this view is that even if consumers have the expertise to make judgments themselves, which they often do not, there is still a time lag for the market to make that information available to the company. During that period, invariably people are harmed.

A second option is for government to take primary responsibility through regulatory mechanisms. The benefit of this is that the necessary expertise is brought in, but the danger is excessive regulation limiting consumer choices. For example, government often protects individuals from engaging in risky behavior, such as driving without seat belts or riding a motorcycle without a helmet. Those may be acceptable limitations on individuals, but there is justifiable concern about what behaviors will be restricted next.

A third option is to put the primary responsibility on the company to make their products safe, and the mechanism for enforcing this is primarily the courts. The benefit of this view is that the producer takes most of the responsibility for safety. The disadvantage is that it leads to frivolous lawsuits that drive up a company’s costs and inhibit innovation. In reality all three parties are involved in insuring that products and services are safe—consumers should beware, government has a role in providing outside expertise, and companies are held accountable for their moral and legal obligation to create safe products.

Ethics in Accounting and Finance

Ethics issues in accounting and finance have appeared in the news in the past few years as Wall Street has come under increasing scrutiny for its role in the financial crisis of 2008–9. Government took steps to help ensure that the banking system would not be at risk again, such as the Dodd-Frank banking regulations.

Perhaps the most visible issue in this area is that of *insider trading*. This refers to people who have access to inside information about a company (that has not yet



been made public) using that information to make stock trades for themselves. For example, if a company is on the verge of a significant technological breakthrough or is announcing a new product, the stock price will usually rise once that becomes public. Insider trading enables a person with advance knowledge of that information to buy the stock prior to its price increase, thereby making a considerable profit.

Some argue that there is nothing wrong with insider trading—that the market will efficiently adjust to this and that there are really no victims when it occurs. It is what some call a “victimless crime.” But opponents insist that it creates an unfair advantage for insiders and could erode trust in the capital markets if investors were not sure that they were not being taken advantage of. Insider trading is currently illegal in the United States, primarily because of its unfairness to those who are not insiders. However, it is legal in other parts of the world.

Conclusion

This chapter has been an introduction to the complex field of business ethics. We have seen the importance of ethics and character for business to function well. The law is a very blunt instrument that is often not well suited to regulate the fine points of morality. Ethics is critical because the law only provides the moral minimum. Compliance with the law and regulatory standards provides the moral floor, not the ceiling. Many of the key ethical issues are unresolved by the law and call for an emphasis on character to be effective in the workplace.

For Further Reading

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Chapter Review

1. What is the biblical tradition of the sabbatical year? Year of Jubilee?
2. What are some of the main differences between economic life in biblical times and today?
3. What is meant by the term “zero-sum game”?
4. Why does the Bible have so little to say about ambition?
5. What are some of the primary biblical texts that speak to wealth and possessions?
6. Why is it so hard for a “rich man to enter the kingdom of heaven”?
7. What is the difference between the intrinsic and instrumental value ascribed to work?
8. When was work ordained by God—before or after the entrance of sin into the world?
9. What makes work so valuable to God?
10. How is work connected to the dominion mandate?
11. How does work relate to the image of God in human beings?
12. What are some of the primary biblical principles for economic life?
13. Summarize the biblical obligation toward the poor.
14. How would you distinguish between greed and self-interest?
15. How would you respond to the criticism that in capitalism “the rich get richer and the poor get poorer”?
16. How would you reply to the charge that global capitalism causes great human suffering through outsourcing of jobs?
17. Respond to Ray Kroc’s statement, “My priorities are God first, family second, and McDonald’s hamburgers third. And when I go to work on Monday morning, that order reverses.”
18. What is the connection between good ethics and good business (profitability)? Is there a difference between the short term and the long term with regard to this question?
19. What virtue is the engine of the market economic system?
20. What other virtues are required of “good business”?
21. What is the difference between the view of Milton Friedman and the stakeholder view of corporate social responsibility?
22. What are some of the main ethical issues raised by the collision of cultures in international business?
23. What is employment at will?
24. What is insider trading? What are the reasons that it is illegal?



Cases for Discussion

Case 13.1: Bribery, or the Cost of Doing Business?

You are starting a new business in a suburb of Jakarta, Indonesia, located next to a major university. It's a coffee house with Wi-Fi, a place for students to study, relax, and congregate. You have secured the location, signed the lease for the building, and are ready to begin remodeling the site. You will need your utilities, such as electricity, water, internet connection, and gas, before you can officially begin renovating the location. When you approach the technicians to have them initiate these services, they inform you that if you want to have them turned on in a timely way, an additional “service charge” of \$1,000/utility is required. When you offer to pay it by making out a check to the utility company, the technician informs you that it is a “cash only” transaction. You are reasonably certain that the respective technician will pocket the cash in exchange for giving you the service in a timely way. If you refuse to pay, he informs you that you could wait anywhere from six to nine months for these services to be started. You realize that would be very harmful to your business to delay its opening for so long. It feels like you are being asked to pay a bribe, and you know that it is illegal for US companies to pay bribes to officials in other countries. You have reservations but are told by reliable sources that this is a customary way of doing business in Indonesia and that you really have no choice but to pay the people involved.

Questions for Discussion

1. What decision will you make—to pay what is demanded, or refuse? Be sure to spell out the reasons for your decision thoroughly.
2. How does the Bible's teaching on bribery impact your thinking on this decision?
3. Imagine that the situation was a bit different, that you were leading a mission trip for your church. You and a group of twenty adults and high school students are attempting to get audio equipment into the country to facilitate translation of the “Jesus film” into several languages in that country. You are held up by a customs official who demands a payment of \$500 cash to let the equipment through customs. Would you be morally justified in making this payment? Why or why not?

Case 13.2: International Business and Product Safety

Your company makes glue for manufacturing and repairing shoes. The company exports the glue all over the world, and it is used in large factories where shoes are



made and in small family-owned shoe repair shops. In addition to its legal use with shoes, it can also be sniffed to get a very inexpensive “high.” This can become an addiction and seriously harm whoever sniffs it. Those who sniff glue regularly are at risk for brain damage. For this reason, in some countries, including the United States, the law requires an additive in the glue that acts as a very powerful deterrent to glue sniffing but does not otherwise affect the product in its intended use. This additive adds to the cost of producing the glue such that it would differentiate you from your competitors in terms of price. In many countries where you sell the glue, such as in Latin America, there is no law requiring the additive. You have been selling the glue in these countries for some time and now learn that street kids are using it to get high.

Questions for Discussion

1. Do you continue to market the glue in these countries where the law does not require an additive? Why or why not?
2. If you continue to sell the glue, do you put in the additive, even though it will put you at a price disadvantage? Why or why not?
3. How do you assess the argument that “it’s not our problem that street kids are using it—that’s the government’s problem”?
4. How do you respond to the argument that many products can be misused—so why be alarmed about misuse of the glue?

Case 13.3: Calling and Vocation

You are a business major at your local university, and one of your best friends has recently graduated from the same university and started attending seminary classes. You both volunteer working with high school students at your church. Your friend is convinced he’s called to be a pastor and envisions himself pursuing his career in pastoral ministry. On several occasions, he’s tried to talk you into joining him in seminary and taking up the same professional vocation into which he’s moving. However, you have desires that are taking you in a different direction, but you wonder about the value of what you are considering doing.

In one of your most recent discussions with your friend, he makes it clear that he considers what he’s pursuing in the pastorate to be a higher calling than what you are going to be doing in your job in business. He claims that he’s investing in eternity with the high school students he’s serving, and though he never comes right out and says it, you sense that he thinks you are committed to “just making money.” He concedes that your business might be doing good for the community,



but he maintains that you could maximize your investment in eternity if you were to work full time in the church. He acknowledges that churches and nonprofits don't generate revenue but collect it (and that someone has to generate it). In fact, he views himself as being on the "frontline" of serving God, and he considers business folks like you to be the "supply line" that provides the funding and resources for what really matters to God. He also admits that you will be around men and women in the workplace who will likely never come to any church, thus giving you a platform as a faithful witness that he will not have. But you can't shake the sense that you would be doing something less than what your friend is doing when it comes to your respective contributions to God's kingdom. He claims that God is calling him to pastoral ministry, and you wonder if God calls people like you to business in a similar way.

Questions for Discussion

1. Can God call someone into a business career? If so, is it for *instrumental* reasons like generating revenue and a platform for witnessing? Or does God call people to business for its *intrinsic* value? If so, what constitutes the intrinsic value of one's work?
2. How does your theology of work and vocation inform your answer to question 1?
3. Do you agree that your friend who is going to seminary and going to be a pastor is doing something better for God's kingdom than you are doing in business? Why or why not? Explain your view.

Case 13.4: Market Bashing or Prophetic Critique?

Some time ago, popular speaker Tony Campolo issued a scathing critique of market-based capitalism. He was speaking on a Christian college campus at the time, and his criticism was a distinctly Christian appraisal of the US economic system.

He stated, "You know, we're big on capitalism in Christian colleges, in spite of the fact that it's an anti-Christian value system. I'm saying that in capitalism, the motive for production is what? Profit! Don't we talk about the profit motive, those of you who are business majors? Let me tell you this, the Christian is never motivated by profit! He's motivated by love, to meet needs. And the American economy is an economic system that makes a lot of profit by producing stuff that nobody needs. Is that not a fair evaluation of our economy?"

"We need people who believe in free enterprise. I do believe in free enterprise. I believe that people should be allowed to start businesses without government



interference. But what I am saying is that the profit motive is not what I'm about, and it shouldn't be what you are about. You have to make a profit to stay in business. It's just that profit is a means to an end; it's not the end. Ministry is the end. Ministry is the end of everything.

“Those of you who are business majors, why don't you get out of your 'ticky-tack' world and do some missionary work? We're aligned with an organization called Maranatha Trust and Opportunities International that in the nation of Guatemala, 1 percent of all the jobs that exist in that nation were created by missionaries that we have sent out in these organizations. We're creating over ten thousand new jobs a month in the developing world. Is this good news for the poor and oppressed? Is the hope of delivering people from poverty, with their dignity intact, what the gospel is all about?”¹⁷

Questions for Discussion

1. How do you respond to Campolo's critique of the US economic system? Where do you agree with him? At what points do you disagree? Explain your reasons for both your points of agreement and disagreement with him.
2. What do you think of his view of profit? Explain your reasons clearly.
3. What do you think of his advice to business majors (and presumably business men and women) to get out of their “ticky-tack” worlds and do some missionary work? Explain why you think the way you do on this point.



Violence and Gun Control

In the past several decades, gun violence has dramatically increased around the world, and with each incident, the call for more stringent gun control laws grows more pronounced. The majority of mass shootings (where fifteen or more people have been killed) have occurred outside the United States and Europe, most perpetrated by radical Islamic terrorists and taking place in Africa or the Middle East. Some of the most highly publicized incidents of mass gun violence have occurred more recently in Europe and the United States. Here's a list of some of the deadliest and most well-publicized examples of mass gun violence in recent history from around the world:

In the United States:

- The Las Vegas music festival shooting, Nevada (2017), 58 killed, 515 wounded
- Pulse Nightclub in Orlando, Florida (2016), 49 killed, 50+ wounded
- Virginia Tech campus shooting, Blacksburg, Virginia (2007), 32 killed, 17 wounded
- Sandy Hook Elementary School, Newtown, Connecticut (2012), 26 killed, 1 wounded
- Luby's Cafeteria, Killeen, Texas (1991), 22 killed, 20 wounded
- McDonald's restaurant, San Ysidro, California (1984), 21 killed, 19 wounded
- Marjory Stoneman Douglas High, Parkland, Florida (2018), 17 killed, 14 wounded
- Inland Regional Center, San Bernardino, California (2015), 14 killed, 21 wounded
- Columbine High School, Littleton, Colorado (1999), 13 killed, 24 wounded
- Fort Hood Army Base, Texas (2009), 13 killed, 32 wounded
- Century 16 movie theater, Aurora, Colorado (2012), 12 killed, 58 wounded



Around the world:

- Gaboru and Ngala villages, Nigeria (2014), 300 killed
- Konduga village, Nigeria (2014), 200+ killed
- Peshawar School, Pakistan (2014), 148 killed, 114 wounded
- Concert venue and restaurant in Paris (2015), 130 killed, 352 wounded
- Utoya youth camp, Norway (2011), 77 killed, 110 wounded
- Port Arthur café, Tasmania (1996), 35 killed, 23 wounded
- Primary School, Dunblane, Scotland (1996), 17 killed, 12 wounded
- Sao Gancalo do Amarante, Brazil (1997), 17 killed
- Albertville-Realschule, Winnenden, Germany (2009), 16 killed, 9 wounded
- Gutenberg Gymnasium school, Erfurt, Germany (2002), 16 killed, 1 wounded

In the aftermath of many of these mass shootings, governments have usually taken steps to restrict access to guns or otherwise make it more difficult for citizens to obtain guns. For example, following the Port Arthur café shooting in Australia, the government instituted a nationwide buy back of guns, taking tens of thousands of guns off the streets, and strengthened gun laws to make it much more difficult to obtain and own guns there.

In addition to the violence occurring in real life, there has been a corresponding increase in violence for entertainment purposes, with the exploding popularity of violent video games and mixed martial arts (MMA). Though there has been a long history of violence in films, the video game industry takes it to another level by vicarious involvement of the players in the virtual violence itself.

Gun laws vary considerably around the world and in different states in the United States. In this chapter, we'll look at the state of the law on gun control in various parts of the world and briefly trace the history of gun control in the United States. The United States is somewhat unique in its history in this regard since access to arms are enshrined in the Constitution in the Second Amendment. We'll look at the two primary ways that the Second Amendment has been interpreted, and how the US Supreme Court has understood the right to bear arms. Other countries, particularly in Europe, do not have the tradition of the Second Amendment and are able to more strictly control gun ownership and use. We will also look at some of the hotly contested data on gun control and its effect on violent crime, asking, "Does gun control actually work?" and "What are the other costs of permitting gun ownership?"

As we've tried to do in each chapter, we will start with the Bible. We'll remind you of some points we've already made in the discussion on the morality of war,



and in doing so, look at the Bible's teaching on self-defense. We'll address the moral question (not just the legal one) about the right to self-defense and the corresponding right to be armed in order to defend yourself, family, and property. That is, if something like the Second Amendment didn't exist, should individuals have the right to armed self-defense? We will then look at some of the most prominent arguments in favor of and opposing gun control.

Sandy Hook School Shooting

On December 14, 2012, the Sandy Hook Elementary School in Newtown, Connecticut, was shocked by twenty-year-old gunman Adam Lanza, who broke into the school and opened fire, killing twenty-six, wounding one other. Of the twenty-six people killed, twenty were children. Lanza first killed his mother, with whom he was living, then went to the school where she taught and began his shooting rampage. Lanza then took his own life. Parents were grief-stricken, and the nation alarmed at the number of casualties who were children between the ages of six and seven years old. In the aftermath of the shooting, Connecticut Senator Chris Murphy, who was taking his children to school when he heard of the Sandy Hook shooting, vowed that responsible gun control would become his political life's mission.

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Violence, Self-Defense, and the Bible

Even a cursory reading of the Bible, especially the Old Testament, reveals that there is considerable violence in it. As we've already made clear in chapter 10 on war and morality, war is a frequent occurrence in the Old Testament, and God is often portrayed as a divine warrior who defends Israel from its enemies. For example,



in the aftermath of the exodus, Israel celebrates their God who has defeated the Egyptians. The preface to that celebration is the phrase, “The LORD is a warrior; the LORD is His name” (Ex. 15:3). In addition, the prophet Jeremiah, in addressing those who are persecuting him, appeals to God as his divine warrior: “But the LORD is with me like a mighty warrior” (Jer. 20:11). Other prophets use the warrior metaphor to describe God’s judgment in the end times (e.g., the day of the Lord; Zech. 1:14; 10:5). This is reinforced in the portrait of Jesus’ second coming in Revelation as one who wages war in judgment of the world (Rev. 19:11–21). Additionally, God is seen as blessing the military conquest of the promised land (Josh. 1–12), defending Israel from its enemies (Judges 5; 6:8–11; 1 Sam. 7:10–13; 2 Sam. 22:30–51), and bringing violence against Israel for its idolatry when they are taken into captivity and exiled (Amos 2:6–16; Hab. 5–11).

Yet the Bible is full of admonitions against violence and cautions not to trust in violence and weaponry (Ps. 44:6, “I put no trust in my bow, my sword does not bring me victory”). For instance, when violence is mentioned in the wisdom literature, it is most often associated with evil and wickedness (e.g., Prov. 3:31, “Do not envy the violent or choose any of their ways”; Prov. 13:2, “The unfaithful have an appetite for violence”; Prov. 24:1–2, “Do not envy the wicked, do not desire their company; for their hearts plot violence”). The Old Testament is clear that King David was disqualified from being the architect and builder of the Temple in Jerusalem because he was a “man of war” with blood and violence on his hands (1 Chron. 28:3, “You are not to build a house for my Name, because you are a warrior and have shed blood”). Jesus is equally clear that “blessed are the peacemakers” (Matt. 5:9) and that “all who draw the sword will die by the sword” (Matt. 26:52; Rev. 13:10).

As we’ve already discussed in the chapter on the morality of war (ch. 10), the New Testament prohibits retaliation but not necessarily self-defense (Matt. 5:38–48; Rom. 12:18–21; 1 Peter 2:18–24). We distinguished between retribution/ revenge and self-defense from an imminent threat to one’s life, health, or property. We also outlined the legitimate and God-ordained role of government in Romans 13:1–7 in protecting citizens, maintaining social order, and ensuring justice. Though submission to civil authority is not absolute, and though there is room for civil disobedience to unjust laws, the government is authorized to use force, if necessary, to fulfill its mandate.

To be more specific, the Bible speaks to the right of individuals to self-defense and to the use of various types of weaponry to repel or deter threats to life and property. Exodus 22:2 is often cited in discussions about self-defense in Scripture. It states, “If a thief is caught breaking in at night and is struck a fatal blow, the



defender is not guilty of bloodshed.” The passage seems straightforward. A person is not guilty of wrongdoing, not to mention murder, if violence is used in defense of oneself or one’s property. But the following verse makes this principle more complicated. By contrast, the next verse states, “But if it happens after sunrise, the defender is guilty of bloodshed” (Ex. 22:3). The key question here is what accounts for the difference in the assignment of guilt in the two cases. On the surface, this seems like a glaring inconsistency in the law, that self-defense at night is justifiable but not during the daytime. Some have maintained that the difference only shows that the right to use force in self-defense is neither absolute nor automatic.¹ At the least, it seems like not all situations of self-defense are justifiable uses of force. Others suggest that the difference between nighttime and daylight break-ins is that when it occurs at night, the defender is startled, can’t see the intruder, is less able to consider alternatives rationally, and reacts instinctively. The defender cannot tell if the person is there to steal property or threaten their life.² However, in the day time, it would be clearer to determine the intent of the intruder and thus make it easier for the defender to respond with the appropriate level of force—likely non-lethal force. Perhaps it would permit recognition and apprehension of the intruder, so that restitution could be made. It would not be quite accurate to call this an accidental death, for which in other parts of the law there is no guilt (Deut. 19:4–7), but it is clearly not premeditated either, so it would not qualify as murder.

An alternative proposal is that the “it” in 22:3 (“but if *it* happens after sunrise, the defender is guilty of bloodshed”; the Hebrew text literally reads, “If the sun be risen on him, there is bloodguilt to him”), refers not to the break-in, but to the fatal blow to the intruder. That is, the break-in occurs at night, but when daylight comes, the victim goes to search out the intruder in order to reclaim his stolen property and exact revenge, finds him and kills him. There is guilt in this case since the intruder is no longer an imminent threat, and thus, the victim has no claim of self-defense that would justify the use of lethal force. There could even be premeditation involved in this pursuit of retaliation. Thus the passage is not distinguishing strictly between nighttime and daytime break-ins but between self-defense and revenge. In any case, the text seems to support the general principle of self-defense, at least on some occasions.

Besides the obvious examples of Israel’s national self-defense, there are other accounts that give individuals and families the right of self-defense from an imminent and mortal threat. For example, when the Israelites return to the land from exile in Babylon and attempt to resettle in Jerusalem and rebuild the city, their enemies in the land threaten and attempt to intimidate them in order to discourage



them from rebuilding the city (Ezra 4:1–24; Neh. 4:1–23). Thus, Nehemiah, in his leadership role in the city, not only allows but encourages the builders of the city to arm themselves to fend off any attacks that might be forthcoming from their enemies. Half of the building contingent was devoted to armed security so that the building project might proceed safely and uninterrupted (Neh. 4:16–18).

A similar but more egregious threat came against the Israelites in exile in Persia during the time of the book of Esther. Through a well-orchestrated conspiracy by his in-house adviser, Haman, the Persian King Xerxes was deceived into issuing a decree that permitted genocide to be waged against the Jewish people in exile there. When the King became aware of the full implications of his order, he was grieved because no royal decree could be rescinded (Est. 8:8). However, he had Haman executed, and he issued a decree allowing the Jews not only to defend themselves but also to destroy and plunder their attackers in the process of self-defense (Est. 8:11–14).

What appears to be a right of self-defense is always moderated by the demand for proportionality. That is the point of the mandate in the law that governs justice and reciprocity—an “eye for an eye” (Ex. 21:23). The original intent behind this provision for justice is not to heighten reciprocity but to limit it, not to encourage violence but to restrain it. It was designed to limit compensatory justice to that which is proportional to the offense committed. Similarly, the use of force in both repelling and deterring threats must be proportionate to the threat itself, which suggests restraint in the use of force to what is necessary for self-defense.

Aurora, Colorado, Movie Theater Shooting

During a midnight opening screening of the film *The Dark Knight Rises* on July 20, 2012, lone gunman James Holmes began shooting randomly in the crowded movie theater, killing 12 and wounding 58. He was dressed in military gear and set off tear gas in the theater, immobilizing theater-goers before opening fire on them. Some movie-goers actually thought that Holmes was part of a publicity stunt to promote the movie’s opening. Holmes was a former graduate student of the University of Denver and an honors graduate in neuroscience before that. Holmes had multiple weapons, including an assault rifle, all of which were bought legally. The shooting took place only twenty miles from Columbine High School, scene of the 1999 school shooting, in suburban Denver. Police arrested Holmes; he went to trial and was convicted and sentenced to twelve



consecutive life sentences without parole. Amidst the calls for stricter gun control, some gun advocates argued that “if there had been a law-abiding citizen who had been able to carry (a gun) into the theater, it’s possible that the death toll would have been less.”

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Gun Control and the Law

There are approximately 300 million guns in the United States, and roughly 42 percent of households own a gun.³ Gun laws vary by state, but every state allows concealed carry permits and has various licensing and background check requirements.⁴ There is some discretion allowed to local authorities in the issuance of concealed carry permits for guns, though in some states that discretion is used far more frequently than others. The most restrictive states are typically in the northeast and California, though Illinois was the last state to end its prohibition on concealed carrying of guns, per a federal court mandate. Many states permit what is called “open carry,” where handguns do not have to be concealed, and many states prohibit guns in particular locations such as schools, hospitals, sports arenas, houses of worship, and places where alcohol is served. Some states have what are called “stand your ground” or “shoot first” laws, which allow individuals to use guns in self-defense without an obligation to retreat. Some states restrict certain types of firearms, such as semiautomatic or assault weapons, and have restrictions on the amount of ammunition certain guns can carry.

Gun restrictions tend to be significantly more stringent in Europe, Canada, and Australia, countries without anything like a Second Amendment tradition. Europe and most of Asia tend to be more tightly controlled, and it is illegal in some of those countries (Japan, South Korea, China, Taiwan), for most ordinary citizens to own a gun, and many have extensive licensing and training requirements.⁵

In the United States, gun ownership is regulated by the Second Amendment to the Constitution, which reads, “A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.” However, the original intent and interpretation of the amendment has



been debated for some time, only recently ruled on definitively by the US Supreme Court in 2008. Some hold that the amendment protects the rights of *individuals* to own guns in self-defense, while others take what is called the *collective view*. This view states that it is the right of communities/militias, not necessarily every individual, to own guns. That is, the Second Amendment only allows possession of firearms for well-organized military and law enforcement. However, all the amendments of the bill of rights were enacted as protections against a potentially tyrannical government, and the Second Amendment was passed in response to the British colonial government's attempt to confiscate all the colonists' weapons. That would suggest that the original intent was for individual as well as collective permission to own guns, but the original intent remained debated. However, individual gun ownership was common in the early years of the country and has remained so up to the present.

The US Supreme Court has had several opportunities to rule on gun control. The first notable case was *United States v. Miller* in 1939.⁶ The decision upheld the National Firearms Act of 1934, which levied a \$200 tax on all guns purchased by individuals with a stamp affixed to the gun proving the tax had been paid. Keep in mind that a \$200 fee in 1939 would be equivalent to roughly \$3,500 today. Miller, the plaintiff, had been charged with violating the act when his gun, which was used to commit a crime, did not have the stamp affixed to his gun. He maintained that the act violated the Second Amendment, and the lower court agreed. The government argued that the Second Amendment only applied to militias bearing arms, not individuals. The Supreme Court overruled the lower court and took the collective view of the Second Amendment, declaring, "We construe the amendment as having relation to military service and we are unable to say that a sawed-off shotgun has any relation to the militia."

That precedent stood until the 2008 case of *District of Columbia v. Heller*.⁷ The plaintiff was challenging the handgun ban that had existed in the District of Columbia for more than three decades and was regarded as the strictest set of gun laws in the country. The case was a challenge to the 1975 Firearms Control Regulation Act, which prohibited DC residents from owning most guns of any type. The Supreme Court ruled five to four on its interpretation of the Second Amendment and clearly adopted the individual rights view of gun ownership, thereby rejecting the collective view. They maintained that it would have been understood by the Constitution's founders that the right to bear arms applied to individuals to protect themselves, their homes, and families. However, the court ruled that some kinds of weapons can be regulated without violating the Second Amendment. They further insisted that the Constitution is not violated when guns



are regulated based on criminal record or mental illness. This ruling only applied to federal districts such as the District of Columbia.

Further confirmation of the individual interpretation of the Second Amendment came from *McDonald v. Chicago* in 2010.⁸ The city of Chicago had a handgun ban that had been in effect since 1982 that was challenged as a Second Amendment violation. The court ruled five to four again that the ruling at the federal level in *Heller* applied to all fifty states. This right to bear arms at the individual level took precedence over any right for particular states to restrict gun ownership. They further reinforced the limits on guns for criminals and the mentally ill and indicated that guns could be banned from certain areas such as schools, all without being inconsistent with the Second Amendment.

The Gun Control Act of 1968, restricted gun ownership so that felons, minors, mentally ill, and known drug dealers could not legally purchase and own guns. In addition, it put requirements on gun dealers to keep careful records on all gun purchases. The act also banned interstate commerce in guns, except for licensed dealers, collectors, and manufacturers.

Perhaps the best-known law designed to control guns was the Brady Bill, put in effect in 1994 after the shooting of James Brady in 1981. Brady was the press secretary to then President Ronald Reagan when both were shot by John Hinckley Jr. Reagan recovered but Brady was left partially paralyzed from his wounds. The Brady Bill was the first to require background checks from the National Instant Criminal Background Check System. The bill also required a waiting period of five days before a gun purchase could be completed. Those with criminal records, restraining orders, mental health issues, dishonorable discharge from the military, or those in the country illegally could be denied the right to purchase a firearm. The bill also included a ten-year ban on assault weapons, which expired in 2004, and was allowed to expire without being renewed.

San Bernardino Community Center Shooting

On December 2, 2015, in what was considered both a terrorist attack and a mass shooting (as well as an attempted bombing), Syed Rizwan Farook and his wife, Tashfeen Malik, opened fire at a San Bernardino County Department of Public Health Christmas party. Of the eighty in attendance, fourteen were killed and twenty-two were seriously injured. The couple fled the facility after the shooting but were eventually killed by



police in a shootout after they had tracked their vehicle. The couple were part of a homegrown terrorist network, although Farook, an employee of the health department, was a US citizen and his wife a legal permanent resident. They had both become radicalized in their Islamic beliefs and had stockpiled a large number of weapons in their home. Farook's brother-in-law, Farhan Khan, condemned the attacks publicly, speaking out the next day.

Almasy, Steve, Kyung Lah, and Alberto Moya. "At least 14 people killed in shooting in San Bernardino; suspect identified." *CNN*, December 2, 2015. <http://www.cnn.com/2015/12/02/us/san-bernardino-shooting/index.html>.

Calamur, Krishnadev, Marina Koren, and Matt Ford. "A Day After the San Bernardino Shooting." *The Atlantic*, December 3, 2015. <https://www.theatlantic.com/national/archive/2015/12/a-shooter-in-san-bernardino/418497/>.

The Debate Over Gun Control

Public arguments on gun control have raged for quite some time, with powerful lobbying groups working with incompatible goals. On one side are groups such as the National Rifle Association (NRA), which is the chief opponent of most gun control in the United States, Gun Owners of America, the Second Amendment Foundation, and the National Association for Gun Rights. On the other side are organizations such as Everytown for Gun Safety, which was founded and funded by New York Mayor Michael Bloomberg, the Brady Campaign, States United to Prevent Gun Violence, and the Coalition to Stop Gun Violence. There are extreme views on both sides of this debate, with some who want to abolish the Second Amendment and those who want virtually no limits on gun ownership, yet most people are somewhere in between those two options. Even the most passionate defenders of gun control recognize that gun ownership can be justified. Similarly, the most vociferous opponents of gun control admit that guns ought not be available to some people. The debate is over the extent of gun control, whether gun control measures are effective, and what the empirical data shows on the correlation between gun control and the incidence of violent crime in any given community.

In countries such as the United States, with close to 300 million guns owned by citizens, eliminating guns and setting aside the Second Amendment is probably not a realistic option. In other countries without the Second Amendment tradition, it may be more feasible to engage in large scale gun buy-backs or otherwise severely limit gun ownership. Most advocates of gun control are not suggesting that all guns



be confiscated or that the Second Amendment be repealed. Rather, they propose a variety of measures to regulate, register, license, and control who can own guns, and the controls proposed vary considerably from state to state. Some states allow authorities wide latitude in issuing permits for guns, and in other states, this discretion is exercised in order to make gun purchases as difficult as possible for everyone. Opponents of gun control consistently argue that these measures either do not work or are more costly and burdensome than beneficial to the community.

The first set of arguments in the debate revolve around the *Second Amendment to the Constitution*. Opponents of gun control maintain that the amendment protects the fundamental rights of individuals to bear arms, and that most of the limits that gun control advocates put on guns are a violation of this basic right. For some gun advocates, appeal to the amendment and this right it contains, renders most of the rest of the discussion irrelevant, and most of the legal challenges to gun control measures start (and sometimes end) with appeal to the Constitution.

Gun control advocates insist that the Second Amendment, like the other amendments in the Bill of Rights, is not without exceptions. For example, the right of free speech has restrictions for which someone can be held accountable, such as speech that incites violence or speech that is slanderous. Neither is the right to religious freedom absolute, as the Supreme Court has ruled that some religious practices and rituals are not protected, such as animal sacrifice and the use of hallucinogenic drugs. They insist that restrictions on gun ownership, even stringent ones, can be consistent with the Second Amendment. To be fair, most gun advocates do not argue that the Second Amendment is an absolute, even if they insist that the right to bear arms is an essential right of citizens. The debate is over the degree of restrictions that can be placed on gun owners without violating the Constitution. Gun control advocates maintain that the Second Amendment was written in a very different historical context than today, when weapons were much less sophisticated and generally incapable of the kinds of mass shootings that occur today. In the times of the American founding fathers, most weapons were single shot rifles or muskets, which are difficult to load quickly and hardly analogous to today's semi-automatic and assault weapons. Gun control advocates wonder if assault rifles had been available during the American founding, whether the Second Amendment would have been written the same way, or at all.

It's important to notice that this Constitutional debate is over the *legal* right to bear arms, not necessarily the *moral* right to do so. Remember, we distinguished between moral and legal rights/obligations and rejected the notion that "if it's legal, then it must be moral." We argued that the law is the moral minimum, the



moral floor, not the ceiling. However, the founders assumed that, to be valid, the law had to have an enduring moral basis. They argued that the rights protected in the Constitution were *recognized* by government, not created by the Bill of Rights. They saw these rights as part of the fabric of those rights with which citizens are *endowed by their Creator*. As Craig Whitney puts it in his book *Living with Guns: A Liberal's Case for the Second Amendment*: “The framers did not set out to create a new individual constitutional right. The language makes that clear: the amendment does not say, ‘the people shall have the right to keep and bear arms’; it says, ‘the right of the people to keep and bear arms shall not be infringed,’ thus recognizing, acknowledging, and protecting an individual right that Americans had already, a preexisting right.”⁹ The legal right to bear arms seems plausibly grounded in the general moral right of self-defense, which we suggested the Bible allows, and has its basis in the moral right to protect one’s life, family, and property. The right to life and property seems to imply the corresponding right to take proportionate steps to protect them both and was recognized by English common law. However, the moral right to self-defense does not necessarily preclude reasonable limits on gun ownership, including the types of guns available and who can legally buy and sell them.

The founders’ intention in the Second Amendment was focused on the ability of the fledgling nation to protect itself from the tyranny of an overreaching government, specifically the British crown, which had already attempted to confiscate all weapons of the colonists. But the founders were very concerned about any national government that had the ability to deprive communities of their right of self-defense against a tyrannical government. In all likelihood, the primary focus of the amendment was on the ability of communities/states to form militias for the common defense, clearly implying that any right to bear arms brought with it a corresponding responsibility to contribute to the common defense. However, to frame the interpretation of the amendment as either an individual right or a collective one does not do justice to the original setting in which the amendment was written. Assuming that the primary intention of the amendment was to ensure the common defense of states and communities, the primary concern was not about individual’s abusing gun ownership but about the tyranny of the federal government. But as Whitney points out,

The framers knew that militias would be useless to either the federal or state governments unless the citizens who served in them had the right to have arms in their homes and knew how to use them, so that they could do their



duty when duty called. . . . When the founders said “rights,” they meant rights that came with civic responsibilities. But they did not say, or write, that people had the right to keep and bear arms only if they were serving in a militia. The militia needed people equipped with and trained to use guns. *But those people did not need to belong to a militia to have the right to own them.*¹⁰

It was assumed that people had the right to arm themselves, both for hunting, which was necessary for food, and for general self-defense. It was not until guns could be mass produced, in the nineteenth century, that concerns about gun violence spiraling out of control came to public attention. It was then that the first attempts by the law to control guns were made.¹¹

A second set of arguments in the debate has to do with the effects of gun control on gun violence. Like the stark title of economist John Lott’s book *More Guns, Less Crime*, gun control opponents maintain that guns, especially if concealed, deter crime and that more guns in the hands of law-abiding citizens would raise the risk for criminals to engage in violent crime.¹² In addition, they maintain that if there had been citizens armed in many of the widely publicized mass shootings, they could have stopped the shooter and prevented the tragic loss of life. Gun control advocates counterargue that more guns leads to more gun violence, including suicides, accidents, and use of guns by children, as well as guns used in the commission of crimes.

For some, the notion that gun ownership is necessary for protection has significant appeal. Of course, there are other reasons for gun ownership besides self-defense, including hunting/sport, recreation (at shooting ranges), and collecting. But the idea that having a gun makes one safer appeals to many people, especially those who live or do business in more dangerous neighborhoods. The notion that having armed citizens in some of the places in which a mass shooting occurred could have stopped the shooter makes sense to large portions of the population. In addition, if potential mass shooters know that they are entering an area in which people are armed, it would increase the risk to them and possibly deter them from attempting the shooting at all. Conversely, if they know that they are entering a publicly stated gun-free zone, they would have no such fears of someone armed intervening to stop them. Of course, if they are mentally unstable or have terrorist inclinations, potential intervention is not likely to deter them.

Further intuitive appeal comes from the idea that potential victims can’t always wait for police to arrive in order to repel any attack. This is especially true in higher crime neighborhoods, in which police resources are stretched very thin. When a



break-in or other type of attack occurs, there is little time to react, much less to call police. Without being armed, they are at the mercy of their attacker, with no reasonable way to prevent injury or even death. Of course, the often-stated strategy in cases like these is to avoid resisting, allow the attacker to have whatever property they desire, and then report the attack to police. That gets complicated if the attacker intends to do more than steal property. In those cases, being unarmed leaves someone vulnerable to physical harm. However, for many attackers, simply the presence of a gun can be an effective deterrent to crime, even if it is not fired. Lott and other gun advocates maintain that most crimes that are deterred by guns are done so without a shot ever being fired.¹³

This argument assumes that bad people will always be able to obtain guns, either through unlicensed dealers without background checks, through “straw buyers” who make purchases for someone who could not pass a background check, or through some other black-market mechanism for buying guns. Gun control opponents maintain that such laws only prevent law-abiding citizens from acquiring guns for self-defense, and do nothing to keep guns out of a criminal’s hands.

Gun control advocates insist that simple math suggests that more guns means more gun violence, particularly with children, accidents, or suicides. As they claim, the more guns available, the more likely they will be abused. They maintain that guns are more likely to bring harm to oneself or a loved one than they are to an intruder or someone looking to do you harm. They argue that thorough background checks can be effective in preventing gun ownership from those who shouldn’t own them, and that limits on gun ownership are neither unreasonable nor unconstitutional. They propose limits on assault weapons, because they are unnecessary for self-defense, and other measures such as licensing gun owners, requiring training courses, weapon registration, and ballistic fingerprinting of guns to more easily trace their use in crimes. Gun advocates have vigorously resisted measures such as these, arguing that they unnecessarily restrict Second Amendment rights without reducing gun violence.

The statistics on the correlation between gun control laws and violent crime, specifically gun violence, are often at the center of the debate. Although several factors influence the incidence of violent crime in any community, Lott and others insist that, statistically, they can control for these variables, allowing them to isolate the impact of gun control laws. These firearm advocates argue that in areas that have strict gun control laws, the laws either have little to no impact on the crime rate or the rate of violent crime actually increases as guns are taken out of circulation or made more difficult to obtain. They cite the increasing prevalence



of “gun free zones” in government buildings, schools, and on many university campuses as examples of the fallacies of gun control laws. They insist that criminals are actually emboldened by gun free zones because they recognize that the risks of being shot by a potential victim are significantly less in areas with firearm restrictions.¹⁴ They acknowledge that less restrictive laws that permit concealed carry of firearms for more citizens might not reduce the *overall* crime rate in the community, since criminals will likely shift to other kinds of crimes that do not involve potential confrontations with armed individuals. Gun control advocates cite their own studies that indicate the opposite, that gun control measures actually do decrease the amount of gun-related violence in any given community. They point to the reduction in gun accidents and in the number of children involved in gun violence as a result of more strict gun laws. Gun control advocates argue that there is substantial risk of untrained, armed citizens intervening to stop shooters. They insist that “law enforcement intervention should be done by law enforcement personnel who have been specifically selected and trained to perform these duties, not by individuals who may have marginally completed an eight hour course years ago or other marginal training and possibly have not practiced with the firearm they are now carrying.”¹⁵

There are numerous factors that contribute to the incidence of violent crime in any given area, such as unemployment, family backgrounds, racial and ethnic tensions of the community, the presence of gangs, the prevalence of drug use, and the availability of guns. In some areas, strict gun control laws coincide with lower crime rates, such as in Canada, Australia, and many parts of Europe. The United States, with by far more guns per capita than any country in the world, has the highest rate of gun violence anywhere in the world. Gun laws seem to work in states like Massachusetts, which has a lower murder rate than states where gun laws are less restrictive but also has a far higher murder rate than other states with less restrictive laws. But in some parts of the United States, they don't necessarily correlate. For example, Chicago banned handguns in the early 1980s, yet the crime rate and murder rate both rose in the decade after that was enacted.¹⁶ As was the case in our discussion of the deterrent value of the death penalty, many factors, such as local homicide rates, can contribute to the crime besides the availability of guns. Isolating any one factor is very difficult to do statistically, and it is equally difficult to pinpoint specific cause and effect relationships between any one factor and something as complex as the incidence of violent crime in a community. It may be that the availability of guns may not reduce the overall crime rate. Rather the possibility of encountering an armed person might shift criminal activity to other



types of crimes. For example, it could reduce the number of break-ins in which it would be likely for someone to be home but could increase the number of these during those times where someone is not home. In addition, strict gun laws in one state could be diluted by less stringent laws in adjacent states.¹⁷ Thus, it's not clear that any study or group of studies can be finally determinative about the impact of gun control laws, given that so many intertwined factors contribute to the crime rate in any given area.

Realistic Gun Control: A Way Forward

So where does that leave us when it comes to gun control? Given the number of firearms in the United States and the tradition of the Second Amendment, it is unrealistic to attempt to ban handguns for law-abiding citizens. It is also unconstitutional to do so. However, the Second Amendment does not preclude reasonable attempts to control who has access to guns and what types of guns. In countries without the Second Amendment tradition, this may be more feasible, but any legal prohibition on guns will still have to address the moral right of a person to self-defense. If the goal of gun control measures is to effectively ban guns from law-abiding citizens, in the United States, that would be legally very problematic. For example, states that allow wide discretion to authorities to effectively deny permits to virtually all who request them would be dangerously close to violating Second Amendment rights. However, if the goal is to keep guns out of the hands of those who, most agree, should not have access to them, that is a different goal, and one that is consistent with the Second Amendment.

Pulse Nightclub Mass Shooting

On June 12, 2016, a lone gunman, twenty-nine-year-old security guard Omar Mateen, shot and killed forty-nine people and wounded fifty-eight in the second worst mass shooting in US history. The shooting took place at the Pulse nightclub in Orlando, Florida, a predominantly gay nightclub celebrating "Latin night" on that evening. Mateen broke into the club with a handgun and a military rifle, both legally purchased, and engaged in what has been called a hate crime and a terrorist attack. Mateen had pledged support for the leader of ISIL (Islamic State of Iraq and the Levant) after he began shooting. He was eventually killed by Orlando police. Support for the LGBT



community surged after the shooting, and the calls for increased gun control dominated the media and halls of Congress.

Berry, Dan. "Realizing It's a Small, Terrifying World After All." *New York Times*, June 20, 2016. <https://www.nytimes.com/2016/06/21/us/orlando-shooting-america.html>.

Using a car analogy may provide a helpful way of thinking about this.¹⁸ Far more people die in automobile accidents annually than from gun violence. Yet the government did not attempt to get cars off the road. They did attempt, and largely succeeded, at making them safer and at changing the habits of drivers. Safety measures such as seat belts, air bags, and car seats for children have reduced the number of traffic fatalities in the past few decades. In addition, both enforcement of DUI laws and increasing penalties for DUI have been effective deterrents. It has also helped that ride sharing services such as Uber and Lyft have made it easier for people to arrange alternative transportation, leaving them without any excuse for driving under the influence. A similar approach might work to ensure that guns are safer and not available to those who should not have them.

On both sides of the debate, proponents need to recognize that extreme positions do not contribute to establishing a consensus to move the discussion forward. Gun rights advocates must recognize that the Second Amendment is not absolute and that the courts have ruled consistently over the years that some restrictions on gun ownership are consistent with the Constitution. At times, gun advocates seem reluctant to admit to few, if any, restrictions on gun ownership for fear of eroding the Second Amendment right they take as absolute. But gun control proponents must also recognize that the right to bear arms in self-defense predates the Constitution. As Whitney puts it, "What they aim to change is not the common-law right of most people to own and use firearms, but the misuse of firearms, especially by the tiny minority of people who under common law can and should be denied that right . . . without being made to feel as if they were criminals."¹⁹

An outright ban on firearms, or restrictions so burdensome that they essentially ban firearms, is not consistent with the common law right that the Constitution recognized. Neither is the requirement that someone have a valid reason for purchasing a firearm consistent with the Second Amendment. In the same way that no one has to have a valid reason for exercising other basic rights such as the right to free expression, or religious freedom, neither is the reason for wanting to own a gun relevant to exercising that right. Persons denied permits for insufficient reasons are



being treated unjustly, which is why many states have what are called “must issue” laws—that if a person passes the background check and meets any other licensing requirement, they cannot be denied a permit to own a gun.

There seems to be a strong consensus that certain people should not have access to firearms—minors and children, convicted felons, those with mental illnesses, drug users, those with a restraining order against them, those convicted of domestic violence, and those who have renounced their country’s citizenship.²⁰ A natural first step for keeping guns out of the hands of those who should not have them would be to strengthen the required background checks for gun sales by private or federally licensed dealers. This would require authorities to promptly report to the NICS (National Instant Check System) those conditions that would disqualify someone from purchasing a gun. Neither is it unreasonable to have a short waiting period for the background check to be completed.

A second, and more often debated, step would be to ban certain types of weapons, especially those capable of mass destruction and seemingly unnecessary for self-defense. There are few good reasons why someone would need to own an assault rifle or other semiautomatic, multiple-magazine weapons that are well beyond what is necessary to defend one’s home, family, or person.

The Las Vegas Strip Shooting

On October 2, 2017, a lone gunman opened fire on a country music festival with more than 22,000 people in attendance just off the main strip in downtown Las Vegas, killing 58 and wounding 515 people. The gunman, sixty-four-year-old Stephen Paddock, opened fire from a thirty-second-floor hotel room overlooking the concert venue. It became the deadliest mass shooting in US history and authorities called for more stringent gun control laws after he was discovered to have ten additional rifles in his hotel room. Paddock killed himself before a SWAT team broke into his room. Authorities claimed that there were no links to terrorism, but the Islamic state claimed responsibility for the shooting, insisting that Paddock had converted to radical Islam and was operating out of allegiance to ISIS. Paddock’s family was shocked at the news and maintained that they had no indications that he would engage in an atrocity of this sort. Nor did he have any police record.

Bacon, John and Mike James “Las Vegas Shooting: At Least 59 Dead, Gunman Was “Crazed Lunatic Full of Hate.” USA Today, Oct. 2, 2007. <https://www.usatoday.com/story/news/nation/2017/10/02/las-vegas-shooting/722191001/>.



A third step would be to ensure that all gun owners have been properly trained, perhaps by requiring licensing and training for all gun owners. We require a license to operate a motor vehicle, and though it may be inconvenient, we realize that it's a good thing for people with driver's licenses to receive training. In addition, all guns should be both registered by serial number and by their ballistic fingerprint so that authorities can more easily trace guns that have been used in criminal activity. Gun advocates generally resist measures like these due to their inconvenience, and they claim that they are not effective in any case. As long as these steps don't become so burdensome that law-abiding people can't effectively obtain guns, there seems to be no good reason why they shouldn't be adopted.

A fourth step would be to enforce the law more rigorously to stop "straw buyers" of guns from providing guns for those who could not pass the required background checks. In addition, the penalties for crimes involving guns could be increased, similar to the way that drunk driving penalties have been increased, thereby providing an additional deterrent to misuse of guns.

Conclusion

The discussion of gun control takes place in a culture that tends to glorify violence. Today, violence exists in all types of media, including television and movies, MMA fighting matches, song lyrics, and video games. There are hundreds of these kinds of video games on the market today, and critics argue that repeated exposure to games like these desensitizes a person to violence. Because of the culture of violence that media continually brings into people's homes, many suggest that it is not surprising that actual gun violence is increasing. As a result, any attempt to control real gun violence must account for the culture in which it is set and seek to change the way the people think about violence as entertainment.

As is the case with many of the moral issues on which cultures debate, gun control seems beset by absolute claims that make for intractable disagreements on both sides. Both sides need to recognize the limits to their positions in the hope that a consensus can be reached about a productive way to make progress in insuring that guns stay out of the hands of those who we agree should not have access to them. The right to gun ownership is not absolute, and reasonable restrictions are consistent with an overall right to own a gun. But those restrictions cannot masquerade as attempts to do something the Constitution won't allow—to effectively ban gun ownership. What is needed in this case, as is true with many other moral issues, is the attempt to reach a reasonable consensus (with civility among the participants)



about how to best prevent the small number of people inclined to misuse guns from actually doing so.

For Further Reading

Lott, John R. *More Guns Less Crime: Understanding Crime and Gun Control Laws*, 3rd ed. Chicago: University of Chicago Press, 2010.

Whitney, Craig R. *Living with Guns: A Liberal's Case for the Second Amendment*. New York: Public Affairs, 2012.

Winkler, Adam. *Gun Fight: The Battle Over the Right to Bear Arms in America*. New York: Norton, 2011.

Chapter Review

1. List two or three of the deadliest mass shootings in recent history.
2. True or False—The deadliest mass shootings in the world have occurred in the United States.
3. What is the Second Amendment to the Constitution? Can you quote it exactly?
4. Why was King David disqualified from building the Jerusalem Temple?
5. What does Exodus 22:2–3 indicate about a right to self-defense?
6. How do you understand the difference between the nighttime and daytime settings for self-defense in Exodus 22:2–3?
7. What are some other examples from the Bible of people being armed for self-defense?
8. How does Jesus saying, “Blessed are the peacemakers,” fit with the overall portrayal of violence in the Bible?
9. What are the two interpretive options for understanding the Second Amendment?
10. What was the point of *United States v. Miller* (1939)?
11. How did *District of Columbia v. Heller* (2008) and *McDonald v. Chicago* (2010) clarify the understanding of the Second Amendment?
12. What is the Brady Bill (1994)?
13. Name two of the organizations that are most supportive of gun control in the United States.
14. Name two of the organizations that are most opposed to gun control in the United States.



15. What are the main arguments in favor of gun control?
16. What are the main arguments opposing gun control?
17. What does the empirical data suggest on the link between gun control and gun violence?

Cases for Discussion

Case 14.1: Owning a Gun for Protection

You and your spouse are newly married and have moved into a hip area in the downtown part of your city. It has undergone quite an urban renewal and is attracting many young professionals back to the downtown area to live in closer proximity to where many people work. Even though the area has seen a remarkable change in recent years, there are still parts of the area that are considered somewhat dangerous and the crime rate downtown is still much higher than in the suburbs. Recently, some of your friends have had break-ins to their apartments, and though they were not at home at the time of the break-in, they were still quite alarmed and have a newfound sense of unease about their safety. One of them confided to you that he has recently bought a handgun, having applied for and received a concealed carry permit. You and your spouse are having this discussion about gun ownership for yourselves as a result. You feel a need for protection, and your spouse is opposed to having guns in the home at all.

Questions for Discussion:

1. Assuming you and your spouse reach an agreement, what will you decide about buying a gun and keeping it at home? Would you carry it with you? Keep it in your car? Explain your reasons for your decision.
2. Would your decision be different if you had young children, who need protection, but who also could be involved in an accident with the gun? Why or why not?
3. If the purpose for having a gun was for hunting or recreation, how would you view gun ownership? If you would not own a gun for these purposes, be sure to specify if you have a moral issue with it, or it's simply a personal preference.

Case 14.2: Gun Control Legislation

You are in the legislature of your state, and your state has been rocked in the last few months by several highly publicized mass shootings. Understandably, your constituency is concerned about the gun violence and wants to do everything they can to



keep guns out of the hands of those who would do harm to the community. They are lobbying you vigorously to enact more stringent gun control laws in your state, which to this point, qualified as having some of the less strict gun laws. You have voters who want to ban all handguns, but you also have people in your district who are involved with the National Rifle Association (NRA) and view most restrictions on guns as a violation of their Second Amendment rights. You are the chair of the committee tasked with drafting new legislation on guns in the current session of the legislature.

Questions for Discussion

1. What are some of the key elements of the gun control legislation your committee should draft? Explain your reasons for both the aspects you include and those you leave out.
2. How will you defend your bill to the NRA advocates who view most restrictions on guns as unconstitutional? Similarly, how will you defend your bill to those who want to ban all guns from the state?
3. What measures will your bill take to ensure that guns will not be abused by those who want to harm the community?

Case 14.3: Playing Violent Video Games

You and your friends like to play video games together, especially first-person shooters like Call of Duty and Halo. Recently, you heard so-called “experts” calling out the makers of these games for contributing to a culture of violence, especially among young men in their twenties. They mentioned that games like these desensitize people to violence, especially given the more intense personal involvement in the games, as opposed to simply watching violent movies or listening to violent music lyrics. You have also heard others who you respect in your church suggest that playing these games is not honoring to God because of the extreme violence that the games portray. You have always viewed these games as harmless entertainment and have enjoyed playing these games with your friends.

Questions for Discussion:

1. Do you think there’s any moral issue with playing violent video games? Explain your reasons for your position.
2. How do you harmonize playing these games with the Bible’s mandate to think about the things that are honoring to God (Phil. 4:8)?
3. Do you agree with the contention that playing violent video games desensitizes you to violence? Why or why not?



Race, Gender, and Diversity

Issues of race and gender, despite decades of concerted effort to create a racially harmonious and gender-neutral society, are still at the forefront of public discussion. Racial issues continue to be featured in the news, mainly as a result of police shootings, the rise of racially motivated hate crimes, and the reemergence of the white supremacy movement, each of which has generated widespread protests. These have spawned movements such as “Black Lives Matter” and others that are promoting racial justice and reconciliation. Further issues of race come into play with the discussion of economic inequality. In many communities there remains a minority underclass with substandard educational opportunities in failing public schools and with considerably higher unemployment and much higher rates of crime and incarceration. This has generated a deeper discussion of the connection between race and privilege/disadvantage. Increasingly, the attempts to overcome racism have focused on what is commonly called “systemic racism,” or how racism is much more, and still, deeply entrenched in culture and institutions, than previously acknowledged. In addition, there is still considerable debate about the amount of progress made in overcoming racism in the past few decades. In other parts of the world, these disadvantaged communities tend to be immigrant communities, as with Middle Eastern immigrants in many European countries, for example. Other racial issues in Europe include the rise of anti-Semitism in recent years, though anti-Semitism has long characterized large parts of the Middle East. Racial issues are predominant in other countries as well, such as the conflict between Hindus and Muslims in India (as well as the caste system in India) and tribal conflicts in parts of Africa, at times with genocidal overtones (as in Rwanda in the 1990s).

Gender issues too remain in the public discussion. The gender gap in terms of pay continues to be an issue, though the gap has narrowed in the past few decades.



Although women are breaking into the executive suite more frequently, there is still the problem of a “glass ceiling” for women in the workplace. In addition, there is a persistent double standard in how women are perceived in the workplace—that traits that would be compliments to men are considered drawbacks when applied to women, particularly in cultures in which women traditionally have been deferential to men. In addition, sexual harassment in the workplace still occurs overwhelmingly, though not exclusively, against women, and they are almost always the victims of sexual assault. Globally, women and young girls are far more often the target of human trafficking, though not exclusively. Young girls are far more likely to be sold into sexual slavery than boys, and in the West, the hypersexualization of young girls by advertisers has many observing that the preadolescent period for young girls is disappearing. As we discussed in chapter 5, sex selection efforts to control population in the developing world focuses primarily on girls, showing that females continue to be devalued in many parts of the world.

The debate over gender has also found its way into distinctly Christian settings, as women’s roles in the church and home continue to be debated between “complementarians” and “egalitarians.” This is mainly a discussion among conservative Protestants and some Catholics, as most mainline Christian denominations consider the New Testament teaching on women to be an archaic holdover from a patriarchal first century culture (though there can still be gender discrimination in those denominational contexts).

In an effort to overcome decades of racial and gender discrimination, the diversity movement has taken hold in most organizations, including schools, businesses, and government. For a variety of reasons, many institutions are committed to becoming more diverse, with some attempting to “look like the community they serve” in terms of their ethnic and gender makeup. Government entities also have programs to increase opportunities for minority-owned businesses that contract with federal, state, and local governments. These are part of what has been traditionally known as “affirmative action” programs, although that term is no longer widely used, having been replaced by the term “diversity.” These diversity programs attempt to increase the opportunity, mainly in education and employment, for previously disadvantaged groups and are normally based on race and ethnicity as well as gender. Proponents of diversity maintain that these programs are necessary to provide opportunity to historically marginalized groups, and some argue that they are owed as a form of reparations for past discrimination. Critics argue that these programs constitute reverse discrimination and are a step backward in the pursuit of a color-blind society.



It is widely assumed today in universities and the workplace that racial and gender diversity is a good that is obvious and should be pursued. But what exactly it is that makes diversity a good thing is not often articulated. Think about this a bit—do you think the efforts to pursue diversity are a good thing, and if so, why do you think diversity should be pursued? What reasons would you give for thinking it is a good thing?

Let's look first at diversity theologically and see what the Bible emphasizes about diversity. From the beginning in Genesis 1, it is clear that all human beings, regardless of ethnicity, gender, national boundaries, or even faith commitments, are made in the image of God and have essential human dignity (Gen. 1:26–27). As we've already argued, this concept undergirds equal human rights and fundamental human dignity before God. Even the triune God has the diversity of three distinct persons in the unity of one God.

A second theological aspect of diversity is that the kingdom of God, when it comes in its fullness, will be an incredibly diverse community, consisting of people from every nation and ethnicity. It seems clear that diversity is important to God from the beginning of the Old Testament, even though his covenant was originally with the nation Israel. But Genesis 12 makes it clear that the purpose of God making a covenant with Israel was ultimately so that the entire world might be blessed. The point of the covenant with Abraham was so that “*all peoples on earth* will be blessed through you” (referring to the descents of Abraham, of which Jesus the Messiah was the primary one; Gen. 12:3). Clearly, the story of the New Testament is the inclusion of people of every nationality and ethnicity within the realm of God's grace and salvation.

We see this diversity reflected in the founding of the church on the day of Pentecost in Acts 2. Though it was constituted of believing Jews, the Bible emphasizes that the Jews came from all over the world, from various ethnicities, speaking dozens of languages. The diversity of cultures and languages represented on Pentecost was what made the scene so remarkable—that by the coming of the Holy Spirit, people from all these diverse backgrounds were able to understand the gospel message and respond to it. Due to the outpouring of the Spirit, everyone was able to hear the message in his or her own language. Here's how Acts 2:5–11 describes it:

Now there were staying in Jerusalem God-fearing Jews from every nation under heaven. When they heard this sound, a crowd came together in bewilderment, because each one heard their own language being spoken. Utterly



amazed, they asked: “Aren’t all these who are speaking Galileans? Then how is it that each of us hears them in our native language? Parthians, Medes and Elamites; residents of Mesopotamia, Judea and Cappadocia, Pontus and Asia, Phrygia and Pamphylia, Egypt and the parts of Libya near Cyrene; visitors from Rome (both Jews and converts to Judaism); Cretans and Arabs—we hear them declaring the wonders of God in our own tongues!”

Since they wondered what it all meant, Peter clarified it and quoting from the Old Testament prophet Joel, said, “In the last days, God says, I will pour out my Spirit on *all people*” (Acts 2:17). The rest of Acts tells the story of the spread of the gospel to the known world, as gentiles and Jews were equals in the church.

Acts, with its companion volume the Gospel of Luke, describes the way gentiles (non-Jews from a variety of ethnicities) came to be included as equals in the people of God. Acts describes how the message of Jesus started with the Jews but soon expanded to include non-Jews from all over the world. Though gentile inclusion did not happen without a great struggle, by the end of Acts, the message had progressed well beyond the borders of Israel. Likewise, Luke’s Gospel tells how the message of Jesus began as a Jewish gospel but came to include non-Jews among some of the most noteworthy followers of Jesus.

Some of the letters of the New Testament also address this notion of non-Jews being included in the people of God. For example, Ephesians was written to show that both Jews and gentiles have been reconciled in Christ. They are fellow-citizens in God’s kingdom and family members in his household (Eph. 2:14–22). Similarly, Paul describes the church as having “neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus” (Gal. 3:28). Neither race nor class nor gender can keep someone from being included in Christ. Here, Paul is highlighting the three primary sources of oppression in the first century—race, socioeconomic class, and gender.¹ In Christ, those differences are overcome by virtue of people belonging to Christ.

When the kingdom comes in fullness, it will consist of peoples who retain their ethnic identity, including their language, yet all will be one, united in the worship of God. This is described in Revelation 7:9–10, which says,

After this I looked, and there before me was a great multitude that no one could count, *from every nation, tribe, people and language*, standing before the throne and before the Lamb. They were wearing white robes and were holding palm branches in their hands. And they cried out in a loud voice:



“Salvation belongs to our God,
who sits on the throne,
and to the Lamb.”

It seems clear that God values diversity and desires that his people consist of every tribe and nation. In addition, God desires that the racial and gender factors that have historically separated cultures be overcome so that his people would experience unity, the sign that something spiritually significant is occurring (John 13:35). In the parable of the Good Samaritan (Luke 10:25–37), the good neighbor is a Samaritan, who were despised in first century Israel. The parable makes it clear that the mandate to love your neighbor, at least, included and, at most, focused on loving those who are profoundly different from us, especially culturally and ethnically.

The most common reason that diversity has value as articulated in the broader culture is that having exposure to people from other cultures and ethnicities, in addition to another gender, a person gains valuable perspectives to which he or she might be culturally blind. Commonly, people who travel widely and internationally are able to see their culture more clearly in contrast to others. They often report that their ways of thinking, how they see the world, and their cultural traditions are challenged, forcing them to reexamine the way they view the world. This kind of exposure keeps one from thinking that their way of doing things is the only valid way. As my graduate school mentor put it, it keeps people from developing “hardening of the categories,” a condition that often keeps people from growing and learning. Of course, as we discussed in chapter 2, biblical moral values transcend time and culture, but their application may be very different across cultures. An emphasis on diversity enables a person to see other valid ways of applying the moral values on which we would agree. This does not mean that every application of those values is right or valid. But exposure to diverse cultures enables people to take off their own cultural blinders and see valid applications of moral principles that they might not have previously considered.

This leads to a second good of diversity—we live in a global society, increasingly connected through technology, in which it is much more difficult to live in isolation from other cultures and be successful.² Doing business globally puts people in touch with other cultures. Even in many cities in one’s own country, it is possible to have meaningful interaction with a variety of cultures. Many major cities in the world are cultural melting pots, though the degree to which distinct cultures are assimilated into the common life of the city varies widely. The need to be



prepared for interaction with many different cultures is why most colleges and universities strive to have students and faculty from a wide variety of cultures on their campus—to equip students for the kind of diversity they will likely encounter after graduation.

Many organizations, including businesses, see valuing diversity to be in their interest. For example, for many companies, having a diverse workforce is good for business. Having employees of the various ethnicities with which they desire to do business is an obvious advantage, particularly if it involves fluency in the native language of their culture. Having employees from diverse cultures and ethnicities means being able to more easily connect to a wide range of cultures and ethnicities, and distinct perspectives are particularly valuable in insuring that companies avoid mistakes in doing business with those from different cultures. Additionally, companies find it in their interest to have female perspectives, since women constitute a significant part of many companies' customer base. Some research indicates that having mixed gender groups at work produces better work outcomes.³ It may even be that certain projects or events have an ethnic theme, for which having employees of that ethnicity is not only desirable but essential.

Ethical issues can sometimes be raised by the emphasis on diversity, since the goal of a diverse work force or student body can come at the expense of the person who might be the best qualified for the job or for admission to the college on qualifications other than gender or ethnicity. For example, in California, Asian students claim that they are routinely denied admission to elite colleges when they are clearly more qualified, due to restrictions on admissions in order to have a more diverse student population. In addition, equating race or ethnicity with privilege/disadvantage can also prove problematic, since there is sufficient anecdotal evidence to show that whites can come from very disadvantaged backgrounds, and ethnic minorities are not necessarily underprivileged. Critics of diversity movements maintain that the almost reflexive way in which the term “white privilege” is used is not necessarily the case, as there are many white populations that are not economically privileged. They further argue that equating disadvantage with ethnicity is often false and can be insulting to minorities. They claim that this is an example of the same kind of stereotyping and generalizing about race that the diversity movement is attempting to eliminate.

Take this case for example. My friend and teaching partner is an attorney whose client was a Native American man whose company was bidding for a defense department contract to provide a missile guidance system for the military. He was awarded the contract as part of a government program to set aside a percentage of



their business for minority-owned firms. The government program was challenged in court by a man of Polish descent who grew up in abject poverty but overcame his disadvantaged upbringing to earn a university engineering degree and start his own company. He lost out on the contract to his Native American competitor. As the case proceeded, the Native American man learned that he was actually Caucasian but was adopted by a Native American family and grew up on a reservation in the high desert of California. The Polish person argued that he was equally if not more disadvantaged, and that his race had nothing to do with his overcoming that disadvantage. The Native American man maintained that even though he was technically Caucasian, he had the full experience of disadvantage that came from his growing up in a Native American culture. For both these people, their ethnicity had little to do with their socioeconomic privilege or lack of it. It may be that measuring disadvantage by race or ethnicity does not do justice to what people actually experience and that socioeconomic class is a better indicator of privilege or disadvantage.

To be fair, many who use the term “white privilege” are not referring to economic privilege. Rather, white privilege often refers to the advantage that comes with being in the majority. It refers to not having to be conscious of one’s ethnicity and to the majority culture being seen as the norm. It brings advantage because the majority tends to be respected and trusted in ways that minorities often are not.

Issues of Race and Ethnicity

The history of civilization is replete with racial and ethnic conflicts, and in fact, racial tension, not unity, seems to be more the norm historically. In recent decades, there have been ethnic conflicts in numerous parts of the world, including attempts at genocide. Take, for example, the wars between Serbs, Croats, and Muslim ethnicities in the former Yugoslavia that erupted following the fall of communism in Eastern Europe. Tribal conflicts exist in many parts of the world, with one of the most infamous being the Hutu-Tutsi conflict in Rwanda in the 1990s, which ended in tragedy for both groups. The Armenian genocide during the period around World War I, in which the Turks drove out Armenians from Turkey, remains controversial with some denying it ever took place. Anti-Semitism has a long history both in Europe and the Middle East, culminating in the Holocaust and continuing after the founding of the nation of Israel. In addition, refugees from the Middle East who come to the West often face daunting discrimination and mistreatment. Conversely, there’s good evidence that anti-Semitism is on the rise again in Europe, partly as a result of Middle Eastern immigration into Europe.



The United States also has a long history of racial discrimination, closely connected to its history with slavery. Even after slavery was abolished in the 1860s, discrimination remained a staple of the lives of most African Americans, both through individual attitudes of prejudice and institutional segregation, prompting the Civil Rights movement roughly 100 years later. Some call the legacy of slavery and racial discrimination in the United States “America’s original sin,”⁴ though the legacy of slavery and discrimination against Africans also occurred throughout many parts of Europe. They maintain that “the United States of America was established as a white society, founded upon the genocide of another race and then the enslavement of yet another.”⁵ In addition, European countries with colonies in other parts of the world were well known for their mistreatment of indigenous groups. Other immigrant groups coming to the United States experienced discrimination as well, including Italian, Irish, and, more recently, Hispanic immigrants. There is little doubt that these immigrant groups have been harmed by such discrimination, though the degree to which various immigrant groups have overcome their disadvantage varies widely. For example, some immigrant groups from various parts of Asia have been quite successful in assimilating and thriving in the countries to which they emigrate. What exactly is owed to those who suffered disadvantage as a result of discrimination, particularly slavery in the case of African Americans, is one of the ongoing ethical issues revolving around race and ethnicity.

Ferguson, Missouri, Police Shootings

On August 9, 2014, Michael Brown, an African American male, was shot and killed by a white Ferguson, Missouri, police officer, leading to weeks of passionate and sometimes violent protests in the town of Ferguson, a suburb of St. Louis. Brown was a suspect in a convenience store theft, which was caught on surveillance camera, and the officer detained Brown since he fit the description of the suspect in the minor theft. When the officer, from inside his police vehicle, confronted Brown about the theft, according to the officer and some witnesses, there was an altercation between the two men, in which Brown punched the officer. The officer shot at Brown from inside the vehicle, slightly wounding him. The officer testified that Brown reached inside the vehicle and grabbed for his gun, prompting the initial shooting. Brown fled on foot and the officer pursued him, eventually firing several shots that were fatal. Other witnesses claimed that there was no altercation, and that the white officer had shot an unarmed



black man. Though there was debate about the altercation, it was clear that Brown was unarmed. The shooting set off weeks of angry protests that made national news, and activists and commentators cited this as evidence of racial bias in the police department. The protests intensified as the grand jury declined to indict the officer in the shooting. The Justice Department investigated the department and in a very critical report, recommended a departmental overhaul.

Larry Buchanan et al. "What Happened in Ferguson?" *New York Times*, August 10, 2015.
<https://www.nytimes.com/interactive/2014/08/13/us/ferguson-missouri-town-under-siege-after-police-shooting.html>.

Racial tensions have emerged in recent years as a result of police shootings of African American men, the disparity in incarceration rates for minority men, and the continuing economic inequality experienced by many minorities. The rise of the Black Lives Matter movement has brought many of these issues to the forefront of public discussion in recent years. They and others maintain that racism is so endemic in the United States that "racism is the ocean we swim in and the air we breathe."⁶ Others take a more optimistic view that the rise of minority middle classes, the movement of minorities into position of political influence, and the fact that there has been an African American President of the United States suggest racism may not be as pervasive as some insist and more progress has been made than some are willing to admit.⁷

Race and the Bible

In the Old Testament, the people of God were a relatively racially homogeneous national entity. However, as a nation, Israel welcomed immigrants from the surrounding people groups, and there were ways for non-Jews to become part of the covenant community, suggesting that membership in the covenant community had more to do with covenant obedience than ethnicity. Though Israel was God's chosen nation, that choice was not based on race or ethnicity, since the Old Testament made it clear that God's choice of Israel had nothing to do with Israel's merit. God did show favoritism to Israel, but it was for the purpose of blessing the whole world (Gen. 12:1–3). The wisdom literature of the Old Testament was aimed at an international audience, bringing God's wisdom to a variety of nations outside Israel.



The prophets' messages of judgment also went well beyond Israel's national boundaries, as the oracles to the nations held other nations and people groups accountable for adhering to God's moral law similar to the way God held Israel accountable (Isa. 13–29; 46–50; Ezek. 25–32; Amos 1–2). Yet the prophets are also clear that those nations will eventually be included among the people of God when the kingdom comes in fullness (Isa. 2:2–4; Zech. 8:20–22). Often in the period of the kings, contact with other nations brought with it the temptation for idolatry, to which Israel regularly succumbed. The prophets' warnings against those outside of Israel were not racially but religiously and morally motivated, as other nations often brought idolatrous religious practices and morally problematic traditions. For example, King Solomon was criticized for his marrying foreign women, since he built temples in which they could worship their false gods (1 Kings 11:1–13). In addition, in the postexilic period, Ezra admonished the people to avoid intermarriage for the purpose of religious, not racial, purity (Ezra 9–10).

Police Shootings in Dallas and Baton Rouge

In July 2016, gunmen targeted police officers in Dallas, Texas, and Baton Rouge, Louisiana. In early July, a single black gunman set out to kill as many white police officers as possible during a demonstration in Dallas protesting the police's killing of unarmed black men. Five officers were killed in Dallas in what has come to be called retaliatory violence against the police. Two weeks later, a single gunman, on his twenty-ninth birthday, ambushed six police officers in Baton Rouge, killing three and wounding three others. This was in the aftermath of a controversial police shooting in Baton Rouge a few days earlier.

Fernandez, Manny, Richard Pérez-Peña, and Johan Engle Bromwich. "Five Dallas Officers Were Killed as Payback, Police Chief Says." *New York Times*, July 8, 2016. https://www.nytimes.com/2016/07/09/us/dallas-police-shooting.html?_r=0.

Visser, Steve. "Baton Rouge Shooting: 3 Officers Dead; Shooter Was Missouri Man, Sources Say." *CNN*, July 18, 2016. <http://www.cnn.com/2016/07/17/us/baton-route-police-shooting/index.html>.

During the life of Jesus, Israel was a racially charged atmosphere, featuring major tensions between Jews, gentiles, and Samaritans, who were considered racially mixed and were thus held in low esteem. Jews held themselves out as morally superior to gentiles and often treated them with contempt and condescension.



Jews also had enormous resentment toward the Romans, who were oppressive occupiers of the land, ruling it with a heavy hand. The Jews in the first century were anticipating the Messiah bringing the kingdom of God, but saw it as a political kingdom for Jews only. The notion that gentiles could be included in the kingdom was neither widespread nor popular in the first century.

Yet repeatedly in the life of Jesus, gentiles are singled out as those who believed, as opposed to the Jews who rejected him. Even before Jesus' birth, gentiles appear in the lineage of Jesus (Matt. 1:3, 5), the gentile Roman centurion is a man of great faith (Matt. 8:5–13; Luke 7:1–10) as are the Canaanite woman (Matt. 15:21–28), the widow of Nain (Luke 7:11–17), the Gerasene demon-possessed man (Luke 8:26–38), and the Samaritan woman (John 4:1–26). Similarly, many of Jesus' parables highlight gentiles, including the Good Samaritan, who is the model of neighbor-love (Luke 10:25–37), the parable of the vineyard, in which the owner of the vineyard takes it from his tenants (Jews) and gives it to outsiders (gentiles; see Luke 20: 9–19; Matt. 20:1–16), and the parable of the wedding banquet, in which those originally invited refuse to attend (Jews), opening the door for gentiles to be invited in (Matt. 22:1–14). Jesus' other parables often suggest this theme too (e.g., the lost coin, the lost sheep, and the prodigal son in Luke 15).

In the book of Acts, the Jew-gentile controversy becomes a focal point of the new church's attempts to fulfill Jesus' last commission to them. Before he ascended to heaven, Jesus gave the church the great commission to go into *all the world* and make disciples (Matt. 28:20), and he promised them the power of the Spirit to enable them to become his witnesses *to the ends of the earth* (Acts 1:8). Though the intent was clear for the church to be radically inclusive irrespective of race, gender, ethnicity, or socioeconomic background, the Jewish-dominated early church struggled mightily to include gentiles as their equals. It took the onset of significant persecution of the church in Jerusalem to scatter the church and begin outreach to non-Jews (Acts 8:1–3). As gentiles are progressively integrated into the church, controversy raged as the apostle Peter is called to account for including gentiles (Acts 11:1–3). He explains how God miraculously sanctioned the inclusion of gentiles into the church (Acts 11). But not until the Jerusalem Council is the controversy finally settled (Acts 15). From there, the gospel steadily progressed through the known world.

Several of the New Testament letters still had to address Jew-gentile relations, as assimilation of gentiles into the church did not always proceed smoothly. For example, Galatians was written to rebuke the Jews who were insisting that gentiles obey the law of Moses as a condition of their salvation. Paul affirmed that it is



by faith alone, not any works of the law that someone comes to faith in Christ, so Jews and gentiles are equals in the church before God (Gal. 2:15–18; 3:28). In addition, Ephesians was written to give the theological basis for reconciling Jews and gentiles in the unity of the church, as gentiles are fellow citizens and fellow members of God’s household. Paul refers to Jews and gentiles in the church as “one new humanity” in Christ (Eph. 2:14–22), in which racial barriers between the two had been put to death (Eph. 2:14–15).

Yet throughout church history, this ideal of racial equality was not often observed. For example, during the colonial period, racism pervaded the colonies of the European nations. The colonists often oppressed the indigenous peoples, and many of the oppressors professed Christian faith.⁸ In addition, the church has a long history of ugly anti-Semitism, and though it is not accurate to suggest that Christian faith generated the anti-Semitism that led to the Holocaust,⁹ discrimination against Jews was a feature of much of church history. Further, many religious believers used the biblical text as support for owning slaves in pre-Civil War America. Martin Luther King Jr. once stated, “The most segregated hour in American life is 11:00 am on Sunday morning.” Many churches today are racially homogeneous groups, and often intentionally so, as this homogeneity is seen as the most effective way to attract nonchurched men and women from the community.

Some have suggested that anti-Semitism actually has its roots in the New Testament itself. For example, Jesus had some very harsh words for his Jewish detractors that sound a bit anti-Semitic. Jesus referred to the religious leaders who refused to believe in him as belonging “to your father, the devil” (John 8:44). He calls them illegitimate children, in reference to their claim that they were the children of Abraham (John 8:39–41).¹⁰ In addition, Paul refers to the Jews in similar fashion, he calls his Jewish opponents “dogs” and “evildoers” (Phil. 3:2), accuses them of killing the prophets and Jesus himself (1 Thess. 2:15), and condemns the “Judaizers” who were attempting to corrupt the gospel of grace with works of the law (Gal. 2:14). However, neither Jesus nor Paul was speaking of the entire Jewish people but of specific groups of Jews who opposed the gospel message.¹¹ The Judaizers were a small group of believing Jews who were trying to hold on to the Mosaic law as a condition of salvation, and Paul rightly rebuked them. In addition, Jesus and Paul both were referring to the religious leaders who opposed him and who were responsible for his death specifically when he condemns the Jews. Neither of them held the entire Jewish people responsible for the death of Jesus, as was typical of much of the anti-Semitism the Jews suffered at the hands of the church throughout the centuries.



The Death of Freddy Gray

On April 12, 2015, Freddy Gray was arrested by Baltimore police for allegedly possessing an illegal switchblade. During his transport in a police van, Gray lapsed into a coma and died four days later. The medical examiner identified spinal cord injuries that Gray suffered in transport and ruled his death a homicide, not an accident. Witnesses claimed the officers used excessive force in putting Gray into the van, which all the officers involved denied. Within a few weeks, the Baltimore city attorney charged six officers with second degree murder and the grand jury returned an indictment against the officers. The incident sparked weeks of violent protests in downtown Baltimore, during which a state of emergency was declared, a nighttime curfew was ordered, and the National Guard was brought in to maintain order in the city. The officers were found not guilty of murder (though one trial ended in a mistrial) and other associated charges were later dropped. This incident and the results of the trials reinforced for many in the community the racial bias against African Americans on the part of the Baltimore police. Others maintained that the police did their jobs in protecting the community and the court verdicts upheld the conduct of the officers in question.

Bever, Lindsay, and Abby Ohlheiser. "Baltimore Police: Freddy Gray Died from a 'Tragic Injury to His Spinal Cord.'" *Washington Post*, April 20, 2015. https://www.washingtonpost.com/news/morning-mix/wp/2015/04/20/baltimore-police-freddie-gray-arrested-without-force-or-incident-before-fatal-injury/?utm_term=.7a5dba9b367e.

As is the case with sexism described below, there is a consensus in much of the world that racism and racial discrimination are immoral and inconsistent with the principle of human dignity as grounded in the image of God. Many forms of discrimination require the force of law to prevent them or to provide relief for those who suffered harm from such actions. However, there are still ethical issues that require resolution and forms of racism that still need attention. In this regard, it is helpful to distinguish between *racism* and *racial prejudice*, since they are two somewhat different things.¹² Racial prejudice refers to negative stereotyping on the basis of race and/or the belief that particular races/ethnicities are inferior to others. Racism is the combination of racial prejudice and the institutions of power in any given culture that enable a group to perpetuate patterns of discrimination. This distinction is part of the reason why some groups insist that minorities cannot



be racist, since they don't have the power necessary to enforce racial preferences. However, no one's race exempts them from holding immoral racial prejudices.

Much of the debate over race in the past had to do with various affirmative action programs, which hoped to address the disadvantage that resulted from historic racism. These programs attempted to expand opportunities for minorities in education and employment. In addition, government had what came to be called "set aside" programs that would allot a percentage of government contracts to minority-owned firms. Courts have ruled that in education strict quotas on the basis of ethnicity are not permitted, but colleges and graduate schools can take ethnicity into account in the school's overall assessment of applicants.¹³ Supporters of affirmative action programs insist that they are the least that society can do for those disadvantaged by racism, and some, such as the Black Lives Matter movement, support more direct reparations to African Americans and Native Americans. They maintain that minorities have been harmed by past racism and deserve compensation for that harm. They praise these programs and other diversity emphases for giving opportunities to minorities they might not otherwise receive, and for efforts to broaden the pools of qualified minority applicants for jobs and college admissions.

Critics of affirmative action maintain that such programs constitute reverse discrimination, stigmatize legitimate minority achievement, and take steps backward if the goal is to achieve a color-blind society in which race and ethnicity are irrelevant to someone's qualifications. They further argue that reparations are impossible to implement with fairness since most of those who would be responsible to pay reparations had nothing to do with the history of slavery. They insist that establishing direct responsibility for harm is the only just way to order restitution, which is the way restitution is administered for other types of harm, and which cannot be done in the case of racial reparations.

A related, and equally controversial, discussion concerns K–12 educational opportunities for minorities. Some critics of affirmative action programs claim that the help is too late by the time a person gets to college. These critics maintain that many diversity programs for college admissions actually set up students to fail in college since they are not adequately prepared. Virtually everyone agrees that it is unjust that any child receives a substandard education by virtue of his or her race, ethnicity, or geography. Yet it is undeniable that many minority children are trapped in failing schools in many cities across the country. In some countries, minority children are closed off from education entirely. Everyone agrees on the end to be pursued—better education and more opportunity for disadvantaged children. The debate is over the most effective means to accomplish that goal.



Advocates of what is known as “school choice” maintain that something akin to a voucher system, a set amount of money that families could use to send their children to the school of their choice, would enable families to have an alternative to the failing school that their child might be attending. They could use the money for another public school or a private school. Supporters maintain that competition in education would produce excellence, as it has done for colleges and universities around the world. Critics of school choice argue that allowing families to choose schools would starve the public schools of the resources needed for education, condemn public education to near irrelevance, and fail to benefit those who need the opportunity the most. They raise the question of what would happen to inner city schools if students and families could abandon them for schools in more privileged areas. They cite the connection between the “white flight” out of cities into the suburbs and the deteriorating conditions in downtown areas. They view a similar flight out of city public schools leaving them in the same condition, condemning the poorest of the poor to perpetual substandard education. Supporters of school choice insist that if schools close because they cannot attract and serve students, then that’s not necessarily a bad thing, and the “market” for education will respond by creating new schools to replace them, which it can do once competition is introduced into education. Regardless of the means involved, there is consensus that substandard education for anyone is a moral issue, and particularly for the economically disadvantaged.

Racial prejudice also manifests itself in the treatment of immigrants around the world. It is not uncommon to hear of African and Middle Eastern immigrants being mistreated and discriminated against in Europe and other Middle Eastern countries, where often they are kept in squalid refugee camps in deplorable conditions. Racial stereotyping is especially evident in the treatment of refugees from Muslim nations, as the majority of those seeking asylum and safety are victims fleeing religious violence and persecution. Countries who have traditionally and generously received refugees now wonder if they are also allowing potential terrorists into the country, and some have overreacted and closed off their borders to some of the most desperate refugees if they come from Muslim nations. Countries have a legitimate concern to control their borders and desire to avoid stretching their resources to the breaking point and creating further instability in their country. Immigrants who are legally allowed into the country have the right to be free from racial prejudice and racial discrimination and to be given opportunity for education and employment in their new countries.



Black Lives Matter Movement

Founded by three African American women, Patrice Cullors, Opal Tometi, and Alicia Garza, in the aftermath of the Trayvon Martin shooting in 2012, the movement aims to “build connections between Black people and our allies to fight anti-Black racism, to spark dialogue among Black people, and to facilitate the types of connections necessary to encourage social action and engagement.” It gained considerable visibility and momentum in the wake of the Ferguson, Missouri, shooting in 2014. The movement appears to have taken center stage in the ongoing struggle of African Americans against racism in the United States. They “are working to rebuild the Black liberation movement” of the 60s and 70s. They argue that their movement is “a response to the virulent anti-Black racism that permeates our society.” Black Lives Matter began as a protest movement against unjust violence against blacks by the police in some communities but has grown to take on the ways black people are rendered powerless by the state and culture, thereby depriving them of their rights and dignity. The various causes they have taken up include poverty, incarceration rates, undocumented Black people, human trafficking, the rights of Black women, LGBT persons, and Blacks with disabilities. Critics maintain that all lives matter, that the movement is wary of the Black church (a traditional strong advocate for civil rights), and that they refused to speak out against the killing of police officers by Black shooters in Dallas and Baton Rouge. Their tactics are different from the earlier Civil Rights movement, and they have drawn criticism for being overly confrontational and divisive.

Black Lives Matter, <http://blacklivesmatter.com>.

Reynolds, Barbara. “I Was a Civil Rights Activist in the 1960s. but It’s Hard for Me to Get behind Black Lives Matter.” *Washington Post*, August 24, 2015. https://www.washingtonpost.com/posteverything/wp/2015/08/24/i-was-a-civil-rights-activist-in-the-1960s-but-its-hard-for-me-to-get-behind-black-lives-matter/?utm_term=.446811eedc28.

A further area in which racism is evident is in the prison system, where minority men make up a disproportionate percentage of the prison populations. There is widespread concern that the criminal justice system in the United States is broken and in need of renewal. Of course, some violent offenders who remain a threat must be imprisoned so that the community is safe. The Bible’s view of justice contains elements of what is known as “retributive justice,” which includes punishment for breaking the law. But a new emphasis, popularized by the late Chuck Colson’s Prison Fellowship and advocated by many others, is a movement toward “restorative



justice.”¹⁴ In addition to the traditional notion in criminal justice that crime is a violation of the abstract law, restorative justice views crime primarily as offenses against people and communities that create obligations to those victimized. Justice is not only about blame, guilt, and punishment but also about offenders making things right with victims and communities.¹⁵ The emphasis in this form of criminal justice is more on the needs of the victim, with the offender taking responsibility to repair the damage caused by the offense. For example, the Center for Justice and Reconciliation of Prison Fellowship has been using this model in US prisons and in many other countries around the world in hopes of reforming criminal justice and returning it to its biblical roots of justice being restorative, both for the victim and the offender.

A final area in which racism can be evident is in the economic inequality that plagues many minority communities around the world. Though, as we have already mentioned, equating race/ethnicity with advantage or disadvantage overstates the case, and can be an unfair and insulting stereotyping for minorities, the people at the bottom of the economic ladder are disproportionately people of color. This is often reflective of a substandard education, yet other factors, such as the breakdown of the family in some minority communities, hinder a person’s and community’s economic flourishing. Though the existence and growth of minority middle classes is an encouraging sign, it remains that those who seem trapped in intractable poverty are most often people of color. Providing opportunity and the necessary education to take advantage of those opportunities, for those at the bottom of the socioeconomic ladder continues to be a moral mandate for a society that cares about its poor and economically vulnerable.

Issues of Gender

Even though it has been decades since the movement for women’s rights began, and great progress has been made in many areas, the exploitation of women around the world continues. Violence against women is still endemic to many cultures in the world, particularly in the developing world, where women are systematically discriminated against and are the objects of various forms of sexual violence. Women are still victimized by many practices that are allowed to continue, such as human trafficking, sexual slavery (which has generated an entire industry of global sexual tourism), pedophilia of young girls (some as young as age 6), nonconsensual female circumcision (often done in unsanitary conditions and without anesthesia), sexual assault of women in wartime, domestic violence, female infanticide, honor killings of women (sometimes even women who are rape victims), the tradition



of sati (in which widows ritually commit suicide after their husband's death), and the tradition of Purdah (which refers to female seclusion especially from men). Other forms of violence against women include the "rape culture" that exists on many college campuses, including date rape and acquaintance rape, the use of sexual images in advertising, and sexual harassment in the workplace.

All the forms of violence against women described above are clearly immoral and demand the force of law to prevent them. They do not present much in the way of ethical dilemmas that demand deliberation or debate, since there is not much moral ambiguity about them. Efforts to combat them are morally praiseworthy and should be continued with all available legal means.

However, forms of sexism still exist and can be subtler in cultures that have prohibited many of the practices listed above. Some areas raise difficult ethical issues that require careful navigation. For example, sexual harassment still exists in many workplaces today despite the progress made in the past few decades. The #metoo movement in Hollywood has exposed an ugly underside of the entertainment industry. Sexual misconduct that has recently come to light has effectively ended the careers of several high-profile figures in the film and television industries. Further charges of sexual abuse and domestic violence are found in sports, as the case of Larry Nassar and the US Gymnastics team has illustrated. But balancing the need to take sexual harassment claims seriously with protecting the rights of the accused and insuring due process, is an ongoing challenge. The deeper issue of how women are perceived in the workplace is related to this, with some arguing that women are still subject to a double standard in how they are viewed. Further, the use of sex in marketing of products and advertising raises issues about the objectification of women. In addition, difficult public policy issues revolve around the legality of practices such as prostitution and pornography. Though from a Christian worldview, these are both clearly immoral, their legality is more challenging to work out. Finally, the distinctly Christian discussion of gender roles is a part of this discussion. The debate over women's roles in the church and home continues in conservative Protestant and Catholic circles and includes issues such as the ordination of women, though in recent years it seems to have been eclipsed a bit by the debate over the ordination of gay and lesbian clergy.

Gender and the Bible

As a result of the feminist movement of the 1960s and 70s, the Christian discussion of gender roles underwent a reexamination. Though some denominations, such as



the Wesleyans, have ordained women for a century, many mainline denominations quickly embraced many of the principal tenets of feminism and soon were ordaining women to all roles in the church, some of which had been previously open only to men. In more theologically conservative groups, the debate between more traditional views of gender roles and more progressive ones became known as the debate between “complementarians” and “egalitarians.” The term “complementarian” was actually coined for this discussion over gender roles and is a more fitting term than the previous terms of “traditional” or “hierarchical.”

From the beginning, God created both male and female in his image, giving both genders fundamental and intrinsic dignity. Yet in biblical times, there was a patriarchal society in much of the ancient world, with women subject to men in the home and in public life. However, several aspects of Old Testament Law protected women in new and yet unheard-of ways. For example, in cases of divorce, the law prohibited men from divorcing and remarrying women repeatedly, keeping women from becoming the equivalent of “marital ping pong balls” (Deut. 24:1–5). Further, when foreign women were taken as prisoners in wartime, the law mandated that any man who desired sexual relations with her must marry her and, by implication, commit to providing for her for the rest of her life. He cannot treat her as property to use her or sell her to someone else (Deut. 21:10–14). Further, any woman who is the victim of sexual assault is entitled to ongoing financial support from the man who assaulted her (Deut. 22:25–29).

Jesus’ treatment of women was revolutionary in his time. He welcomed them as his disciples, and some of his closest followers were women. He affirmed them and respected their dignity in ways that were considered highly countercultural and were offensive to the Jewish religious leaders. Women were included in the genealogy of Jesus, and throughout his earthly ministry he initiated conversations with women and held them in high esteem. Frequently, women are held up as models of faith in Scripture. The gospel writers recorded that women were the ones who did not abandon Jesus when he went to the cross and were the first to witness the newly resurrected Jesus.

With the New Testament Epistles, the discussion of gender roles intensifies. On the one hand, Paul describes husbands as the head of their wives (Eph. 5:23) and mandates her to be submissive to him (Eph. 5:22), yet he also teaches that in Christ, there is “neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus” (Gal. 3:28). Paul also teaches that women are not to speak or exercise authority in the church (1 Tim. 2:12; 1 Cor. 14:34–35), yet he also allows for women to pray and prophesy in the church (1 Cor. 11:5).



The complementarian view essentially maintains that though the Bible affirms that there are no status distinctions based on gender, there are role differences.¹⁶ The Bible affirms that male and female are not interchangeable and in the home and the church have different roles that have to do with function, not esteem, dignity, or value. They tend to summarize the distinctions under the heading of “leadership” for both church and home, though they emphasize that it’s a servant leadership role in which men are called to sacrificially love their wives, not an authoritarian role. They see the notion of male leadership from the very beginning in Genesis 1–2 as the creation of Adam and Eve are sequential, not simultaneous, and that Adam takes leadership in naming the animals and is the one held ultimately accountable for sin in Genesis 3. “Soft” complementarians emphasize the Bible teaches mutual submission between husbands and wives in the home (Eph. 5:21) and that in the church only the leadership roles of elder (and some would add senior pastor) are reserved for men (1 Tim. 2:12). All other roles are open and encouraged for women. Other complementarians would use the term “authority” as opposed to leadership to describe the man’s role in the home and the church, and some complementarians would object to women teaching men in the church.

The egalitarian view takes its primary cues from Genesis 1–2 and Galatians 3:28. They deny that there are any role distinctions in Genesis 1–2 and emphasize that any role distinctions come in Genesis 3, after the entrance of sin. They further maintain that Galatians 3:28 teaches a radical equality between men and women and opens up any role in the church. They insist that in the home submission is mutual, not a one way street, and, overall, is a part of being faithful to Jesus. They hold that women can be elders and pastors and are encouraged to share spiritual leadership in the home with their husbands. They also argue that Paul’s teaching about women being silent in the meeting of the church is not absolute, since women are urged to pray and prophesy publicly. They further cite the allusion back to Genesis that Paul makes in 1 Timothy 2:12 as indicating that women’s roles in the church goes back to the fall, not the original design from creation.

However, some scholars have challenged the way in which the entire debate on gender in the Bible is framed. Some hold that the discussion of authority/leadership vs. equality/rights is not quite the right framework in which to address the discussion.¹⁷ They claim that both sides of the debate are focused on aspects that are either secondary to kingdom realities or have been turned upside down by the teaching of Jesus and the apostles. For example, the primary text that undergirds the egalitarian emphasis, Galatians 3:28, addresses unity and inclusion as opposed to equality and status. The kingdom is more about how people from every background



and station in life were now able to become followers of Jesus and members of the early Christian community. As Michelle Lee-Barnewall puts it,

Jew and Greek, slave and free, male and female are not *isos* (equal) but *heis* (one). . . . Universal integration into a new single community of Jesus followers is its point, not equalization of all its members. In this new community, distinctions are not eliminated as much as they have become irrelevant for determining who can be “in Christ.” While these distinctions were transcendent, they were not irrelevant. Rather, it was precisely *because* those distinctions existed that the believers’ unity and love would be so remarkable.¹⁸

The status of men and women in the newfound church was unchanged theologically, since both are made in the image of God. But this notion that everyone, regardless of cultural attitudes toward specific groups, could be included in the realm of God’s grace was revolutionary, and contributed to the sense of unity demonstrated to the world. It is true that equality in status before God seems to follow from the inclusiveness of the gospel, but the emphasis is on who is included and the resulting oneness in the community of God’s people, not the equality or rights of individuals.

The same can be said of biblical texts that indicate what complementarians view as authority and leadership in the church. As is characteristic of Jesus’ teaching, the gospel brings many surprising reversals that would have caught his listeners, and even his disciples off guard.¹⁹ For example, the last shall be first in the kingdom (Mark 10:31), whoever humbles himself will be exalted (Matt. 23:12), children receive the kingdom (Mark 10:15), the one who tries to save his life will lose it (Mark 8:35), and the greatest among you must be your slave (Luke 22:26). Jesus made it a habit of overturning the existing social order by means of the gospel message, and he does so again with the notion of authority and leadership. In the New Testament world of the first century, the idea of a servant-leader would have been considered a contradiction, yet for Jesus being a servant (also referred to as a slave) was actually the prerequisite for leadership and authority.²⁰ Throughout Jesus’ teaching, authority and servanthood are set up as opposites. Paul echoes this notion in his insistence to the Corinthians, who were looking for the traditional Greco-Roman forms of status. He maintains that power and authority are made clear in weakness and humility, so that the honor would ultimately go to God (1 Cor. 4:10–12). In fact, Paul turns the traditional Roman hierarchy of honor and value on its head by maintaining that the slave is at the top of God’s hierarchy, not the bottom. Thus, the emphasis in many of the texts that deal with leadership



and authority in the church is not on authority but on servanthood, recognizing that in the first century, authority and servanthood were considered contradictory. Lee-Barnewall puts it this way: “Complementarians need to ask whether their definitions view suffering, humility, weakness, and a lowering of status as integral to a kingdom understanding. When ‘servant’ only modifies an understanding of leadership and authority, it cannot challenge or change the nature of either in the way the New Testament seems to do.”²¹

The same themes relate to the application of the biblical teaching on gender to the home. The emphasis in the Genesis narratives seems to be on obedience and unity between Adam and Eve. Describing Eve as the “helper” to Adam does not indicate any role or status distinction since the person most commonly described as the “helper” in the Bible is God himself. In addition, if the point of the creation narrative was to indicate equality, then a simultaneous creation of the man and woman would seem to fit that better than the sequential creation that occurs. The emphasis seems to be on the notion that they are like one another, since one was derived from the other, and on unity, since at the end of Genesis 2 they are one flesh—a unity that was broken by their sin in Genesis 3. In addition, if unity is paramount in Genesis 1–2, then the notion of authority is difficult to square with the goal of unity, as power differentials often undermine unity.²² It also appears that Adam has responsibility for naming the animals and accountability for their disobedience, that seems to indicate some difference in what Adam and Eve were called to do.

The theme of reversal appears again in the New Testament teaching on “headship” of the man over the woman in marriage. Complementarians suggest that this teaches male leadership in the home, and egalitarians insist that the term refers to the man being the source of the woman, reflecting the Genesis creation narrative. The normal use of the head-body imagery indicates that the head is the leader and provider for the rest of the body. Since the body cannot survive without its head, that would presume that it’s the most important part, and the notion that the head would sacrifice for the sake of the body would seem highly irrational. But such is the reversal that Paul suggests in Ephesians 5:22–31—that the man should sacrifice for his wife, being willing to give himself up for her as Christ did for the church.²³ Again, this relates to unity as the emphasis. The idea that the man would sacrifice for his wife was contrary to cultural norms in which husbands dominated their wives. The text is about unity and sacrifice, not fundamentally about leadership and authority. Again, Lee-Barnewall puts it this way: “For Paul, the head is the source of unity, but only as the head acts in a manner that is very unheadlike, by not exerting power or privilege, but rather doing the opposite. . . . It is difficult to



imagine an emphasis on authority as leading to the intimate one flesh union.”²⁴ Thus, the way in which the Bible frames the discussion of gender is not primarily about authority/leadership or equality/rights, but rather about inclusion, reversal, service, and unity. This provides a helpful way of rethinking the biblical discussion of gender in light of the emphases of the Bible. Regardless of where one lands on the complementarian-egalitarian spectrum, what seems clear is that Paul was not a chauvinist; his views on women were quite countercultural given the patriarchy of the first century world. He esteemed women as equals before God and elevated their status significantly.

Perception of Women in the Workplace

In the early 1980s, a landmark case of gender discrimination went public involving the accounting firm Price Waterhouse and one of their employees, Ann Hopkins. Hopkins was denied a partnership in the Washington, DC, office of Price Waterhouse. Despite the fact that she had reached senior manager level, had brought in \$34 million in consulting contracts, which was more than any other candidate that year, and had billed more hours in the preceding year than any other candidate, she was denied an invitation to become a partner in the firm. Hopkins filed suit against the firm alleging that she had been the victim of sexual discrimination based upon unfair gender stereotypes. According to court documents, some partners (all of whom were males) described her as arrogant, abrasive, overbearing, impatient, and hardnosed. They were also offended by her use of profanity. Some partners described her as “too macho” and “needing to go to charm school.” One partner even advised her to “walk more femininely, talk more femininely, dress more femininely and wear makeup, wear jewelry and have her hair styled.” Two lower courts ruled in favor of Hopkins, ruling that gender bias came into play in their decision. Obviously, the partners stepped well over the line in their comments about her needing to be more feminine and, thankfully, the workplace has come a considerable distance in improving egregious cases of gender bias. But if their criticism of her had stopped before they advised her to “go to charm school,” what might be said about the partners’ reasons for denying her a partnership? The comments that also deserve scrutiny are those in which she is described as “arrogant, overbearing, impatient, and hard-nosed.” Do those comments alone reveal a gender bias? Are those terms seen differently when applied to men?

This case, though it occurred some years ago, illustrates the prospect of there being a subtle double standard that indicates bias against women in the workplace.



It suggests that women still might be perceived differently than men when it comes to functioning in the workplace. Specifically, it raises the question that the same character traits, when applied to men, might be seen differently. A man who is arrogant could also be perceived as confident; if he's overbearing, he's perceived as demanding and driven to succeed; if impatient, he's seen as efficient in his use of time; and if hard-nosed, he's seen as tough and unbending. In other words, the same traits might be seen differently when they describe men as opposed to women. When describing women, they might be used negatively or even summarized with other, more clearly pejorative terms.²⁵

I ask my female business students regularly if they sense this same kind of double standard in the workplace. Most commonly, I hear from women who grew up in cultures that are more patriarchal, and where women are generally more deferential to men, that this double standard definitely still exists. If so, this is one of the subtler ways gender bias expresses itself and something to which attention should continue to be given.

Use of Sex in Marketing and Advertising

Ethical issues are also evident in the widespread use of sexual images and sexual persuasion in advertising and the marketing of products and services. For companies with products aimed at a particular demographic, namely younger men, sexual imagery is still very common. Take, for example, the use of sexual imagery in the Carl's Jr./Hardee's fast food restaurants, which ran for many years, quite successfully, until Carl's discontinued them in late 2016.²⁶ Other companies such as Calvin Klein, Dolce & Gabbana, and Victoria's Secret are well known for using sexual imagery in their commercials. The use of sex in advertising today has become so ubiquitous that it practically escapes the notice of most people. The imagery is more explicit outside the United States, where the law allows more latitude for advertisers to use sex in advertising. Clearly these ads hope to catch the attention of the viewer quickly and to associate the company's product with the sexual imagery, thereby enabling the company's brand to stand out more readily. There is little doubt that such advertising is effective, for if it were not, companies would not be spending significant amounts of money on this type of marketing.

Critics of the use of sex in advertising maintain that it further objectifies women, reinforcing the stereotype of women as sex objects. Viewing women as sex objects is inconsistent with their dignity as those made in the image of God. There seems to be little doubt that the result, if not also the intent, of the advertisers is



to appeal to the lowest common denominator among men by using the sex appeal of the women and associating it with their products or services. Advertisers often respond that the women in the ads are participating voluntarily and not under any coercion, are well paid for their roles, and have the right to use their bodies for whatever purpose they see fit. However, many advertisers eschew the use of sexual imagery, on the basis that it is uncreative, unimaginative, and demeaning to women.

Sex Workers and Public Policy

The role of the law in the areas of pornography and prostitution is another difficult issue. Women who work in those industries today are more commonly referred to as “sex workers,” as opposed to being called porn stars and prostitutes. Those who facilitate both pornography and prostitution assume that women are sex objects. They rarely contest that accusation. Rather, they argue that women have the right to choose what they do with their own bodies, and reminiscent of the arguments in advertising, women become sex workers voluntarily and can walk away from it whenever they choose. They point out that their feminist critics cannot have it both ways—they can’t hold that women have absolute rights over their own bodies, and yet protest some of the choices that women make with that right.

However, the damage that both pornography and prostitution do to individuals and families is clear and obvious, ranging from the spread of STDs with prostitution to addictions to pornography. In addition, in many parts of the world, sex workers are not in the business consensually and are not at all free to walk away from it when they choose. In many cases, women and young girls are forced into prostitution through human trafficking against their will, or they enter it out of financial desperation because they have no other way to generate income for themselves or, often, for their families. For some who have been so damaged by early sexual abuse and sexual violence against them, they may appear to enter the sex worker business voluntarily, but it is hardly a free choice to do so. Even if it appears voluntary, if it is motivated by desperation or women seeing themselves as “damaged goods,” that is part of the definition of exploitation. Women and young girls around the world who are coerced in these ways to become sex workers are being exploited, and they are the victims of sexual violence on a daily basis.

So the public policy issue is what to do with the women who genuinely voluntarily enter the sex worker trade? Clearly, those who are coerced, either directly or indirectly, are victims who need the protection of the law. Those who are not, who genuinely enter voluntarily, are a different matter. In general, the law ought to stay



out of the way of consenting adults and the agreements into which they enter. Of course, there are exceptions to this, such as someone selling himself or herself into slavery. However, an argument could be made that very few people become sex workers in a truly voluntary way. Most are motivated by financial desperation or severely damaged self-esteem, otherwise they would not likely subject themselves to being objectified in the way that pornography or prostitution involves. If that's true, then most in the industry are being exploited.

A separate issue is the regulation of pornography. Even taking into account the damage pornography causes, one wonders if censorship of pornography is unwise. Claims about the damage caused by other print and video material could be made, in addition to the offense it generates to various segments of the community. If the fact that it gives offense is sufficient to empower censorship, then religious people ought to be concerned that at some point the Bible or the Qur'an will be censored because some people find them offensive.

Sexual Harassment

In the past several decades, significant progress has been made in protecting the rights of employees, particularly women, to work in environments free from sexual harassment. However, cases keep emerging in the media, as celebrated allegations of sexual harassment against celebrities such as David Letterman, Bill O'Reilly, and Harvey Weinstein. Most organizations today have regular training in place, mandated by government, to ensure that those throughout their organization know of what constitutes sexual harassment and how to address cases when it occurs.

There are several issues that must be resolved before fair and adequate laws can be put into place to safeguard both victims of and those accused of sexual harassment. The first, and perhaps the most difficult one, is the definition of sexual harassment. Sexual harassment is not always easy to define, but it is intuitively obvious when one sees it, and especially when one experiences it. The courts have defined two primary types of sexual harassment. The first is what is called *quid pro quo* harassment, in which sexual favors are demanded in exchange for job security or promotion. This is often called *sexual extortion* and virtually everyone agrees that this constitutes the clearest and most egregious form of sexual harassment.

A second type of sexual harassment, and a bit more difficult to define, is the *hostile environment* form. When the harassment produces a hostile working environment for the person victimized, that is also sexual harassment. The courts have held that a person who works in such an environment does not have to prove that



he or she has been harmed in any way, either physically or emotionally to establish that sexual harassment has occurred. While acknowledging that this aspect of the definition can be abused, unwanted sexual attention which creates a hostile work environment, particularly, but not exclusively for women, constitutes sexual harassment and should be stopped.

One of the problems in defining sexual harassment is that women and men tend to perceive it differently. What may be simply innocent joking and teasing for men may be offensive to women. What may be culturally acceptable ways of interacting for men may actually be threatening for women. In spite of this, it is widely held today that if a person's behavior toward another in the organization makes them uncomfortable, especially for sexually based behavior, that is good enough to constitute sexual harassment. Given the cultural awareness of sexual harassment, it is harder to make a case that someone is unaware that their behavior is offensive, though in most cases, warning should precede any formal case going forward. Most organizations have serious sexual harassment training, mandated by the law, to make someone aware of the kinds of behaviors that constitute sexual harassment. It is also incumbent on any organization to have an adequate reporting system in place to help empower victims to voice their complaints and warn both the organization and the perpetrator.

A second critical issue is the way in which organizations balance two legitimate concerns. They must take sexual harassment claims seriously, and those that fail to deal with such an atmosphere are rightly held liable. But the organization must also be committed to employing due process for employees accused of harassment, since the charge can be so damaging to one's reputation.

Companies that are trying to take sexual harassment seriously need to balance the concern for harassment with the effect that such concern has on employees. J. H. Foegen is surely correct in his observations about what the emphasis on sexual harassment has done to gender relations. He calls this a "chilling effect," which has partially undermined the original intent behind sexual harassment laws.²⁷ This is not only unfortunate for gender relations, but it also inhibits productivity and morale. Foegen points out that companies such as Dow Corning have issued some helpful general guidelines for avoiding sexual harassment situations:

1. Would you do or say the alleged harassment before your spouse or parents?
2. Would you do or say the alleged harassment in front of another colleague?
3. Would you like the alleged harassment reported in the newspaper?
4. Does the alleged harassment need saying or doing at all?²⁸



These insightful questions help eliminate harassment by putting responsibility on the one tempted to harass. Companies that take sexual harassment seriously have an interest in avoiding the chilling effect. One way to help alleviate the chill is to insist on clear, firm, and civil communication among employees when sexually offended. Both this emphasis on communication and an intolerance of sexual harassment must come from the top of any organization, both by example and policy.

For Further Reading

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Wallis, Jim. *America's Original Sin: Racism, White Privilege, and the Bridge to a New America*. Grand Rapids: Brazos, 2016.

Wytsma, Ken. *The Myth of Equality: Uncovering the Roots of Injustice and Privilege*. Downers Grove, IL: InterVarsity, 2016.

Chapter Review

1. What biblical texts indicate that God cares about diversity?
2. List some examples of racial tensions, both in the United States and around the world.
3. List some examples of ongoing violence against women around the world.
4. Why is diversity a good thing to be pursued?
5. What are some of the business reasons for diversity?
6. What do the terms “complementarian” and “egalitarian” mean?
7. What are some ways in which Old Testament law protected women?
8. How did Jesus help to elevate the status of first-century women?
9. How do kingdom values reframe the biblical debate about gender?
10. What are some examples of the “reversals” so common in the teaching of Jesus?
11. What must be balanced with the need to take sexual harassment seriously?
12. What are the two main types of sexual harassment, as defined by the courts?



13. What is the “chilling effect”?
14. What are Dow Corning’s guidelines for identifying and preventing sexual harassment?

Cases for Discussion

Case 15.1: Diversity Hiring

You are one of several people in your company who interview potential employees and have a say in hiring them. You have just interviewed a Caucasian woman for an entry level auditing position with your large public accounting firm. The interview went very well, and you were encouraging to the woman about her prospects for being hired, and you recommend her highly to those who make the decisions. However, a few days later you receive a memo from your bosses that your company hired a Hispanic male who attended the same school as the candidate you liked. You wonder how that happened, especially since you know both people, and know that his academic credentials and work experience are substantially inferior to hers. To your knowledge, the company was not hiring the Hispanic male in an attempt to reach out specifically to Hispanic clients but wanted additional minority representation in the company. You suspect that the company has made the decision, at least in part, based on race, since the company has been very public about their desire to achieve a diverse group of employees.

Questions for Discussion

1. Do you think that the Caucasian woman has been treated unfairly in this case? Why or why not?
2. Do you think that the company should take considerations of diversity over traditional qualifications such as grades, test scores, and experience? Defend your answer.
3. Do you believe that this hiring decision is giving a disadvantaged person a chance he might not otherwise get, or is it a case of reverse discrimination against the woman? Defend your answer.

Case 15.2: Sexual Persuasion in Marketing

You are the US director of marketing for an auto parts manufacturer headquartered in Asia. You regularly show your products at various trade shows around the world that attract your customers. You have found these trade shows to be a very effective means of marketing your products in the past. But more recently, traffic at your



booth in several of these shows has diminished. Your bosses are concerned that the downturn in traffic at your booth is a problem and that you need to change how you present the products. They strongly recommend using scantily clad female models to attract attention and steer more people to your booth. They think it would “spice up” the appeal of the company’s displays and enable you to compete more effectively. You have reservations about this kind of marketing because it presents the women as sex objects and encourages men to objectify them. You also think this is unprofessional and uncreative in terms of marketing strategies. When you raise these points, your bosses are unresponsive and urge you to give up your “American Puritan sexual views.” They make it clear that they expect you to do something like this to change the atmosphere around your display area.

Questions for Discussion:

1. What will you do in response to your bosses’ demand that you use sexual persuasion in your trade show display area? Defend your answer.
2. Do you think that there is any place for the use of sex in advertising or marketing? Why or why not?
3. Imagine if you worked for an advertising agency and were tasked with continuing the very successful and highly sexual ad campaign for Carl’s Jr./Hardee’s fast food chains. How would you respond to the demand of your agency to produce additional sexually charged advertising for Carl’s Jr./Hardee’s? (Note: As of 2017, Carl’s/Hardee’s has discontinued this style of advertising.)



Immigration, Refugees, and Border Control

One of the most controversial issues for both morality and public policy/law concerns immigration. Though there are a variety of reasons for someone to uproot and leave one's homeland, including asylum for politically and religiously persecuted groups, immigration is often motivated by economics—the desire to have a better life for oneself and one's family. Many, though not all, immigrants come from economically difficult circumstances, wanting opportunity for themselves and especially for their children. However, it is not uncommon for immigrants, particularly to the United States, to come to another country to work and send a significant portion of the income (known as “remittances”) back to their families, who remain in their country of origin. Some countries have what are called “guest worker” programs that allow this under the law. Many immigrants surely constitute a part of the human community of which the Bible calls the vulnerable, oppressed, and victimized. As we've seen already in chapter 3, the Bible has much to say about the community's responsibility for the vulnerable, to provide a safety net for them and not take advantage of them. A culture's inclination to care for the most vulnerable among them is a sign of its spiritual health and reflects the heart of God toward the weak and defenseless.

In general, *immigrants* are those who choose to leave their country to seek better opportunities for themselves and their families in another country. By contrast, *refugees* are those who are forced to leave their country as a result of political, ethnic, or religious persecution. Refugees do not leave simply for a better life but for survival from the threat to their lives. Refugees are some of the most desperate and vulnerable people in the world today, often finding resettlement difficult and time-consuming to obtain. It is common for refugees to spend months, if not years, in squalid refugee camps, awaiting asylum, most commonly in Western countries. As a result of various civil wars, mainly in the Middle East and Africa,



many of the developed countries consider themselves overrun with refugees seeking resettlement—with far more refugees than can be responsibly accommodated. There is some overlap between the categories of immigrant and refugee, since economic desperation often forces someone to leave their country in order to seek work, even though they are not technically being driven out by a hostile military or paramilitary force. In addition, it is common to treat refugees and those seeking asylum in the same category, even though the legal processes for resettlement and asylum are quite different.¹ The law generally treats immigrants and refugees differently, which may also reflect a moral difference because of the degree of desperation faced by refugees and those seeking asylum.

The experience of immigrants to get to another country is often difficult and can be dangerous depending on whoever arranges their transportation. Once in another country, they often face numerous obstacles to finding housing and employment, not to mention normalizing their status in that country. Immigrants face further hurdles when it comes to integrating into their new country and, tragically, often face various forms of discrimination and hostility. The degree to which immigrants desire to integrate and successfully do so varies widely, depending on the ethnicity and background of the person or group. In some countries, immigrants have little desire to integrate, largely keep to themselves, form ethnic communities, and reject the culture and customs of the new country. Other groups eagerly and successfully integrate and express gratitude for the opportunities in their new country, even though they may spend most of their time with people of their own ethnicity. For most, the process is messy, and integration is normally incomplete. For some, it takes a generation or more to make significant progress toward integration.

Though it is common to use the term “assimilation” to describe the way immigrants and refugees become a part of their new countries, the term can imply total absorption into the new country and loss of all cultural identity. It should be noted that there are various cultures in most large countries where immigrants and refugees resettle, which raises the question of what exactly they are being assimilated into. In the United States, that could mean assimilation to a wide variety of types of settings, ranging from New England society to the rural south, from inner city Chicago to the laid back coasts of California. I will use the term “integration” instead of assimilation because it is often a two-way process—as it absorbs immigrants, the majority culture changes too. Some of the most pressing debates in Europe about immigration involve precisely these changes to the majority culture in various European countries, and the majority is pushing back against these changes. In fact, some of the hostility faced by immigrants and refugees from the Middle East



to Europe is a response to having to cope with large numbers of immigrants and refugees with worldviews at odds with historic Western, democratic traditions.

In many parts of the world, immigrants bring a variety of religious traditions to their new countries. There has been considerable discussion of Islamic immigrants and refugees, mainly to Europe, establishing distinct communities largely cut off from the broader society and in some cases seeking to live according to distinctly Islamic (or “Sharia”) law.² Many immigrants who come to the United States bring a vibrant Christian faith to their new countries, from which the church in the West has much to learn. In addition, it is not uncommon for immigrants and refugees to come to Christian faith once they arrive in their new country. It’s important to remember that some of the immigrants and refugees who are the focus of the public policy debate are brothers and sisters in Christ, from whom US citizens have much to learn about living out their faith. In addition, immigrant communities often have vibrant churches that model integration in very positive ways. This should not be surprising, since the center of gravity for church growth and vitality has shifted to south of the equator in recent decades.

In considering immigration, there are both moral and public policy dimensions to think through. The moral aspect concerns how immigrants should be viewed and treated by those who are long-term residents in their new country. The public policy, or legal aspect, has to do with what immigration law should look like. In this chapter, we will focus on the biblical and moral components of immigration but will also give some principles that should guide public policy in this area.

Syrian Refugee Crisis

For seven years, Syria has been in the midst of a civil war that involves the government, rebels, and ISIS. As of 2017, it is estimated that approximately 13 million people are in need of emergency humanitarian assistance. Over 5 million Syrian citizens are refugees, most of whom have taken refuge in other Middle Eastern countries, mainly in refugee camps. Turkey has taken in close to 3 million refugees, Lebanon over 1 million, and Jordan has accommodated over 500,000. Another 6 million Syrians are displaced from their homes but remain in the country. Roughly 1 million refugees ended up in various European countries, with Germany and Serbia taking the most, at over 150,000 each. These countries who took them in have been stretched significantly, and some turned away desperate refugees who had no other place to go. About half of the affected



persons seeking refuge are children. With no end to the civil war in sight and the countries that welcomed refugees stretched to the breaking point, it is difficult to see how this crisis will be resolved in the near future. Syria is not an exception to the trend of Muslim immigration to Europe and the United States; it is only the most recent and most widely publicized case. There has also been widespread Muslim movement to Europe from Iraq, Somalia, and the Darfur region of the Sudan, among others.

Jonson, Brian et al. "Syrian Refugee Crisis: Facts You Need to Know." *World Vision*, April 13, 2017. <https://www.worldvision.org/refugees-news-stories/syria-refugee-crisis-war-facts>.
Rodgers, Lucy, David Gritten, James Offer, and Patrick Asare. "Syria: The Story of the Conflict." *BBC News*, March 11, 2016. <http://www.bbc.com/news/world-middle-east-26116868>.

Immigration and the Bible

Borders in biblical times, particularly in the Old Testament, were considerably less complicated than today. Borders often consisted of natural boundaries such as rivers, oceans, and mountains, and "countries" were often ethnically constituted from families or extended families known as clans. For example, Old Testament Israel's neighbors were not so much nations in our modern sense as they were ethnically homogeneous people groups. There was a sense of place and borders for these people groups, even though it was not like the modern nation-state. For Israel's neighbors, a considerable part of their economic activity was tied to the land and agriculture, and many more people were at the mercy of natural forces than today (though the larger empires such as Egypt and Babylon were more diverse economically and not as much at the mercy of nature). For instance, drought was often catastrophic in its impact on family farms, and immigration was often motivated by the immediate need to feed oneself and one's family. The Bible records considerable movement among clans and people groups who crossed borders in order to survive. However, people could not simply settle anywhere and could be expelled from the territory if they violated certain community norms.

The people of God in the Old Testament, though they settled in the land of Israel, were a people on the move for significant periods of their history, even though God's plan for Old Testament Israel was for them to settle in the promised land. For example, in the patriarchal era throughout Genesis, the extended family of Abraham was essentially nomadic, moving frequently as conditions dictated. Abraham sought refuge in Egypt (Gen. 12:10–20) and in the desert north of Egypt



known as Gerar (Gen. 20:1–17). Isaac and his family moved several times throughout what later came to be known as Israel and beyond (Gen. 26–29), as did Jacob and his family (Gen. 35–36). Joseph was forcibly taken to Egypt and his extended family eventually emigrated there due to famine (Gen. 42–47) and became so numerous in Egypt that they were enslaved and harshly treated (Ex. 1).

After the exodus, the fledgling nation of Israel was essentially a nation of refugees during their forty years wandering in the wilderness until they conquered and settled in the promised land. Despite being settled there for more than four hundred years, at the end of the period of the Kings, they were on the move again, forcibly taken into exile. The northern kingdom of Israel was taken captive by the Assyrians, and the southern kingdom of Judah was taken into exile to Babylon, where they lived as strangers but were encouraged to integrate (except religiously), put down roots, and “seek the welfare of the city” in which they lived (Jer. 29:6–7 NASB). The latter part of the Old Testament records their return to the land of Israel. Having been allowed to return by the Persian king Cyrus the Great, they essentially started over since their homeland had been neglected for decades.

Once they were settled in the land of Israel following the exodus and conquest of the land, Israel was not to forget their immigrant and refugee experience. Being strangers and slaves in Egypt helped shape their national identity. For example, the mandate to remember the Sabbath was grounded, in part, in their experience as slaves and strangers in Egypt (Deut. 5:12–15).³ As such, they should be continually careful not to take advantage of the immigrant since they were once immigrants themselves (Ex. 22:21; 23:9; Lev. 19:34; Deut. 10:19). The Old Testament Law contains provisions for the community to assist immigrants who came into the land of Israel seeking necessities of food and shelter.⁴ These include the law of gleaning, which required leaving sufficient amounts of the harvest for the poor and the immigrant to go after (Lev. 19:9–10, 23:22), as well as the tithe devoted to the care and feeding of the immigrant among them (Deut. 26:12–13). Old Testament law was very clear that immigrants were not to be treated any differently than the native born in Israel (Lev. 19:33–34). This was taken so seriously that part of the national curses for disobedience to the covenant included consequences if they mistreated immigrants or treated them unjustly (Deut. 27:19). Immigrants were also invited into the religious life of the community and were expected to participate in the reading of the law (Deut. 31:10–13). Immigrants were specifically included in the religious festivals and sacrifices that were central to Israelite religion and society, including the Day of Atonement (Lev. 16:29–30) and the Sabbath (Deut. 5:12–15).

But with opportunities to integrate came the responsibility to live up to the



terms of the Mosaic law and covenant. They were accountable to the laws of Israel in the same way as the native born (Lev. 24:22; Num. 15:15), including sexual morality (Lev. 18:26–28) and ritual and ceremonial purity (Lev. 17:8–16; Num. 19:10). They were not permitted to bring in idolatrous practices that would morally and ceremonially pollute the land and incur God’s judgment on them (Lev. 20:1–5).

The wisdom literature and the prophets continue this theme of caring for the vulnerable, with the immigrant included among the widows, orphans, and the poor. As we saw in chapter 3, the prophets especially have strong words for those with a callous heart for the poor and vulnerable. Many of the biblical texts cited in chapter 3 can be applied by extension to the immigrant, and in places immigrants are explicitly named. For example, God’s heart is inclined toward the immigrant precisely because of their vulnerability (Ps. 146:9). In addition, Isaiah 58:6–8 specifies the “poor wanderer” as the subject of compassion, and Isaiah 56:3, 6 specifies that the believing foreigner will not be excluded from God’s presence or the community of his people.

The New Testament, by contrast, has very little that directly addresses immigration. The reason for that would appear to be that the focus of God’s redemptive activity in the New Testament era was no longer the nation of Israel but the transnational, multiethnic church. However, some of the relevant New Testament data could include Jesus’ early life in which he was a refugee in Egypt to escape King Herod’s murderous rampage against boys under the age of two (Matt. 2:13–18), his openness to dealing with strangers such as the Samaritan woman (John 4), his praise for the Good Samaritan (Luke 10:25–37), the common figure of speech that refers to Christians as aliens and exiles with ultimate citizenship in heaven and a kingdom that is not of this world (I Peter 2:11; Heb. 11:16; John 18:36), and Paul’s teaching that those in the body of Christ (specifically gentile believers) are no longer strangers and aliens but fellow citizens in the community of God’s people (Eph. 2:19).⁵ Further, Jesus maintains that those who welcome a stranger in need actually welcome him (Matt. 25:37–40), though some argue that this has more to do with temporary hospitality, not immigration policy.

However, some have argued that most fundamental biblical teaching on immigration comes not from the New Testament or the Old Testament Law and Prophets. Rather, it comes from Genesis 1 and the notion that human beings are made in God’s image. This is what gives human beings their intrinsic value and undergirds basic human rights that a person has regardless of immigration status. This status as made in God’s image, combined with the New Testament emphasis on doing away with racial, ethnic, gender, and socioeconomic differences in the church as the basis for status distinctions (Gal. 3:28), suggests to some that it is



morally wrong to neglect or mistreat people in need, whether one is in a country legally or not. Combine that with the Bible's clarity on the heart of God for the vulnerable. For example, Daniel Carroll puts it this way:

What [Genesis 1] communicates about humans [being made in the image of God] becomes a divine claim on Christian attitudes and actions toward those who have arrived in this country—irrespective of whether they are here with or without the documents the government might mandate. To turn away or to treat badly one made in the image of God ultimately is a violation against God.⁶

To be sure, Carroll is not recommending open borders, only that the idea that human beings are made in God's image sets the tone for any debate about immigration policy.⁷ This does not mean that the discussion of immigration law and policy is irrelevant, only that immigrants and refugees are seen as persons with dignity that comes from being made in the image of God.

Trump's Travel Ban

Shortly after taking office in January 2017, US President Donald Trump issued a controversial executive order banning travel to the United States from several Middle Eastern and North African countries, while the new government reviewed its processes for insuring that immigrants coming from those countries did not pose a terrorist threat. The original order banned travel to the United States from Iraq, Iran, Syria, Yemen, Libya, Sudan, and Somalia for three months. It also stopped refugee resettlement programs for four months and indefinitely stopped all refugees coming from Syria. This last part was highly controversial since the civil war in Syria was ongoing and continuing to displace persons. The order also capped the number of refugees who could gain asylum at 50,000 per year. The timing of the order caught some people who were in transit at the time, which generated protests at several US airports. Legal challenges to the order came quickly, which forced the administration to revise and reissue the travel guidelines. Opposition to the temporary travel ban came from the way it was implemented, but for some, opposition to the ban was more a matter of principle.

In its updated order, the administration removed Iraq from the list and removed the ban on refugees coming from Syria. However, the ban held up to legal challenges until late June 2017 when the US Supreme Court further narrowed the ban to apply to



anyone who does not have a “bona fide” relationship to someone in the United States, but essentially upheld it, and the administration called it a victory for national security.

“Trump’s Travel Ban: Seven Questions about the Revised Executive Order.” *BBC News*, June 27, 2017. <http://www.bbc.com/news/world-us-canada-39044403>.

Zanona, Melanie. “How Trump’s Travel Ban Evolved.” *The Hill*, July 4, 2017. <http://thehill.com/policy/transportation/340559-how-trumps-travel-ban-evolved>.

The main issues of debate in the biblical discussion are about the lexical distinctions in the Old Testament law for the immigrant and the application of Romans 13 to immigration law today. That is, there is debate over the different terms used to describe immigrants, and whether the Old Testament law distinguishes between legal and illegal immigrants.

The Old Testament Law has several Hebrew words for immigrants, including *ger*, *nekhar/nokri*, and *zar*. The most common term for immigrant is the term *ger* (often translated as “alien” or “sojourner”). This term describes a person from another land who has settled in the land and resembles what we might call a more permanent and integrating resident. By contrast, the “foreigner” is the translation of the Hebrew words *nokri* or *zar* and pertains to someone who had been in the land for a short time or was not integrated to the customs and culture of the land.⁸ Some argue that these terms distinguish between immigrants that were in the land of Israel legally and those who were not. For example, some point out that the *nokri* was not entitled to the same provision and protections to which the *ger* had a right.⁹ For example, the *ger* could not be charged interest, but the *nokri* could (Deut. 15:3).¹⁰ Further, some groups of immigrants were denied entrance to the assembly, such as Moabites and Ammonites (Deut. 23:3–6).¹¹ Throughout the Old Testament, there are no negative references to the *ger* but there are routinely negative reactions to the *nokri*.¹² The uses of *nokri* often have negative overtones that refer to foreign individuals or groups that have the potential to undermine the community and are sometimes referred to as the “possibly dangerous stranger.”¹³ For example, when Ezra and Nehemiah encountered the intermarriages among the returning exiles that were prohibited because of the temptation to idolatry, the foreign women are referred to as *nokri* not *ger* (Ezra 9–10; Neh. 13). In addition, the adulteress in Proverbs is referred to as a *nokri* (Prov. 2:16; 5:20). However, foreigners who came to worship God in Jerusalem are referred to as *nokri* (1 Kings 8:41–43), and it is the *nokri* who will come to be part of the kingdom that the prophets envisioned.¹⁴



There seem to be distinctions recognized among different types of immigrants to the land of Israel that, at the least, have to do with their degree of what could be called “at home-ness” in the land of Israel. *The heart of the debate is over how clear these distinctions are.* Some maintain that there are distinctions recognized in general terms of integration to the community and their overall positive or negative contribution to the community.¹⁵ Others argue that the terms are clearly distinguished and refer to groups who were in the land appropriately (perhaps legally) and those who were not.¹⁶ They see the difference between *ger* and *nokri* as the difference between a guest and a stranger.¹⁷ They point out, for example, that Ruth was first viewed as a *nokri* and later as a *ger* once she was in the household of Boaz.¹⁸ Most of the provisions and responsibilities granted to the immigrant that have been mentioned are granted to the *ger*. In general, the *ger* was to be treated similarly to the native born among the Israelites and was not to be oppressed or taken advantage of (Exod. 22:21; 23:9; Lev. 19:33–34; Deut. 10:19). Still others maintain that this distinction between legal and illegal immigrants in the land of Israel is misleading since the difference between legal and illegal immigration is a more modern concept and presupposes concepts, such as the state and its borders, that were largely absent in Old Testament Israel.

Despite this debate over these distinctions, the question remains: How do these distinctions influence the way immigrants should be viewed and treated? Though it may make a difference for public policy discussions, what difference does it make for how the people of God treat those who have come from another country? It is possible to distinguish between the treatment of immigrants and refugees and what immigration policy should be, though they are related issues. Recall from chapter 3 that the people of God are no longer a nation like Old Testament Israel but a transnational, multiethnic body of believers, though usually living in some sort of a national setting. In addition, the people of God today are not under the law in the same way as Old Testament Israel was, with the law as a specific rule of life (Rom. 7:1–3). The New Testament is clear that the ceremonial law has been superseded by the death of Jesus, and the civil law, which governs immigration, is not directly addressed to the church today in the way it was for Old Testament Israel. However, that does not mean that the law has no relevance today, nor does it mean that it has nothing of value for the immigration discussion. Rather, the law reflects the heart of God and his intentions for his people, although the specifics of how that is worked out would likely be very different than under the Old Testament law. The concern for the vulnerable, which includes the immigrant, is a consistent theme throughout the entire Bible, not just in the law, and openness to the stranger is reinforced



throughout the prophets and the life of Jesus. As we saw in chapter 3, adopting God's heart for the vulnerable is a constituent aspect of faithfully following Jesus, and the Bible is clear that the immigrant should be included in that group. Refugees would seem to be equally, if not more so, deserving of inclusion in that group.

All Saints: Burmese Refugees Save a Tennessee Church

The film *All Saints*, released in 2017, chronicles the real-life story of how an immigrant community saved a failing church in rural Tennessee. All Saints Episcopal Church in Smyrna, Tennessee, was on the verge of insolvency, and the denomination had hired pastor Michael Spurlock to smoothly close down the small country church. The church had dwindled to around twenty devoted members until Spurlock went against his assignment and began welcoming a group of refugees from Myanmar, farmers who came to the United States looking for an opportunity to make a living off the land for themselves and their families. Instead of selling the church's property as he had been charged to do, together they transformed it into a working farm that ends up being profitable, supporting the farmers, and saving the church. The film stars John Corbett as Pastor Spurlock and is produced by Affirm Films, a division of Sony Pictures.

Truitt, Brian. "John Corbett Goes to Church in Exclusive 'All Saints' Trailer." *USA Today*, June 7, 2017. <https://www.usatoday.com/story/life/movies/2017/06/07/exclusive-trailer-premiere-john-corbett-all-saints-movie/102556944/>.

Though it is true that followers of Jesus are ultimately citizens in the kingdom of God, they are also citizens of earthly nations and, according to Paul's teaching in Romans 13:1–7, are subject to laws of the particular state or country in which they reside—including immigration laws. Some argue that the discussion of immigration begins and ends with the legal aspect, and they often cite Romans 13 as a "trump card" that settles all the issues. As a discussion-stopper, they might ask, "What part of *illegal* immigration don't you understand?" At the least, using Romans 13 as the beginning and end of the immigration conversation oversimplifies matters, since there are many moral issues that are not necessarily the subject of the law of the land, and since immigration law is constantly changing. The law of the land does clearly have a role in the overall dialogue, as all nations that receive immigrants must wrestle with competing obligations—to civil authority *and* to compassion for the vulnerable. The appeal to Romans 13 cannot justify the neglect or abuse



of immigrants, nor can it be used to escape the hard decisions that must be made about public policy on immigration.

Of course, the law of the land is not the highest law, and when it conflicts with the law of God, believers are not obligated to submit to the law of the land. There is a long tradition of civil disobedience in the Christian history, which began in the early church when the apostles, who by law were prohibited from preaching the good news of Jesus, claimed that they were obligated to “obey God rather than human beings” (Acts 5:29). Though it makes sense for public policy to distinguish between those immigrants who are in a particular country legally or not, it’s not clear that the distinction in the Old Testament law applies today since the church is not under the law in the same way. Further, unless a nation’s immigration laws are clearly unjust, citizens are subject to those laws, including those who want to enter any given country. However, callously turning away desperate immigrants and refugees who have nowhere else to go seems inconsistent with God’s heart for the vulnerable. Regardless of the law of the land, it is critical that immigrants be seen as human beings with intrinsic value by virtue of being made in the image of God and be treated accordingly. Of course, it doesn’t necessarily follow from that that a country is obligated to take in everyone who wants to enter, nor does it follow that all immigrants should be given legal and permanent status as citizens. Nations have other competing obligations to their own citizens that must be balanced by needs of immigrants and refugees.

So back to our question—assuming, for the sake of argument, that the Old Testament law makes a distinction between those in Israel appropriately and those who were not (which is debated by some)—what difference does that distinction make for the treatment of immigrants today? Should it matter in how the church serves immigrants if they are undocumented or not? If it’s true that immigrants are made in God’s image, then an argument can be made that such a distinction is secondary to their human dignity and should not impact how or who a church would attempt to serve and meet some of their needs. Of course, at the level of policy, the situation is much more complicated and may end up looking somewhat different when it comes to implementing immigration policy. It’s important to recognize that the state mechanisms of Old Testament Israel to care for the vulnerable, including the immigrant, did not exist like they do in many developed countries. As a result, care of the poor was the entire community’s responsibility and was handled through means such as gleaning laws and the tithe. But the community was also to understand that they were in an economically and socially vulnerable position, for which the entire community was called to awareness and service.¹⁹ Though



there were some differences in how different groups of immigrants were treated, the community of Israel was responsible to ensure that they were not mistreated, oppressed, discriminated against, or otherwise taken advantage of. It is not clear the church is obligated to take someone's legal status into account before deciding to serve immigrants. Nor is it clear how practically implementing such a distinction would be done, especially if some family members are documented and others are not. Such a distinction is relevant to public policy but much less so for the church's mission of serving the vulnerable.

It may be that in some contexts, particularly in Europe, some immigrants do not clearly fall into the category of the vulnerable and marginalized. For example, some immigrants are relatively well off and are not comparable to desperate refugees. In addition, some immigrants, especially in parts of Europe, are accorded protected status and granted benefits that have generated resentment on the part of the long-term residents.

In terms of balancing the competing obligations to civil authority and compassion toward the immigrant, there is debate over what role citizens have in relation to immigration law. Some argue that citizens actually have a responsibility to assist in immigration enforcement by turning in those who are undocumented. In addition, some view that being responsible to immigration law would prevent someone from hiring undocumented workers. In response, it would seem that immigration enforcement is the role of immigration enforcement professionals, not ordinary citizens, similar to the way other law enforcement functions. Hiring undocumented workers presents a genuine moral dilemma in which competing obligations are in place and choices must be made. Employers can require documentation of legal status to work and can use systems such as E-Verify, but such systems are not foolproof and documentation can be counterfeit. In addition, families who hire people for jobs such as house cleaning services, childcare, and landscaping services, often do not request, nor do they care about, a person's documentation, since they see providing this work as essential for the person, and likely their family, to meet immediate needs.

Others take the view that since the immigration system is broken and some immigration law is unjust, they have an obligation to protect the undocumented and to shield them from what they view as unjust immigration enforcement. For example, some cities are self-designated as "sanctuary cities," defying and undermining immigration law, and some churches see themselves as sanctuaries for immigrants who are at risk of deportation. These also present genuine moral dilemmas in which there are competing obligations of respect for the law and compassion for the desperate. There are additional moral dilemmas that arise when compassion



is invoked. For example, there are compassion and fairness considerations for legal immigrants who have followed the law, competing compassion for native workers who have more difficulty finding jobs, not to mention compassion for taxpayers who contribute to the safety net provisions for immigrants and refugees.

Immigration and Public Policy

What follows for public policy from the biblical discussion of immigration is a whole different set of questions. How should biblical morality shape immigration law? What role does the Bible play in the specifics of public policy? What biblical principles should have a bearing on the law, in addition to pragmatic concerns? Hopefully, by the time this book goes to print, the United States will have enacted more comprehensive immigration reform, and many of these questions will be settled. However, it may be more likely that immigration law will change gradually and incrementally, with the result that some of the issues discussed here will still require resolution in the future.

To be clear, the Bible does not generally give detailed policy prescriptions. Simply because the Mosaic law handled an issue in a particular and even detailed fashion, nothing necessarily follows from that for two reasons. First, as we've discussed, the people of God, not to mention any specific nation, are not under the law as a rule of life today. No country is a theocracy in which the law of God is automatically the law of the land. Second, the culture of Old Testament Israel, particularly its economic life, was so different from the cultures of the developed world today that drawing direct application of Old Testament law without taking those differences into account can be interpretively perilous. The Bible gives broad, general moral principles that provide frameworks, parameters, and ideals for specific policy alternatives, but rarely, if at all, does the Bible provide policy specifics that are authoritative for today.

Whereas the Bible gives moral ideals with which to measure a culture, in a fallen and broken world, public policy is the arena of reality, and compromises and limited objectives are part of the landscape. Often in public policy, difficult choices must be made between competing obligations, responsibilities, and priorities, and the ideal is not often possible to accomplish. In some areas, it must be recognized that the competing goals are often incompatible, giving further rationale for the notion that difficult choices must be made. It would seem that in immigration policy, this is precisely the case, and as a result difficult choices must be made. For example, here are some of the goals of any immigration policy (in no particular order of priority):



1. Insure that a country controls its borders and can set limits on who and how many immigrants enter the country.
2. Provide opportunities for as many immigrants and refugees as possible to support themselves and their families.
3. Meet the immediate needs of desperate refugees, forced to leave their homes with little ability to care for themselves.
4. Insure, as best as possible, that the immigrants who are allowed to enter and remain in the country are not dangerous to the community.
5. Insure that the public services needed to serve immigrants are not exhausted to the detriment of other important services to citizens.
6. Insure that the process of status normalization is fair to all of those who are seeking to enter the country.
7. Protect the integrity of the family by keeping immediate families intact wherever possible.

Building a Border Wall?

With the 2016 election of US President Donald Trump, immigrant communities were on high alert since he had campaigned on stopping the flow of undocumented immigrants in to the United States. He had vowed to build a border wall encompassing the entire border with Mexico, roughly 2,000 miles, and maintained that Mexico would, at the least, share the cost. Many dismissed that claim as a fantasy, and the Mexican government indicated that they had no intention of contributing to any border wall. The Department of Homeland Security estimates it would take roughly \$20 billion to build a border wall and approximately \$150 million annually to maintain. There are significant questions about who owns the border land, as most of the land on which the wall would be built is owned by private citizens, many of whom are reluctant to relinquish their property for this purpose. The administration has vowed to utilize the right of what is called “eminent domain,” which gives government the right to obtain land at fair market value for essential government services. A second, and more pressing question, is whether the border wall will actually prevent illegal immigration from Mexico and Latin America into the United States.

Jan, Tracy. “Trump’s Border Wall Faces Contracting Delays, a Limited Budget and a September Deadline.” *Washington Post*, June 27, 2015. https://www.washingtonpost.com/news/wonk/wp/2017/06/27/construction-on-trumps-border-wall-to-begin-by-september/?utm_term=.2f904f79ffee.

Timm, Jane C. “Donald Trump’s Border Wall: A ‘Progress’ Report.” *NBC News*, May 30, 2017. <http://www.nbcnews.com/politics/donald-trump/donald-trump-s-border-wall-progress-report-n764726>.



No immigration public policy can maximize all of these goals at the same time. For example, it is not possible for any one country to accommodate all the refugees that are currently seeking resettlement. Even though many countries, particularly in Europe, are currently stretched to their limits, the number of refugees and immigrants seeking entrance to the developed world continues to increase. In addition, keeping the process fair will, at times, conflict with the goal of keeping immediate families intact. As a result, any immigration system will likely be imperfect, which is to be expected in constructing policy in a fallen, broken world.

The biblical principles that are fundamental to any immigration policy should include the following:

1. All human beings, regardless of immigration status, are made in God's image and therefore have intrinsic dignity and worth. As a result, they ought to be treated humanely.
2. Communities are called to care for the most vulnerable in society, including the poor, marginalized, and immigrants/refugees.
3. Communities should treat the immigrant with the same dignity that they would treat their citizens. Immigrants are not to be victimized, oppressed, or otherwise taken advantage of.
4. All residents in a particular country are responsible to follow the laws of that country. There can be exceptions to this in cases in which the law of the land is clearly unjust or otherwise violates the law of God, which can justify civil disobedience.
5. Governments are obliged to maintain order and enforce justice and fairness for all within its borders. They are also obligated to defend its citizens from harm that would come from those outside its borders.
6. The nuclear family is the fundamental unit of any society and critical for its stability.

Any immigration policy would need to address the most common concerns about the costs and benefits of immigration. In addition, any policy should recognize that many countries, the United States chiefly, are nations of immigrants. The United States was founded as a country of immigrants and has had generous provisions throughout its history for immigrants from a variety of countries around the world. However, that does not mean that the borders historically were open to anyone. There was selection based on potential contribution as well as limits that were enforced by the law. That is not to say that all groups of immigrants and



refugees have always been treated well, as the experience of many ethnic groups coming to the United States will attest. Take, for example, Chinese immigrants in the mid-nineteenth century, who came to the country lured by jobs in the railroad industry, or Italian immigrants in the early part of the twentieth century, who were discriminated against. Or take the Japanese-Americans, who were interned in camps during World War II. There is currently a growing skepticism, especially in Europe, about Muslim immigrants, particularly given the connection between radical Islam and terrorism. At present, estimates are that there are roughly 12 million undocumented immigrants in the United States, and the rate at which they attempt to enter the country is dependent on economic conditions and the availability of jobs in the United States. The history of US immigration and how different groups were integrated and treated varied considerably throughout the country's history, though integration was normally seen as the goal for immigrants.

There are several significant concerns about immigration that must be addressed in order for any public policy to be widely accepted. Some question whether undocumented immigrants should be entitled to any public services at all since they are in the country illegally and pay no taxes to support those services. But denial of services to immigrants is shortsighted at the least and in some cases downright inhumane. For example, denying health care services to immigrants is a public health threat to the community, and even though in some communities immigrants are severely taxing the health care system, the community as a whole would suffer harm if medical conditions (especially communicable diseases) were left untreated. In addition, it would be inhumane to deny all public services to undocumented immigrants, which most countries do not do. There can be debate over which specific services could be available, such as higher education or non-essential medical treatments.

A second major concern about immigration has to do with the costs involved with these public services and the jobs that are lost to immigrants willing to work for lower wages and fewer, if any, benefits. There is considerable debate over the net costs to any given state or locality. In Europe, the net cost to the countries is clear as the influx of refugees in recent years is clearly a drain on the social support system. In the United States, most immigrants are good and hardworking people who desire only to support their families adequately. Many undocumented immigrants do pay taxes, though they will never have access to social security, even though they have paid into it. Though there are some who take unfair advantage of a generous safety net in many developed countries, most desire to earn their own way. However, there is concern about remittances, the money earned that is sent



back to the person's home country to support family members who remain there. An obvious benefit to normalizing those in the country undocumented is that they can come "above ground" and pay taxes to help support the services they utilize. Though nationally, in any given country, the cost and benefits may be roughly equal, it is undeniable that in some regions, there are disproportionate costs vis-à-vis other parts of the country. For example, in the United States, the states of Texas, Arizona, New Mexico, and California bear a much heavier burden than other states, because of their proximity to the Mexican border. It is also clear that the net costs in many Western European countries are burdensome and unsustainable. Job losses, especially at entry level jobs, must be considered as well, though some, and perhaps many, of the jobs that immigrants gravitate toward are those that many native-born are unwilling to do, though historically this has been the norm when it comes to immigrants and refugees.

Other costs often mentioned that must be addressed include the diluting of the national identity in the host countries that receive immigrants and concerns about threats to national security. The concern about national identity and immigration is more acute in Europe, which has had significant immigration from the Middle East and Africa in recent years. Some suggest that European immigration policy is contributing to a decline in the dominant culture of many European countries, bringing in people whose backgrounds cannot be adequately vetted, making it hard to know if these immigrants pose a terrorist threat. They point out that some of the most egregious acts of European terrorism in recent years comes from Middle Eastern immigrants who have settled in western European countries. Some have even suggested that Europe is "committing suicide" by its immigration policies.²⁰

In the United States, national identity, whatever is meant by that term, is constantly evolving and has more to do with a fundamental set of ideas than the ethnic makeup of the population. The concern about Europe and immigration is that the vast movement of Middle Eastern and African peoples into Europe has brought into the continent a worldview and set of ideas that seem foreign to the ideas so central to Western civilization (such as democracy, free markets, rule of law, private property, and individual rights). The tendency of some groups to integrate more easily than others should be recognized, and it should be clear that some ethnicities, with their corresponding cultural values, are more inclined to integrate and are more compatible with the values of the country into which they come. However, the diversity that immigrants bring to their new countries is often a benefit to the country, which brings changes that enhance the common good of



the communities they inhabit, though the experience of this in Europe is quite different than in the United States.

A further concern is a logistical one—what to do about immigrants who are already settled in the host country and undocumented. Some have been in the country for many years and are getting along sufficiently well that there is no incentive for normalizing their status. Deporting large numbers of undocumented immigrants is simply not logistically feasible, especially since it might involve forcibly separating parents from their young children. Yet it seems blatantly unfair to those who have obeyed the law and gone through proper channels to legally obtain residence, for those who are here illegally to somehow get ahead of them in the process of normalization. What is commonly proposed is that they are liable for a fine for violating the law, and must leave the country, go to the back of the line and follow the same processes as everyone else attempting to enter the country. Yet the legal process can take years, during which time parents might be forcibly apart from their children.

A final logistical concern is how exactly to proceed with immigration reform. Some advocates of reform insist on securing the border as the first priority. They maintain that until the border is secured, nothing else matters and no other immigration reform should be undertaken. They argue that unless the flow of immigrants can be controlled, other reforms will be futile and possibly counterproductive. Others suggest that reform can effectively move forward on several fronts simultaneously and that policies can be crafted to coordinate efforts at comprehensive reform.

At the risk of attempting to go further than providing biblical principles, here are two specific suggestions for what should be included or changed in US immigration law. First, take the US law that mandates that anyone born in the United States is automatically a citizen of the country, and by extension, can bring immediate family into the country. This short cut to citizenship is a holdover from decades ago and is both out of date and subject to widespread abuse. It would appear that this part of US law could be changed to allow for more control of the border without harming people who are already here. By contrast, any immigration law that forcibly separates families is a substantial hardship and violates the biblical notion of the importance of the family for the well-being of children. It is difficult to imagine a church being family friendly and at the same time supporting immigration policies that separate parents from children. It is financially challenging in many of the developed countries that have significant safety nets for the poor (what some would call welfare states), to have generous immigration policies and generous benefits for the poor at the same time. There are limits to what any country can provide,



which will mean saying no to some seeking to enter the country. But the ethos of the debate over immigration policy should surely include respect for the fundamental dignity of those made in God's image and reflect God's clear heart for the most vulnerable among us.

For Further Reading

- Amstutz, Mark R. *Just Immigration: American Policy in Christian Perspective*. Grand Rapids: Eerdmans, 2017.
- Carroll R., M. Daniel. *Christians at the Border: Immigration, the Church, and the Bible*. 2nd ed. Grand Rapids: Baker Academic, 2013.
- Hoffmeier, James K. *The Immigration Crisis: Immigrants, Aliens, and the Bible*. Wheaton, IL: Crossway, 2009.
- Sorens, Matthew and Jenny Hwang. *Welcoming the Stranger: Justice, Compassion and Truth in the Immigration Debate*. Downers Grove, IL: InterVarsity, 2009.

Chapter Review

1. What is the difference between an immigrant and a refugee?
2. What are remittances?
3. What are some of the most common motivations for someone to emigrate?
4. Give some examples of immigration during the patriarchal period in the book of Genesis?
5. Why was Israel's immigrant experience so important to their national identity?
6. What were some of the ways the Old Testament law made provision for immigrants?
7. What were some of the responsibilities of immigrants in the land of Israel?
8. What are some parts of the New Testament that contribute to the biblical material on immigration?
9. How does the image of God contribute to the discussion of immigration?
10. What are the two main Hebrew words for immigrant? How are they different?
11. How would the idea of civil disobedience figure into the immigration issue?
12. How does Romans 13:1–7 contribute to the immigration debate?
13. What are some of the main goals of any immigration policy?



14. What are some of the primary biblical principles that should govern immigration policy?
15. What are some of the main concerns about immigration that must be addressed in any immigration policy?

Cases for Discussion

Case 16.1: Hiring Undocumented Immigrants

You own a small construction company that works in the residential renovation business. Occasionally your company needs temporary workers to do unskilled labor around the various construction projects your company has contracted. You are aware of sites around the area in which day laborers congregate to look for work for the day. You have heard of other companies in your industry hiring these workers and suspect that most of them are undocumented and in the country illegally. You would pay them in cash and would not be responsible for benefits, social security payments, or workman's compensation for them, and you could pay them below minimum wage if you chose. You realize that hiring them this way is illegal. Even if you asked for a social security card, it might be counterfeit. But you also have great compassion for them, since they also need to provide for their families and are willing to work hard for you. You realize that they are made in God's image and are intrinsically valuable to God, and that the Bible calls you to care for the most vulnerable among us, a group in which these day laborers clearly fit.

Questions for Discussion:

1. Would you hire these day laborers for your company's projects? Explain your rationale thoroughly for your answer.
2. How would you balance the biblical mandate to submit to civil authority and the commands to care for the vulnerable? Do you have to choose between them, or is there an alternative that satisfies both obligations?
3. Would this be any different if the persons you were hiring were for you as a homeowner to do housecleaning or landscaping around your home? Why or why not?

Case 16.2: Churches as Sanctuaries for the Undocumented

In recent months, immigration enforcement authorities in your state have strengthened the ways immigration laws are enforced with stronger emphasis on discovering



who is undocumented and taking steps to deport them. As a result, many undocumented immigrants are understandably fearful of being deported back to their country of origin. They also fear being forcibly separated from their families, since some of their children are citizens, by virtue of being born in the country. Your city has designated itself as a “sanctuary city,” meaning that it will help undocumented immigrants avoid detection and deportation, sometimes in defiance of federal immigration laws. Your church has been involved with serving immigrant communities in your area for several years in obedience to the biblical mandate to care for the most vulnerable in the community. Your church provides literacy skills, job training, and tutoring for education, as well as medical, dental, and legal services. The church also runs regular Bible clubs for kids in the community. Local leaders have consistently praised the churches who serve these people and have credited your church and others serving like yours, for the decrease in the crime rate in the city. The families you know are hardworking and otherwise law-abiding men and women, often with small children to support. The threat of deportation for these families is real since most of them are not in the country legally. But you recognize that the immigration laws are clearly broken and unfair in many ways. Your church is considering becoming a sanctuary for some of the people who would be facing deportation. You realize that in doing so your church would be violating immigration law, but, in your view, to turn a blind eye to those people you have served who are fearing deportation would also be unethical.

Questions for Discussion:

1. What decision do you think your church should come to on the issue of being a sanctuary for the undocumented who are fearing deportation? Support your decision with a well-developed rationale.
2. How would you attempt to balance the church’s obligation to be in submission to government, while at the same time, be in service of the least and most vulnerable in our community? Do you have to choose, or is there an alternative that satisfies both obligations?

Notes

Chapter 1

1. J. R. R. Tolkien, *The Fellowship of the Ring* (London: Allen & Unwin, 1954); Tolkien, *The Two Towers* (London: Allen & Unwin, 1954); Tolkien, *The Return of the King* (London: Allen & Unwin, 1955).
2. Technically, the *Republic* is concerned with the question of justice—in Gyges case, whether a person would still desire to be just. But for Plato, justice for an individual was closely associated with virtue, since it was about justice in a person's soul, so the illustration still fits the question “Why be moral?”
3. Louis P. Pojman and James Fieser, *Ethics: Discovering Right and Wrong*, 7th ed. (Belmont, CA: Wadsworth, 2012), 65–70.
4. James Davison Hunter, *The Death of Character: Moral Education in an Age Without Good and Evil* (New York: Basic Books, 2008), xiii.
5. Hunter, *The Death of Character*, xv.
6. For further discussion on worldview, see James W. Sire, *The Universe Next Door*, 4th ed. (Downers Grove, IL: InterVarsity, 2004); J. P. Moreland, *Love Your God with All Your Mind* (Colorado Springs: NavPress, 1998).
7. For a good example of the connection between anthropology and ethics, see Nancy Pearcey, *Love Thy Body: Answering Hard Questions about Life and Sexuality* (Grand Rapids: Baker, 2018).
8. For further discussion of this topic, see R. Scott Smith, *In Search of Moral Knowledge: Overcoming the Fact-Value Dichotomy* (Downers Grove, IL: IVP Academic, 2014).
9. Os Guinness, *The Global Public Square: Religious Freedom and the Making of a World Safe for Diversity* (Downers Grove, IL: Intervarsity, 2013), 13.
10. Conor Friedersdorf, “Should Mom-and-Pops That Forgo Gay Weddings Be Destroyed?,” *The Atlantic*, April 3, 2015, http://www.theatlantic.com/politics/archive/2015/04/should-businesses-that-quietly-oppose-gay-marriage-be-destroyed/389489/?utm_source=eb.
11. Conor Friedersdorf, “Mozilla’s Gay-Marriage Litmus Test Violates Liberal Values,” *The Atlantic*, April 4, 2014, http://www.theatlantic.com/politics/archive/2014/04/mozillas-gay-marriage-litmus-test-violates-liberal-values/360156/?utm_source=eb.
12. Guinness, *The Global Public Square*, 14.
13. See John D. Inazu, *Confident Pluralism: Surviving and Thriving through Deep Difference* (Chicago: University of Chicago Press, 2016).
14. Pojman and Fieser, *Ethics*, 3–7.
15. Pojman and Fieser, *Ethics*, 8–11.

16. For further reading on the impact of postmodernism and ethics, see Douglas Groothuis, *Truth Decay* (Downers Grove, IL: InterVarsity, 2000). See especially ch. 8, “Ethics without Reality—Postmodernist Style.”
17. The classic discussion on the relationship between law and morality is in the following works: H. L. A. Hart, *Law, Liberty and Morality* (London: Oxford University Press, 1963); Lord Devlin, *The Enforcement of Morals* (London: Oxford University Press, 1965); the debate between Hart and Harvard law professor Lon Fuller in Hart’s, “Positivism and the Separation of Law and Morals,” *Harvard Law Review* 71 (February 1958): 593–629; and Fuller’s “Positivism and Fidelity to Law,” *Harvard Law Review* 71 (February 1958): 630–72. The debate is summarized in Scott B. Rae, *The Ethics of Commercial Surrogate Motherhood: Brave New Families* (Westport, CT: Praeger, 1994), 126–29.
18. See the writings of Martin Luther King on this subject, especially “Letter from a Birmingham Jail,” in his book *Why We Can’t Wait* (New York: Signet, 1964).
19. Here is a sample of the founding fathers’ view of religion in public life: *Thomas Jefferson* said, “Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are the gift of God?” It seems clear that, as Jefferson wrote in the preamble to the Declaration of Independence, rights and liberties are ultimately theologically grounded and need religious nurture in order to be maintained. He further stated that “religion should be regarded as a supplement to law in the government of men and as the alpha and omega of the moral law.”

James Madison, writing in the government charter for the Northwest Territory, said, “Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of learning shall forever be encouraged.” Here Madison, representing Congress, is calling upon the government to promote religious and moral education, which today would be considered a violation of the separation of church and state.

George Washington, speaking in his farewell address at the end of his second presidency, said, “Where is the security for property, for reputation, for life if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason, and experience forbid us to expect that national morality can prevail in exclusion of religious principle.”

Benjamin Franklin, writing in his plan for public education, said, “[History shows] the necessity of a public religion, the advantage of a religious character among private persons and the excellency of the Christian religion above all others, ancient or modern. [The great mass of men and women] have need of the motives of religion to restrain them from vice, to support their virtue, and to retain them in the practice of it until it becomes habitual.” All of the above citations are from A. James Reichley, *Religion in American Public Life* (Washington, DC: Brookings Institution, 1985), 89–106.

20. Reichley, *Religion in American Public Life*, 113.

Chapter 2

1. This example comes from Louis P. Pojman and James Fieser, *Ethics: Discovering Right and Wrong*, 7th ed. (Belmont, CA: Wadsworth, 2012), 211–12.
2. I am indebted to my good friend and former student Sean McDowell for this exercise.
3. Russ Shafer-Landau, *Whatever Happened to Good and Evil* (New York: Oxford University Press, 2004), 57.
4. Russ Shafer-Landau, *Moral Realism: A Defense* (New York: Oxford University Press, 2003), 23.
5. Shafer-Landau, *Moral Realism*, 26.
6. Shafer-Landau, *Whatever Happened to Good and Evil*, 70.
7. George Mavrodes, “Religion and the Queerness of Morality,” in *Ethical Theory: Classical and Contemporary Readings*, ed. Louis P. Pojman (Belmont, CA: Wadsworth, 1998), 653.
8. J. L. Mackie, *The Miracle of Theism* (Oxford: Clarendon, 1983), 115.
9. Michael Ruse, “Evolutionary Theory and Christian Ethics,” in *The Darwinian Paradigm* (London: Routledge, 1989): 262.
10. For further reading on emotivism, see Mark Schroeder, *Non-Cognitivism in Ethics* (New York: Routledge, 2010).
11. For further reading on logical positivism, see Donal M. Borchart, ed., *Encyclopedia of Philosophy*, 2nd ed (Detroit: Thomson Gale, 2006), 524–30.
12. Pojman and Fieser, *Ethics*, 211–12.
13. Pojman and Fieser, *Ethics*, 213–14.
14. This is the point made by Alasdair MacIntyre in chapter 1 of his *After Virtue*. His critique of modern ethics is that emotivism is philosophically bankrupt and essentially all that remains after the Enlightenment efforts to create morality by reason alone have failed. See MacIntyre, *After Virtue*, 3rd ed. (Notre Dame, IN: University of Notre Dame Press, 2007).
15. Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation* (New York: Dover, 2007), orig. pub. 1789.
16. John Stuart Mill, *Utilitarianism* (Indianapolis: Hackett, 2002), orig. pub. 1861.
17. Peter Singer, *Practical Ethics*, 3rd ed. (New York: Cambridge University Press, 2011).
18. See also Eph. 5:29: “No one ever hated their own body, but they feed and care for their body.”
19. James Rachels, *The Elements of Moral Philosophy* (Philadelphia: Temple University Press, 1986), 67–73.
20. See Ayn Rand’s classic exposition of ethical egoism in *The Virtue of Selfishness* (New York: Signet, 1961).
21. Pojman and Fieser, *Ethics*, 91.
22. For further discussion of this see Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (Dublin: [Strahan and Cadell], 1776).
23. Immanuel Kant, *Grounding for the Metaphysics of Morals* (Indianapolis: Hackett, 1993), orig. pub. 1785.
24. For an insightful critique of autonomous reason in the history of the West, see Francis A. Schaeffer, *Escape from Reason* (Downers Grove, IL: InterVarsity, 1968; repr. 2007).

25. For further reading on *prima facie* deontological ethics, see W. D. Ross, *The Right and the Good* (Indianapolis: Hackett, 1988), orig. pub. 1930.
26. Pojman and Fieser, *Ethics*, 128.
27. Their main works in this area are as follows: William Graham Sumner, *Folkways* (New York: Ginn, 1906); Ruth Benedict, *Patterns of Culture* (New York: New American Library, 1934); Melville Herskovits, *Cultural Relativism* (New York: Random House, 1972); John Ladd, ed., *Ethical Relativism* (Belmont, CA: Wadsworth, 1973).
28. David Hume, *A Treatise on Human Nature* (New York: Penguin, 1985), orig. pub. 1738.
29. For further reading on Hume's ethics, see David Hume, *An Enquiry Concerning the Principles of Morals* (Indianapolis: Hackett, 1983), orig. pub. 1751.
30. For these two points of critique, I am indebted to J. P. Moreland and William Lane Craig, *Philosophical Foundations of a Christian Worldview* (Downers Grove, IL: InterVarsity, 2003), 144–52.
31. Sean McDowell, *Ethix: Being Bold in a Whatever World* (Nashville: B&H, 2006), 47.
32. Interview with Archbishop of Canterbury Rowan Williams, BBC Radio 4, *World at One*, February 7, 2007.
33. G. E. M. Anscombe, "Modern Moral Philosophy," *Philosophy* 33, no. 124 (1958): 1–19.
34. Some of the main works on virtue theory are Edmund L. Pincoffs, *Quandaries and Virtues* (Lawrence: University of Kansas Press, 1986); Richard Taylor, *Ethics, Faith and Reason* (New York: Prentice-Hall, 1985); Philippa Foot, *Virtues and Vices and Other Essays in Moral Philosophy* (Blackwood, N.J.: Blackwell, 1978); James Wallace, *Virtues and Vices* (Ithaca, NY: Cornell University Press, 1978). Two very helpful collections of essays on virtue theory are Robert Kruschwitz and Robert Roberts, eds., *The Virtues* (Belmont, Calif.: Wadsworth, 1987); and P. A. French, T. E. Uehling, and H. K. Wettstein, eds., *Ethical Theory: Character and Virtue*, *Midwest Studies in Philosophy* 13 (Notre Dame, IN: University of Notre Dame Press, 1988).
35. Pincoffs, *Quandaries and Virtues*, 30.
36. Pincoffs, *Quandaries and Virtues*, 30.
37. Pojman and Fieser, *Ethics*, 153.
38. Pojman and Fieser, *Ethics*, 156–57.
39. Pojman and Fieser, *Ethics*, 146–47.

Chapter 3

1. For further reading on this treaty form, see Meredith Kline, *The Structure of Biblical Authority* (Grand Rapids: Eerdmans, 1972).
2. For further discussion of this, see Walter C. Kaiser Jr., *Toward Old Testament Ethics* (Grand Rapids: Zondervan, 1983).
3. The Greek term used in the New Testament for sanctification, *hagiazō*, is derived from the Hebrew term *qadosh*.
4. Sexual relations outside marriage are also prohibited in the Law because they violate God's design for marriage, sexuality, and procreation set up in Genesis 1–2. Romans 1:18–31 clarifies this link to the order of creation.

5. Usury was quite different in Old Testament times than today. It refers to charging interest primarily to the poor. See Klaus Issler, “Lending and Interest in the OT: Examining Three Interpretations to Explain the Deut. 23: 19–20 Distinction in Light of the Historical Usury Debate,” *Journal of the Evangelical Theological Society* 59, no. 4 (December 2016): 761–89. See also the discussion of this in ch. 13 of this book.
6. For further reading on this public dimension of Christian faith, see Miroslav Volf, *A Public Faith: How Followers of Christ Should Serve the Common Good* (Grand Rapids: Brazos, 2011); and Miroslav Volf and Ryan McAnnally-Linz, *Public Faith in Action: How to Think Carefully, Engage Wisely and Vote with Integrity* (Grand Rapids: Brazos, 2016).
7. James Davison Hunter, *To Change the World: The Irony, Tragedy and Possibility of Christianity in the Late Modern World* (New York: Oxford University Press, 2010). For a more radical view of living in exile, see Rod Dreher, *The Benedict Option: A Strategy for Christians in a Post-Christian Nation* (New York: Sentinel, 2017).
8. Interestingly, in these two passages, Paul uses the command to love one’s neighbor as oneself as the fulfillment of the law, not the command to love God. Perhaps this is to suggest that one’s moral and spiritual priorities are not to be viewed hierarchically but as simultaneous responsibilities. For further discussion, see J. Grant Howard, *Balancing Life’s Demands* (Portland, OR: Multnomah, 1983).
9. For more on this point, see Francis Schaeffer, *The Mark of the Christian* (Downers Grove, IL: InterVarsity, 2007).
10. For further development of this view, see Robert Merrihew Adams, *Finite and Infinite Goods: A Framework for Ethics* (New York: Oxford University Press, 1999), 249–76.
11. For example, see Kai Nielsen, *Ethics without God* (New York: Prometheus, 1985), esp. ch. 2, for a more substantial description of this criticism of Christian ethics.
12. Adapted from Norman L. Geisler, *Christian Ethics* (Grand Rapids: Baker, 1989), 86–110.
13. Richard Dawkins, *The God Delusion* (New York: Houghton Mifflin, 2008); Christopher Hitchens, *God is Not Great: How Religion Poisons Everything* (New York: Hachette, 2007).
14. For a fuller discussion of this idea of the Bible planting seeds for the abolition of slavery and patriarchy, see William J. Webb, *Slaves, Women and Homosexuals: Exploring the Hermeneutics of Cultural Analysis* (Downers Grove, IL: IVP Academic, 2009).
15. Eleonore Stump, “Reply to Draper,” in *Divine Evil: The Moral Character of the God of Abraham*, ed. Michael Bergmann, Michael J. Murray, and Michael C. Rea (New York: Oxford University Press, 2011), 207.
16. David W. Baggett and Jerry Walls, *Good God: The Theistic Foundations of Morality* (New York: Oxford University Press, 2011), 139–40.
17. Paul Copan and Matthew Flannagan, *Did God Really Command Genocide?* (Grand Rapids: Baker, 2014), 115.
18. Copan and Flannagan, *Did God Really Command Genocide?*, 86–87.
19. For a catalog of these values traced historically, see the appendix in C. S. Lewis, *The Abolition of Man* (New York: Macmillan, 1947).
20. John Macquarrie, “Rethinking Natural Law,” in *Readings in Moral Theology*, vol. 7, *Natural Law and Theology*, ed. Charles E. Curran and Richard A. McCormick (New York: Paulist, 1991), 239.

21. Martin Luther King, Jr., "Letter from a Birmingham Jail," *The Atlantic*, April 16, 2013, orig. 1963, <https://www.theatlantic.com/politics/archive/2013/04/martin-luther-kings-letter-from-birmingham-jail/274668/>.
22. For further exegetical study on the biblical basis for natural law, see Alan F. Johnson, "Is There Biblical Warrant for Natural Law Theories?" *Journal of the Evangelical Theological Society* 27 (June 1982): 185–99.
23. For more on this, see Reinhold Niebuhr, *Moral Man and Immoral Society* (New York: Scribner, 1932).
24. John Calvin, *Institutes of the Christian Religion*, trans. Henry Beveridge (Peabody, MA: Hendrickson, 2008), 2.2.22.
25. For further reading on the Reformers and natural law, see Stephen J. Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics* (Grand Rapids: Eerdmans, 2006).
26. Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics*, 30–31.
27. See for example Barth's public debates with his theological colleague, Emil Brunner, discussed in Grabill, *Rediscovering the Natural Law in Reformed Theological Ethics*, 21–29.
28. The classic debate between the positivists and realists took place in the pages of the *Harvard Law Review* between Oxford professor H. L. A. Hart and Harvard law professor Lon Fuller. See H. L. A. Hart, "Positivism and the Separation of Law and Morals," *Harvard Law Review* 71 (1958): 593–629; and Lon Fuller, "Positivism and Fidelity to Law: A Response to Hart," *Harvard Law Review* 71 (1958): 630–72.
29. On the connection between law and objective morality, see Arthur A. Leff, "Unspeakable Ethics, Unnatural Law," *Duke Law Journal* 1229 (1979). See also Mark C. Murphy, *Natural Law in Jurisprudence and Politics* (Cambridge: Cambridge University Press, 2006).
30. St. Augustine, *On the Free Choice of the Will*, trans. Thomas Williams (Indianapolis: Hackett, 1993), 5.
31. C. Stephen Evans, *God and Moral Obligation* (New York: Oxford University Press, 2013), 31.
32. Evans, *God and Moral Obligation*, 62.
33. Evans, *God and Moral Obligation*, 54.
34. Evans, *God and Moral Obligation*, 86.

Chapter 4

1. I have adapted this model from the seven-step model of Dr. William W. May's course Normative Analysis of Issues, taught at the School of Religion, University of Southern California.

Chapter 5

1. Paul Ramsey, *Ethics at the Edges of Life* (New Haven, CT: Yale University Press, 1978).
2. For further reading on the theological roots of bioethics, see Allen Verhey, *Religion and Medical Ethics: Looking Back, Looking Forward* (Grand Rapids: Eerdmans, 1996).
3. *Roe v. Wade*, 410 U.S. 113 (1973).

4. Doe v. Bolton, 410 U.S. 179 (1973).
5. Doe v. Bolton, 410 U.S. 179 (1973), 192–93.
6. Webster v. Reproduction Health Services, 109 S. Ct. 3040 (1989).
7. Planned Parenthood v. Casey, 112 S. Ct. 2791 (1992). For other cases in which limits to abortion were struck down, see Planned Parenthood v. Danforth, 428 U.S. 52 (1977); Akron v. Akron Center for Reproductive Health, Inc., 462 U.S. 416 (1983); Thornburgh v. American College of Obstetricians and Gynecologists, 476 U.S. 747 (1986); and Ohio v. Akron Center for Reproductive Health, 497 U.S. 502 (1990).
8. Gonzales v. Carhart, 550 U.S. 124 (2007).
9. Gonzales v. Carhart, 550 U.S. 124 (2007).
10. John Jefferson Davis, “The Moral Status of the Embryonic Human: Religious Perspectives,” *Ethics and Medicine* 22, no. 1 (2006): 9–21.
11. Davis, “The Moral Status of the Embryonic Human,” 12.
12. For more on this text, see Umberto Cassuto, *Exodus* (Jerusalem: Magnes, 1967), 275; and Gleason Archer, *Encyclopedia of Bible Difficulties* (Grand Rapids: Zondervan, 1982), 246–49.
13. I am indebted to Francis J. Beckwith for much of the following discussion. For further development of these arguments and the appropriate counterarguments, see his *Defending Life: A Moral and Legal Case against Abortion Choice* (New York: Cambridge University Press, 2007).
14. See, for example, the statements of Bernard Nathanson, the cofounder of the National Abortion Rights Action League. He has since changed his position and become a pro-life advocate. See his *Aborting America* (New York: Doubleday, 1978), 193.
15. John Jefferson Davis, *Abortion and the Christian* (Phillipsburg, NJ: Presbyterian and Reformed, 1984), 75.
16. Mary Calderone, “Illegal Abortion as a Public Health Problem,” *American Journal of Public Health* 50 (1960): 948–54, as cited in Francis J. Beckwith, *Politically Correct Death: Answering the Arguments for Abortion Rights* (Grand Rapids: Baker, 1994), 240. For further discussion of the statistics on illegal abortion, see the discussion in Beckwith, *Politically Correct Death*, 54–59.
17. This is a common view in the philosophical community and is expressed by Bonnie Steinbock in *Life before Birth: The Moral Status of Fetuses and Embryos* (New York: Oxford University Press, 1992).
18. Davis, *Abortion and the Christian*, 76.
19. John Jefferson Davis, “Human Embryos, ‘Twinning’ and Public Policy,” *Ethics and Medicine* 20, no. 2 (Summer 2004): 35–46.
20. The argument is stated like this in Richard Werner, “Abortion: The Moral Status of the Unborn,” *Social Theory and Practice* 4 (Spring 1975): 202.
21. Judith Jarvis Thomson, “A Defense of Abortion,” *Philosophy and Public Affairs* 1, no. 1 (Fall 1971). See the response to this in Beckwith, *Defending Life*; and Christopher Kaczor, *The Ethics of Abortion*, 2nd ed. (New York: Routledge, 2014). For a further defense of Thomson, see David Boonin, *A Defense of Abortion* (Cambridge: Cambridge University Press, 2002). Kaczor responds specifically to Boonin’s argument.

22. Naomi Wolf, "Our Bodies, Our Souls," *New Republic* (October 16, 1995): 33. Emphasis mine.
23. Wolf, "Our Bodies, Our Souls," 33.
24. Wolf, "Our Bodies, Our Souls," 34.
25. Hilde Lindemann, "Miscarriage and the Stories We Live By," *Journal of Social Philosophy* 46:1 (Spring 2015): 80–90, 84. See also Lindemann, ". . . But I Could Never Have One: The Abortion Intuition and Moral Luck," *Hypatia* 24, no. 1 (Winter 2009): 45.
26. "The Worldwide War on Baby Girls," *The Economist*, March 4, 2010.
27. Alberto Giubilini and Francesca Minerva, "After-Birth Abortion: Why Should the Baby Live?," *Journal of Medical Ethics* 39 (2013): 261–63; and Giubilini and Minerva, "Clarifications on the Moral Status of Newborns and the Normative Implications," *Journal of Medical Ethics* 39 (2013): 264–65. This entire issue of the *Journal of Medical Ethics* is devoted to these papers and responses to them. For an opposing view, see Regina A. Rini, "Of Course the Baby Should Live: Against 'After Birth Abortion,'" *Journal of Medical Ethics* 39 (2013): 353–56; and Francis J. Beckwith, "Potentials and Burdens: A Reply to Giubilini and Minerva," *Journal of Medical Ethics* 39 (2013): 341–44.
28. Rini, "Of Course the Baby Should Live," 354.
29. Paul Ehrlich, *The Population Bomb* (London: Cox and Wyman, 1971), 1.
30. Mara Hvistendahl, *Unnatural Selection: Choosing Boys over Girls and the Consequences of a World Full of Men* (New York: Public Affairs, 2011), 101.
31. Hvistendahl, *Unnatural Selection*, 217–26.
32. Hvistendahl, *Unnatural Selection*, 179–90.
33. Statute on Fetal Tissue Transplantation Research (1993), Public Law 103–43, June 10, 1993, <https://www.hhs.gov/ohrp/regulations-and-policy/guidance/public-law-103-43/index.html>.
34. "Embryonic and Fetal Research Laws," *National Conference of State Legislatures*, January 1, 2016, <http://www.ncsl.org/research/health/embryonic-and-fetal-research-laws.aspx>.
35. Aldous Huxley, *Brave New World* (London: Chatto & Windus, 1932).
36. Joel W. Hay, "Regenerating Medical Research Payouts?," *Orange County Register* (May 18, 2017): B11.
37. For further philosophical discussion on the status of embryos specifically, see Russell DiSilvestro, "Human Embryos in the Original Position," *Journal of Medicine and Philosophy* 30 (2005): 285–304. See also Robert P. George and Patrick Lee, "Acorns and Embryos," *The New Atlantis* (Fall 2004–Winter 2005): 91–100.

Chapter 6

1. Many infertility clinics offer this range of IVF options. See, e.g., Life IVF Center, <https://lifeivfcenter.com>.
2. For further discussion of this distinction between procreation and reproduction, see Gilbert Meilaender, *Bioethics: A Primer for Christians*, 2nd ed. (Grand Rapids: Eerdmans, 2005). See also Oliver O'Donovan, *Begotten or Made?* (New York: Oxford University Press, 1984).

3. Congregation for the Doctrine of the Faith, “Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation,” *Origins* 16, no. 40 (March 19, 1987): 704–5.
4. Congregation for the Doctrine of the Faith, “Instruction on Respect for Human Life in Its Origin and on the Dignity of Procreation,” 706.
5. For further information on Catholic teaching in this area, see Edward Collins Vacek, SJ, “Catholic Natural Law and Reproductive Ethics,” *Journal of Medicine and Philosophy* 17 (1992): 329–46.
6. For further discussion of the other purposes of sex, see Dennis Hollinger, *The Meaning of Sex: Christian Ethics and the Moral Life* (Grand Rapids: Baker, 2009): 93–115.
7. For further discussion of the official Catholic view of reproductive technology, see Scott B. Rae and D. Joy Riley, *Outside the Womb: Moral Guidance for Assisted Reproduction* (Chicago: Frontgate, 2011), ch. 3.
8. The exception to this is in 1 Corinthians 6:12–20, where Paul argues against sexual promiscuity on the basis of Genesis 2:24. He is not speaking to married couples exclusively in 1 Corinthians 6, though they constitute a large part of his audience. His point is limited to the one-flesh relationship that occurs whenever two people have sexual relations. This makes promiscuity immoral, particularly since Christ indwells the believer, who is thus joined to another in an illicit way when promiscuity occurs.
9. Gordon J. Wenham, “Family in the Pentateuch,” in *Family in the Bible: Exploring Customs, Culture and Context*, ed. Richard S. Hess and M. Daniel Carroll R. (Grand Rapids: Baker, 2004): 17–18.
10. It may be that polygamy was allowed as part of a social safety net for unmarried women, a mechanism to ensure that they were provided for. It was generally restricted, for financial reasons, to people of resources and was not as widespread as one might think. Not all polygamy was allowed. Solomon’s taking on foreign wives to establish political alliances was prohibited because he was to trust God for their national security, not foreign alliances. For further discussion on this subject, see David T. Lamb, *Prostitutes and Polygamists: A Look at Love, Old Testament Style* (Grand Rapids: Zondervan, 2015).
11. Christopher J. H. Wright, *Old Testament Ethics for the People of God* (Downers Grove, IL: IVP Academic, 2004), 330.
12. Brent Waters, *Reproductive Technology: Toward a Theology of Procreative Stewardship* (Cleveland: Pilgrim, 2001): 52–53, 83.
13. See Case 6.4 as a possible example of an exception.
14. Leftover embryos can raise some interesting legal problems too. For example, a couple that had utilized IVF had finalized their divorce, and the woman wanted to use the embryos to have a child. Her ex-husband refused, claiming that he did not want his progeny running around without his knowledge even of their existence. The couple went to court to have their dispute arbitrated. The court ruled in favor of the ex-husband, holding that one’s procreative liberty also gives him the freedom not to procreate, and thus the embryos could not be used without his consent. See *Davis v. Davis*, 1990 Tenn. App. LEXIS 642 (September 13, 1990). For further commentary on this case, see Alexander Morgan Capron, “Parenthood and Frozen Embryos: More Than Property and Privacy,” *Hastings Center Report* 22 (September 1992): 32–33.

- An even more complicated case occurred in Australia. In 1981 a Los Angeles woman and her wealthy husband flew to Australia for IVF. A number of embryos were frozen, and efforts to implant an embryo in the woman were unsuccessful. While the embryos were still in storage in Australia, the couple was killed in a plane crash en route to South America. There were no living heirs to the couple's substantial estate. There are a number of complicated legal questions about inheritance rights, both of the embryos and any woman who "adopted" the embryos to gestate and raise them. They are made more complex by the fact that the sperm that fertilized the embryos was not the husband's but that of an anonymous donor. See George P. Smith, "Australia's Frozen 'Orphan' Embryos: A Medical, Legal and Ethical Dilemma," *Journal of Family Law* 24, no. 1 (1985–86): 26–41. See also Donald DeMarco, *Biotechnology and the Assault on Parenthood* (San Francisco: Ignatius, 1992), 104–5.
15. See e.g., Huntington Fertility Center in Pasadena, California, <http://www.hrcpasadena.com/treatments/egg-freezing>, which specifically offers egg freezing to couples wanting to minimize the number of embryos created in IVF.
 16. Bonnie Steinbock, "Questions about Using Mosaic Embryos in IVF," *Hastings Center Forum*, April 22, 2016, <http://www.thehastingscenter.org/questions-about-using-mosaic-embryos-in-ivf/>.
 17. For further reading on mosaic embryos, see Kira Peikoff, "In IVF, Questions about 'Mosaic' Embryos," *New York Times*, April 18, 2016, <https://www.nytimes.com/2016/04/19/health/ivf-in-vitro-fertilization-pregnancy-abnormal-embryos-mosaic.html>.
 18. To read further on three-parent embryos, see Tina Hesman Saey, "Year in Review: Three-Parent Baby Raises Hope and Concern," *New Scientist*, December 14, 2016, <https://www.sciencenews.org/article/three-parent-baby-top-science-stories-2016>.
 19. See, e.g., the Snowflake program, developed by Nightlight Christian Adoption Agency, www.nightlight.org.
 20. See, e.g., the case of Baby M (537 A.2d 1227, 1988; Clyde Haberman, "Baby M and the Question of Surrogate Motherhood," *New York Times*, March 23, 2014, <https://www.nytimes.com/2014/03/24/us/baby-m-and-the-question-of-surrogate-motherhood.html>), and *Johnson v. Calvert* (851 P.2d 776, 1993; Seth Mydans, "Surrogate Denied Custody of Child," *New York Times*, October 23, 1990, <http://www.nytimes.com/1990/10/23/us/surrogate-denied-custody-of-child.html>).
 21. Both the Code of Hammurabi (1792–1750 BC) and the Nuzi tablets (1520 BC) authorize surrogacy, and not only for cases of barrenness. Thus surrogacy was not only widely practiced but was also the subject of detailed legislation to keep the practice within proper limits.
 22. This freedom assumes, of course, that parents are acting in the best interest of their children and that no harm comes to children in the exercise of freedom on the part of the parents. See *Meyer v. Nebraska* (262 U.S. 390 [1923]), *Griswold v. Connecticut* (381 U.S. 479 [1965]), *Eisenstadt v. Baird* (405 U.S. 438 [1972]), and *Carey v. Population Services* (431 U.S. 678 [1977]).
 23. See, e.g., the film on surrogacy titled *Breeders* from the Center for Bioethics and Culture Network.

24. For a longer, more detailed discussion of this question, see Scott B. Rae, *The Ethics of Commercial Surrogate Motherhood: Brave New Families* (Westport, CT: Praeger, 1994), 77–124.
25. *In the Matter of Baby M*, 537 A. 2d, 1249 (1988).
26. See the discussion of surrogacy in India in, Scott Carney, *The Red Market: On the Trail of the World's Organ Brokers, Bone Thieves, Blood Farmers and Child Traffickers* (New York: William Morrow, 2011), ch. 6.
27. Carney, *The Red Market*, ch. 6.
28. Daniel Callahan, "Surrogate Motherhood: A Bad Idea," *New York Times*, January 20, 1987, B21.
29. In *Stanley v. Illinois*, the Supreme Court stated that "the rights to conceive and to raise one's children have been deemed essential . . . basic civil rights of man . . . far more precious than property rights. It is cardinal with us that the custody, care and nurture of the child reside first in the parents" (405 U.S. 650 [1971], at 651).
30. Sarah Knapton, "Motherless Babies Possible as Scientists Create Live Offspring Without Need for Female Eggs," *The Telegraph*, September 13, 2016, <http://www.telegraph.co.uk/science/2016/09/13/motherless-babies-possible-as-scientists-create-live-offspring-w/>; John Von Radowitz, "Scientists Claim They Can Create Babies Without Men by Injecting Eggs with Artificial Sperm," *The Mirror UK*, February 25, 2016, <http://www.mirror.co.uk/news/world-news/scientists-claim-can-create-babies-7441572>.
31. Henry T. Greely, *The End of Sex and the Future of Human Reproduction* (Cambridge, MA: Harvard University Press, 2016). See Ian Sample, "Scientists Use Skin Cells to Create Artificial Sperm and Eggs," *The Guardian*, December 24, 2014, <https://www.theguardian.com/society/2014/dec/24/science-skin-cells-create-artificial-sperm-eggs>.

Chapter 7

1. The literature on the Human Genome Project is voluminous. E.g., see Daniel Kevles and Leroy Hood, eds., *The Code of Codes: Social and Scientific Issues in the Human Genome Project* (Cambridge: Harvard University Press, 1992); and George J. Annas and Sherman Elias, *Gene Mapping: Using Law and Ethics as Guides* (New York: Oxford University Press, 1992). Both volumes contain a variety of essays from different perspectives and serve as a good introduction to the issues surrounding the project. For a distinctive Christian perspective on the project and on other aspects of genetic technologies, see Timothy J. Demy and Gary P. Stewart, *Genetic Engineering: Crucial Considerations for Shaping Life* (Grand Rapids: Kregel, 1999); and John F. Kilner, Rebecca D. Pentz, and Frank E. Young, eds., *Genetic Ethics: Do the Ends Justify the Genes?* (Grand Rapids: Eerdmans, 1998).
2. For more on the connection between the notion of personhood and genetic technologies, see J. P. Moreland and Scott B. Rae, *Body and Soul: Human Nature and the Crisis in Ethics* (Downers Grove, IL: InterVarsity, 2000), 286–312.
3. For further reading on the details of these tests and some of the moral implications, see Scott B. Rae, "Genetic Testing, Abortion and Beyond," in *Genetic Ethics: Do the Ends Justify the Genes?*, ed. John F. Kilner, Rebecca D. Pentz, and Frank E. Young (Grand Rapids: Eerdmans, 1998).

4. See the discussion of the personhood of the unborn in ch. 5.
5. LeRoy Walters and Julie Gage Palmer, *The Ethics of Human Gene Therapy* (New York: Oxford University Press, 1997), 17. The “Bubble Boy” was David Philip Vetter, who was born with a genetic disorder called severe combined immune deficiency (SCID). He lived his entire life—twelve years—in a sterile plastic bubble. His battle with SCID gained wide media attention. He died in 1984.
6. Karl Drlica, *Double-Edged Sword: The Promises and Risks of the Genetic Revolution* (New York: Addison Wesley, 1994), 76–77.
7. See, e.g., Emily Mullin, “Determined Parents Are Moving the Needle on Gene Therapy,” *MIT Technology Review*, March 21, 2017, <https://www.technologyreview.com/s/603832/determined-parents-are-moving-the-needle-on-gene-therapy/>; Antonio Regaldo, “Gene Therapy’s First Out and Out Cure is Here,” *MIT Technology Review*, May 6, 2016, <https://www.technologyreview.com/s/601390/gene-therapys-first-out-and-out-cure-is-here/>.
8. David Cyranoski and Sarah Rearden, “Chinese Scientists Genetically Modify Human Embryos,” *Nature*, April 22, 2015, <http://www.nature.com/news/chinese-scientists-genetically-modify-human-embryos-1.17378>. See also Jonathan Rockoff, “Why Gene Editing Technology Has Scientists Excited,” *Wall Street Journal*, June 28, 2015, http://www.wsj.com/article_email/why-gene-editing-technology-has-scientists-excited-1434985998-1MyQjAxMTA1MTE5NDUxMzQ5Wj.
9. Julian Savulescu and Guy Kahane, “The Moral Obligation to Create Children with the Best Chance of the Best Life,” *Bioethics* 23, no. 5 (June 2009): 274–90.
10. Michael Sandel, “The Case Against Perfection,” in *Society, Ethics and Technology*, ed. M. Winston, and R. Edelbach (Belmont: Wadsworth, 2014), 349.
11. Carl Elliott, *Better Than Well: American Medicine Meets the American Dream* (New York: Norton, 2003).
12. These are summarized from the report of the President’s Council on Bioethics, *Beyond Therapy*, 275–300.
13. President’s Council on Bioethics, *Beyond Therapy*, 286.
14. Robert Wright, “Infidelity—It May be in our Genes,” *Time*, August 15, 1994. Available online at http://canadiancrc.com/newspaper_articles/Time_Magazine_infidelity_in_genes_15AUG94.aspx.
15. Richard Friedman, “Infidelity Lurks in Your Genes,” *New York Times Opinion*, May 22, 2015, https://www.nytimes.com/2015/05/24/opinion/sunday/infidelity-lurks-in-your-genes.html?_r=0. See also the critique of Friedman in John Horgan, “Infidelity Gene Hyped in the News,” *Scientific American*, May 25, 2015, <https://blogs.scientificamerican.com/cross-check/infidelity-gene-hyped-in-the-news/>.
16. Max More and Natasha Vita-More, eds., *The Transhumanist Reader: Classical and Contemporary Essays on the Science, Technology, and Philosophy of the Human Future* (New York: Wiley-Blackwell, 2013), 1.
17. Fabrice Jotterand, “At the Roots of Transhumanism: From the Enlightenment to a Post-Human Future,” *The Journal of Medicine and Philosophy* 35, no. 6 (2010): 617.
18. Brent Waters, *From Human to Posthuman: Christian Theology and Technology in a Postmodern World* (New York: Routledge, 2006), 50.

19. Patrick T. Smith, “The Privilege of Being Human: Transhumanism and Human Significance,” in *Why People Matter: A Christian Engagement with Rival Views of Human Significance*, ed. John F. Kilner (Grand Rapids: Baker Academic, 2017), 127. I am indebted to his chapter for much of this discussion on transhumanism.
20. Nor are human beings simply beasts either, as theologian Gilbert Meilaender maintains. See his *Neither Beasts nor God: The Dignity of the Human Person* (New York: Encounter, 2009).
21. Gina Kolata, “Doctor Clones Human Embryos, Creates Twins,” *New York Times*, October 24, 1993, 1.
22. J. Madeline Nash, “The Age of Cloning,” *Time*, March 10, 1997, 60–71.

Chapter 8

1. For further reading on Maynard’s story, see Brittany Maynard, “My right to death with dignity at 29,” *CNN*, November 2, 2014, <http://www.cnn.com/2014/10/07/opinion/maynard-assisted-suicide-cancer-dignity/>; Olga Khazan, “Brittany Maynard and the Challenge of Dying with Dignity,” *The Atlantic*, November 3, 2014, <http://www.theatlantic.com/health/archive/2014/11/brittany-maynard-and-the-challenge-of-dying-with-dignity/382282/>.
2. Derek Humphry, *Final Exit: The Practicalities of Self-Deliverance and Assisted Suicide for the Dying*, 3rd ed. (New York: Dell, 2002).
3. *In re Quinlan*, 355 A.2d 647 (1976).
4. *Cruzan v. Director, Missouri Department of Health*, 497 U.S. 261; 110 S. Ct. 2841 (1990).
5. The cases the Supreme Court reviewed were *Washington v. Glucksberg*, which was listed in appeals court documents as *Compassion in Dying v. Washington*, 79 F. 3d 790 (1996); and *Vacco v. Quill*, 80 F. 3d 716 (1996).
6. For further discussion on the right to die, see Leon R. Kass, “Is There a Right to Die?” *Hastings Center Report* 23 (January–February 1993): 34–43; and Yale Kamisar, “Are Laws against Assisted Suicide Unconstitutional?” *Hastings Center Report* 23 (May–June 1993): 32–41.
7. Paul Ramsey, “The Indignity of ‘Death with Dignity,’” *Hastings Center Report* 2 (May 1974): 47–62. For more discussion of the theological perspectives on death and dying, see Scott B. Rae and Paul M. Cox, *Bioethics: A Christian Approach in a Pluralistic Age* (Grand Rapids: Eerdmans, 1999), 217–52.
8. Neil Gorsuch, *The Future of Assisted Suicide* (Princeton: Princeton University Press, 2006), 159.
9. For further reading on the image of God and its relation to bioethics, see John F. Kilner, *Dignity and Destiny: Humanity in the Image of God* (Grand Rapids: Eerdmans, 2015).
10. For considering the interests of the family, see John Hardwig, *Is There a Duty to Die?* (New York: Routledge, 2000). See also for consideration of society’s interests, Daniel Callahan, *Setting Limits: Medical Goals in an Aging Society* (New York: Touchstone, 1987).
11. Gilbert Meilaender, “On Removing Food and Water: Against the Stream,” *Hastings Center Report* 14 (December 1984): 11–13.
12. Lawrence J. Schneiderman, “Exile and PVS,” *Hastings Center Report* 20 (May–June 1990): 5.

13. Bob Smeitana, "Most Americans Say Assisted Suicide is Morally Acceptable," *Lifeway Research*, December 6, 2016, <http://lifewayresearch.com/2016/12/06/most-americans-say-assisted-suicide-is-morally-acceptable/>.
14. See, e.g., Task Force on Pain Management, "Pain Management: Theological and Ethical Principles Governing the Use of Pain Relief for Dying Patients," *Health Progress* (January–February 1993): 36–38.
15. Marjie L. van der Lee et al. "Euthanasia and Depression: A Prospective Cohort Study among Terminally Ill Cancer Patients," *Journal of Clinical Oncology* 23 (2005): 6607, cited in Gorsuch, *The Future of Assisted Suicide*, 224–25.
16. See for example, Margaret Battin, *The Least Worst Death: Essays in Bioethics at the End of Life* (New York: Oxford University Press, 1994), 120.
17. See, e.g., Norman Cantor, "On Kamisar, Killing and the Future of Physician Assisted Death," *Michigan Law Review* 102 (2004): 1825. See also Gilbert Meilaender, "Pathos, Bathos, and Euthanasia," *Commonweal* (June 30, 2017).
18. James Rachels, *The End of Life: Euthanasia and Morality* (New York: Oxford University Press, 1986), 112–13.
19. J. P. Moreland, "James Rachels and the Active Euthanasia Debate," *Journal of the Evangelical Theological Society* 31 (March 1988): 89.
20. Rachels, *The End of Life*, 93–94.
21. Gorsuch, *The Future of Assisted Suicide*, 69.
22. Gorsuch, *The Future of Assisted Suicide*, 70.
23. Gorsuch, *The Future of Assisted Suicide*, 63.
24. This was the basis of the argument made by the lower courts in *Vacco v. Quill*, and overturned by the US Supreme Court.
25. See *Washington v. Glucksberg*.
26. See, e.g., Peter Singer, *Rethinking Life and Death* (New York: St. Martin's, 1994), for another example of a view similar to Rachels's. Some in Christian circles hold that patients in a permanent vegetative state have lost their personhood. See Robert Wennberg, *Terminal Choices: Euthanasia, Suicide and the Right to Die* (Grand Rapids: Eerdmans, 1989).
27. For an extended defense of a substance dualist view of a human person, see J. P. Moreland and Scott B. Rae, *Body and Soul: Human Nature and the Crisis in Ethics* (Downers Grove, IL: InterVarsity, 2000).
28. Numerous studies of this have been undertaken. For further data, see John Keown, "On Regulating Death," *Hastings Center Report* 22 (1992): 39–43; Herbert Hendin et al., "Physician Assisted Suicide and Euthanasia in the Netherlands: Lessons from the Dutch," *Journal of the American Medical Association* 277, no. 21 (June 4, 1997): 1720–22; Johanna H. Groenewoud et al., "Clinical Problems with the Performance of Euthanasia and Physician Assisted Suicide in the Netherlands," *Netherlands Journal of Medicine* 342, no. 8 (February 24, 2000): 551–56; Luc Deliens and Gerrit van der Waal, "The Euthanasia Law in Belgium and the Netherlands," *The Lancet* 362 (11 October 2003): 1239–40; Bregje D. Onwuteaka-Philipsen et al., "Trends in End of Life Practices before and after the Enactment of the Euthanasia Law in the Netherlands from 1990: A Repeated Cross Section Survey," *The Lancet* 380 (8 September 2012): 908–15.

29. Gorsuch, *The Future of Assisted Suicide*, 109.
30. Daniel Callahan, "Self Determination Run Amok," *Hastings Center Report* 22 (March–April 1992): 52–55.
31. Callahan, "Self Determination Run Amok," 52–55.
32. Kevin Yuill, *Assisted Suicide: The Liberal, Humanist Case Against Legalization* (London: Palgrave Macmillan, 2013), xi.
33. David Brooks, "Death and Budgets," *New York Times*, July 14, 2011, A23, <http://www.nytimes.com/2011/07/15/opinion/15brooks.html>, cited in Yuill, *Assisted Suicide*, xi. See also Daniel Callahan and Sherwin B. Nuland, "The Quagmire," *The New Republic*, May 18, 2011, <https://newrepublic.com/article/88631/american-medicine-health-care-costs>.
34. Yuill, *Assisted Suicide*, xv.
35. Gorsuch, *The Future of Assisted Suicide*, 139–40.

Chapter 9

1. For details on which U.S. states have the death penalty, see, the Death Penalty Information Center at <https://deathpenaltyinfo.org/states-and-without-death-penalty>.
2. For further information on the status of the death penalty internationally, see the Death Penalty Information Center <https://deathpenaltyinfo.org/abolitionist-and-retentionist-countries?scid=30&did=140#de%20facto>.
3. *Furman v. Georgia*, 408 U.S. 238 (1972).
4. *Gregg v. Georgia*, 428 U.S. 153 (1976).
5. *McCleskey v. Kemp*, 481 U.S. 479 (1987).
6. This list is taken from R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, NJ: Craig, 1973), 235.
7. The death penalty was not prescribed for accidental killing or manslaughter.
8. The term for "attacking" or "striking" one's parent refers to striking with a mortal blow and is the equivalent of killing one's parent.
9. Related to this is the command that the incorrigibly delinquent, criminally rebellious child be stoned to death. See Deut. 21:18–21.
10. From these two texts, the main reason for kidnapping seems not to be extracting a ransom but selling the person into slavery or keeping the person as a slave.
11. The reason that this specific crime carries the death penalty follows from the way betrothal was viewed as the essential equivalent of marriage in the ancient world. Thus, to have sexual relations with an engaged person was the virtual equivalent of adultery and carried the same penalty.
12. David P. Gushee, *The Sacredness of Human Life* (Grand Rapids: Eerdmans, 2015), 51.
13. Cain and Lamech may not have been given the death penalty because there was no state in existence at that time, and God only authorizes the state to administer capital punishment.
14. The classic exposition of this argument is found in Ernest van den Haag, "On Deterrence and the Death Penalty," *Ethics* 78 (July 1968): 280–88.
15. Gushee, *The Sacredness of Human Life*, 368.

16. See for example, Glen Stassen and David P. Gushee, *Kingdom Ethics: Following Jesus in Contemporary Context* (Grand Rapids: Eerdmans, 2016), 215–33.
17. Gushee, *The Sacredness of Human Life*, 369.

Chapter 10

1. See, for example, the work of Glen Stassen, esp. Stassen and David P. Gushee, *Kingdom Ethics*, 2nd ed. (Grand Rapids: Eerdmans, 2016), 308–38.
2. For further reading on this important subject, see Darrell Cole, *When God Says War Is Just* (Colorado Springs: Waterbrook, 2002); and J. Daryl Charles, *Between Pacifism and Jihad: Just War and Christian Tradition* (Downers Grove, IL: InterVarsity, 2005).
3. Richard B. Hays, *The Moral Vision of the New Testament* (New York: HarperCollins, 1996), 334–36.
4. Representative pacifists' work includes John Howard Yoder, *The Politics of Jesus*, 2nd ed. (Grand Rapids: Eerdmans, 1994); Yoder and Glen H. Stassen, *The War of the Lamb* (Grand Rapids: Brazos, 2009); Stanley Hauerwas, *The Peaceable Kingdom* (Notre Dame: University of Notre Dame Press, 1983); Stassen, *Just Peacemaking: A New Paradigm for the Ethics of Peace and War*, 2nd ed. (Cleveland: Pilgrim, 2008).
5. Yoder, *The Politics of Jesus*, 197, 199. A similar view is taken by Richard Hays, *The Moral Vision of the New Testament*, 331.
6. These can also be understood as hyperbole. See Charles Cruise, "A Methodology for Detecting and Mitigating Hyperbole in Matthew 5:38–42," *Journal of the Evangelical Theological Society* 61, no. 1 (2018): 83–103.
7. Nigel Biggar, *In Defense of War* (New York: Oxford University Press, 2013), 48–49.
8. John Howard Yoder, "The Career of Just War Theory," in *Christian Attitudes toward War, Peace and Revolution*, ed. Theodore J. Koontz and Andy Alexis-Baker (Grand Rapids: Brazos Press, 2009), 112., as cited in Biggar, *In Defense of War*, 31.
9. Biggar, *In Defense of War*, 93–94.
10. This is what became known as the Christian realism of theologian Reinhold Niebuhr. See his classic work *Moral Man and Immoral Society* (New York: Scribner's Sons, 1960).
11. Biggar, *In Defense of War*, 5–7.
12. For a brief discussion of the three main ways of viewing ethical conflicts, see ch. 2, "Christian Ethics." Bonhoeffer appears to have taken option 2 of the ways of resolving moral dilemmas. He held that moral dilemmas involved choosing between the lesser of two evils, for which we invariably needed to repent.
13. For further discussion of Bonhoeffer and his involvement in the plot to kill Hitler, see Robert W. Brimlow, *What about Hitler? Wrestling with Jesus' Call to Nonviolence in an Evil World* (Grand Rapids: Brazos, 2006), 117–24. Brimlow rejects the way Bonhoeffer handles his moral dilemma for much the same reason we cited in ch. 2 in the criticism of option 2 for dealing with moral conflicts—that having a duty to sin is inconsistent with the character of God. Brimlow puts it like this: "I cannot bring myself to believe that there are situations in which being faithful means that I *must* sin" (p. 124). I agree with his view of handling moral conflicts, that God does not put us in a position where we are obligated to sin—this is why option 3 is preferred from

our discussion in ch. 2. I would hold that Bonhoeffer did the morally justifiable thing in participating in the plot to kill Hitler and did nothing for which he needed to ask forgiveness. See also for an insightful criticism of pacifism, C. S. Lewis, “Why I Am Not a Pacifist,” in *The Weight of Glory* (New York: Macmillan, 1949).

14. See for example, John Howard Yoder, *The Priestly Kingdom: Social Ethics as Gospel* (Notre Dame: University of Notre Dame Press, 1984), 136–37.
15. For further explanation of this critique, see John Howard Yoder, *When War is Unjust: Being Honest in Just War Thinking* (Maryknoll: Orbis, 1996).
16. Biggar, *In Defense of War*, 330, emphasis mine.
17. This is taken from David Rodin, *War and Self-Defense* (Oxford: Clarendon Press, 2002): 90–92.
18. Biggar, *In Defense of War*, 192.
19. Biggar, *In Defense of War*, 212.
20. David Fisher, *Morality and War: Can War be Just in the Twenty-first Century?* (New York: Oxford University Press, 2011), 25.
21. Fisher, *Morality and War*, 25.

Chapter 11

1. *Obergefell v. Hodges*, 135 S. Ct. 2071 (2015).
2. The exception to this is in 1 Cor. 6:12–20, where Paul argues against sexual promiscuity on the basis of Genesis 2:24. He is not speaking to married couples here. Rather, his point is limited to the one-flesh relationship that is associated with sexual intercourse, thus making promiscuity wholly inappropriate for the believer. This is magnified by the indwelling of Christ, so that Christ is actually joined to the person with whom one has had an affair.
3. This is not to say that single-parent families are any less genuine families in the sight of God, only that procreation cannot occur in that setting. Single-parent families usually began as two-parent families, and procreation occurred in the proper context. Divorce, however tragic, does not prevent the resulting single parent and children from being a legitimate family.
4. For further reading on polygamy in biblical times, see David T. Lamb, *Prostitutes and Polygamists: A Look at Love, Old Testament Style* (Grand Rapids: Zondervan, 2015).
5. Though not one of these critics of the traditional view, Donald Wold makes this same cultural observation about the connection between homosexual gang rape and forced submission in *Out of Order: Homosexuality in the Bible and the Ancient Near East* (Grand Rapids: Baker, 1998).
6. I am assuming a more literal interpretation of the Song of Songs and reject the allegorical interpretation that views the relationship between Solomon and his bride as symbolic of the relationship between Christ and the church. Although that comparison is certainly appropriate in the light of Ephesians 5:22–33, the consensus among recent commentators is that Solomon’s primary intent was to address literal sex in a literal heterosexual marriage. For more on this, see S. Craig Glickman, *A Song for Lovers* (Downers Grove, IL: InterVarsity, 1978). See also Richard Hess, *The Song of Songs* (Grand Rapids: Baker, 2005).

7. Preston Sprinkle, *People to Be Loved: Why Homosexuality Is Not Just an Issue* (Grand Rapids: Zondervan, 2015): 61.
8. Sprinkle, *People to Be Loved*, 58.
9. William Loader, *The New Testament on Sexuality* (Grand Rapids: Eerdmans 2012), 86–87.
10. Sprinkle, *People to Be Loved*, 91.
11. Loader, *The New Testament on Sexuality*, 89.
12. E.g., see William Loader, “Homosexuality and the Bible,” in *Two Views on Homosexuality the Bible and the Church*, ed. Preston Sprinkle (Grand Rapids: Zondervan, 2016), 17–48.
13. See for example, Matthew Vines, *God and the Gay Christian* (New York: Convergent, 2014), 103–7.
14. See also David P. Gushee, *Changing Our Minds*, 3rd ed. (Canton, MI: David Crumm Media, 2017).
15. Sprinkle, *People to Be Loved*, 95.
16. Sprinkle, *People to Be Loved*, 97.
17. Sprinkle, *People to Be Loved*, 111.
18. See, e.g., Wesley Hill, *Washed and Waiting: Reflections on Christian Faithfulness and Homosexuality* (Grand Rapids: Zondervan, 2010).
19. Wesley Hill, “Christ, Scripture, and Spiritual Friendship,” in *Two Views on the Bible, Homosexuality, and the Church*, ed. Preston Sprinkle (Grand Rapids: Zondervan, 2016), 144–47.
20. Stephen Holmes, “Listening to the Past and Reflecting on the Present,” in *Two Views on Homosexuality the Bible and the Church*, ed. Preston Sprinkle (Grand Rapids: Zondervan, 2016), 184.
21. *Trinity Western University v. Law Society of British Columbia*, 2016 BCCA 423.
22. Stanley Kurtz, “Here Come the Brides,” *The Weekly Standard*, December 26, 2005, <http://www.weeklystandard.com/here-come-the-brides/article/7683>.
23. Cited in Megan Basham, “Pushing for Polygamy,” *National Review Online*, April 18, 2005, <http://www.nrostatic.com/article/214218/pushing-polygamy-megan-basham>.
24. For further reading on this, see Linda K. Bevington and Russell DiSilvestro, *The Pill: Addressing the Scientific and Ethical Questions of the Abortifacient Issue* (Deerfield, IL: Center for Bioethics and Human Dignity, 2002).
25. Mark Yarhouse, *Understanding Gender Dysphoria: Navigating Transgender Issues in a Changing Culture* (Downers Grove, IL: IVP Academic, 2015), 16.
26. Yarhouse, *Understanding Gender Dysphoria*, 11. I am indebted to Yarhouse for the discussion of these models.
27. Yarhouse, *Understanding Gender Dysphoria*, 46, quoting Robert A. J. Gagnon, “Transsexuality and Ordination,” August 2007, <http://www.robagnon.net/articles/TranssexualityOrdination.pdf>.
28. I am indebted in this section to Preston Sprinkle, “A Biblical and Compassionate Response to Transgender People,” (unpublished paper and lecture, Evangelical Theological Society annual meeting, San Antonio, TX, November 16, 2016).
29. Sprinkle, “A Biblical and Compassionate Response to Transgender People,” 2.
30. Sprinkle, “A Biblical and Compassionate Response to Transgender People,” 3.

31. Sprinkle, "A Biblical and Compassionate Response to Transgender People," 3.
32. Yarhouse, *Understanding Gender Dysphoria*, 31.
33. Glickman, *Song for Lovers*, 115–16.

Chapter 12

1. Thomas L. Friedman, *Hot, Flat and Crowded: Why We Need a Green Revolution—and How It Can Renew America* (New York: Farrar, Straus and Giroux, 2008), 5.
2. See, e.g., William McDonough and Michael Braungart, *Cradle to Cradle: Remaking the Way We Make Things* (New York: Farrar, Straus and Giroux, 2002).
3. Garrett Hardin, "The Tragedy of the Commons," *Science* 162 (1986): 1243–48.
4. Further examples of biocentrism are found in the work of Paul Taylor, *Respect for Nature: A Theory of Environmental Ethics* (Princeton: Princeton University Press, 1986). See also Bill Devall and George Sessions, *Deep Ecology: Living as if Nature Mattered* (Salt Lake City: Peregrine, 1985); Alan Drengson and Bill Devall, eds., *The Ecology of Wisdom: The Writings of Arne Naess* (Berkeley: Counterpoint, 2008); Frederick L. Bender, *The Culture of Extinction: Toward a Philosophy of Deep Ecology* (Amherst, NY: Humanity Books, 2003).
5. For further reading on these three frameworks, see Glen H. Stassen and David P. Gushee, *Kingdom Ethics: Following Jesus in Contemporary Context*, 2nd ed. (Grand Rapids: Eerdmans, 2016), 386–89.
6. Lynn White Jr., "The Historical Roots of Our Ecological Crisis," *Science* 155 (1967): 1203–7.
7. For further discussion of this see, David P. Gushee, *The Sacredness of Human Life* (Grand Rapids: Eerdmans, 2013), 388–98.
8. I am indebted to Gushee for this term, "conferred value." See Gushee, *The Sacredness of Human Life*, 400.
9. Steven Bouma-Prediger, *For the Beauty of the Earth: A Christian Vision for Creation Care* (Grand Rapids: Baker Academic, 2001), 74.
10. Calvin B. DeWitt, *Earthwise: A Biblical Response to Environmental Issues*, 3rd ed. (Grand Rapids: CRC Publications, 1994), 74.
11. See Robert Sirico, *The Entrepreneurial Vocation* (Grand Rapids: Acton Institute, 2001).
12. Peter J. Leithart, "Snakes in the Garden: Sanctuaries, Sanctuary Pollution and the Global Environment," *Stewardship Journal* (Fall 1993): 24–32, esp. 29.
13. Holmes Rolston III, *Environmental Ethics: Duties to and Values in the Natural World* (Philadelphia: Temple University Press, 1988), 218.
14. For further details on this see E. Calvin Beisner, *Prospects for Growth: A Biblical View of Population, Resources and the Future* (Westchester, IL: Crossway, 1990).
15. Leithart, "Snakes in the Garden," 30.
16. It should be noted that in Ps. 104:20–22, the psalmist recognizes that part of the provision God makes for animals involves predators obtaining their food by killing and consuming their prey. It seems that animals were not restricted to being vegetarians any more than human beings were.
17. Alexander Hill, *Just Business* (Downers Grove, IL: Intervarsity, 1997), 186–88.

18. For an advocate of this view, see Christopher D. Stone, *Should Trees Have Standing? Law, Morality and the Environment* (New York: Oxford University Press, 2010).
19. Michael Hoffman, "Business and Environmental Ethics," *Business Ethics Quarterly* 1, no. 2 (1991): 169–84.
20. Thomas Sieger Derr, "The Challenge of Biocentrism," in *Creation at Risk? Religion, Science, and Environmentalism*, ed. Michael Cromartie (Grand Rapids: Eerdmans, 1995), 85–104.
21. Robert N. Wennberg, *God, Humans and Animals: An Invitation to Enlarge Our Moral Universe* (Grand Rapids: Eerdmans, 2002).
22. See, e.g., Mylan Engel Jr., "Hunger, Duty and Ecology: On What We Owe to Starving Humans," in *Environmental Ethics: Readings in Theory and Application*, 7th ed., ed. Louis P. Pojman and Paul Pojman (Boston: Wadsworth, 2012), 341–359. See also Peter Singer and Jim Mason, *The Ethics of What We Eat: Why Our Food Choices Matter* (New York: Rodale, 2006).
23. See for example, Steve Corbett and Brian Fikkert, *When Helping Hurts: How to Alleviate Poverty Without Hurting the Poor . . . and Yourself*, 2nd ed. (Chicago: Moody, 2012).
24. Jonathan Rauch, "Can Frankenfood Save the Planet?," *Atlantic Monthly* (October 2003), cited in Pojman and Pojman, *Environmental Ethics*, 371–78.
25. Mae-Wan Ho, "The Unholy Alliance," *The Ecologist* 27, no. 4 (July/August 2002): 80–95.
26. John Murdock, "Al Gore's Holy Anger," *First Things*, April 25, 2017, <https://www.firstthings.com/web-exclusives/2017/04/al-gores-holy-anger>.
27. Brent Waters, *Just Capitalism: A Christian Ethics of Economic Globalization* (Louisville: Westminster John Knox, 2016), 205–207.
28. For discussion of this, see Daniel Yergin, *The Quest: Energy, Security and the Remaking of the Modern World*, (New York: Penguin, 2011).
29. Waters, *Just Capitalism*, 208.
30. I am indebted to Waters for the bridge analogy. Waters, *Just Capitalism*, 214.
31. Waters, *Just Capitalism*, 215.

Chapter 13

1. See the Theology of Work Project, especially its Bible commentary series for how frequently the Bible speaks about work (<https://www.theologyofwork.org/>).
2. For more on the connection between work and spiritual formation, see Kenman L. Wong and Scott B. Rae, *Business for the Common Good: A Christian Vision for the Marketplace* (Downers Grove, IL: IVP Academic, 2011), ch. 3.
3. Dorothy L. Sayers, *Why Work? An Address Delivered at Eastbourne, April 23, 1942* (London: Methuen, 1942).
4. Charles Colson, with Harold Fickett, *The Good Life: Seeking Purpose, Meaning and Truth in Your Life* (Carol Stream, IL: Tyndale, 2005), 89.
5. For further discussion of the Bible and economics, see Austin Hill and Scott B. Rae, *The Virtues of Capitalism: A Moral Case for Free Markets* (Chicago: Northfield, 2010), ch. 2.
6. Adam Smith, *The Theory of Moral Sentiments* (1759; repr., Los Angeles: Enhanced Media, 2016).
7. Adam Smith, *The Wealth of Nations* (1776; repr., New York: Random House, 1994).

8. Charles Handy, “What’s a Business For?,” *Harvard Business Review* (December 2002): 51.
9. Joseph Stiglitz, *The Price of Inequality: How Today’s Divided Society Endangers Our Future* (New York: Norton, 2012), 1. See also Stiglitz, *The Great Divide: Unequal Societies and What We Can Do About Them* (New York: Norton, 2015).
10. Mark Rank, “From Rags to Riches,” *New York Times*, April 20, 2014, as cited in P. J. Hill, “The Challenge of Inequality,” lecture, Evangelical Theological Society annual meeting, San Antonio, TX, November 15, 2016.
11. Congressional Budget Office, “The Distribution of Household Income and Federal Taxes, 2013,” June 2013, <https://www.cbo.gov/sites/default/files/114th-congress-2015-2016/reports/51361-householdincomefedtaxesonecol.pdf>, as cited in Hill, “The Challenge of Inequality.”
12. For further discussion of goods and services that ought not be on the market, see Michael J. Sandel, *What Money Can’t Buy: The Moral Limits of Markets* (New York: Farrar, Straus and Giroux, 2012).
13. For further reading on the character traits that business requires and nurtures, see Kenman L. Wong and Scott B. Rae, *Business for the Common Good: A Christian Vision for the Marketplace* (Downers Grove, IL: IVP Academic, 2011), ch. 3.
14. Albert Z. Carr, “Is Business Bluffing Ethical?” *Harvard Business Review* (January–February 1968), as cited in Wong and Rae, *Beyond Integrity*, 84.
15. Milton Friedman, “The Social Responsibility of Business Is to Increase Its Profits,” *New York Times Magazine* 33 (September 13, 1970): 122–26. It has been reprinted in numerous business ethics anthologies.
16. One of the classic expressions of stakeholder theory is Kenneth E. Goodpaster, “Business Ethics and Stakeholder Analysis,” *Business Ethics Quarterly* 1, no. 1 (January 1991): 53–73.
17. Tony Campolo, lecture, missions conference, Biola University, March 17, 1994.

Chapter 14

1. Darrell L. Bock, *How Would Jesus Vote? Do Your Political Positions Really Align with the Bible?* (New York: Howard, 2016), 106.
2. Jonathan Burnside, “License to Kill?,” *Cambridge Papers* 11, no. 2 (June 2002), <http://www.jubilee-centre.org/licence-to-kill-by-jonathan-burnside/>. For more extended discussion, see Burnside, *The Signs of Sin: Seriousness of Offense in Biblical Law* (Sheffield: Sheffield Academic Press, 2002).
3. PEW Research Center, *Opinions on Gun Policy and the 2016 Campaign*, August 26, 2016, <http://www.people-press.org/2016/08/26/opinions-on-gun-policy-and-the-2016-campaign/>; “CNN/ORC Poll on Guns in America,” *CNN*, January 7, 2016, <http://www.cnn.com/2016/01/07/politics/obama-guns-executive-action-poll-results/>.
4. For further reading on state gun laws in the United States, see the Law Center to Prevent Gun Violence (<http://smartgunlaws.org/search-gun-law-by-state/>) and the NRA Institute for Legislative Action (<https://www.nraila.org/gun-laws/>).
5. Jonathan Masters, “How Do US Gun Laws Compare to Other Countries?,” *PBS NewsHour*, June 13, 2016, <http://www.pbs.org/newshour/rundown/how-do-u-s-gun-laws-compare-to-other-countries/>.

6. United States v. Miller, 307 US 174 (1939).
7. District of Columbia v. Heller, 554 US 570 (2008).
8. McDonald v. Chicago, 561 US 742 (2010).
9. Craig R. Whitney, *Living with Guns: A Liberal's Case for the Second Amendment* (New York: Public Affairs, 2012): 95.
10. Whitney, *Living with Guns*, 95, emphasis added.
11. Whitney, *Living with Guns*, 105.
12. John R. Lott, Jr., *More Guns Less Crime: Understanding Crime and Gun Control Laws*, 3rd ed. (Chicago: University of Chicago Press, 2010).
13. Lott, *More Guns Less Crime*, 3, 25.
14. Lott points out that all but two mass shootings in the United States from 1950 to 2010 have occurred in places where guns are banned. That is also true of the mass shootings in Europe and Australia. See John R. Lott, Jr., *The War on Guns* (Washington, DC: Regnery, 2016), 115, 123.
15. Statement of the University of Arizona campus police chief, cited in Whitney, *Living with Guns*, 193.
16. Whitney, *Living with Guns*, 156.
17. Whitney, *Living with Guns*, 156–57.
18. This helpful analogy is taken from Whitney, *Living with Guns*, 159.
19. Whitney, *Living with Guns*, 194, 212.
20. Whitney, *Living with Guns*, 194. Some of these steps are taken from Whitney's suggestions, 216–47.

Chapter 15

1. Jim Wallis, *The Great Awakening: Reviving Faith and Politics in a Post-Religious Right America* (New York: HarperOne, 2008): 159.
2. For more on the interconnectedness of the world, see Thomas L. Friedman, *The World is Flat: A Brief History of the Twenty-first Century* (New York: Macmillan, 2007); and Friedman, *Thank You For Being Late: An Optimist's Guide To Thriving in the Age of Acceleration* (New York: Farrar, Straus and Giroux, 2016).
3. Sander Hoogendoorn et al., "The Impact of Gender Diversity on the Performance of Business Teams: Evidence from a Field Experiment," *Management Science* 59, no. 7 (July 2013): 1514–28.
4. Jim Wallis, *America's Original Sin: Racism, White Privilege and the Bridge to New America* (Grand Rapids: Brazos, 2016).
5. Jim Wallis, *God's Politics: Why the Right Gets It Wrong and the Left Doesn't Get It* (New York: HarperSanFrancisco, 2005), 308.
6. Jim Wallis, *The Soul of Politics* (New York: Orbis, 1994), 87.
7. See for example, Dinesh D'Souza, *The End of Racism: Principles for a Multiracial Society* (New York: Free Press, 1996).
8. David P. Gushee, *The Sacredness of Human Life* (Grand Rapids: Eerdmans, 2013).
9. See the work of historian Richard Weikart, esp. *Hitler's Religion: The Twisted Beliefs that Drove the Third Reich* (Washington, DC: Regnery, 2016).

10. For more on the charge of anti-Semitism in the New Testament, see Richard B. Hays, *The Moral Vision of the New Testament* (New York: HarperCollins, 1996), 407–43.
11. For further response to the charge of anti-Semitism by Jesus and Paul, see Mark L. Strauss, *Jesus Behaving Badly: The Puzzling Paradoxes of the Man from Galilee* (Downers Grove, IL: InterVarsity, 2015): 126–41; and E. Randolph Richards and Brandon J. O'Brien, *Paul Behaving Badly: Was the Apostle a Racist, Chauvinist Jerk?* (Downers Grove, IL: InterVarsity, 2015), 56–73.
12. Wallis, *The Soul of Politics*, 91–92.
13. See the landmark cases on this in *Regents of the University of California v. Bakke*, 438 U.S. 265 (1978); and *Gratz et al. v. Bollinger et al.*, 539 U.S. 244 (2003).
14. See the discussion of restorative justice at <http://restorativejustice.org/>. See also Wallis, *America's Original Sin*, 163–66.
15. Wallis, *America's Original Sin*, 165–66.
16. Some of the primary works that defend complementarianism include, John Piper and Wayne Grudem, *Recovering Biblical Manhood and Womanhood* (Wheaton: Crossway, 1991); Robert L. Saucy and Judith TenElshof, eds., *Women and Men in Ministry: A Complementary Perspective* (Chicago: Moody, 2001). See also the statement of the Council for Biblical Manhood and Womanhood (<https://cbmw.org/>). For works that defend egalitarianism, see Ronald W. Pierce and Rebecca Merrill Groothuis, eds., *Discovering Biblical Equality* (Downers Grove, IL: Intervarsity, 2005). See also the statement by the Christians for Biblical Equality, (<https://www.cbeinternational.org/content/statement-men-women-and-biblical-equality>). For work that presents both complementarianism and egalitarianism, see James R. Beck and Stanley N. Gundry, eds., *Two Views on Women in Ministry* (Grand Rapids: Zondervan, 2005).
17. See for example, the insightful work of my colleague, Michelle Lee-Barnewall, in *Neither Complementarian nor Egalitarian: A Kingdom Corrective to the Evangelical Gender Debate* (Grand Rapids: Baker Academic, 2016). I am indebted to her work for the material in this section.
18. Lee-Barnewall, *Neither Complementarian nor Egalitarian*, 86, 90–91.
19. Lee-Barnewall, *Neither Complementarian nor Egalitarian*, 78–79. See also Allen Verhey, *The Great Reversal: Ethics and the New Testament* (Grand Rapids: Eerdmans, 1984).
20. Lee-Barnewall, *Neither Complementarian nor Egalitarian*, 107.
21. Lee-Barnewall, *Neither Complementarian nor Egalitarian*, 118.
22. Lee-Barnewall, *Neither Complementarian nor Egalitarian*, 143.
23. Lee-Barnewall, *Neither Complementarian nor Egalitarian*, 157.
24. Lee-Barnewall, *Neither Complementarian nor Egalitarian*, 162–63.
25. For further discussion of this, see Joanna Everitt et al., “Candidate Gender, Behavioral Style and Willingness to Vote: Support for Female Candidates Depends on Conformity to Gender Norms,” *Behavioral Scientist* 60, no. 14 (December 2016): 1737–55.
26. See, e.g., <https://www.youtube.com/watch?v=SPc70pG-7tY>; and <https://www.youtube.com/watch?v=14c5YOc0ZcU>.
27. J. H. Foegen, “The Double Jeopardy of Sexual Harassment,” *Business and Society Review* 82 (Summer 1992): 31–35.
28. Foegen, “The Double Jeopardy of Sexual Harassment,” 35.

Chapter 16

1. For further discussion of this distinction, see Stephen Bauman, Matthew Soerens, and Issam Smeir, *Seeking Refuge: On the Shores of the Global Refugee Crisis* (Chicago: Moody Press, 2016).
2. See for example, Douglas Murray, *The Strange Death of Europe: Immigration, Identity and Islam* (London: Bloomsbury Continuum, 2017); and Leo Hohmann, *Stealth Invasion: Muslim Conquest Through Immigration and Resettlement Jihad* (Washington, DC: WND, 2017).
3. Remember that the Sabbath command was grounded as well in the order of creation (Ex. 20:8–11).
4. This summary of the provisions for and responsibilities of immigrants under the law is taken from, M. Daniel Carroll R., *Christians at the Border: Immigration, the Church and the Bible*, 2nd ed. (Grand Rapids: Baker Academic, 2013), 91–92. Carroll advocates policies that reflect biblical values but does not explicitly address what those policies would be.
5. James K. Hoffmeier, *The Immigration Crisis: Immigrants, Aliens and the Bible* (Wheaton, IL: Crossway, 2009), 131–39.
6. Carroll, *Christians at the Border*, 48.
7. Carroll, *Christians at the Border*, 49.
8. Carroll, *Christians at the Border*, 85.
9. Hoffmeier, *The Immigration Crisis*, 71–72.
10. Hoffmeier, *The Immigration Crisis*, 72.
11. Carroll, *Christians at the Border*, 93.
12. Carroll, *Christians at the Border*, 86n14.
13. Carroll, *Christians at the Border*, 85. For the suggestion that *nokri* means “strange and possibly dangerous,” see Hans-Georg Wuench, “The Stranger in God’s Land—Foreigner, Stranger, Guest: What Can We Learn from Israel’s Attitude toward Strangers?,” *Old Testament Essays* 27, no. 3 (2014): 1129–54.
14. Carroll, *Christians at the Border*, 85.
15. This is the view of Carroll, who maintains that the terms used for immigrants allows for some distinctions recognized but is unwilling to go beyond that.
16. This is the view of Hoffmeier, who suggests that these distinctions have parallels today between legal residents and undocumented immigrants. See also Markus Zehnder, “Mass-Migration to the Western World in Light of the Hebrew Bible: The Challenge of Complexity,” *European Journal of Theology* (March 2018).
17. Wuench, “The Stranger in God’s Land.”
18. Wuench, “The Stranger in God’s Land.” It may be that in Ruth’s case, the term *ger* may not allow a feminine form and thus she was called a *nokriyah* when she clearly qualified to be referred to as a *ger*.
19. Carroll, *Christians at the Border*, 88.
20. For an example of this view, see Murray, *The Strange Death of Europe*. Murray writes in his introduction, “Europe is committing suicide. Or at least its leaders have decided to commit suicide” (1).

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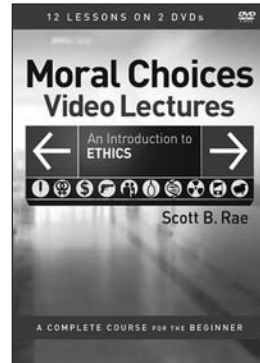
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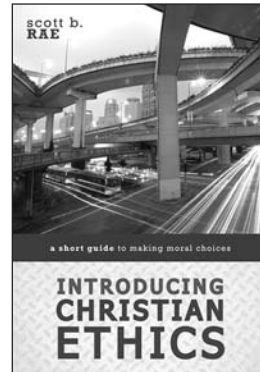
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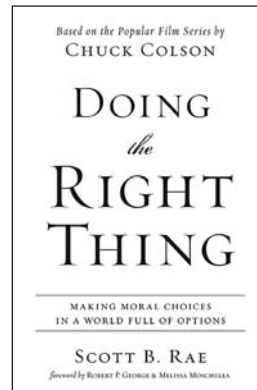
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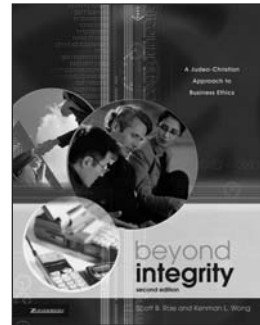
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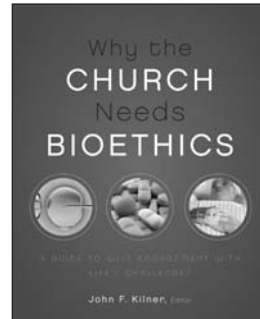
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A Guide to Wise Engagement with Life's Challenges

John F. Kilner



In a world where incredible medical technologies are possible . . . does “can do” mean “should do”? *Why the Church Needs Bioethics* helps readers understand and constructively engage bioethical challenges with the resources of Christian wisdom and ministry. Three rich and true-to-life case studies illustrate the urgency of such bioethical issues as reproductive and genetic technologies, abortion, forgoing treatment, assisted suicide, stem cell research, and human enhancement technologies. Leading Christian voices bring biblical and theological perspective to bear on the incredible medical technologies available today; mobilize useful insights from health care, law, and business; and demonstrate the powerful ways the church can make a difference through counseling, pastoral care, intercultural ministry, preaching, and education.

This book equips students, church and lay leaders, and people in health-related fields with the knowledge to make faithful bioethical decisions and to help foster a world where human beings are shown respect as people created in the image of God. Contributors to *Why the Church Needs Bioethics* include leading Bible and theology scholars, such as D. A. Carson and Kevin Vanhoozer; leaders in the areas of preaching (Greg Scharf) and ethics (Scott Rae); and 15 other experts in the fields of biblical-theological studies, ministry, communication, business, law, healthcare, and bioethics.

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