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## Learning Activity 2: Teaching Notes for Human Embryonic Stem Cell Research: Religion/Non-Religion and Dignity/Commodity in a Pluralist World Stem Cells & Policy: Values & Religion

*by Michael Pettinger & Katayoun Chamany Updated Aug 2017*

The four parts of this learning activity consider a variety of values at stake in human embryonic stem cell research (hESCR) and involve either reviewing resources, using discussion questions to guide the process, and seminar discussions in class. The four Parts can be used in isolation or combined. Each part requires students to spend time outside of class reviewing resources, and will require one class session of discussion. If both video and text are used for Part D, an additional day for video should be added. In a seminar course on stem cells you may choose to open the entire course with the video in Part D from Religion and Ethics Weekly as it reviews most ethical issues in one short 7-minute video clip.

Religion & Ethics Weekly. Embryonic Stem Cell Controversy. April 2, 2010. (7min) [Link](#)

The first three Parts (A, B, C) involve reading and discussion centered on the differing definitions of religion, cloning, and commodification, while Part D explores the deliberations of various scholars, theologians, and policy makers within the context of hESCR and policy. Part D also provides a list of videos that explore how various members of society grapple with the ethical issues associated with hESCR, and how they negotiate shifts in their personal value systems when life presents them with difficult challenges. The four parts of this learning activity follow and general guidelines for length of time given to complete the parts is suggested:

Level	Title	Amount of Reading	Student Time
Intro	Part A: Defining Religion and Non-religion	9 page manuscript containing 3 question heuristic	1-2 hours
Intro	Part B: Defining Reproductive and Therapeutic Cloning	5 pages; op-ed in scientific journals	1 hour
Inter	Part C: Defining Dignity and Commodification	27-57 pages; health law articles and book chapter using feminist bioethics	1-2 hours
Inter/ Advanced	Part D: Religion and Non-religion in Human Embryonic Stem Cell Research Policy (hESCR)	TEXTS Vatican Declaration: 4 pages Nickel. Book chapter: 35 pages NBAC Testimonies: 26 pages, each testimony 2-3 pages  VIDEOS: Lines That Divide: 60 min/1:39 min trailer Terra Incognita: 60 min/ 4:15 min trailer Embryonic Stem Cell Controversy: 7 min	Varies

## Learning Outcomes

- Define religion using a content-based approach versus a functional approach
- Explain the difference between the “comparative religions approach” to the study of religion and the “lived religions approach”
- Illustrate how language framed the human cloning debates and determine if reproductive and therapeutic cloning techniques are similar or different
- Distinguish the differences in provision and procurement between extranumerary embryos procured from IVF fertility centers and embryos created for research
- Recognize how the term “commodification” challenges existing or “normative” value systems
- Understand how gender places a role in policies and practices regarding cell donation, compensation and exchange.
- Use the Three-Question Heuristic to challenge the authors of the papers in Part C and to understand the approach of those that provide testimony in Part D.
- Question the role of the “leader” and a single voice for a specific practice-based community

## Part A: Defining Religion and Non-religion

The reading "Defining Religion, and Non-Religion in a Pluralist World" is intended as an introduction to the issues raised by "religious" statements in contentious public debates like the on human embryonic stem cell research (hESCR). It is intended for reading outside of class time, followed by open-ended discussion on the following session. Instructors might want to give students questions and instructions to guide their reading. For example:

- 1) Why does the essay begin with an incident from Tony Kushner's play, *Angels in America*? What is the point that it tries to make with this episode.
- 2) Be prepared to explain the difference between *content-based* and *functional* definitions of the word "religion."
- 3) Be prepared to explain the difference between the *comparative religions* approach to the study of religion and the *lived religions* approach.
- 4) What is your reaction to Clifford Geertz's definition of the word "religion"? Based on that definition do you consider yourself "religious" or "non-religious"?
- 5) What three questions does the essay suggest you ask when anyone makes a statement regarding the value or rightness of human embryonic stem cell research (hESCR)?

The essay elaborates on lessons learned in Learning Activity 1 in the *Stem Cells & Policy: Values & Religion* module by arguing that the term "religion," which often triggers very polarized responses in groups, has been defined in several different ways by academics in the course of the last hundred years. In emphasizing a definition of religion similar to the one offered by the anthropologist Clifford Geertz, the essay tries to blur any facile distinction between religion and non-religion. It should be stated that some students, and even some instructors, will take exception to this definition. The essay is not intended as a final authority on the subject, and both students and instructors should feel free to offer criticism. However, opening a discussion on the question of "religion" and "non-religion," and the particular definition of religion offered in this essay, are both intended to anticipate two problems that might arise in classroom discussion.

- 1) As noted in the introduction of the essay "Defining Religion, and Non-Religion in a Pluralist World", religious pluralism and the relationship between the government and religion have historically been contentious issues in United States public policy debates. This issue will return in the later section in this Learning Activity, when questions are raised about the religious identity and credentials of appointees to ethical advisory committees. Some students might invoke the guarantee of "freedom of religion," or even argue that the United States has a particular religious character, usually defined as "Christian" or "Judeo-Christian." Others might invoke the "separation of Church and State" as a doctrine that excludes statements that are labeled "religious" from public deliberation. Should these issues arise in class, instructors might want to refer students to the First Amendment to the Bill of Rights as the fundamental text in this debate. In response to the first group of students, it might be noted that while the amendment does guarantee the free exercise of religion, it also prohibits Congress from establishing any religion. Furthermore, a series of Supreme Court rulings in the 1940s extended this prohibition to the state governments. (Sullivan, 2005) In response to the second group, it might be noted the expression "separation of Church and State" is not actually used in the amendment, and that the exclusion of some opinions from public debate as "religious" might be construed as impinging on the free exercise and free speech clauses. It is suggested that instructors not attempt to settle these debates one way or the other, but to try to lead students to a fuller appreciation of the complexities involved in governing a pluralistic society that respects individual freedoms. In either event, the U.S. government finds itself in the difficult position of defining what does and does not constitute "religion," both in order to protect the rights of individuals, and in order to avoid establishment.
- 2) In the more immediate context of the classroom, blurring the lines between religion and non-religion forces each participant in the class to reflect upon the religious, cultural, historical, political, and personal forces that have shaped his or her perceptions of "the general order of existence" and the "powerful, persuasive, and long-lasting moods and motivations" that underlie their actions. The outcome of such a reflection would hopefully be a clearer understanding of the strengths and limitations of their opinions. On the one hand, the recognition that others might not share basic premises and assumptions about what is real or good, while potentially disconcerting, might lead some of them to reconsider their beliefs or to look for "common ground" positions or statements that can gain assent from persons who profess different points of view. On the other hand, such reflection might lead a student to recognize that some positions are simply non-negotiable or "sacred." While they should be prepared to offer explanations for these non-negotiable positions, and while they might have to bear with criticism from other students that they are being "rigid," there is arguably a great deal of value in knowing the limits of one's personal integrity.

### Specific points in the essay

**The Dialogue from *Angels in America*:** Some students might be puzzled by this opening, but it needs to be emphasized that the conversation between Prior Walter and Hannah is intended to illustrate that a person's religious identity or perceived religious identity is not always a good indicator of what that person will say about any given topic. At the very least, it raises the question, "What do we imagine goes on in other people's head? And where did we get those notions?"

**Content-based vs. Functional definitions of religion:** These concepts are derived from Daniel Pals, *Eight Theories of Religion* (Oxford University Press, 2006). As noted in the essay, the use of the Merriam-Webster definition by the NWABR makes sense if one is trying to arrive at the most common sense of the word "religion." The problem with such definitions is that they might leave students with the impression that this is the final word on the issue, particularly if the students are not familiar with religious studies as an interdisciplinary field of academic inquiry. In one discussion of Clifford Geertz' work, it was objected that his

was an attempt to redefine the word "religion" *a priori*. It should be emphasized that Geertz's redefinition did not come out of thin air. Rather, it came out of an increasing frustration on the part of anthropologists with the previously existing theoretical frames available for the discussion of "religion" across cultures. As noted in the essay, the problem was that the terms used to describe the content of "religion" in European and West Asian cultures were not easily transferable to other cultures. For example, the term "supernatural," which figures in the Merriam-Webster definition, depends upon the concept "nature." Yet "nature" is not necessarily a universally held concept, or at the very least, its definition is subject to variation in different cultures. (Historically, the word has changed meaning several times in Western cultures.) Many cultures in which the existence of "divinities" or "spirits" is accepted perceive these beings as part of the natural order and not superior to it, hence, not "supernatural." The Merriam-Webster definition, which might describe Western religions as they are commonly understood, is not easily applied to religions in these situations. And this is only one example.

For precisely these reasons, students and colleagues have sometimes objected that the term "religion" should not be applied to these other cultures. The problem then becomes finding a term that allows for cross-cultural comparisons and cross-cultural dialogue. Two candidates that have been advanced fairly frequently are "philosophy" and "practice." The desire to substitute "philosophy" for "religion" has a certain appeal, particularly it seems among people who do not consider themselves religious in the non-Geertzian sense, since it allows for intellectual exchange across cultural boundaries, and does so without the privileging of certain kinds of knowledge as divinely inspired. However, questions then arise concerning the privileging of other kinds of knowledge and the basis on which this privileging takes place. Furthermore, it should be noted that the same objections that would label "religion" a peculiar Western term can be raised against "philosophy" as well. The word "philosophy," after all, was applied to certain set of intellectual practices and schools originating in Greece in the 6th and 5th centuries B.C.E., and there were arguments as late as the first century B.C.E. as to whether people from other cultures -- Romans for example -- could pursue philosophy, at least without assimilating Greek language and culture. As practiced in Western academies today, "philosophy" remains a continuation of this Greek intellectual tradition, even if it has undergone radical development in the intervening millennia. The term can only become universal by assimilating the intellectual practices found in other cultures to Western philosophy, and this often results in the same kind of the elisions of difference that occur when one attempts to extend "religion" beyond the European and Middle Eastern context. Substituting "philosophy" for "religion" also has the effect of privileging intellectual activity over other kinds of activity. If "religion" is really just "philosophy," then it is reducible to a set of postulates and arguments, the sort of system of thought that is sometimes favored by the "comparative religion" approach. For example, the various schools of Buddhism have a rich intellectual tradition that can easily be described as "philosophy." But to isolate those intellectual traditions from the practices of meditation and the chanting of sutras would lead to what many of Buddhists might consider a false impression of what they consider important. Needless to say, the meditation and chanting of Buddhists bears little resemblance to what happens in the philosophy faculties in Western universities, but they bear a very strong resemblance to what happens in many Eastern Orthodox and Western churches and monasteries.

"Practice" as a universal term has the advantage of being broad enough to escape the sort of objections historians might raise against "philosophy." But it tends to suffer from almost the exact opposite problem, in so far as an exclusive focus on what people "do" leaves little room for the explanations and debates in which they express the meaning and implications of this "doing." It would be only a small exaggeration to say that a great deal of the intellectual activity of the things we traditionally call "religion" -- Hinduism, Buddhism, Judaism, Christianity, Islam, etc. -- arose from disagreements regarding correct behavior and practice. Thus, if an outsider (or even an insider) wants to understand the kind of diversity that this essay attributes to any religious tradition, she needs to take seriously the very things that the advocates of "philosophy" privilege -intellectual

activity and speech. One of the strengths of Geertz's definition is the way in which it allows for the integration of the behaviors that are characteristic of "religion" with the explanations and interpretations that participants in those religions offer for them.

Having said this, the problem remains that some students and instructors will not feel comfortable with the word "religion," at least as a description of their own opinions. The unit is designed to foster reflection and to encourage all participants to think about and articulate the beliefs and principles that shape their positions on hESCR. For that reason, a reluctance to use any word – religion, philosophy, culture, values, etc. – should be respected.

**Comparative Religion vs. Lived Religion:** The essay offers some criticisms of the *comparative religions* approach to the study of religion. These criticisms should not be overstated. The best comparative work is scrupulous about historical context and specificity, and is restrained in reaching general conclusions. Unfortunately, the popular image of learned professors making sweeping statements about religious traditions (oftentimes traditions in which they do not participate) sometimes leads undergraduates to make similar pronouncements with what can only be called an unearned confidence. This tendency can be observed in students speaking about traditions in which they participate as well as students who are speaking as "outside" and "objective" observers. While the ultimate causes in the one case might be different from those in the other, the problem is the same - a failure to grasp historical specificity, to reckon with the complexity and diversity of any religious tradition, and the risks of defining "others" in terms that they would not recognize.

The emphasis on the individual and the local community that is typical of the *lived religion* approach offers a correction to these tendencies. It also seems better suited to the classroom situation, particularly if the student body is diverse. We say this because the amount of potential background necessary to describe the "Catholic," "Baptist," "Orthodox Jewish," "Sunni Muslim," etc. positions on hESCR with degree of any accuracy is immense and, we believe, not practical in a course that is not primarily focused on religion. Instead, students should be encouraged to speak first about the one thing in which they do have a certain expertise -- their understanding of the issues surrounding hESCR in terms of their own religious and cultural beliefs and practices. This does not mean that they should not be challenged to ground their statements and to explain their sources of authority and the kinds of reasoning they use to arrive at their conclusions. But these questions should be raised out of a desire for further explanation and elaboration, or as an attempt to determine whether what the student says is representative of what others who profess the same religious identity would say. They should NOT come out as an attempt to lay the grounds for challenge or refutation. While the chapter speaks about inter-religious pluralism, instructors should be sensitive to the possibility of intra-religious pluralism as well. Students might ultimately find it more difficult and upsetting to discover that someone else in the class who shares their religious identity disagrees with them than they do when facing disagreement from students with a different religious backgrounds.

## **Part B: Defining Reproductive and Therapeutic Cloning**

**AND**

## **Part C: Defining Dignity and Commodification**

**Applying the Three-Question Heuristic for Analyzing Statements:** It should be stated from the outset that the three-question heuristic is not intended as a means of testing the validity or cogency of arguments. Rather, is intended as a way of helping students to reconstruct the social settings of those arguments. This is consistent with the aims of the *Stem Cells & Policy: Values & Religion* module, which does not attempt to set out ways of determining which are the best arguments concerning hESCR, but rather seeks to understand how

reasonable people can disagree about pressing moral concerns and their attempts to create interpretations and evaluations of hESC that are shared by other members of the community. This, after all, are the interpretative and cultural functions that Geertz attributes to "religion."

The paragraphs following the **Three-Question Heuristic** are relatively straightforward and need little explanation. More difficult is helping students apply them to specific statements and arguments. This requires the development of close- and critical-reading skills that will enable students to identify the premises, assumptions, and sources of authority that underwrite the statements and indicate the kinds of functional-religion operative in the argument.

For instance in the case of the counter-point articles regarding the use of the word "cloning" in hESCR in Part C, the students should consider where the articles are being published and thus, who can access and engage with them. They should also consider what prompted the publication of these articles; in response to what recent events, and for what purpose, seeking what kind of audience? For instance the articles follow President Bush's decision to limit embryonic stem cell research to existing stem cell lines created prior to August 2001, which was partly a result of the media circus surrounding the National Academy of Sciences Human Cloning Public Conference: C-Span August 7, 2001 [Link](#) ; min 53 Rudolph Jaenisch elaborating on distinguishing terms and the more heated debates among participants [Link](#) see 1:05-1:12). Instructors should make note that the two journals, *Science* and *Nature*, represent the upper echelon of scientific publication with some of the widest readership in the scientific community, with *Science* published by the American Academy for the Advancement of Science (AAAS) and *Nature* published by a UK company. Similarly, instructors can conduct a close reading of the articles in Part C and foster a critical eye as to whether Caulfield and Ogbogu represent all ethicists. Comparing their stance to that of Rao and Almeling, students can challenge the idea that the "definitional baggage" of the term "commodification" hinders sound policy regarding stem cell research. Moreover, McCleod contemplates just what is being protected; scientific freedom, autonomy, or sacred eggs. An analysis of McCleod's claim that the ethical issues surrounding oocyte payment can fall cleanly into the binary of "For Dignity or For Money" is also of import. The "for dignity" argument claims that women are not granted enough dignity in society, or in general, and, therefore, should not participate in reproductive technologies. The "for money" argument claims that lack of payment for labor restricts women's stature in terms of economic agency. However, historically this dichotomy is not accepted among all feminists and not representative of all feminist responses to reproductive technologies. Rao teases apart the nuances that are packed neatly into this binary, and Almeling provides history that suggests that policies are based on gender stereotypes that place value on some tissues and bodies and not others. There are many feminists who believe that women should be able to be paid for reproductive labor and that such work should not be regarded as a loss of dignity. For more on this perspective refer to this section in the Primer associated with the [Eggs & Blood: Gifts & Commodities Module](#).

#### **PART D: Plurality and Public Debate: A Series of Readings and Exercises (See below on time)**

Using the following readings as the basis for discussion and possible writing topics, instructors can comprehensively address religious pluralism and public deliberation on hESC research by asking students to again apply the **Three Question Heuristic**.

- a. Declaration on the Production and the Scientific and Therapeutic Use of Embryonic Stem Cells (Pontifical Academy for Life). [Link](#)
- b. Nickel, D. 2008. "Ethical Issues in Human Embryonic Stem Cell Research." In Kristen Renwick Monroe, Ronald B. Miller & Jerome Tobis (eds.), *Fundamentals of the Stem Cell Debate: The*

*Scientific, Religious, Ethical & Political Issues*. University of California Press. [Link](#) (available from most university libraries)

- c. Testimony of experts from various religious traditions presented to the National Bioethical Advisory Committee (NBAC) in September 1999. [Link](#)

The testimonies presented in the NBAC volume include:

Ronald Cole-Turner, M.Div., Ph.D., Pittsburgh Theological Seminary (United Church of Christ)

Father Demetrios Demopoulos, Ph.D., Holy Trinity Greek Orthodox Church

Rabbi Elliot N. Dorff, Ph.D., University of Judaism

Margaret A. Farley, Ph.D. (Catholic)

Gilbert C. Meilaender, Jr. Ph.D., Valparaiso University (Lutheran)

Edmund Pellegrino, M.D., Georgetown University (Catholic)

Abulaziz Sachedina, Ph.D., University of Virginia (Muslim)

Rabbi Moshe Dovid Tendler, Ph.D., Yeshiva University

Kevin Wm. Wildes, S.J., Ph.D., Georgetown University (Catholic)

Laurie Zoloth, Ph.D., San Francisco State University (Jewish)

The amount of time needed to execute Part D depends upon the number of essays the instructor wishes to cover. Selection might be based on the desire to cover a diversity of religious opinions, though as noted above, care should be taken not to present any of these testimonies as the final statement of any religious tradition on human embryonic research. In addition to the statement of the Pontifical Academy and the NBAC testimonies, we have also included David Nickel's "Ethical Issues in Human Embryonic Stem Cell Research." As discussed below, Nickel is a philosopher and presents his own argument in contrast to a "divine conferral" model, which is explicitly "religious" in the Merriam-Webster sense of the word. The inclusion of his essay here might be seen as a provocation – can explicitly secular philosophy be treated in the same way as "religious" statements? This is in keeping with the line of argument developed in the preceding essay, but instructors might wish to substitute another philosophical essay for this purpose, or avoid the issue and focus entirely on the explicitly religious readings listed above.

What follows is a commentary on the *Declaration on the Production and the Scientific and Therapeutic Use of Embryonic Stem Cells* issued by the Vatican, the Nickel's chapter, and the NBAC testimonies using the **Three Question Heuristic** presented in "[Defining Religion, and Non-Religion in a Pluralist World](#)" by Michael Pettinger. The instructor will also find [suggested questions](#) that might serve as discussion or essay prompts.

**What is the intended audience of the statement, and what sorts of religious and/or cultural background do they share?**

This question seems particularly apt when approaching the Declaration of the Pontifical Academy of Life, which seems to have been issued, in part, as a response to the NBAC report of September 1999 (Walters, 26). Students might assume that, since it originated in Vatican, it is strictly intended for a Catholic audience.

However, it only singles out Catholics in its fifth paragraph, and it is worth asking whether it is not attempting to find a common ground with a broader audience. The answer to this question demands very close reading, and students need to be aware that an attempt at finding common ground might be disguised in very unfamiliar language. While it speaks of the teaching of moral theologians, the document attempts to make an argument that would be forceful even for non-Catholics and non-Christians by grounding it in the agreed facts of biology and principles common to ethics and civil law.<sup>1</sup> As Paul Lauritzen noted when testifying before the President's Council on Bioethics, "One reason the Catholic church has played such a major role in framing the stem cell debate is that, in defending its position, it combines ... two claims we have just noted, neither of which is explicitly religious."<sup>2</sup> In a sense, the statement tries to begin with "conceptions of a general order of existence" that its authors believe would be apparent to everyone. Clearly not all parties will be convinced, but students should note that if they expect arguments on hESCR to be grounded in biological fact and principles of ethics and civil law, they will not be able to easily dismiss the statement as religious document -- to do so comes close to an *ad hominem* the religious identity of the speaker.

With the testimonies presented to the NBAC, we are clearly dealing with a mixed audience. While it does not have legislative or executive power, some students might ask whether the NBAC, an ethical advisory committee, created by the U.S. government, is not bound by the First Amendment free practice and non-establishment clauses. By inviting and publishing testimony from a number of experts representing various religious positions, was the NBAC establishing religion (at the expense of those citizens who profess no religion), or was it protecting the rights of free exercise and free speech? Whatever the answer to these questions, the testimony was offered and published in the context of a pluralistic society governed by the constitutional principles mentioned above.

**Does the statement come from someone who claims to speak from within a specific religious or cultural system? If so, is it a system that the audience shares?**

Clearly, the Vatican document and the testimonies offered to the NBAC make explicit the religious identities of the speakers. As discussed above, the Vatican document seems to reach for common ground, a position that is consistent with its own stance as well as the stances of people who privilege biological fact and certain principles of common law. (Again, this does not mean that the argument will necessarily convince all people who espouse those principles.) But not all the speakers in NBAC testimonies are attempting to find common ground. In sharp contrast to the kind of language used by the Pontifical Academy for Life, Father Demetrios Demopoulos of Holy Trinity Greek Orthodox Church addresses the question of human personhood in terms of Greek theology, speaking of human beings as *psychosomatic* (composed of body and soul) in a way that is analogous to the *Theanthropic* (Divine/Human) Christ. Human beings are invited to participate in the life of God through Jesus, to become the likeness of God in the process of *theosis*. This leads to a statement that might be startling for some people familiar with the debate over the moral personhood of the human embryo: "Those of us who are still struggling toward theosis are human beings, but potential human persons." In effect, the vast majority of full-grown adults are not fully human persons according to Father Demopoulos' statement.

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<sup>1</sup> *Ius tertii* is a term that originated in Roman Civil Law, which is foundational to much European civil law. (The term is also used in U.S. civil law.) It refers to the rights of a third-party in a dispute, one who might be unable to speak for themselves. "Probabilism" is an ethical position that states that, given two or more possible courses of action, it is permissible to take the morally less demanding option, provided there are legitimate grounds for doubt about the rights of the case. Thus, when the Vatican declaration states that "in the case of *ius certum tertii* the system of probabilism does not apply," it is arguing that there is no legitimate doubt about the rights of the third party, i.e. the human embryo, which are sure (*certum*), and that the morally less demanding course of action (destruction of human embryos for stem cell research) is not ethically permitted.

<sup>2</sup> Paul Lauritzen, "The Ethics of Stem Cell Research," Paul Lauritzen (Background Materials for the President's Council on Bioethics, July 2003).



In speaking of theosis, Father Demopolos is articulating what he sees as the goal of human life – in Geertz’s terms, he is establishing “powerful, pervasive, and long-lasting moods and motivations,” and doing so in a way that is arguably far more energizing than the legalistic language of the Vatican document. The terms he uses are likely to be familiar to Eastern Orthodox Christians and Eastern Rite Catholics, as well as many Roman Catholics and some Protestants, and those terms speak to their religious desires. But unlike the facts of biology and principles of civil law cited in the Vatican document, the Divine/Human character of Christ and the possibilities of *theosis* are not widely accepted by non-Christians, and therefore are not likely to serve as common grounds for argument and agreement in a religiously plural group.

Occasionally, the speakers make comments about other religious systems – for example, Rabbi Moshe Dovid Tendler’s remarks on Vatican and “fundamentalist” intervention in the hESC debate. (Tendler, H-3.) The use of the term “fundamentalist” in this statement exemplifies the problems faced when describing the religious beliefs of others -- a point raised in the discussion of the second question. Historically, the term “fundamentalism” derives from a series of essays, *The Fundamentals: A Testimony to the Truth*, published between 1909 and 1912 by the Los Angeles Bible Society. Those essays, which were distributed for free and were widely influential, are usually interpreted as a reaction against various forms of modernism, though they also took stands against Catholicism, the incipient Jehovah’s Witnesses movement, and other positions that are not usually described as “modernist.” Since then, the word “fundamentalist” has been extended to describe a number of religious positions – Christian, Islamic, and Hindu – which have no direct relationship to (and indeed, show significant differences from) the beliefs outlined in these pamphlets. The problem is that very few of the groups and individuals so described would use that word themselves. Arguably the term “fundamentalist” is more an index of the “modernist” presuppositions of the person who uses it, than an accurate representation of the beliefs being described. It might be argued, then, that Rabbi Tendler is attempting to find common ground with his audience by constructing a “modernist” cultural system that excludes what he sees as “fundamentalism.” This does not mean that his criticism that the attitudes of the Vatican and some Christian religious groups toward human embryonic research might not threaten the free exercise of religion. While the claim is debatable, it does appeal to the obvious religious/cultural system shared by the speaker and the audience -- represented by the First Amendment guarantee of free exercise, and perhaps the prohibition of a religious establishment. Nevertheless, the choice of the word “fundamentalism” might imply that some positions do not have a right to be expressed in public deliberation -- which would present similar risks to the First Amendment promises. At the very least, the expression risks giving rise to needless offense.<sup>3</sup> In general, when trying to describe any religious position, particularly of opponents, one should strive to use only the language the proponent of that position would use to describe themselves.

### **Would others who claim to participate in that religious system recognize the statements as being consistent with the beliefs and teachings of the group?**

If instructors and students must analyze statements that are grounded in unfamiliar concepts and terminology, how do they know that they have it right? This problem becomes particularly acute when trying to answer the third question posed above: would others from within a given religious system recognize a statement as being consistent with the beliefs and teachings of the group? Outsiders might only become aware of the interior pluralism of a religious system when speakers acknowledge it themselves. For example, in his testimony before the NBAC, Professor Abdulaziz Sachedina begins his remarks with an acknowledgment of the diversity

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<sup>3</sup> In regards to Rabbi Tendler’s statement, it might be noted that the only Protestant Christian to speak against hESC research before the NBAC, Gilbert Meilaender, is a Lutheran, and not likely to describe himself as “fundamentalist.” (Meilaender, E-1 – E-6; Walters, 29)

of Islamic thought, which is held together by a shared commitment to the correct understanding of the Koran. Nevertheless, Professor Sachedina ventures a position that he believes would be “acceptable to all schools of thought in Islam,” one that posits the later stages of biological development of the embryo as the beginning of human life and opens the way to the use of human embryos in procuring stem cells. It is not clear how this statement can be reconciled with a statement made earlier in his testimony that, “This scientific information [i.e. the awareness of the formation of the zygote, interpreted as the beginning of life] has turned into a legal-ethical dispute among Muslim jurists over the permissibility of abortion, during the first trimester and the destruction of unused embryos, which would, according to this information, be regarded as living beings in the *in vitro* fertilization clinics.” (Sachedina, G-5) Furthermore, it seems to contradict the position of Dr. Hassan Hathout, who was unable to testify before the NBAC as originally scheduled.<sup>4</sup> On the other hand, Sachedina’s prediction that other Muslims would agree with the position he outlines is at least partially confirmed by a statement offered independently to the Singapore Bioethics Advisory Committee by the Legal Committee of the Majlis Ugama Islam Sinapura (Islamic Religious Council), a statement that closely tracks his own position.<sup>5</sup>

How should outsiders interpret disagreement among members of the same religious system? Walters notes briefly that many – indeed most – religious systems do not have clearly centralized hierarchies. Put another way, systems of religious belief and practice are not synonymous with the institutions that represent them, and even in highly organized religious bodies there can be considerable disagreement and dissent.<sup>6</sup> But this should not be interpreted to mean that individuals who participate in those systems would see all possible positions as equally compelling, nor does it reckon with the potential consequences of serious disagreement on points of doctrine. (One need only look at the history of the fragmentation of Christianity, Islam, and Buddhism as evidence of how grave and long lasting those consequences can be.) Students might try to pinpoint the precise areas of disagreement within a given religious tradition. For example, in discussing three different positions on hESCR from within the Buddhist tradition, focuses on their diverging understanding of *ahimsa*, “non-violence,” a fundamental principle in all schools of Buddhism. *Ahimsa* might then be a useful term for others – like the author of this primer – who are not Buddhist and who wish to understand more fully the ways in which Buddhist thinkers deal with the issues surrounding hESC research.

Students and instructors might look for similar points of contact and disagreement in the language of individuals who share a common religious identity but disagree about their approaches towards hESC research. Here are three possible study questions from the NBAC testimonies focusing on these problems. The answer to these questions will require close reading and attention to the exact language that individuals use when presenting a religious position in the public sphere.

1. Can students identify the point in Kevin Wildes’ testimony to the NBAC in which he dissents from the biological argument made in the statement of the Pontifical Academy for Life? (Wildes, I-2)
2. Can students identify any shared themes in the statements of Ronald Cole-Turner and Gilbert Meilaender, who present divergent positions within the Protestant Christian traditions?
3. Can they find such themes in the statements of Eliot Dorff, Moshe Dovid Tendler, and Laurie Zoloth, who present positions from within the Jewish tradition?

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<sup>4</sup> Sachedina, G-5. Doctor Hathout’s comments on the use of embryos and aborted fetuses in procuring stem cells in an interview. Omar Foundation. (<http://www.youtube.com/watch?v=CWl73ECwEro>) at 5:30.

<sup>5</sup> Walters, L. 2004. Human embryonic stem cell research: An intercultural perspective. The Kennedy Institute of Ethics Journal 14(1): 3-38.

<sup>6</sup> Walters, L. 2004. Human embryonic stem cell research: An intercultural perspective. The Kennedy Institute of Ethics Journal 14(1): 3-38.

## The Secular/Religious Divide

All the testimony presented to the NBAC comes from individuals representing points of view that are identified with specific religions, at least the sort of religions recognized in the sort of content-based definition offered by Merriam-Webster. But what of those statements that do not come with any clear religious identification? Is there any way to identify the underlying cultural systems that shape their sense of the general order of existence, with its corresponding moods and motivations? We might make such an attempt with Phillip J. Nickel's essay "Ethical Issues in Human Embryonic Stem Cell Research."<sup>7</sup> "Religion" is explicitly mentioned only briefly by Nickel, in his discussion of the "divine-conferral" model of reasoning about the moral status of the human embryo. According to Nickel, the divine-conferral position can only be supported by "religious experience (e.g., a revelation of some kind, or the answer to a prayer) or from some text or religious authority (e.g., the Bible or a religious leader)." The problem with such arguments is that they cannot be expected to convince all reasonable people. "Different people have different religious experiences or no religious experiences at all; they adhere to different religious authorities or no religious authorities at all." (Nickel, 70) Three things become apparent from these comments. First, Nickel assumes, no doubt correctly, that he is writing for a religiously mixed audience, one that includes people who have "different religious experiences or no religious experiences at all." That he accepts the notion of people who do not have "religious experiences" suggests that his understanding of religion is closer to the content-based definition of Merriam-Webster than the function-based approach of Clifford Geertz. Finally, he is looking for something that might serve as the common ground for agreement in such a religiously pluralistic audience – and seems to argue that such ground will necessarily be "non-religious."

This does not mean that Nickel does not consider himself "religious" in the Merriam-Webster sense of the word. Given a religiously mixed audience, even a person who understands himself to be religious might feel compelled to make a statement that he would explicitly describe as "non-religious." Thus Nickel presents us with a further motivation for excluding some symbols, utterances, and activities from the category of "religion," one that we did not discuss in Section II – the hope of finding grounds for agreement among a religiously diverse body. But does this mean that the statement does not express a functional religion? Can an argument be persuasive if it does not appeal to commonly shared notions of the general order of existence? Ironically, the functional religion of such statements often seems to depend upon precisely such a statement, to wit, that "religion" is distinguished from "non-religion," typically on the basis of content. Nickel's hope of finding a consensus on hESC research is neither naïve nor even particularly optimistic. Recognizing the odds against complete agreement, he says that, "we might at least find a way for all parties to remain committed to the best possible shared political process as science and public opinion evolve." (Nickel, 76) This expression of is part of a larger cultural system, one that attempts "to establish powerful, pervasive, and long-lasting moods and motivations" among its religiously diverse readership – namely, an enduring respect for, and participation in, the political process. Such a hope is the underlying motivation of liberal democracy, not unlike what the sociologist Robert Bellah once called "American Civil Religion."

While Nickel avoids assuming any recognized religious position, he does open his essay by identifying himself as a moral philosopher, telling us that his approach will be one of "argumentation and informed judgment." (Nickel, 62) As a philosopher, Nickel speaks as a participant in a cultural system with an extensive history that includes the establishment of various schools and institutions, canonical texts that establish precedents and models for argument, as well as regular curricula and procedures for recognizing the expertise

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<sup>7</sup> In *Fundamentals of the Stem Cell Debate: The Scientific, Religious, Ethical & Political Issues*, Kristen Renwick Monroe, Ronald B. Miller & Jerome Tobis eds., University of California Press, 2008, 62-78.

and authority of practitioners. The works cited in his notes are made up largely of philosophical texts, and the points of view with which he engages are almost exclusively those of other philosophers. Whether it constitutes one or more “religions” might be debatable, but Nickel seems to assume that philosophy is particularly suited to addressing the diversity of responses to hESC research. His philosophical position is informed by carefully juxtaposing the conclusions of science and personal experience. Nickel’s account of his relationship to science is more careful than that of many writers. He notes that he is not a participant in the scientific enterprise, and that while science concludes that all human lives begin with a blastocyst, and beyond that, a gamete, he has no conscience experience of being either. This distinction between the scientific accounts of human embryonic development and the actual memory of a human being becomes the basis for rejecting arguments that the future life of human blastocyst deserves the same respect and protection accorded to human persons more broadly (what he calls the Loss of Future Life argument).<sup>8</sup> Human persons can suffer harm because they are aware of their previous history and potential for future life – a blastocyst does not seem to possess these characteristics. Thus, in addition to the distinction between “religion” and “non-religion,” he sets out another position on the general order of existence, namely a distinction between the biologically human and the human person, that he believes will be persuasive to at least some people.

Whether Nickel’s argument will be acceptable to other participants in the cultural system he claims for himself turns on an interesting question: exactly who are those other participants? If we accept his self-identification as a philosopher, we would look to other philosophers for the answer to that question. But we have noted that Nickel’s aim seems to be a commitment by all parties to the political process (though, we repeat, he is not optimistic about this hope), meaning that we should seek others who participate in that political process. One possible answer to that question is to look to the testimonies that have been discussed in this section and to move from analyzing a single cultural/religious position to comparison of diverse positions. While we have emphasized their religious commitments, many of these statements were made by philosophers or individuals with training and expertise comparable to that of Nickel, and they provide a model for the kind of intellectual diversity that is the challenge Nickel seeks to overcome.

Five possible topics for analytic essays might be:

1. How do Nickel’s statements on the relationship between the blastocyst and the human person compare with the positions on human development outlined by Eliot Dorff and Abulaziz Sachedina?
2. Does the statement of the Pontifical Institute for Life conform to Nickel’s description of the divine conferral argument that human embryos have the moral status of a person?
3. How does Nickel’s position on the use of embryos created initially created for reproductive purposes compare with that of Father Demetrios Demopoulos?
4. As noted above, the Pontifical Academy seems to ground its declaration on facts of biology and common principles of civil law and ethics. Compare its conclusion to the suggestions by Rabbis Dorff and Tendler, as well as Professor Zoloth, that hESC research for the sake of curing disease

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<sup>8</sup> A careful reader might note that Nickel is not completely consistent in the distinction between scientific conclusions and personal experience. Concerning the origins of human life in a single-celled organism, he says that, “I have every reason to believe that scientists are telling the truth. It fits with what I know about procreative sex that between the point at which sperm meets egg and the time when the pregnant mother is carrying a fetus, there is an embryo inside her.” (Nickel, 63) Clearly the meeting of the sperm and egg are also beyond Nickel’s direct observation and his understanding of that meeting likewise depends on what scientists tell him. It would be more correct to say that science presents a coherent account of the development of adult humans from single-celled organisms, from the meeting of sperm and ovum to birth.

and saving lives might be not only permissible, but under some circumstances even mandatory for Jews. What dilemma does this present for a religiously plural society?

5. All the discussion above focuses on the question of the status of the embryo. Which testimonies given to NBAC address the question of the just distribution of the benefits of hESC research and what proposals do they make?