

*Franciscan University Presents*  
*“Statecraft as Soulcraft”*  
*with guest, Francis Beckwith*

**Essay by Francis Beckwith,  
“Politics Forms (or Deforms) Souls”**

“Statecraft,” Aristotle instructed his pupils, “is soulcraft.” What he meant is that the state or government, by its policies, procedures and actions, places moral ideas in the social and legal fabric and these ideas shape the quality of its citizens’ character. This central truth animates the understanding of politics supported by Catholic teaching.

Some thinkers, however, believe that the government should, and can, remain neutral on several controversial moral and social questions about which Catholics and other Christians have taken a strong stand, including the sanctity of life and the protection of marriage. These thinkers maintain, contrary to Aristotle, that statecraft is not soulcraft, that the government should not take a position on which views are right or wrong, since taking such a stance would violate the right of citizens to make up their own minds on these questions.

This view is mistaken for one simple reason: No matter what the government permits or forbids, it is taking a stance on what it believes about the nature of the human person and what is right or wrong, even if it denies that this is so. To demonstrate that this is the case, I will focus primarily on the issue of abortion and then two other issues: the right to suicide and same-sex marriage.

### **Abortion**

Some thinkers argue that the pro-life position on abortion—that the unborn is a full-fledged member of the human community and thus a subject of rights from the moment of conception—depends on a religious metaphysics. What they mean by a “religious metaphysics” is a view of the human person informed by a theological tradition such as Catholicism. For that reason, they argue, if the law were to prohibit abortion it would be violating government neutrality. This is the position of Dr. Paul Simmons, a Baptist theologian and professor in the medical school at the University of Louisville. He writes:

The fact that many people believe strongly that a zygote is a person is by now well established. The First Amendment allows people to believe as they will as a matter of conscience or religious belief. That is a matter of freedom of religion. But as a definition of personhood for constitutional protections in a pluralistic society, the zygote-as-person rationale is untenable in the extreme. . . . Abstract metaphysical speculation has its rightful place in theology; but it must finally be rejected as inappropriate to the logic necessary for democratic rule. (Paul D. Simmons, “Religious Liberty and Abortion Policy: *Casey* as ‘Catch 22’,” *Journal of Church & State* 42, Winter 2000, 75)

This is what Simmons is saying: Any law that prohibits abortion on the grounds of the unborn’s personhood would establish religion (thus violating the establishment clause) and/or impede the free exercise of women whose religious beliefs permit them to obtain an abortion (thus violating the free exercise clause).

Of course, it is no coincidence that opponents of abortion are generally more religious than those who support abortion rights. (There are, of course, exceptions. For example, Doris Gordon, President of

Libertarians for Life, and Nat Hentoff, a writer for *The Village Voice*, are pro-life atheists.) The reason is that pro-lifers usually accept a view of the nature of the unborn that is consistent with their religion's view of human nature. (See "Further Reading," page 12.) But pro-life arguments in the public square do not merely assert the truth of their position, as one would expect from people whose purpose is to simply propound dogmas to condemn the "infidels." That is the stereotype, a stereotype advanced by Simmons when he writes that the pro-life view of the unborn's intrinsic value is *merely* a claim of "Catholic dogma" and/or "special knowledge" that is neither "subject to critical analysis" nor rooted in "reason" (Simmons, "Religious Liberty and Abortion Policy," 71, 72, 75). Rather, these pro-lifers offer arguments that consist of reasons that can be understood and accepted by those who do not share their faith.

Defenders of abortion "rights" base a human being's intrinsic value on whether he is presently able to exercise or to exhibit certain functions such as consciousness, self-awareness, the ability to communicate, or the ability to have a self-concept. What the abortion supporter is saying is that because an unborn child can't communicate, have consciousness during most of its gestation, and does not have a self-concept, it is therefore not a person. This is why some abortion rights supporters, such as Peter Singer and Michael Tooley, do not believe that a human being becomes morally valuable until several months *after birth!*

Pro-lifers respond to this sort of argument by pointing out that there is a deep connection between our human nature and the rights that spring from it—a connection a just government is obligated to recognize. The unborn human being—from zygote to blastocyst to embryo to fetus—is the same being—the same substance, to use the philosophic term—that develops into an adult. Becoming an adult is the actualization of a human being's potentials—that is, his human appearance and the exercise of his rational and moral powers (which, as we have seen, abortion-choice advocates believe determine a human being's intrinsic value). For this reason, a human being's maturation over time does not add anything to its value, but merely is the public presentation of functions latent in every human substance from the moment it comes into being at conception. A human may lose and regain those functions throughout his life, but the substance remains the same being.

## **What about a Person in a Coma?**

Consider this example: Suppose your Uncle Jed is in a terrible car accident that results in a coma from which he may or may not wake. Imagine that he remains in this state for roughly two years and then awakens. He seems to be the same Uncle Jed that you knew before he went into the coma, even though he's lost some weight, hair, and memories. Was he a person during the coma? Could the physicians have killed Uncle Jed's body during that time because it was not functioning as a person? Under the pro-abortion view of personhood criteria, it is difficult to see why it would be wrong to kill Uncle Jed while he is in the coma.

Suppose, however, you argued that Uncle Jed's life is valuable while in the coma because at one time prior to the coma he functioned as a person and probably will do so in the future after coming out of the coma. But that would be a mistake, for we can change the story a bit and say that when Uncle Jed awakens from the coma he loses virtually all his memories and knowledge including his ability to speak a language, engage in rational thought, and have a self-concept. It turns out, then, that while in the coma he was in the exact same position as the standard fetus, for he had the same capacities as the fetus. He would still be the same person he was before the coma, but he would be more like he was before he had a "past." He would have the capacity to speak a language, engage in rational thought, and have a self-concept, but he would have to develop and learn them all over again for these capacities to result, as they did before, in actual abilities. Uncle Jed, like the fetus, is not a potential person, but a person with great potential.

Why does this account of Uncle Jed's status as a person seem right even when he is not exercising certain functions we normally associate with persons? Because each kind of living organism, or substance, including the human being, maintains identity through change as well as possessing a nature or essence that makes certain activities and functions possible.

Moreover, if a person's value is based on certain changing abilities, then the human equality presupposed by our form of government—the philosophical foundation of our constitutional regime—is a fiction. But since these abilities come in degrees (each of us has different levels of them), there is no principled basis for rejecting the notion that human rights ought to be distributed to individuals on the basis of native intellectual abilities or other value-giving properties, such as rationality or self-awareness. One can only reject this notion by affirming that human beings are intrinsically valuable because they possess a particular *nature* from the moment they come into existence. That is to say, what a human being *is*, and not what he *does*, gives him rights.

It is not surprising, therefore, that supporters of abortion rights offer a different philosophy of the human person. As we have seen above, they present arguments to show that the unborn, though a human being, does not possess the requisite characteristics that would require the government to protect his rights.

So the pro-lifer and the abortion rights advocate present contrary answers to the same question: Who and what are we? Yet, according to thinkers like Simmons, only the pro-lifer is forbidden from shaping public policy because his point of view is “[a]bstract metaphysical speculation [that] has its rightful place in theology; but . . . rejected as inappropriate to the logic necessary for democratic rule.” But the abortion-rights advocate attempts to justify his position by offering a different metaphysical account, one that picks out certain presently exercisable abilities or functions that a being must have in order to be accorded the protections of our laws. There seems to be no good reason—except a type of crass philosophical apartheid—that would justify saying that this account has its rightful place in politics and law while its alternative “has its rightful place in theology.”

It is clear that on the issue of abortion the state cannot remain neutral: Whatever position it takes says something about the nature of human beings.

But what about two other issues of great controversy in our society, the right to suicide and same-sex marriage?

## **The Right to Suicide**

Those who defend the so-called “right to die” sometimes argue that it is unjust to legally prohibit people from exercising this right, since such a law is coercing free citizens based on a belief—namely, that is wrong to kill yourself—that those free citizens reject. Because the government should remain neutral on such matters—not preferring one moral point of view over another—suicide ought to be allowed.

But is that really a neutral point of view? After all, if human life is intrinsically valuable, there can be no *right to die*, since this would mean that one would have a right to do wrong. Consider this example. Imagine that someone argues, as some people in fact do, that you have a *right* to sell yourself into slavery based on the same reasoning used to defend a right to suicide. But if human beings are not by nature property, then you have no more a *right* to sell yourself into slavery than you have the *right* to declare yourself an omelet. Those who defend the right to sell yourself into slavery do not believe that slavery is intrinsically wrong. Were it intrinsically wrong, your consent would be irrelevant.

On the other hand, if your own human life is not intrinsically valuable—if its value depends on whether or not you subjectively value it—then it would seem that you in fact would have a *right to die*. But the price for that right would be the government accepting the idea that no human life is intrinsically valuable. The late Fordham political philosopher, Francis A. Canavan, S.J., explains by asking us to consider the legal status of active euthanasia (or “physician-assisted suicide”):

The person whose life is to be terminated by euthanasia wants to die. He therefore claims the right to end his life, or have it ended by a doctor, on the premise that the only value of life is a purely subjective one, and his life is no longer of value to him. The argument against letting him choose death—when all subsidiary and distracting arguments about fully informed consent have been settled—must involve the

principle that human life is a value in itself, an objective human good that the state exists to protect. Faced with this issue, the U.S. Supreme Court could not pretend to be neutral by finding euthanasia to be included in the constitutional right to privacy, thus making life and death objects of private choice. So to decide would be to come down on one side of the controversy, that side which holds that life has only subjective value. (*The Pluralist Game: Pluralism, Liberalism, and the Moral Conscience*, 74-75)

What Canavan is saying is that when the state puts in place a policy that allows a particular type of behavior—this case, the right to kill oneself—that policy’s permissibility depends on the state implicitly affirming something else about its citizens and their dignity, namely that the value of life is a matter of mere choice not much different than a person’s treatment of commodities such as microwaves and televisions. This is hardly a “neutral” point of view.

## Same-Sex Marriage

In Massachusetts, soon after the state’s Supreme Judicial Court in 2003 required that the state issue marriage licenses to same-sex couples (*Goodridge vs. Department of Public Health*, 198 N.E.2d 941, Mass. 2003), Catholic Charities, which was at the time in the child adoption business, was told by the state that it could no longer exclude same-sex couples as adoptive parents, even though the Catholic Church maintains that same-sex unions are disordered and sinful (Maggie Gallagher, “Banned in Boston: The Coming Conflict Between Same-Sex Marriage and Religious Liberty,” *The Weekly Standard*, May 16, 2006). Because it did not want to compromise its moral theology, Catholic Charities ceased putting children up for adoption. From the perspective of the Catholic citizen who opposes same-sex marriage, this state of affairs limits his liberty and that of his Church based on sources of authority (e.g., arguments for same-sex marriage that its advocates find persuasive, a philosophy of the human person and view of human sexuality, etc.) that he does not share. On the other hand, the proponents of same-sex marriage, including many gay citizens, see this state of affairs as an advancement of justice and the common good. For that reason, they find same-sex marriage as a logical entailment of what they think the ends of liberal democracy should be. For, in their minds, the state is unjust if it denies its citizens the opportunity to marry whomever they choose based on an understanding of human sexuality tied to a source of authority that gay citizens reject. Meanwhile, opponents of same-sex marriage see the injustice in the state coercing them to embrace a policy that their sources of authority maintain is deleterious to social justice and the common good. Sadly, the Catholic Charities case is not an isolated incident. In 2008, an Albuquerque photographer was fined \$6,000 by the New Mexico Human Rights Commission because she “refused to take photos of a homosexual commitment ceremony” (Jeff Johnson, “New Mexico Commission Orders \$6,000 Fine for Christian Beliefs,” *onenewsnow.com*, April 11, 2008). In 2009, “top officials at Eastern Michigan University expelled from a counseling program a Christian student who refused to argue in support of the homosexual lifestyle” (Bob Unruh, “Lawmakers Want University Explanation for Expulsion of Christian,” *wnd.com*, April 24, 2010). Roger Severino, an attorney for the Becket Fund for Religious Liberty, documents other cases and suggests what the future holds for those who dissent from same-sex marriage orthodoxy:

In Iowa, the Des Moines Human Rights Commission found the local YMCA [the Young Men’s Christian Association] in violation of public accommodation laws because it refused to extend “family membership” privileges to a lesbian couple that had entered a civil union in Vermont.

Based on the ruling, the city forced the YMCA to recognize gay and lesbian unions as “families” for membership purposes, or lose \$102,000 in government support for the YMCA’s community programs. Equal provision of benefits to all couples was not enough—only the YMCA’s explicit adoption of the state’s new definition of family fulfilled the government’s requirements.

This list barely mentions the avalanche of employment discrimination lawsuits religious institutions will face, if, for example, employees at religious institutions publicly enter same-sex unions in violation of the institution’s teachings and employment policies.

Likewise, religious colleges and universities would run afoul of housing discrimination laws if they were to offer housing benefits for husband-and-wife couples but decline to do so for married same-sex partners.

Are we better off as a community if religious charities are forced to close their doors because the state redefines what is and is not a marriage? Are we better off if, for example, the Salvation Army is forced to close because of employment lawsuits, or if Catholic adoption agencies are forced to shutter their offices? What would such a result say about tolerating diversity and respect for religious liberty? (“Legalizing Gay Marriage Will Spark Lawsuits against Churches,” *examiner.com*, April 7, 2008)

If the state allows and celebrates same-sex marriage, then it is a good that society as a whole must accept. But that means, as we have seen, dissenters will be punished by the state in a variety of ways. On the other hand, if the state continues to exclusively honor marriage as a union between one man and one woman, same-sex marriage (as well as polygamy and other arrangements) will not receive the blessing of the state. Thus, it is clear that when it comes to marriage, the state cannot remain neutral.

## **Statecraft Is Soulcraft**

Regardless of what the dominant culture may claim, the government cannot be neutral on questions that touch on the nature of who and what we are. The state cannot permit abortion, suicide, and same-sex marriage without implying that we are not persons before birth, may treat our lives as mere things to discard, and that the belief that marriage is only between a man and woman is mere bigotry. Whether we like it or not, Aristotle was right: Statecraft is soulcraft.

## **SIDEBAR**

### **Further Reading**

- Patrick Lee, *Abortion and Unborn Human Life* (Washington, DC: The Catholic University of America Press, 1996)
- J. P. Moreland & Scott B. Rae, *Body & Soul: Human Nature & the Crisis in Ethics* (Downers Grove, Ill.: InterVarsity Press, 2000)
- Francis J. Beckwith, *Defending Life: A Moral and Legal Case Against Abortion Choice* (New York: Cambridge University Press, 2007)

Original article appeared in *Catholic Answers Magazine*, September 2010 Issue, Volume 21, Volume 5.

**Titles Mentioned on *Franciscan University Presents***

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***Politics for Christians: Statecraft as Soulcraft* by Francis J. Beckwith. IVP Academic Publishing. Available on [www.amazon.com](http://www.amazon.com).**

***A Christian Manifesto* by Francis Schaeffer. Crossway Publishing. Available on [www.amazon.com](http://www.amazon.com).**

***The Rise of Christianity: How the Obscure, Marginal Jesus Movement Became the Dominant Religious Force in the Western World in a Few Centuries* by Rodney Stark. Harper San Francisco Publishing. Available on [www.amazon.com](http://www.amazon.com).**

**\* *Still Point: Loss, Longing, and Our Search for God* by Dr. Regis Martin. Ave Maria Press.**

**\* *Consuming the Word: The New Testament and The Eucharist in the Early Church* by Dr. Scott Hahn. Image Publishing.**

**\* *Angels and Saints: A Biblical Guide to Friendship with God’s Holy Ones* by Dr. Scott Hahn. Image Publishing.**

**\* *The Beggar’s Banquet: A Personal Retreat on Christ, His Mother, the Spiritual Life, and the Saints* by Dr. Regis Martin. Emmaus Road Publishing.**

**\* Available through the Franciscan University Bookstore, 1235 University Blvd., Steubenville, OH 43952, 1-888-333-0381, [www.franciscan.edu/bookstore](http://www.franciscan.edu/bookstore).**

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