1996

SCHROEDER SCHOLAR-IN-RESIDENCE LECTURE: Politics, Death, and Nature

Ronald Dworkin

Follow this and additional works at: http://scholarlycommons.law.case.edu/healthmatrix

Part of the Health Law and Policy Commons

Recommended Citation
Available at: http://scholarlycommons.law.case.edu/healthmatrix/vol6/iss2/3

This Featured is brought to you for free and open access by the Student Journals at Case Western Reserve University School of Law Scholarly Commons. It has been accepted for inclusion in Health Matrix: The Journal of Law-Medicine by an authorized administrator of Case Western Reserve University School of Law Scholarly Commons.
I HAVE GIVEN A RATHER FORBIDDING title to this lecture. But my claim really is a large one: I shall argue that a set of deep philosophical, even religious issues lies at the heart of four contemporary political controversies which are among the most heated of our day. I have written in one way or another about three of them; abortion, health care, and euthanasia. I have not yet written about genetic engineering, which is the fourth of the topics that I want to discuss. Indeed, I hope to use this occasion to begin to think about that one, and my remarks are accordingly tentative.

The first of these issues — health care — has produced a kind of American political tragedy. I thought, when the debate about health care reform started a few years ago, that if the United States proved unable, in this decade, seriously to reform the delivery of health care, that would show us to be ourselves a sick society. I have no reason to withdraw that depressing diagnosis now. The health care debate was corrupted by our inability collectively to focus on the question that ought to have been at the center of the argument. How much should we spend, as a nation, on health care; and how should we distribute, person-by-person, what we do choose to spend? There are many reasons, of course, why President Clinton's health care bill went down to such a crushing, sad defeat. Nobody expected the bill to pass as originally drafted. But many people expected, and I was among them until close to the end, that some
substantial reform would be achieved. Though there are, as I said, many reasons why even this expectation was disappointed, a failure to appreciate what respect for life requires was among them.

Of course, that same issue is central to the second great controversy I mentioned — over abortion. Many people, again, including me, hoped that the 1993 decision by the Supreme Court in *Planned Parenthood of Pennsylvania v. Casey*¹ would finally persuade the nation that *Roe v. Wade*² is here to stay, though perhaps subject to new and uncertain exceptions. But that hope has so far been disappointed. When President Clinton nominated, as his Surgeon General, Dr. Henry Foster, who had himself performed abortions, the issue flared up again, and it now looks as if the fundamentalist right-wing of the Republican party will have enough power to insure that that party’s next nominee for President shares their fundamentalist views about abortion.

The sanctity of life is also at the core of the third issue I cited: euthanasia. This issue has recently leapt into the headlines. Oregon, as you know, became the first jurisdiction in the world to make doctor-assisted suicide legal.³ People often say that euthanasia is legal in Holland. In fact, it is still technically a crime there for a doctor to assist people who are anxious to end their lives. Courts and the government have made clear, however, that if certain guidelines are followed, the doctor will not be prosecuted. So the situation in that country is tantamount to euthanasia’s being legal if those guidelines are followed. But Oregon is the first jurisdiction to have taken the step of making some forms of euthanasia legal in theory as well as in practice.

A year ago, a district court judge in the state of Washington ruled that a law prohibiting doctor-assisted suicide under any circumstances is unconstitutional.⁴ She cited the Supreme

---

². 410 U.S. 113 (1973).
Court's decision in *Casey* that I mentioned a moment ago, and said that the right to sovereignty over personal decisions involving quasi-religious issues, which the Supreme Court recognized in that case, applied to the case of assisted suicide as well. Her decision has since been overruled by the Ninth Circuit Court of Appeals,\(^5\) whose decision will, in turn, be appealed to the Supreme Court. If that Court reverses again, the entire United States would be required, by the Constitution, to follow Oregon's lead.

The final political controversy I have in mind, which is, as I said, over genetic engineering, is nascent rather than full-blown, and Professor Mehlman, together with others in this faculty, are among the leading students of the questions it raises. Scientists now offer a variety of substitutes for what most people would regard as the natural technique of human reproduction, and they can invade and alter the genetic structure of human beings. But people, not surprisingly, are doubtful about how far the techniques that medical science has provided actually should be used. The sanctity of life is at the center of that nascent argument, too, though in this case the issue is put in terms not of respect for life, but of respect for nature.

Should an enlightened society defer to what might be called the natural way of doing things? Does such deference, when appropriate, require abstaining from scientific investigation into certain matters, or from the practical deployment of what such investigation may reveal? Modern philosophers have on the whole been skeptical about the very idea of the "natural." On their view, anybody who objects to interfering with so-called natural processes is a Luddite or troglodyte. And yet, in the last three of the political debates I just mentioned, partisans on one side insist that those on the other side are wrong because they advocate interfering with nature, and are therefore playing God. I shall later, toward the end of my remarks, show some sympathy for that point of view. But not yet.

First, I want to look at the concept of nature that this point of view uses, by summarizing some of the themes of my recent

---

book, *Life's Dominion*. I discuss, in the context of abortion and euthanasia, the idea of the "sacred," and, in particular, the effervescent claim that human life is sacred. What value do we have in mind when we appeal to the sanctity of life? What kind of an argument are we actually making? Let me start, by way of explanation, with the somewhat more inclusive idea of what philosophers call "intrinsic value," and the place that idea has in politics generally.

When government constrains your liberty and mine, it can appeal to two very different kinds of justifications for doing so. On the one hand, it can appeal to the interest of human beings and other sentient creatures, and to the rights safeguarding those interests that at least some of those creatures have. If you ask why is it legitimate for government to make murder and arson crimes, the natural answer is that those activities deliberately threaten the most important interests of people, and that government's principal responsibility is to identify those interests and protect them through criminal and civil law. That is a perfectly straightforward explanation. But there is a second kind of justification that government often uses when it limits your liberty. It appeals not to the interests of human beings or other creatures, but to intrinsic values that are distinct from such interests. Government imposes special constraints and expense on you to save giant forests, not just because or if people want to look at or walk in those forests, but because the forests are ancient and wonderful. Government taxes you to establish museums, not just because or if people want to study great paintings and sculptures, but to honor those paintings and sculptures because they are great. Government imposes other constraints and incurs other expense to protect endangered species, not because people's lives would be less interesting with no spotted owls to spot, but because it is a shame when a species perishes because of what we do.

I have now mentioned two kinds of objects many of us treat as intrinsically valuable: great art and natural resources, including species. Now I want to add a third item to the catalogue: each and every human life. You may be surprised that I

say that human life is intrinsically valuable. You might think life's value lies in the interests people have in their own lives. It is true that protecting someone's life is normally in that person's interests. But the case of euthanasia, which I'm going to speak about again shortly, is an important exception to that generalization. Many people believe that government has a responsibility to protect the intrinsic value of a human life even when this is not in the interest of the person whose life it is — even when, that is, it would be in that person's interest to die sooner rather than later. So intrinsic value is a different kind of value from interests, even in the case of human life. The claim that something has intrinsic value means that its value is independent from what people want or what is in their interests to have.

The sacred is a narrower category, within the category of intrinsic value. Many things are intrinsically valuable in what we might call an incremental sense: the more we have of them the better. Knowledge is an example of an incrementally intrinsic value. At least in principle, the more we know about the origin of the solar system or of the universe, for example, the better. Human life is not like that. We do not think that the more human life the better — at least many of us do not. Indeed many people think it urgent to keep the world's population down. They think the fewer human beings the better — at least up to a point. So we need a separate category of value, and I have suggested that we use the word "sacred" to describe it. Something is sacred if we have no obligation to bring it into existence, but do owe it honor once it exists.

What can give something — a work of art, a natural species, or a human life — that kind of status? I suggest that there are two sources of sacred value. One source lies in human creation: something is sacred if it is the work of a human being that expresses creative genius. A second source is nature: something can come to be sacred if it is the consequence of a natural process, which we respect simply on the ground that it is the way things actually have happened. An endangered species is sacred because eons of geology and evolution produced it. These two dimensions of the sacred — the personal and then the natural — come together in you. The Greeks had two words for human life: zoê and bios. Zoê meant, as entomology
teaches, life as part of nature, the biological fact of the life. And *bios* was the life that we create, the kind of life that is written up in our biography. So we are sacred in two ways, an intersection of two sources of value. Nature produced us as a work of its art, and we make something of our own lives, something we have created as a kind of work of art of our own.

What should politics have to do with the sacred? John Stuart Mill, if I understand him right, answered: "Nothing." He said that a decent government restricts liberty for only one purpose: to protect the interests of other people. It must not limit what you and I can do out of the respect for any intrinsic value of any kind. Many liberals find his view congenial, because it keeps government out of the business of telling us what values to hold. That sharp separation of state from ethics, as you know, reflects an old and honored liberal impulse. But we cannot accept it, can we? Because if we say that government cannot limit liberty just to protect intrinsic value, we must bid good-bye to conservation on the scale we want it. We cannot argue for conservation on the ground that it protects the interests of future generations because future generations have no interests. Since what we do determines not only how many people there will be, but who they will be, it is a kind of nonsense to say what we do now can injure or benefit their interests. So we need the concept of intrinsic value to justify long-term conservation.

Of course we do need to restrict the power of government to compromise liberty for the sake of fundamental values, and if we cannot accept Mill's flat separation, we need a more subtle one. We might begin, in our search for this, with an ethical principle that I believe almost all of you accept. We might call this the principle of ethical individualism. We have ultimate responsibility one by one, person by person, for deciding what an appropriate life for us is, and for doing our best to live that life. That does not mean that we make ethical judgments in a vacuum; it does not mean that we are not influenced by our culture. But people who accept the principle of

---

ethical individualism nevertheless insist on ethical independence. They insist that government may not limit their liberty when its only justification for doing so is commitment to some controversial theory about what makes human lives valuable or gives meaning to human life or makes a particular human life successful, because deciding these questions is the duty of people one by one, for themselves. This principle of independence is much more discriminating than Mill’s principle. It does not prohibit government from acting for the sake of artistic heritage or conservation or to protect future generations. Government need not rely on any position about the deep ethical issues I just described when it denies me the right to tear down my Georgian house.

Of course, some of the laws that government enacts and enforces do make it more difficult for me to live one kind of life rather than another. Indeed some of them make it more likely that I will end up holding one set of ethical beliefs rather than another. It would be impossible for government to avoid acts having such consequences. But it must not aim at such consequences: it must not limit liberty when its only justification is that either officials or the majority of voters prefer one answer to the essential, core ethical questions of why life is important and what a successful life is, an answer that some of those whose liberty is reduced reject.

Now I’ll return — some of you may think not before time — to the political controversies I said I was going to discuss. The principle of ethical independence is evidently at stake in the abortion and euthanasia debates, and it is also at stake, though less evidently so, in the health care debate and the nascent debate about genetic engineering. Let us start with the health care debate. I have been arguing for two propositions. The first is a principle of politics: that though government may sometimes properly legislate when its justification is respect for intrinsic values, including sacred values, it may not do this when its justification rests on the assumption of the superiority of one answer to core ethical questions to other answers. The second is a philosophical distinction between two sources of the sacred — two strands that make up our conviction that human life is sacred — the personal strand, which begins in the idea that a person creates his or her own life, and the natu-
eral strand which reminds us that we are part of the biological world and that our lives have intrinsic value for that reason as well. My two propositions can now be joined in the following way. The four political controversies turn on the relative importance of these two strands of the sacred, vis à vis each other. When the question of their relative importance divides us on ethical grounds, the principle of ethical independence commends freedom.

Theories about justice and health have been dominated for many centuries by an idea I have elsewhere called the principle of rescue. This principle declares that the most important value of all is biological life and health, and that no expense should be spared when the consequence of sparing expense would be death or disease that can be avoided. That seems a very honorable principle. It has been defended by philosophers from Descartes to now. It is a dangerous principle, however, because the political consequence of embracing it is almost inevitably less public provision for health care rather than more. People embrace it, and then say that, of course, it would be impossible that any community — or indeed any individual in his or her own life — to honor it in full. That is true. No one could lead a decent life if he spent every penny not needed for basic food or shelter on buying the most expensive possible health insurance that would guarantee every possible medical treatment that could conceivably increase the length of his life by a day. Nor could a community provide decent lives for its members if it tried to provide medical care for everyone, up to the point where further care would not increase anyone's life expectancy even marginally. But so long as we subscribe to the principle of rescue, which commands exactly that, as setting the right standard for public provision of health, we can say that it must be left to "politics" to decide how far we should go toward the ideal we accept, but cannot satisfy in full. That is an invitation, of course, for inaction — when people say that something should be left to politics, that ordinarily means that it should be left to selfishness.

So it is important to consider whether the principle of rescue is acceptable, even as an ideal. It presupposes the complete dominance of one strand of the sacred — the natural — over the other strand, which is the personal. Once we understand this — once we accept that there must be a trade-off between life as zoë and life as bios — we must re-examine the rescue principle in that light, and reject it unless we find, on reflection, that we do think that any increase in the length of the former, no matter how small, is worth the sacrifice of any amount of value in the character of the latter, no matter how great. Think about this in the following way. Suppose a young woman has, at the age of twenty, a choice between two health insurance policies covering the rest of her life. One policy would be phenomenally expensive — it would cost, in annual premiums, practically all the money she has, but it would guarantee her that any medical treatment, high-tech diagnostics, or heroic and speculative surgery like organ transplants, for example, would be available no matter how much it cost so long as it held out even a tiny hope of prolonging her life. The other plan would offer her a much reduced level of care. It would stipulate, for a much more modest premium, that she would be entitled to the medical care, over her life, that was deemed appropriate, according to contemporary medical standards, given her condition and prognosis. If she thought about life in all its dimensions, if she cared about bios as well as zoë, she would of course buy the second policy. If she bought the first, there would be nothing to her life except its length; it would be a life not worth living. Of course the health care debate involves much more than the question whether the rescue principle should be embraced in principle, and I have written elsewhere about how the hypothetical insurance policy test I just described might be used to help design a fair system of health care distribution.9 My purpose now is only to show how the competition between the two sources of the sacred, the natural and the personal, figures, hidden, in the health care debate.

The abortion argument has been confused because most people think it is centrally an argument about the question of

whether a fetus is a person from the moment of its conception. That is not a well-formed question, however, because “person” is fatally ambiguous. We should substitute a different, clearer question. Does a human fetus, from the moment of its conception, have interests of its own? I believe the answer to that question is: “no it does not.” A creature cannot have interests unless it has or has had a mental life. But that is not the end of the abortion controversy, because there is another issue to consider, and in my view this is the issue that most people who agonize about abortion are really worrying about. How far does respect for the sanctity of human life mean respect for the natural rather than the personal dimension of that life? If you think, as many people do, that the natural dimension is pre-eminent, then you will think that any act that ends a human life prematurely is a savage insult — the greatest possible insult — to that value, even if no one’s interests are thereby violated or injured.

But once you recognize, as you did in the discussion of health care, that the personal dimension of life’s sanctity may conflict with the natural or biological dimension, then a more difficult issue arises, because respect for the life of the fetus may conflict with respect for the life of its mother. Does it really show respect for the sanctity of the life of a teen-age mother, who is little more than a child herself, to forbid her an abortion? It shows no disrespect for the natural dimension of her life, because, except in rare cases, her biological life isn’t threatened. But her power to make something of her life, to add a personal, creative dimension to its value, will be threatened, and may be destroyed. You may then think, as I do, that in some circumstances abortion shows more respect for the sanctity of human life overall, in spite of its injury to the natural dimension of a fetus’s life, because it shows respect for a woman’s creative power over her own life.

And then, whether or not you agree with that judgment, you will see the pertinence of the political principle of ethical independence. Because once the idea is set aside that an early fetus can have interests of its own, constraints on abortion cannot be justified as action to protect those interests. They can be justified only on a ground that the principle of independence rules out: by endorsing one view about the sanctity of human
life — that the natural dimension dominates over the personal dimension — and limiting liberty in an absolutely crucial respect by imposing that view on women who reject it. If I am right in what I said earlier, that is unjustifiable in a community of people who accept the responsibilities of ethical individualism. So you will not be surprised to hear that I think the Supreme Court has reached roughly the right position on the abortion issue.

What about euthanasia? As I said earlier, the Ninth Circuit has reversed a district court decision recognizing a constitutional right, in some circumstances, to the assistance of a doctor in committing suicide. The opinion for the Ninth Circuit was written by Judge John Noonan, who as many of you know is a Catholic philosopher whom Reagan appointed to that court. Noonan criticized the district court's assumption that the rationale of the Casey decision about abortion applies to euthanasia as well; he said that the two issues are very different. But are they? I just argued that an essential principle of liberty is at stake in the abortion issue: the principle of ethical independence. Isn't that principle even more evidently at stake in the euthanasia debate? Some people, it is true, think that a fetus has interests of its own from the instant of conception. But if that were so, it would argue, if anything, for more liberty in euthanasia. How could anyone think, on any assumption, that ethical independence was less at stake in that issue?

Once again, the question of balance between the two strands or components of the sanctity of life dominates personal opinion about euthanasia. Which dominates in your own conviction? Do you think that life is sacred primarily because of the natural dimension of its history or because of the personal dimension? Do you think it is sacred because a human being is a crucial part of the biological world, or because making a human life is the greatest creative act available to almost any of us? Presumably, both. But which is more in the foreground in the circumstances in which euthanasia might be contemplated?

It is sometimes said that people tempted to euthanasia are

selfish in wanting to avoid pain, that they fail to appreciate the fundamental, objective importance of their own lives. The philosopher, John Locke, made that point when he insisted that you do not own your own life; you are only a trustee of it. God owns your life. Locke’s view is a metaphorical statement of the conviction that the natural dimension dominates life’s sacred value. But if you resist that conviction, in order to give more role to the personal dimension, you will appreciate that people’s concern about the way they die can reflect not indifference to, but on the contrary great respect for, the objective importance of their lives. If you think that ending your life intubated, connected to a hundred machines, drugged near sedation — if you think that would be a terrible way to finish a life you are proud of having created — then you will think that euthanasia does not deny genuine respect for the intrinsic value of your life, but on the contrary, confirms it. So, once again, we see the crucial, pivotal role of a deep ethical issue in framing people’s reactions to euthanasia. We also see the pertinence and importance of the principle of ethical independence, which demands that people be free to make their own decisions and commitments about such deep ethical issues. This is a paradigm case when government would itself show deep disrespect for persons by attempting to force the same ethical conviction on everyone.

I have tried to call your attention, in discussing each of the three great controversies about health care, abortion, and euthanasia, to conflicts between the two different components of respect for human life, and to how personal convictions about the relative importance of the two components shape opinion and account for differences. I have been emphasizing, moreover, the importance of the personal as distinct from the natural component, because the personal component is overlooked or subordinated in the orthodox or traditional opinions. It is subordinated by the rescue principle, and in the view that abortion and euthanasia are acts of selfishness contemptible of the sanctity of life. The fourth issue, however, to which I now turn, is dramatically different.

When I speak of genetic engineering, I have in mind a whole set of advances in medical technology pertinent to the reproduction of our species. To simplify, I will consider these
advances under three heads. First, improvements in the mechanics of reproduction, how it is done. There was a time when there was only one way to produce another generation of human beings. But now we have discovered *in vitro* fertilization and implantation, and heaven knows what else just around the corner. Perhaps sex will one day become purely recreational, and no one will associate it, except as a matter of history or mistake, with reproduction.

The second category of technological advance lies in selection. Doctors are now able to analyze genetic material in enough detail so as to guide decisions about which such material will be induced or allowed to develop into a life in earnest. They can provide massive amounts of information about the potentialities of each product of *in vitro* fertilization, for example, to guide decisions about which to implant, or about a fetus *in utero* to guide decisions about abortion.

The third category embraces genetic engineering in a more literal sense. That is the enterprise of manipulating, cutting out, replacing, or enhancing genes so as to transform the genetic structure of a particular human being into a different genetic structure. Once again, if you surrender a bit to fantasy, you might imagine that newly married couples, instead of meeting with their architect or interior designer to plan their house, will meet with their geneticist to plan, in minute detail, which arrangement of genes they will become parents to. I asked a friend, who is the editor of a distinguished science magazine, whether this was a realistic fantasy. "Oh, no," he said. "That is complete science fiction. It will take years." I found that rather chilling.

Now, of course, in assessing the desirability of any of these changes in human reproductive technology, we must make a crude but essential distinction between the motives that might drive people to exploit the technology. We should distinguish between the motive to prevent disease and suffering, on the one hand, and to secure or enhance personal qualities we find desirable, on the other. It is difficult to deny the legitimacy of at least some genetic decisions guided by the first motive. Plainly, if some way is discovered that would allow doctors to cure genetic defects in a fetus — to prevent Huntington's Chorea, for example — it would be madness to
object. Selection for the same ends is at least superior to selection for other reasons. If doctors know that a particular fertilized ovum carries a gene that will produce a crippling disease, it makes sense for them to choose another ovum to implant. Many people object to abortion for any reason. But even most of them believe that it is morally less wicked to abort a fetus that will inevitably be born maimed, or develop a terrible disease early in its life, than a fetus that is normal. I mention these relatively “easy” cases to set them aside, because I want to focus on the more problematic cases of the other kind.

Let us concentrate on a particular example, taken from the “fictional” category. Is there anything wrong with parents deciding on genetic manipulation or therapy in order to produce a taller, stronger, physically more attractive, intellectually more powerful child? Many people think there is: they say, in the phrase I mentioned earlier, that this would be “playing God.” But what is wrong with playing God? Some people answer that since the technology needed would be expensive, and could not be provided for everyone who wanted it, allowing some to have it would add yet further to the great disparity between the rich and the poor. That is a valid consideration, but it cannot explain the sense of horror with which some people—perhaps most people—greet the prospect of genetic enhancement. After all, we tolerate savage and growing inequality already. Our impulse, moreover, in addressing this inequality, is to try to extend to the poor what the rich have, not to deny it to the rich because the poor can not have it.

So we need a better answer to the question of what is wrong with playing God, and we cannot find one, I think, without going back to the idea that human life is sacred, and to the natural, biological component in that idea. We must now realize that, though the two components I distinguished may be thought to conflict, as in the cases of abortion and euthanasia, they are in other crucial ways complementary. Our world—the intellectual, ethical, moral space we live in—is fundamentally divided into two domains. The first is the domain of responsibility—of choice, virtue, blame, and the affective emotions of pride and resentment. The second is the domain of the natural, the given, the domain of luck. The second is indispensable to the first; it is indispensable to us that some features
of ourselves and our situation are just given; are no one’s fault; no one’s choice; just the luck of the draw; the throw of the dice; what nature did; and what nobody is to blame for. The far-fetched science fiction examples that recent advances in genetic engineering tempt us to imagine are instructive about why the second of these domains really is indispensable to the first.

I have emphasized the responsibility most of us feel for making something of our own lives. We do this, however, against the background of a situation we take as a given and for granted. Each of us in effect asks, about himself or herself, a question of this form: given a person with roughly my projected life span, with roughly my talents and non-talents, my inclinations and my motors of gratification, what life is appropriate to a person like that? But suppose we had to ask fundamental ethical questions with absolutely nothing given? Or even with radically less given than now is? Imagine the parents of my fantasy approaching the genetic designer with the intention of designing, for their child, a good life. They would have to ask, more or less in the abstract, what a good life is in general, starting from a blank slate, and it is unclear how even to begin to think about that.

Now consider the role of the given in the various reactive and affective emotions I mentioned. Someone who writes a brilliant poem, or paints a great painting, or proves Fermat’s last theorem, or, to come down to earth, plays a good round of golf, rightly takes pride in this achievement, and that adds a particular and distinct kind of pleasure to life. Someone’s achievement is, after all, something he has done. That assumption, and the pleasure it can bring, are not vulnerable to embarrassments about determinism. Suppose it is you who has shot the marvelous round of golf, and your friend asks, “Why are you so pleased with yourself? Nature fixed this up eons ago: the mechanics of the terrain, the properties of the particular blades of grass that cover it, and the dynamics of your intentions and muscular structure made what you have just done absolutely inevitable.” I doubt that any of that would undercut your pleasure, or ruin the taste of the drink that you have raised to celebrate.

But suppose someone was able to say, “You did not do that, the committee that designed you did. They anticipated the
lie of the greens, and designed you to perform well on them.” This is very different because, as lawyers know, the distinction between what nature has done and what other people did is at the center of our moral life. All our notions of responsibility hinge on the distinction not between us and our nature, but between us and other people. This, too, can be thrown into jeopardy. Children have enough scope for resentment as it is. Suppose their resentment embraced not just what their parents did or did not give them or do for them, but how they made them. The crucial intergenerational sense of independence would be forfeit.

I am not, you understand, making an argument against research. I am just trying to identify the sources of our shared anxiety at some of the prospects opened up by recent discoveries, and to display a different kind of relation between the personal and the natural. I hope you will let me end these tentative remarks, then, with a bit of outrageously doctored history. We might, if we try, see the opinions of different ages shifting in their assessment of the relative importance of the two dimensions of the sacred, or, at least, in the attention they give them. From prehistory until, say, the Renaissance, the natural was dominant in most people’s conception of what it is that is sacred about human life. That is hardly surprising because for most people during that long age, the natural was the divine, and the divine usually incorporates and subordinates the personal. The Greek gods, for example, made works of art of their own lives and human beings were only bits of the plot, and the Christian God made men and women in His image.

A different balance became popular, however, during the humanist era that stretches back at least to the quattrocento, at one end, and produced the Woodstock Nation five centuries later. That different balance takes what is really wonderful to be the creation of a free and uninhibited human spirit, the personal, that is, as distinct from the natural. While the conventional religious balance subordinates the personal to the natural, the romantic balance reverses the structure: it gave nature romantic pretension, and therefore made it part of what people had created. Now we may be in the foothills of a rather different era, in which the possibility of science dramatically altering nature forces on us a new sense of nature’s indepen-
idence and independent importance. We see the personal and the natural bound together in a different way, not in a conflict in which one dominates over and finally absorbs the other in our consciousness, but rather in a symbiosis essential to both.

In any case, whether or not this crude schematic structure is illuminating, it is too early to speculate about the more precise form the new kind of balance should take. It is even too early to see very clearly how the principle of ethical independence would figure in it. It is not too early, however, for a warning. Because ethics and the given are so densely interconnected, playing God means playing with fire. That is apocalyptic enough for a sunny afternoon.

POSTSCRIPT

I have had an opportunity to read Mr. Levin’s interesting essay, and I do not believe that we disagree. The principle of ethical independence I described stipulates that though government may sometimes limit people’s liberty to make personal judgments about ethical value when it acts to protect someone’s interests, including theirs, it may not limit such liberty when its only justification for doing so is its commitment to a controversial theory of intrinsic ethical value. Mr. Levin offers examples of government acting in the way the principle permits, that is, to protect interests. Government may believe, for example, that a love-sick adolescent, who thinks he will never recover from his depression, is almost certainly wrong, and it may try to prevent his suicide out of a paternalistic concern for his interests. It may plausibly think that certain genetic decisions potential parents wish to make, in our present state of relative scientific ignorance, may have dangerous, even disastrous, consequences for interests of other people, including their children, and it may limit parental liberty for that reason. There is nothing in either supposition that contradicts the principle I described, or the version of liberalism that embraces it. In the last section of the Article I cited very different concerns that might well suggest the need to limit the principle of ethical individualism, not to protect interests, as in Mr. Levin’s examples, but to protect the balance between the worlds of responsibility and of nature in our thought and experience. I
meant, in that discussion, not to be defending the principle, but calling attention to a new kind of challenge to it.