

The Nature and Value of Human Life

APPENDIX

- C. Para-Church, Para-Christian and Non-Christian Groups
The 1978 GA instructed the Council to prepare a booklet summarizing tenets of belief in comparison with Reformed theology of cults and movements of a para-Christian nature ...and para-church groups. (1978 GA Minutes, p. 74) Working in cooperation with Orange Presbytery and the UPCUSA Advisory Council on Discipleship and Worship the CTC has produced a booklet which contains: (1) a report of twelve current para-church groups in almanac-type sketches followed by observations which might be helpful to congregational leaders facing their members' involvement in these groups; and (2) an annotated bibliography on older established groups, e.g., Mormons and Jehovah's Witnesses, and non-Christian groups. The booklet may be purchased through Materials Distribution Service.
- D. Television: Impact on Teaching and Preaching the Gospel
The Communications Task Force (GAMB) requested the Council to sponsor a study which seeks reflection on the influence television has on both the message and medium of the church. The Council has concluded the study and has at this time no recommendations.
- E. Ordination for Church Educators
The 120th GA instructed the CTC to study the paper "Ordination for Church Educators" and send comments to the Committee for Non-Ordained Educators. (1980 GA Minutes, pp. 111-112) The Council has completed this assignment.

III. RECOMMENDATIONS

- A. Re The Nature and Practice of Ministry
"That...the Council on Theology and Culture...develop Jointly with the UPCUSA a task force to prepare a study on the nature and practice of ministry, with... representation from the Mission Board, Vocation Agency, and the Presbyterian delegation to the Consultation on Church Union." (1979 GA Minutes, p. 180)
1. That the report of the Joint Task Force on the Nature and Practice of Ministry be approved.
 2. That the paper "The Nature and Practice of Ministry" be approved for study and comment and that the paper be printed in the Minutes of the General Assembly .
 3. That the Office of the Stated Clerk print the paper, send it to all ministers, certified educators and clerks of session, and make sufficient additional copies available for sale through the Materials Distribution Service to all who request it. (PCUS)
 4. That the church at all levels, and especially presbyteries, theological seminaries, agencies and task groups which deal with ministry, be urged to study the paper, engaging in discussion and exploration on the unanswered questions.
 5. That the General Assembly Mission Board, through its Office of Professional Development seek to monitor responses and learnings which emerge from the study of this paper across the church.
 6. That the General Assembly recognize that several groups both in the PCUS and the UPCUSA are doing ongoing work in the area of ministry and that no special group is needed at this time to seek a comprehensive answer to the questions posed in this paper.
- B. Re The Nature and Value of Human Life
"...that a position paper be prepared which fully sets forth a Biblical Theology of the nature and value of human life ..."(1975 GA Minutes, p. 78)
7. That the 121st General Assembly adopt the paper "The Nature and Value of Human Life" as a position paper of the General Assembly and commend it to the church for study.
 8. That the Stated Clerk of the General Assembly be instructed to print the paper and send it to all ministers, certified educators and clerks of session.
 9. That the Materials Distribution Service of the General Assembly Mission Board, in coordination with the Stated Clerk, be instructed to have copies of this paper available for sale.
 10. That the General Assembly Mission Board be instructed to prepare a study guide for the paper "The Nature and Value of Human Life" and to promote the availability of this material as a curriculum resource.
 11. That pastors and sessions be encouraged to share this paper with professionals who deal with its issues and to foster their involvement in dialogue.

IV. PAPERS FOR GENERAL ASSEMBLY CONSIDERATION AND ACTION

"In studying the following papers it should be remembered that the General Assembly may issue a statement (or pronouncement) for any one or more of the following purposes: to express its own Judgment on an issue; ... to influence the conscience of the church; ... to recommend particular actions by individual members, congregations and lower courts;... to identify priorities for the denomination;...to establish goals for the General Assembly's own agency;...to direct, request or authorize its own agency or staff to take certain actions;...to commend, petition or express concern to the government...(and) to help shape public opinion.

"In light of this, it is evident that the General Assembly addresses itself to a wide variety of audiences. However, it must be remembered that while the General Assembly may speak to these issues and audiences, it... speaks (only) for Itself. (It) does not ... speak for the majority of Presbyterians ... and must meet specific constitutional requirement in order to speak for the denomination as a whole. A General Assembly statement is Just that - a paper or statement by a particular Assembly. These statements or papers may take the form of declarations of conscience...moral appeals...(or) policy or program directives. As such they should be considered in light of the form in which they are sent and for the purpose to which they have been directed. Declarations of conscience have authority...only to the degree that they

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conform to the Word of God . . . Moral appeals possess only such authority as those to whom they are addressed recognize. Policy and program directions pertain to the agency created to perform that function. It is hoped that you will study the following papers bearing in mind both the importance and boundary of a General Assembly paper or statement.” (1973 GA Minutes, p. 176)

A. The Nature and Practice of Ministry (see Appendix, page 384).

B. The Nature and Value of Human Life

THE NATURE AND VALUE OF HUMAN LIFE

At the 1975 PCUS General Assembly the issues of abortion and the theology of life were raised through two commissioners' resolutions.

“Resolved: That the 115th General Assembly request the Council on Theology and Culture to prepare for subsequent Assembly study papers and/or position papers on critical issues in bio-medical ethics, such as, but not limited to, human experimentation and dignity in death.” (Cf. 1975 Minutes, p. 74)

“Whereas, the General Assembly of the Presbyterian Church in the United States has received a statement/paper on the general subject of abortion; and

Whereas, the conclusions are, in part, based on a theology of life; and

Whereas, that theology is not substantially set forth in the statement/paper;

Be it resolved, that the 115th General Assembly direct that a statement/paper be caused to be presented for approval which fully and substantially sets forth a theology of life true to the Scriptures.

Be it further resolved, that any and all previous and subsequent statements and actions of the General Assembly and its agencies to include participation in coalitions advocating abortion and/or euthanasia to be suspended until and unless the General Assembly approves the aforesaid theological statement/paper on life.” (Cf. 1975 Minutes p.78)

The General Assembly answered these resolutions by instructing the Council on Theology and Culture with the following:

“That Resolution 19 (see page 78), from Philip M. Spencer and Henry C. Bedinger, Jr., asking that a paper setting forth a theology of life true to the Scriptures, be answered in the affirmative in the first resolve to the effect that the General Assembly direct that a position paper be prepared which fully sets forth a Biblical Theology of the nature and value of human life, and, further, that this be accomplished by the Council on Theology and Culture. The purpose of this paper shall be both to provide resources for persons as they deal with such matters as abortion, euthanasia, human experimentation, bio-medical ethics, capital punishment, war and other matters where the issue of the beginning or termination of human life must be faced, and to set forth the worth of human life as we experience it, following Jesus Christ. That the second resolve be answered in the negative.”

In addition, at the 1976 General Assembly action was taken in response to a Commissioner's resolution which added suicide to the list of ethical concerns to which the paper should speak.

The foregoing account of the developments leading to the instruction to prepare a paper on the Nature and Value of Human Life makes evident the fact that various interests and concerns have played a part. Yet there does seem to be one, persistent and underlying concern to which the paper is supposed to speak. Aware of a troubling and vexing array of issues which in one way or another involve the taking of human life, the General Assembly's answer to the several resolutions asks for a theologically consistent response to them. Matters as similar yet diverse as abortion, euthanasia, war and capital punishment raise for us a basic question of theological consistency.

Often our answers regarding these issues appear as ad hoc answers, divorced from considerations of the similarities to and differences from other issues. If a person justifies some abortions, for example, is a subsequent advocacy of pacifism or opposition to capital punishment evidence of moral schizophrenia? Contrariwise, what is the ethical consistency of defending capital punishment at one time and decrying all forms of abortion save those necessary to preserve the mother's life at another time? On the surface, at least, the taking of human life seems to be tolerated in some instances but not in others.

To give unity and consistence to our ethical reflection on these issues which involve the taking of human life, the General Assembly has asked for a paper on the nature and value of human life. Only when we can talk about our understanding of the nature and value of human life as a whole will we be prepared to make consistent Judgments about all the various issues and cases where the taking of human life is in question.

It is this concern that provides the focus of this paper. Apart from any unconditional commitments to particular answers, we seek to outline a biblically based theology of the nature and value of human life. We begin with an analysis of the principal ingredients for the proper valuing of human life represented in the ethical reflection of Reformed theology. We then provide a theological analysis of the nature of human life from which are drawn further implications for the valuing of human life. Finally, we discuss specific issues mentioned in the General Assembly's action.

However, strictly speaking, this study does not provide specific answers to specific cases. It does seek to outline the frameworks within which the issues are properly to be considered and some of the values and obligations that are applicable. While it does not therefore answer any specific questions, it should provide some of the crucial ingredients for responsible Christian people as they struggle with the particular questions it has become their destiny to confront.

The Value of Human Life

Although the wording of the General Assembly's mandate places the matter of the nature of human life prior to that of its value, the temper of our times compels us to begin with the latter. The very list of specific issues cited by the General Assembly represents a widely shared conviction that the value of human life is being questioned, even attacked, from many quarters. We will see that the General Assembly exhibited signal wisdom in yoking the two issues of nature and value together, but it is the matter of the value of human life that needs exposition first.

From the viewpoint of the biblical tradition and its Reformed development, there is no doubt that human life is a value of the first order, superseded by no other value. The composite testimony of Scripture is that human beings are a focal point of God's drama of creation and redemption.

This is first seen in the Bible's treatment of creation. Out of the vastness of the entire universe, God creates humans for a special vocation which is expressed in terms of the image of God. It is a vocation as representative of God's care and protection for the entire created order.

From the creation theology of the 8th Psalm, it is likewise apparent that human life is bequeathed status and dignity at least equal to those of any other historical reality. Similarly from the perspective of redemption, the Bible portrays God as one who is determined to preserve God's people in order that they may be a blessing to all peoples. Here too it is apparent that God is not casually interested in human life as a relatively important matter, but that God cherishes the lives of human beings and pursues their well being, their salvation, out of an inexhaustible commitment.

It is the Gospel's portrait of the life and ministry of Jesus which provides the ultimate biblical grounding for the value of human life. Those human beings who were cast aside by all others - sinners, tax collectors, lepers - were the very ones to whom he reached out in respect and affection. Even those who were finally arrayed against him in conflict, trial and crucifixion were never treated with contempt, nor was any violence against them countenanced. In all its forms and distortions, Jesus acknowledges human beings as precious and valuable. For them he sacrifices himself in history on behalf of God.

God's love for human life is unequivocal. That unequivocal love establishes respect for human life as a comprehensive value in our dealings with it. In countless ways the biblical tradition spells out the implications for the respect for human life. For the purposes of this study, the central explicit biblical assertion of this comprehensive value is found in the sixth commandment: "Thou shall not kill." (Exodus 20:13) This fundamental obligation regarding human life is a response to God's recreation, preservation and redemption of it. Obedience to this commandment is one basic way in which God's people seek to reflect God's inexhaustible commitment to human life.

As understood in the Reformed perspective, the prohibition against killing has at least three elements. The first is negative, ruling out not only killing but any injury or harm to others, including acts and attitudes which could lead to such harm. A proper respect for human life includes this far-reaching obligation: do not willfully injure or harm another human being. We can be assured that ordinarily we are on the road to proper respect for human life when we seek to fulfill this obligation when facing the various issues indicated at the outset of this study.

The second element in the prohibition against killing is positive. Whereas the first element specifies what we are not to do, this element specifies what we are to do. The commandment obligates us to prevent harm, to preserve life, to promote the well-being of human life. Another way to state this element is that the commandment urges us to benefit human life by preserving, sustaining, protecting, and nourishing it, rather than merely refraining from harming it. When we seek to show respect for human life, we can ordinarily do so by asking how a particular course of action will protect it from harm.

The third element in the Reformed understanding of the prohibition of killing concerns justifiable killing. The biblical prohibition itself assumes that in some cases the taking of human life may be justifiable. The assumption is evident in the term "kill" which is more adequately translated as "unjustified killing" or "unlawful killing." Not all killing is prohibited, but rather killing that is incapable of justification. The Reformed tradition has tended to acknowledge the possibility of justifiable killing wherever there is a conflict among obligations which, taken alone and abstractly, are equally consistent with the guiding value of respect for life.

The clearest traditional examples of this situation have to do with self-defense and war. Allowing for justifiable killing in these two circumstances represents a recognition of irreducible conflict between the obligation of doing no harm and that of preventing harm. In the case of war and self-defense one does not have the luxury of complementary obligations since the specific circumstances make them incompatible. Only one or the other, not both, can be followed in the situation. Historically there has been a priority decision in favor of preventing harm as opposed to doing no harm. This judgment is based on a perception that under the circumstances, preventing harm is more consistent with the comprehensive norm of respect for life.

The specific circumstances of self-defense and war are characterized by the presence of both an aggressor and a victim. Since the aggressor intentionally violates the comprehensive norm of respect for life by ignoring the principle to do no harm, the moral responsibility of others is to act on the obligation which affirms the comprehensive norm over against the intended violation. Thus to take one life which in fact intends harm to another, for the sake of protecting a life which does not seek to do harm, is clearly consistent with the comprehensive norm of respect for life. On the other hand, to abide strictly by the obligation of doing no harm even when innocent life is threatened is not consistent with the comprehensive norm of respect for life.

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This illustrates for us the way in which taking of human life may be seen as a tragic but nonetheless justifiable alternative. Whenever circumstances make it impossible for us simultaneously to act on both obligations ordinarily fully consistent with the value of respect for life, we are obliged to act on that obligation which is more consistent with the value in the given circumstances. Thus it is possible to decide in favor of some obligation other than that of doing no harm, if that other obligation is evidently more consistent with respect for life in the specific situation. The judgment about which obligation is more consistent with respect for human life can be both difficult and ambiguous. No general formula is available to determine the matter for us, therefore we must rely on a careful analysis of the circumstances which make it impossible to meet both obligations. Of fundamental importance is the Reformed tradition's view that such a decision does not necessarily represent a violation of the sixth commandment even though life may be taken. This is so because the sixth commandment is understood in the broader context of respect for life in variable situations.

It should go without saying that in most ordinary situations we do not encounter a conflict between the obligation of doing no harm and the obligation of protecting from harm. Generally both are consistent with respect for life. When such conflict is encountered, we do well to begin with a bias that the obligation of doing no harm is most likely to be more consistent with respect for life. Nonetheless, with these assumptions, we need to analyze the specific situation where the obligations are in conflict to see which is in fact more consistent with respect for life. The fact that this judgment cannot be made in advance for all situations does not prejudice the fact that it can be made in advance for most.

A significant aspect of the inquiry before us is to determine whether specific cases of the various issues to be considered turn out to represent situations of such conflict among obligations that are ordinarily complementary expressions of a normative respect for human life. Once that question is answered in the affirmative, it will be the further task of the study to ask how we may determine which obligation is more consistent with respect for life in the particular case under discussion.

Summary. The value of human life is based upon God's creation, preservation, and redemption of it. This unequivocal concern by God for human life anchors the comprehensive value of respect for life. Explicit scriptural expression of this respect for life is found in the commandment to do no unjustifiable killing. The Reformed tradition has discerned several elements in this command. The first is the obligation to avoid doing harm. A second is the obligation to protect and preserve life by doing that which sustains it. Yet a third is the recognition that these first two obligations can come into conflict in specific situations so that both cannot be fulfilled. In such a circumstance the tragic necessity is to attempt to determine which obligation is more consistent with the comprehensive norm of respect for life and to endeavor to fulfill it. It is conceivable in such a case that taking life may be justified as more consistent with respect for life.

There is no reason to doubt that these basic insights from the Reformed tradition about the value of human life can yet stand us in good stead. While the issues we are confronting go far beyond self-defense and war, and while the obligations consistent with respect for life may appear to conflict in many areas, the clues found here can orient us in a helpful way to the special dilemmas of our age. However, before we turn to such issues, attention must be given to the other side of the General Assembly's mandate, to the nature of human life.

II

The Nature of Human Life

We are concerned to apply with wisdom the obligations already indicated as crucial to a proper respect for human life. In addition we are concerned to gain perspective on who "we" are as we seek to fulfill the obligations to do no harm and to protect from harm. That is, we want to understand ourselves as decision-makers, alert to the positive and negative factors which condition our moral reasoning. Various insights into the application of the norms and into the conditions of our moral reflection may be discovered as attention is given to the relational, moral, and finite features of human existence.

A. The Relational Character of Human Life. From the point of view of biblical theology, a characteristic which regularly distinguishes human life is that it is relational. The Bible seems always to be interested in human life as it is manifest in relationships of mutuality. This relatedness has both divine and human components. Human life is distinguished in the biblical narrative by its relations of mutuality to God and to other human beings. Thus the whole of the law, and we may presume, a chief characteristic of human life, is summarized in the command to love God and neighbor. Without these relationships the reality we know as human life does not come into the Bible's focus.

This relational character of human life is first of all evident in the biblical narratives of the creation itself. Whatever else the claim that humanity is in the image of God may mean, it clearly means that humanity stands in a special and unique relationship to God. In fact, it suggests that human life represents God's own life in the created order. As such representatives, human beings are those who have a special relationship to God. Human life has a special responsibility of tending the created order in obedience to God. Thus humanity stands in a unique relationship of mutuality with God.

Moreover there is also included in the creation narratives the awareness of mutual human relationships. Human life is created in the differentiation of male and female. Thereby it is created for relationship with other human life wherein there is a complementing and mutual sustaining of one by the other. Human beings do not arbitrarily choose to enter

into relationships with others. It is a requirement of the very structure of their humanity which knows no self-sufficient creatures, but only males and females - people who need relationships to other people to discover the full reality of themselves.

Whether we look at the Bible from the point of view of creation, or from that of God's redemptive action in human history, or from that of the final day of salvation, we confront human beings as creatures in vital and inescapable relationship of mutuality with God and with their neighbors. Thus mutual relatedness belongs not only to the well-being of human life, but to its very being. It also underscores the corporate dimension of humanity as life in community. Mutual relatedness constitutes an indispensable dimension of the character of human life. Therefore it is possible to formulate a statement regarding a defining feature of human life: human life includes as a central feature mutual relationships with others.

B. The Moral Character of Human Life. From the viewpoint of Reformed theology, one of the persistent features of human moral endeavor is its sinfulness. Of the variety of ways in which Christian theologians have sought to characterize human sinfulness, one is especially illuminating for this study. It is that we are unable to live in a relation of trust and obedience to God, seeking instead to take charge of our own destiny and guarantee our own life. Such disruption of our confident, trusting relationship to God results simultaneously in the disruption of our caring and supportive relationships to other human beings.

From this perspective sin is fundamentally mistrust of God's intention and/or ability to nurture and sustain us, and one of its chief results is the fear of and denial of death. While we can deceive ourselves at many points about whether we can in fact take full charge of our destiny, death discloses our pretensions in a radical way. We know that here at least our destiny is beyond our own power; and to the extent that we have given up trust in God for our daily and our ultimate destiny, we can only be fearful.

Such fear in the face of death process the denial of death. More and less consciously the fact of death is submerged and made unthinkable. Yet just such inability to think about the reality and inevitability of death can have major, problematic consequences for dealing with the issues treated in this study. This fear of death tempts us to treat it always as something to be resisted. Thus it becomes a fundamental need in facing the problems of this inquiry to ask whether our resistance to death in a given circumstance is based on our commitment to the value of human life, or perhaps on the condition of sin which can cause us to fear death inordinately.

A chief consequence of sin understood as mistrust of God is its derivative form as irresponsibility toward neighbors. Just because we mistrust God as the guarantor of our own well-being, we are compelled to use our neighbors in the attempt to guarantee it for ourselves. Rather than enjoying relationships characterized by care and support, we find them constantly threatened by antagonism and hostility. Instead of undertaking the obligations of doing no harm and protecting neighbors, overriding self-interest persistently and perennially wins the day.

This sinful condition of human life needs explicit acknowledgement if it is to be taken into account in our moral reasoning. However, it should not be understood as the exhaustive or dominating account of the moral character of human life. This is because the moral character of human life as sinful has to be understood in the context of two qualifying terms: creation and redemption.

On the one hand, sin has not so defaced human life that it has absolutely no discernible yearning for trusting relationships to God and responsible relationships to neighbors. A haunting memory endures among human being, at least in the form of an awareness that distrust and irresponsibility are not indigenous but alien to human life. This awareness makes possible moral endeavor which seeks to struggle against the power of sin in human existence. While such struggle in and of itself is doomed to frustration, it does provide a beginning point for taking human moral striving seriously. To the extent that human sinfulness is untempered by the memory of that for which we were created, cynicism about such moral inquiry as attempted in this study is inevitable. Happily the human reality is more complicated than that. It includes an awareness of alienation from God and neighbor which can lead to authentic, albeit flawed, attempts to be reconciled in faith and action.

Redemption is even more important than creation as we come to an adequate grasp of the moral character of human life. Redemption means that the power of sin is broken finally in reality. In individual human lives this broken power of sin is partially realized as a foretaste of what will be achieved when God's kingdom is fully realized. God's grace in Jesus Christ introduces into human history the absolute guarantee that the struggle against sin is not in vain. It sets loose a dynamic which begins to overcome the failure to trust God with its accompanying irresponsibility to our neighbor. It establishes the utter trustworthiness of God in Jesus' ministry, death, and resurrection. As such it inaugurates a sanctifying process in and through which our sinfulness is transformed. The transformation is not neatly progressive, but it is real and powerful.

C. The Finite Character of Human Life. The finitude of human life is most obvious as the limit on the duration of human life, i.e. in death. However, it is also evident in other kinds of limits encountered by human beings, limits on our ability to know, to bear emotional stress, and to bear pain and suffering.

Considering first the finitude involved in the limit on the duration of human life, we can say that finitude is natural to human life in the sense that all created life is finite, whereas the Creator is infinite. While we have earlier discussed the link between death and sin, now it is important to acknowledge that death is a natural outcome of human life. Thus it is inappropriate to deny the reality of death when it occurs.

However, not all deaths are equally timely. From the point of the relational character of human life treated earlier, we can say that death is more or less timely depending upon whether the ability for mutual relatedness with other human beings and God has been actualized. We have seen that a chief meaning and purpose for human life in its historical occurrence is precisely this relatedness. To the extent that it ends without actualization of these relationships, death occurs without the proper fulfillment of human life.

We need not conclude that such untimely deaths represent absolute tragedies since the Christian faith asserts the continuation of such relatedness beyond historical existence. Nonetheless, as regards the nature of historical, human life, some deaths are manifestly untimely.

Whereas death itself is part and parcel of creation's finite structure, untimely death represents an aberration within this finite structure. It represents the finite structure limiting not only the duration of human life but also the fulfillment of human life's meaning. Whereas a theology of creation will not understand the former limit as an evil, it will so understand the latter. Thus there is ample theological warrant for distinguishing between finitude manifested in death generally, and finitude manifested in untimely death. Of course what we are describing is a continuum. No human life is so perfectly fulfilled that deeper and richer relationships may not be achieved. Death always limits fulfillment in this sense. Still there is a point before which no significant opportunity for mature and reciprocal relatedness occurs. Consequently, We are justified in maintaining a different attitude toward death which is more untimely and death which is less untimely.

In addition to the limit of death, other limits are entailed in the finitude of human life. Another important dimension of finitude for this inquiry is the limit on the human ability to know. Omniscience belongs to God, but not to human beings. Far from a trivial observation, this fact has grave implications for all moral decision-making. It means that in the nature of the case we will never have all relevant knowledge about any decision which is to be made. The recognition of this dimension of finitude constitutes a counsel of humility regarding any significant decision-making. However, because the finitude of creation is not an evil human decision-making is not inherently arrogant. Because the limit on our ability to know is given with the finite structure of the good creation, our moral reasoning is not undermined.

Still another limit included in the structure of human finitude is our ability to bear emotional stress. We are not capable of withstanding an indefinite amount of emotional stress. While our thresholds for such stress vary, contemporary mental health problems provide eloquent testimony to our finitude in this regard. If we by choice or circumstance have to bear more of this stress than our constitution will tolerate, our mutual relations to neighbors and God may be severely impaired. That is to say, our mutual relatedness may be diminished and even destroyed.

Finally, the limit on the ability of human life to bear pain and suffering needs to be noted. There is a point at which pain and suffering can debilitate life beyond recognition. If pain and suffering are of a constancy and intensity which make relatedness to others impossible; and if there is no reasonable prospect for relief that would make such relatedness actual - there arises the question of whether preservation of life is a binding obligation. In such a situation it may be a more adequate avoidance of harm and even of promoting well-being, to allow death to occur.

D. Summary. Much more would be included in any comprehensive and exhaustive discussion of the nature of human life. We have concentrated on certain features which seem to have special theological importance and particular relevance to the moral issues with which we are concerned. The relational character of human life suggests that one of its defining features is social interaction with others. The moral character of human life is complex, involving our sinfulness with its impetus toward irresponsibility, our awareness that such irresponsibility is alien to human life as intended by God, and the possibility of redemptive grace which can begin to overcome this alienation. Finally, the finite character of human life reminds us that death is a fundamental limit to life which must be acknowledged, along with limits on our knowledge, on ability to bear emotional stress, and our capacity to withstand pain.

III

Implications for the Valuing of Human Life

The foregoing discussion of various features of the nature of human life has important bearing on our attempts to value properly human life. In the first place, our analysis of the nature of human life identifies some conditioning factors which influence the entire process of moral reasoning by which we seek to enact the obligations to do no harm and to protect from harm. In the second place, the analysis of the nature of human life identifies a series of questions which serve as important guides when we seek to determine how to enact these obligations.

A. Conditioning Factors. It is important not only to understand particular values and obligations, but also to understand the conditioning factors which influence the persons using them. We can identify three such conditioning factors. First, on the basis of our discussion of the moral character of human life, we may conclude that human sin prompts a suspicious, not cynical, attitude toward any particular process of moral reasoning. Knowing the human productivity toward distrust in God and irresponsibility to neighbor, we do well to scrutinize any claim (of our own or of someone else) that the values and obligations inherent in respect for life have been adequately employed. This may include consultation with third parties, but it certainly includes a radical honesty and clear self-awareness. Without

capitulating to a debilitating cynicism which is skeptical of all moral reasoning, it is possible to exercise a methodological suspicion in our moral reasoning which carefully looks for signs of veiled irresponsibility.

A second conditioning factor is discernible in the analysis of human finitude which is attention to the limits on human knowledge. Because our knowledge is limited in every circumstance, circumspection is in order. This involves the attempt to garner all available knowledge, to gain clarity about what it is most important to know, and to stand ready to revise our moral decisions in the light of subsequent knowledge. However, this does not imply equivocation. The operating assumption about the limits on our knowledge is that the limits do not inevitably incline us to error in our moral reasoning. If we give careful attention to what is known, we are free to assume that our conclusions may be justifiable. The finitude of our knowledge is not an inherent error or evil, but part of the good creation of God.

The third conditioning factor evident in the analysis of human life is also derived from our understanding of finitude, the finitude manifest in the limits on our emotional strength. Unlike the other conditioning factors discussed, this one is not inherent in every instance of moral reasoning; but where it is acutely present, both hesitation and collaboration are in order. Whenever we are called upon to engage in moral reasoning while under intense emotional stress, we run the risk of significant distortion of our moral judgment. Our attempts to affirm the value of respect for human life need to take into account the limits of our emotional strength by avoiding precipitous conclusions in such circumstances and by seeking the advice and counsel of others not affected by the same emotional stresses.

B. Guides for Doing No Harm and Protecting- from Harm. Two of the primary obligations involved in a right valuing of human life are the obligation to do no harm and the duty to protect from harm. However, it is sometimes not apparent in a given circumstance what constitutes the fulfillment of either. Common sense is often an adequate guide in this respect, but not in every instance. Thus our analysis of the nature of human life yields several insights which may serve as guides as we seek to implement these principles.

A first source of such insight is found in our analysis of the relational dimension of human life. We rightly assume that prolonging human life is an obvious way in which we protect an individual from harm. However, the analysis of life's relational character reveals that this sometimes may not be the case. There may be occasions when by the criteria of heartbeat and respiration life is present, but when brain function sufficient for personal relatedness has been lost. While ordinarily we might construe the duty to protect from harm as obliging us to maintain respiration by mechanical means or to combat secondary infections by chemical means, in the circumstances described here no such obligation holds. Since by the chief criterion applicable the individual is dead, such interventions cannot be conceived as protecting life from harm. Similarly, while ordinarily we would say that the duty to do no harm would preclude removing such an individual from a respirator or removing a vital organ from such a person for transplant, in this case it does not necessarily follow. By the chief criterion of brain function, the individual is already dead. Hence neither action can be conceived as harmful to the person.

A second relevant insight is drawn from earlier discussion of both the moral and finite character of human life. The finitude of life manifest in the inevitability of death entails the possibility that moments may come with respect to a particular human life when death is predictable and inexorable. While normally the obligation to do no harm includes the responsibility to employ all available means to prolong life, in this circumstance doing good may mean allowing to die. As observed in our discussion of the moral character of human life, our fear of death regularly prompts us to view death as an unmitigated evil. Yet, as part of the structure of the good creation, it can also be seen as a natural outcome of life. Thus, new insight into what it means to do no harm is gained for such a situation as this from an understanding of finitude.

A third source of insight into the fulfillment of these two obligations arises from aspects of our analysis of the relational and finite character of human life. We have seen that finitude can also be manifest in terms of unbearable pain. The fact that it can vitiate life's meaning is grounded in the assumption that personal relatedness is crucial to human life. When intense pain which cannot be relieved by our modes of therapy renders life meaningless, we are forced to look differently at the responsibilities to do no harm and to protect from harm. One of the most difficult decisions that may have to be made concerns whether in such circumstances doing nothing may be conceived as doing harm. Perhaps less anguishing, but still immensely important, is the related question of whether protecting from harm in such a circumstance might include at least refusing to intervene to prolong life, normal expectations to the contrary notwithstanding.

Insights from the understanding of life's relational and finite character yield yet a fourth guide for fulfilling the two obligations. We have observed that our limited capacity to bear emotional threat and stress means that life's relational quality can be adversely affected, and in extreme cases destroyed, by such stress. This forces us to ask in some circumstances whether the focusing of our attention on the physical harm involved in a certain course of action is adequate. While normally harm has primarily a physical connotation, in such circumstances of intense stress attention is properly given to emotional connotations as well. Thus it may not always be sufficient discharge of the responsibility to protect life simply to assure ourselves that physical protection is assured. Emotional harm can be significant, even to the point of precluding meaningful life. At such times we may be obliged to rethink what constitutes protection from harm.

A fifth and final insight drawn from the analysis of human life derives once more from both its relational and finite character. It has in this instance to do with the obligation to protect. Ordinarily we associate attempts to provide cures for various diseases with protection from harm. On a broad scale it represents the attempt of a group of specialists to protect a class of individuals defined by the disease or disability in question. Since in a finite universe it

is never possible simultaneously to undertake the search for curing every possible disease, it is necessary to decide which ones will be studied. On the basis of our understanding of death and untimely death outlined earlier, it is apparent that a distinction can be drawn between diseases which afflict those whose death would be untimely and those whose death would not be so considered. Other things being equal, priority needs to be given to diseases typically responsible for untimely deaths, since these represent special frustrations of human life from the vantage of its relational and finite aspects. Thus, in determining the relative goodness of any particular area of medical research, we have to ask a more precise question than whether it will protect anyone. We have to ask also for whom the benefit will accrue to determine whom it is more appropriate to protect.

C. Summary. Our examination of several important characteristics of human life furnishes insight into our attempts to manifest proper respect for life. First, certain factors which condition the process of our moral reasoning become evident. The moral character of human life prompts us to exercise a methodological suspicion about all our moral reflection. The finite character of life encourages us to both circumspection and confidence. Similarly, the finite character of life warns us against moral decision-making in the midst of excessive stress.

Second, certain guidelines for fulfilling the obligations to do no harm and to protect from harm are also evident. The relational and finite characteristics of human life help us determine what constitutes harm in certain difficult circumstances. The finite and moral characteristics of human life also help us understand death in a way that influences how we fulfill the obligations to do no harm and to protect from harm. Finally, the relational and finite characteristics of human life help us with difficult decisions regarding who will be protected in certain circumstances. These implications will be examined more fully and specifically as we turn to the issues identified at the outset.

IV

Specific Issues

As we seek to apply these reflections on the nature and value of human life to the specific issues within the purview of the General Assembly's concern, we must clarify expectations. As noted at the outset, we will not be able to give specific answers to specific cases here. In fact, we will not be dealing with specific cases. Instead we will be dealing with various general features of these issues. More particularly, we will be identifying the questions which typically need to be addressed and resolved in deciding about actual cases. We will suggest various ways in which the foregoing understanding of the nature and value of human life lead us in addressing and resolving these questions, but always remembering that the details of a specific instance might significantly change the way in which our reflections develop. Moreover, we acknowledge that our most earnest moral reflection should include equally earnest prayer that God will provide both clarity and courage as the issues are faced in all their complexity. Thus we will provide a framework rooted in the foregoing understanding of the nature and value of human life which will provide a consistent analysis of the specific issues. This procedure represents no reluctance to be helpful, but rather the nature of things. Specific issues of the sort we are confronted with in this study cannot be finally resolved on an abstract level. Yet the clarification which our general reflections and questions bring can indeed be of signal help for faithful women and men who struggle to answer specific questions responsibly.

Our approach will be to examine certain pertinent dimensions of each of the issues, giving special attention to how the obligations not to harm life and to protect from harm intersect. In addition, we will use insights drawn from the discussion of the nature of human life to clarify our understanding of substantive matters as well as matters of procedure in moral reasoning.

A. Abortion. Consistent with the foregoing analysis of the dominant value of respect for life, the question of abortion arises when a conflict is perceived between the obligations of not harming life and of protecting it. Since by definition abortion involves doing harm to the fetus, the question becomes whether there are circumstances in which the obligation to protect from harm is (a) in conflict with the obligation to do no harm and (b) more consistent with the value of respect for life. There are several sets of circumstances which may raise this question, including the circumstances of the fetus, of the woman and of dependents.

(i.) Circumstances of the Fetus. On occasion it is the condition of the fetus which prompts the question of abortion. Conditions which raise the question include genetic disease or disability (a potential problem in incest and other circumstances), a tragically deprived socioeconomic milieu, or a brutalizing psychological/physical environment. Acknowledging that the fetus is clearly a form of human life, the first question to be asked is whether circumstances such as the ones described above present us with a conflict between the obligation to do no harm and the obligation to protect. The matter is all the more paradoxical since it is a matter of protecting human life from the circumstances of its own life. Any judgment to proceed with an abortion would have to contend that the prospects of living for a particular human life fundamentally contradict the meaning and purpose of human living, as for example where all significant relationships are rendered impossible. Thus the obligation to protect life involves here protecting it from such a destiny. The argument would be that this obligation is more consistent with respect for life than the obligation to do no harm, given the specific circumstances.

A basic difficulty in coming to such a judgment has to do with our inability to know precisely the condition of the fetus and how it might or might not respond to that condition as a human person. If it should happen that the individual should cope creatively with any of the conditions described, then there would be no conflict between the obligations to protect and to do no harm. Thus the primary difficulty lies in the judgment that there is a conflict of obligations at all. For example, it may be possible to detect certain genetic diseases in utero. Next it would be important to consider the

APPENDIX

statistical probabilities of certain resulting impairments. Then some calculation would have to be made about what harm would be represented by one or another of the possible impairments. Thus a very severe impairment which cripples relationships decisively, although of relatively lower statistical likelihood, might be taken to count in favor of the judgment that one faces a conflict of obligations. On the other hand, another difficult impairment which does not so cripple relationships, although of relatively greater statistical likelihood, might not be taken to count in favor of the judgment that one faces a conflict of obligations. Similarly, a brutalizing psychophysical environment or a tragically deprived socio-economic milieu would need to be considered in terms of the likelihood of their incidence and the severity of the impairment they would bring to human life. It is probably safe to say that such calculations are extremely difficult to make with great precision, while also acknowledging that circumstances such as these can bring disastrous distortions to human life.

If it should be judged that an irreducible conflict of obligations does in fact exist, then it is necessary to make a second judgment regarding which obligation is more consistent with respect for life. In the end it comes to a judgment about whether the known harm of ending the life of the fetus is a relatively, lesser harm than would follow from its birth. If the harm done by abortion can be judged, a lesser harm, then the abortion may be judged as a protection from a greater harm. In the light of what we have said about the relational quality of human in earlier sections, it would follow that the greater harm might be to exist in the frustrating position of not being able to enter into meaningful relationships and social interaction because of the impairments involved. It is at least conceivable that this might be more harmful than having the possibility of such relationships ended altogether.

Because of the complex calculations which are involved first in reaching a clear judgment about conflicting obligations and second in reaching the judgment that the obligation to protect life from harm is more consistent with respect for life, it is apparent that decisions for abortion based on the circumstances of the fetus are extremely problematic. A useful rule of thumb is that abortion decisions should rarely ever be reached on the basis of our calculations of the circumstances of the fetus, apart from other considerations. Even when it is stressed that such abortion are considered to protect the fetus more significantly than they harm it, there is a great deal of ambiguity. For judgments have to be made on the basis of statistical calculations and to be coupled to judgments about the relative severity of impairments and about greater and lesser harms. This pyramiding calculation constitutes a counsel of extreme caution. Without denying that in certain extreme cases a decision for abortion may be reached purely on the basis of the circumstances of the fetus, generally speaking the circumstances of other lives involved should furnish the primary ingredients for deciding about abortion.

(ii.) Circumstances of the Woman. Chief among the other lives to be considered in abortion questions is that of the woman. The circumstances of the woman are the primary concern whenever abortion is considered in terms of physical or emotional health. In addition, the question of abortion in relation to pregnancies resulting from rape also turns on a consideration of the circumstances of the woman. In each of these situations, it is also necessary to determine whether a conflict between the obligations to do no harm and to protect from harm actually exists, as well as to decide which obligation is more consistent with respect for life if conflict does exist.

Cases in which the physical health of the woman is clearly endangered as a consequence of pregnancy represent a direct conflict between the obligations to do no harm and to protect from harm. However, where modern medical services are available, the conflict between the obligations is often reducible. That is, because of such medical services it may be possible to provide ample protection to the woman without also doing harm to the fetus. Nonetheless, circumstances can and do arise in which this conflict is not reducible, either because all relevant medical services are not available or because no relevant medical resource exists. In these circumstances a difficult and tragic choice has to be made. Since the conflict between obligations is palpable, the remaining judgment has to do with which obligation is more consistent with respect for life. Generally speaking a woman's life has more extensive relations to and impact upon other human lives. In this sense, protecting her from harm may be judged more consistent with respect for life than doing no harm to the fetus. Yet the tragic dimensions of such a choice are not to be overlooked. It also may be noted that there is always a possibility of an act of self-sacrifice on the part of a woman which may be morally commendable, but which by the terms of this analysis would certainly not be morally obligatory.

The psychological circumstances of the woman may also raise the question of whether a conflict between obligations obtains. These circumstances may take the form of the emotional impact of an "unwanted" child on her or of the psychic stress created by a newborn with severe disease or disability. The first consideration must again be whether an irreducible conflict of obligations exists. Specifically, a calculation needs to be made regarding the likelihood of impairment and the severity of impairment which might be expected for the woman. To be commensurate with the harm done to the fetus in taking its life, the likelihood of impairment would need to be demonstrably quite high and the severity quite great. In terms of what we have consistently noted as the relational characteristic of human life, the impairment would have to be one which severely diminished the woman's capacity for relationship and interaction with others. Otherwise it would scarcely be appropriate to claim a direct conflict between the obligations to do no harm (to the fetus) and to protect from harm (the woman). Moreover, when the conflict is identified, the question of its reducibility needs attention, i.e. whether supportive resources which would enable the woman to cope with the psychic stress might be available.

Even if the conflict is judged as direct and irreducible, we are faced again with the difficult and tragic choice concerning which obligation is more consistent with respect for life. The same considerations which applied in the preceding analysis of threats to the physical life of the woman would again be relevant in this context. It is certainly conceivable that protecting the woman from harm is more consistent with respect for life than doing no harm to the

fetus. What is always difficult to demonstrate in cases of this type is the proportionality between the harm from which the woman is protected and the harm which is done to the fetus. The harm confronting the woman cannot too easily be claimed as proportionate to the harm confronting the fetus. Thus extreme caution in reaching abortion decisions on the basis of the psychological circumstance of the woman is certainly indicated.

Rape is yet another circumstance of the woman which poses a potential conflict between the obligations to do no harm and to protect from harm. Here abortion may be considered as the protection of the woman from the results of a violent act committed against her. There is an irreducible conflict between protecting her from this particular harm and doing no harm to the fetus. If the judgment is made that the continuing harm of violent attack on a person's bodily integrity is proportionate to the harm of taking life, the circumstance is morally identical to that in which the physical health of the woman is at stake. One then has to decide which obligation is more consistent with respect for life. While the judgment might typically favor the protection of the woman the possibility of self-sacrificial decisions on her part may again be cited as morally commendable but non-obligatory options. It is tempting to formulate a general decision to apply to all cases of rape, especially in the light of a history in which the victims of rape have often been more vilified than the perpetrators. Without casting any doubt on the possibility that many cases of rape would fit the analysis given here, it is still prudent to insist that judgments need to be made for each case on the basis of its particular circumstances. As in all abortion considerations focused on the circumstance of the woman judgments about a conflict of obligations and about which obligations best express respect for life need to be made in the light of specific details and circumstances.

(iii.) Circumstances of Dependents. The final set of circumstances which raises the abortion dilemma as a moral question is that of the family and others in a dependent relationship. Sometimes conflict between the primary obligations arises from the effects of additional births on the family or wider community. For example, a family may exist in brutal poverty that does not promise more than basic survival for those already born. More broadly, a society or a region of the world may experience severe over-population that undermines the sustainability of life. Circumstances like these prompt us again to examine whether a conflict of obligation actually exists.

If the conflict is perceived within the structure of a given family, some attempt will have to be made to judge what the effect of a new birth will be, that is, what the impairments will be. In a family which lives on the margin of survival from an economic point of view, a new birth could mean the distortion or even destruction of several human lives. In another family a new child with serious congenital disease may strain the fabric of familial relationships beyond the breaking point, leading to the destruction of community which defined the family. Judgments about such situations will have to be made by giving careful attention to all the relevant factors. As always, a first concern will be whether some means are available to reduce the conflict between obligations, making it possible both to do no harm and to protect from harm. If the judgment is that the probable impairments constitute a harm proportionate to the harm of taking the life of the fetus, then a second judgment will have to be made about which obligation is more consistent with respect for life. Once again a very tragic choice will be called for, the difficulty of which should not be minimized.

If the conflict of obligations is perceived within the structure of a society or a region of the world, the same process of making judgments about both the impairment to other lives and the obligation best expressive of respect for human life. The more diffuse the harm is in a society or region, the more difficult it is to conceive a conflict between the obligation not to harm the fetus and the obligation to protect others from harm. Such broad-based moral decision-making is likely to fall more to those with public policy responsibility in regions with catastrophic population problems than to private citizens. Still it is important to acknowledge that the framework for moral reflection developed here is also applicable on this broader scale, requiring the same judgment about conflicting obligations and the same judgment about which obligation more fully expresses respect for life

(iv.) Conditioning Factors. The factors which impinge significantly on the processes of our moral reasoning have been outlined in an earlier section. Here we need to acknowledge their specific impact on reflection about abortion decisions. The sinfulness of human life and the finitude manifest in limited emotional strength have implications for who the decision-makers ought to be. It is neither fair nor supportive to abandon a woman or even a woman and man to make such decisions on their own.

Because their self-interest is most intimately involved, it is difficult for them to avoid the distortions of emotional stress as well as sin, without the support and counsel of others. Thus a third party consultant will normally be a significant resource for persons directly affected as they seek to reach a responsible decision. The explicit, supportive role of such a third party would be to keep the issues and questions outlined in the preceding discussion of abortion before the primary parties, helping them make the required judgments in the best possible manner.

The other primary conditioning factor has to do with the finitude manifest in limits on our knowledge. At a number of places in the reflections above, quite specific questions of knowledge are involved. This is especially true where possible prospective harms must be taken into account. The appropriate circumspection called for includes a careful distinction between knowledge that is and is not available. Regarding what is available, care must be taken to avoid latent appeals to ignorance. Yet with such due circumspection, finite knowledge can be used in good conscience as we reflect morally on abortion, with the confidence that such limited knowledge is not inherently misleading.

(v.) Summary and Conclusions. There are no simple solutions to most serious abortion questions. It is arbitrary to draw a line between forms of life that are and are not human at virtually any point subsequent to conception. Therefore, from the outset abortion is properly understood as a situation which pits life against life. This means that there will always be a tragic dimension to any decision for abortion. Yet the conflict of life with life can occur, as we have

suggested, when the normally complementary obligations to do no harm and to protect from harm conflict because of the circumstances of the fetus, the mother, or other dependents. The analysis of such conflicts should be inherently conservative, ascertaining that the conflict is real and not reducible by some other means. Even then a decision for abortion is not a foregone conclusion, for there is the further requirement of a convincing judgment that the protection of life is more expressive of respect for life in the given circumstances. Thus there is no such thing as a routine or automatic decision for abortion in certain types of cases. Moreover, the process of moral reasoning needs to be strengthened by the support of a sensitive third party who can help the primary parties formulate their most responsible judgment.

Although developed from the perspective of what seeks to be a comprehensive consideration of the nature and value of human life, these conclusions regarding abortion seem fully consistent with previous statements and studies made by the General Assembly in 1970 and 1973. The "Summary" of the 1970 statement and the section on "personal decision-making" of the 1973 study are quoted here for the purposes of comparison:

"V. Summary

- 1) Induced abortion is the willful destruction of the fetus. Therefore, the decision to terminate a pregnancy should never be made lightly or in haste.
- 2) The willful termination of pregnancy by medical means on the considered decision of a pregnant woman may on occasion be morally justifiable. Possible justifying circumstances would include medical indications of physical or mental deformity, conception as a result of rape or incest, conditions under which the physical or mental health of either mother or child would be gravely threatened, or the socio-economic condition of the family. The procedure should be performed only by licensed physicians under optimal conditions and with appropriate medical consultation and ministerial counseling, preferably by her own Minister.
- 3) Laws concerning abortion should reflect principles set forth in this paper.
- 4) Medical intervention should be made available to all who desire and qualify for it, not just to those who can afford preferential treatment.
- 5) The church should develop a greater pastoral concern and sensitivity to the needs of persons involved in "problem pregnancies." Such persons should be aided in securing professional counseling about the various alternatives open to them in order that they act responsibly in the light of their moral commitments, their understanding of the meaning of life, and their capacities, as parents.

"Personal decision-making. One of the greatest needs is for guidance for young persons, pregnant women, persons engaged in medical service, and others faced with immediate and pressing decisions about abortion. To such persons we offer the following considerations for their guidance:

- (1) Any decision involving the possibility of new life is a serious moral decision, not to be taken lightly. Persons involved need to think through carefully, prayerfully and responsibly their decisions. There is no place for casualness, either by those persons who confront the issue most directly, or by those whose involvement is more indirect.
- (2) The emergence of human life is a continuing process, in this process there is no point at which we can clearly say, 'Here for the first time we have to do with a human being.'
"However, there seems to be a qualitative difference between decisions made before conception and decisions which interrupt the process after conception, when 'new life' (genetically defined) is present. The closer one moves to birth, the more agonizing is the decision about ending a pregnancy. Therefore, contraception is morally preferable to abortion, and abortion becomes less justifiable (and less safe medically) as pregnancy proceeds.
- (3) There are situations where existing life and relationships are so endangered by the birth of a child that abortion may become a responsible step to take.
- (4) The legal and medical developments are likely to thrust the issue of abortion more and more upon the individual as a personal decision. However, the good of the community and of society at large must be factors in the decision that a person makes. Laws establishing the freedom and integrity of persons to make such decisions do not concede the moral issues involved.
- (5) Not only do persons in this situation need moral guidance, they need the care and support of others, especially the church. While we respect the freedom and integrity of persons as they make these decisions, we are called to act in the knowledge that we are members of one another. The church through its counselors and members must stand by persons who make these difficult decisions, giving them help, love and care in living with the consequences of their choice. Most importantly, we must help them to know the reality of the love of God.
- (6) Pregnancy and child-bearing can and should be a blessed and happy choice."

The intention of these earlier statements and the direction of our own reflections is not to advocate abortion. It is rather to acknowledge the gravity of the choice involved and to indicate the kinds of circumstances in which abortion may be morally justifiable. The contribution of this study is to be somewhat more systematic and detailed in describing a framework for confronting, analyzing, and deciding questions of abortion. Beyond that, this study also seeks to extend the framework to other issues concerned with the taking of human life.

One concluding word concerning the necessary distinction between moral and legal consideration deserves mention. Legal permission for some abortions to be performed does not substitute for moral reasoning about any specific instance of abortion. Such legal permission is rather an acknowledgement of the possibility of basic conflicts which cannot be determined nor decided apart from the specifics of a given case. Thus, while an abortion may be legal, it is quite another question as to whether it is also moral. It is important for our legal system to be flexible enough to allow us to

make judgments about situations where fundamental obligations are in conflict. However, it is equally important that we not make the fatal mistake of determining morality on the basis of legality. Abortions in certain typical circumstances may be legal, but whether they are moral in any specific cases depends upon the integrity of our reasoning along the lines indicated in this section.

If we need to remind ourselves not to conclude from legality of abortion in certain kinds of cases to its morality in any specific case, we need also to note the importance of the legal permissibility of abortion. Were abortion not legally permissible in most of the kinds of circumstances we have discussed, our responsibility for making difficult, even tragic, moral decisions would be completely undermined. In many ways that might seem like a desirable state of affairs, until we recall that the very possibility of a meaningful moral life rests on the freedom to struggle with just such awesome and difficult decisions.

B. Euthanasia. The topic of euthanasia is complicated by the fact that one term is often applied to quite different kinds of circumstances. Therefore it is important at the outset to make a fundamental distinction between taking life (sometimes referred to as “active euthanasia”) and allowing to die (sometimes referred to as “passive euthanasia”). Our consideration of each of these matters will be carried out in terms of the framework utilized in the discussion of abortions.

Taking Life. “Active euthanasia” is a question that arises in situations of medical extremity where it is thought that an individual is beyond the reach of medical care. Some have at least posed the question of whether the most humane treatment might be to terminate life. However, the dominant value of respect for human life and its accompanying obligations to do no harm and to protect from harm establish a clear prejudice against such direct taking of life. The only relevant question for us is whether there is a conceivable conflict between these obligations. Once again it is also necessary to formulate a judgment about which obligation is more expressive of respect for life if conflict is seen to exist.

Perhaps cases of intense and unrelievable pain furnish the most difficult examples. Because human beings are finite creatures, we know that there are definite limits to the amount of pain which anyone can bear without having the relational quality of their life completely consumed by the relentless battle with pain. It is not terribly difficult to imagine some such circumstances where we would be inclined to perceive the obligations to do no harm and to protect from harm as being in direct conflict. The harms also would appear to be proportionate to one another since uninterrupted, intense pain can probably destroy the ability to enjoy relationships as fully as can physical death. Thus the judgment called for at this point in the process would be the designation of which obligation is more consistent with respect for life in this situation. It might be argued that continuation of human life here represents such a contradiction of its meaning and purpose and causes such palpable harm to the person in question, that greater respect is shown for life by giving priority to the obligation to protect from harm.

Happily extreme situations of such intense and unrelievable pain are less and less likely in the context of modern medical services, especially with the availability of pain relieving drugs. Therefore, the conflict of obligations just described can often be reduced through drug therapy. While human life might be less than ideal under such treatment, it does not present us with a direct conflict between the obligations of doing no harm and protecting from harm. Nonetheless, there may be circumstances which have no access to such medical treatment and which would continue to pose a situation of conflict. Moreover, there may be other circumstances than sheer pain which could present us with a conflict of obligations. Thus it is useful to illustrate the procedure of determining whether a conflict exists and which obligation best satisfies the concern for respect for life. It reminds us as well that certain tragic choices do confront us at the boundaries, for which we do well to have a clear procedure to guide our consideration.

If and when we are confronted by such boundary choices, caution and consultation are important ingredients of our deliberations. From our earlier considerations on the moral character of human life, we recall our proclivity to let our self-interest cloud our judgments on important matters. From our analysis of the finite character of human life we also recall limitations on our knowledge and the importance of being aware of all relevant knowledge. Thus we should not encourage hasty decision-making, nor should we abandon patients, families, and doctors to make such monumental decisions without the collaboration of other experts. Here too there is a need for relatively disinterested helpers in the decision-making process, so that judgments satisfying the moral claims described in this study might be reached.

“Active euthanasia” is extremely difficult to defend morally. There are, however, extreme circumstances in which we may have to at least raise the question of a fundamental conflict of obligations. There is an analogy between such cases of “active euthanasia” and abortions questions that are based on the circumstances of the fetus. There is an accompanying prejudice against the taking of life in both cases, since the conflict between doing no harm and protecting from harm has reference to one and the same individual. The ambiguity of this situation serves to reinforce what has already been said about cautious and consultative decision-making.

Allowing to Die. “Passive euthanasia” presents a somewhat different picture from “active euthanasia.” Whereas the latter assumes that death cannot be expected to follow from the person's medical condition, the former assumes that death is predictable. The question is basically whether medical interventions should be made or continued, or whether the person should be allowed to die as a result of the medical condition.

The moral question posed here is not whether two obligations are in conflict. It is rather the question of what constitutes the fulfillment of the obligation to protect from harm. In allowing to die, one is not active but passive. It follows that the activity of doing harm cannot be attributed to the passive procedure of not intervening. Thus we are

not confronted with a conflict between obligations to do no harm and to protect from harm. Rather, we are confronted with the question of what our obligation to protect from harm means in such circumstances.

In one sense, every medical intervention represents a decision not to allow a person to die. Therefore, it would appear that normally we assume that the obligation to protect from harm means that we do not allow people to die if we can do something about it. Yet a further distinction is relevant just at this point. When we speak of not allowing a person to die, we usually mean that we are prolonging their life. However, there is a difference between prolonging life and prolonging dying. If the effect of a given intervention is not to prolong life, but to prolong dying, then we cannot claim that we have protected human life from harm by the intervention. Our earlier discussion of the finite character of human life makes plain that death is not always to be understood as a harm. Where dying is judged imminent and inevitable, death is not a harm from which we can conceivably be protected. Hence, there can be no obligation to protect from this event.

Thus the fundamental judgment which has to be made in the matter of “passive euthanasia” is whether the person in question is dying or not. This is not the same thing as asking whether a patient is terminal. A person with a certain form of cancer may clearly be terminal, but this does not necessarily mean that the individual is confronted by impending death. The dying condition obtains when it becomes apparent that no available medical treatment will reduce the disability or improve the capabilities of a terminal patient facing impending death. The effect of medical treatment in this case cannot be to prolong life, but at most to prolong dying by marginally forestalling impending death. The determination of the condition of dying is fundamentally a medical judgment which will need to be rendered by qualified medical personnel. Once the judgment is made, the situation can be analyzed in terms of our obligation to protect from harm.

In such a situation the obligation to protect human life from harm does not require us to treat the condition which is leading to death. On the other hand, it does require us to accompany and care for persons in every relevant way. Certainly it obliges us not to abandon persons, leaving them to die alone. Instead, protection from harm means that we will remain with them, offering company and support as they confront the inevitable implication of their own finitude. Additionally, medical treatment designed to relieve pain and make persons more comfortable would continue to be very much in order. Entailed in this commitment to accompany dying patients is a readiness to undertake medical treatment which will prolong dying if requested by patients, assuming their competence. Perhaps most often in the situation of dying, the person will be unable to make judgments or requests of this sort. Here, where doctors and guardians are necessarily entrusted with the decision, no moral obligation to treat the dying patient exists. However, if a patient is able to and does make a request for so-called “heroic” medical measures, even against the best medical judgment, it would be a failure of readiness to support and accompany to refuse such a request.

Obviously this response assumes that the requested treatment does not portend a more harmful result for the patient than already experienced; nor does responsiveness to such a request preclude careful review with the patient of the medical judgment and even the theological implications to enable the patient to better grasp the rationale for not prolonging dying. Nevertheless, the medical judgments involved are human and therefore fallible. With due explanation and discussion, it would not be appropriate to refuse a request for treatment from the patient.

It should go without saying that should the medical indications suggest that the person is not in a condition of dying, then the obligation to protect includes the obligation to treat medically to the maximum extent possible. Such a severe, even terminal, but non-dying medical condition does not change the normal implication of our obligation to protect from harm. Here not to intervene medically constitutes a clear violation of the obligation to protect.

Just as “active euthanasia” requires a process of moral reasoning that is deliberately cautious and collaborative, so “passive euthanasia” requires the same ingredients. While we are not concerned in “passive euthanasia” with a conflict between the obligations to do no harm and to protect, very difficult judgments especially of a medical nature need to be made. It is especially important that people deeply involved in the situation are helped to ask and answer the question of whether the condition is one of dying or not. If it is determined to be one of dying, then those involved medically and familiarly must be assisted in determining how they can continue to care for and accompany the person as death is confronted.

Acknowledging Death. While not technically part of our consideration of euthanasia, the matter of determining when death occurs is an important, related issue. There are circumstances in which taking life or allowing to die can be confused with acknowledging death, as when the use of a respirator for a comatose patient is discontinued. The act could constitute taking life, allowing to die, or acknowledging death - depending upon the condition of the patient. If it were either of the first two possibilities, it would be subject to analysis in terms already provided. Here we need to indicate what is involved if the third possibility, acknowledging death, obtains.

To determine when death occurs is a subtle admixture of medical and philosophical or theological judgment. On the basis of our earlier discussion of the relational character of human life, our theological judgment is that death occurs where the capacity for such relationships is irretrievably lost. The related medical judgment is that such capacity is lost when cerebral function is lost. Traditionally, the most readily evident signs of lost cerebral function have been lost heart and lung function. Modern medical technology complicates the picture, however, since heart and lung function can sometimes be supported by the use of a respirator. In such a situation, the question is whether any determination can be made about cerebral function. Through the use of electroencephalogram and possibly other tests of responsiveness and reflexes, judgments about whether cerebral function is present or not can be made. If judged to have been irretrievably lost, the individual is properly determined to be dead.

There are important considerations for certain difficult cases. It is important to insist that removal of life support systems in such a circumstance is neither taking life, nor allowing to die. It is acknowledging death. Thus it constitutes no failure of the obligations to do no harm or to protect from harm, to take such action.

(iv.) Summary and Conclusions. What goes under the label “euthanasia” can be usefully distinguished as “active euthanasia” and “passive euthanasia.” The former, which is the act of taking life directly, can only be raised as a moral possibility in situations where we experience a conflict between our two-fold obligation not to harm another and to protect that person as well. To justify such action morally requires the demonstration that the conflict is real, cannot be reduced, and that the action of protecting from harm is most consistent with respect for life. Each of these conditions is extremely difficult to fulfill. In any event, the inherent ambiguity of such a decision requires that it be thoughtfully and prayerfully, in collaboration with knowledgeable persons not emotionally captured by the situation.

“Passive euthanasia” or “allowing to die” is indistinguishable from “active euthanasia” if the person is not in a condition of dying. If, however, the patient is determined by appropriate medical indications to be dying, the matter becomes one of a right understanding of the obligation to protect from harm. Protecting persons from harm involves caring for them and accompanying them, but not medical interventions which can only prolong dying. Decision-making requires expert medical consultation as well as other consultation which enables affected parties to distinguish meaningfully between prolonging dying and prolonging life. Of special importance is continuing to care for and support the person who is allowed to die. It is also important to acknowledge the fact of death whenever cerebral function which makes possible human relationships is irretrievably lost, distinguishing it from both taking life and allowing to die

C. Human Experimentation. The issue of human experimentation can also be clarified through the lens of the twin obligations to do no harm and to protect from harm. Here too a useful differentiation between kinds of experimentation can be made: therapeutic experimentation and non-therapeutic experimentation.

(i.) Therapeutic Experimentation. This type of experimentation is characterized by the fact: that the individual treated has the disease for which treatment is intended. It may take the form of self-experimentation or the form of experimentation by a researcher on another subject. An illustration would be experimentation with a drug believed to be efficacious against an otherwise untreatable disease. In this kind of experimentation there is no inherent conflict between the obligations which normally govern our attempts to show respect for human life. Certainly no harm is intended by the use of such experimental drugs. Beyond that, there is a clear desire to protect from harm. That is a basic motivation for this kind of experimentation.

The feature peculiar to such experimentation is that of risk. While what is intended is to do no harm and to protect from harm, there is a risk that neither obligation will be fulfilled. What is required is a persuasive judgment that the potential benefits outweigh the risk of harm. At least two kinds of considerations go into such a judgment. The first is evidence from non-human experimentation which strongly suggests the beneficence of the treatment for humans. A second consideration is the nature of the illness or disease itself. If the debilitation of the disease is high, then a correspondingly higher risk might be tolerable. There needs to be some proportionality between the risk of treatment and the prospects for the individual without treatment. These kinds of reflection lead toward a sound judgment about whether the benefits outweigh the risk of harm in therapeutic experimentation.

Further special difficulties arise in reasoning morally about this kind of experimentation. Whenever appropriate, experimental procedures call for a “double-blind” experiment in which neither researcher nor subject knows who receives an experimental drug and who receives a placebo. A control group is obviously necessary if the experiment is to demonstrate anything. The moral dilemma is that some participants in the experiment are intentionally not protected. Especially where the expectations of success are high and the disability serious, the dilemma may be especially anguishing. The only viable resolution of the problem is to inform all participants of the inherent conflict and ask them to decide whether they will choose to participate with the understanding that the process of selecting the control and treatment groups will be random.

A related and much more serious problem occurs where an experiment is designed to compare how some persons will fare with no treatment where a known protective treatment is available. There is always the possibility that what is believed about the benefits of a treatment on the basis of good evidence will turn out to be erroneous in the light of new evidence. However, we are obliged to evaluate experimentation on the basis of evidence currently available. Therefore, experimentation which might withhold a drug known to be beneficial for a certain disease, merely to establish its relative benefits or to discover how persons might fare without treatment, presents a grave moral problem. The moral problem with such “therapeutic” experimentation is that it deliberately refrains from offering a protection which is available. Since the risk is not balanced by a significant benefit, it cannot be judged consistent with respect for human life.

(ii.) Non-therapeutic Experimentation. This kind of experimentation involves research which does not foresee protection for the subjects in the experiment. Such experimentation is rather designed to increase knowledge that may be expected to benefit future patients and society as a whole. As a consequence this kind of experimentation cannot be considered as in principle benign, as with therapeutic experimentation. The defining feature in this situation is risk which does not have a corresponding benefit for the subject of the research. It too can take the form of self-experimentation or the form of experimentation by a researcher on another subject.

When this kind of experimentation represents serious risk it needs to be considered in terms of the obligations to do no harm and to protect. Several issues arise. One concerns whether there is a conflict between not doing harm and

protecting, since a particular study could in fact do harm to the subject of the research and yet provide information leading to the protection of others. Because this outcome cannot be known, or even reliably predicted in advance, it is difficult to see how the choice for protecting over doing no harm could be judged more consistent with respect for human life. Moreover, there may be many ways in which the same knowledge might be achieved without the same harm. In a word, the conflict of obligations in such a situation is not easily shown to be irreducible.

Consequently, the assessment of non-therapeutic experimentation needs to give special attention to the obligation to do no harm. Since no protection is even intended for the subject, the ability of such experimentation to manifest respect for human life rests on its demonstrable intention to do no harm. Among other things, this means that available evidence should indicate that the treatment should not be harmful. Also, the likelihood of a protection for others arising from the experimentation must be high. Since all the risk is being borne by one for whom none of the benefits are expected to apply, the significance and probability of the general benefit must be correspondingly great.

(iii.) Informed Consent. The concept of informed consent is exceedingly important in both kinds of experimentation which have been discussed. It means not only that subjects of experiments should be bona fide volunteers who consent to the procedure, but that they do so with B.11 available information about both the risks and the benefits. In an extended sense, this represents both the obligation to do no harm and to protect from harm. A harm which might follow from an experimental procedure may be viewed as less harmful if the individual understood both the risks and the benefits and chose to participate in the light of this understanding. That is to say, it is itself a harm to provide less than full disclosure of all relevant information to a potential subject of experimentation. Both to make sure that this harm is not done to persons and to protect them from this harm, informed consent is an essential element in all morally justifiable human experimentation.

Special problems arise concerning informed consent when the special plight of children, persons mentally or emotionally incompetent, and those who are incarcerated are taken into account. Children generally will lack the ability to assimilate and make mature judgments based on the information furnished. In a superficial sense their consent may seem to be informed, but in a substantive sense it can scarcely be so regarded. A similar situation may obtain for persons who are mentally retarded or mentally ill. The obligation to protect these people from harm and the obligation to do no harm to them suggests that special care must be taken in obtaining their informed consent. In some cases a legal guardian will have an important role in furnishing a proxy consent. Where the proxy consent is given in a situation of therapeutic experimentation, the same kinds of concerns already discussed will be relevant. Where the proxy consent is involved in non-therapeutic experimentation, there needs to be a strong emphasis on doing no harm and protecting from harm. In short, proxy consents for non-therapeutic experimentation, where any serious harm is threatened to the subject, are extremely problematic. Since the individual cannot competently consent to accept the risks, and since the individual cannot be expected to receive the benefits, it is inherently ambiguous for a third party to consent for them. There may be extreme situations where the overwhelming needs of public welfare might make such proxy consent appropriate, as an expression of the obligation to protect society as a whole from harm. This would be most likely where the condition of the subject is such that the treatment cannot be expected substantively to worsen that condition, though it would not be expected to improve it either. Even so, such proxy consent should not be offered by ignoring the wishes and judgments of the incompetent subject. That is, the circumstances need to be interpreted as fully as possible to the subject after the third party has made a judgment in principle that the experimentation is acceptable. Then, if the incompetent subject concurs, informed consent can be said to have been satisfied.

The case of incarcerated individuals is a special one. Often prison populations are primary resources for human experimentation. The question arises whether their consent can be said to be free and informed if some implied promise of privilege or even freedom seems to accompany the request for volunteers. Because the peculiar environment of these subjects gives a distinctive perspective to how risks might be assessed, special care needs to be taken in the area of protecting them from harm. In particular special attention to detailed specification of the risks is in order. If error is to be made here, it rightly is made on the side of over-emphasizing the risks involved. Additionally, to offer privilege to persons in such a deprived environment for participating in any experiment with high risk is rightly suspect of violating the obligation to do no harm. Such enticements where harm is very likely may constitute inappropriate coercion. Nonetheless, if appropriate safeguards are established, experimentation with prisoners as subjects need not be assumed to violate informed consent.

(iv.) Summary and Conclusions. Human experimentation may usefully be differentiated according to whether it is therapeutic or non-therapeutic. Therapeutic experimentation generally is consistent with both the obligation to do no harm and the obligation to protect from harm. Its immediate aim is precisely to protect from harm, but it does entail a risk of harm. The weighing of risks in relation to expected benefits is a primary concern. Non-therapeutic experimentation is more problematic because the one bearing the risks is not expected to share in benefits. Stress on the obligation to do no harm therefore has priority. A relatively low risk non-therapeutic experiment is thus more easily accepted than a high risk one. In addition, the likelihood of general benefits, must be considered high to justify non-therapeutic experiment. Informed consent is integral to both kinds of experimentations, but becomes especially problematic in non-therapeutic experimentation where proxy consent for incompetents is required or, where incarcerated individuals are asked to volunteer. Special safeguards to see that harm is not done to these persons are required.

It is appropriate to recall from our discussion of the moral character of human life that deep vested interest of anyone, including researchers, can cloud moral judgment. Human experimentation therefore requires procedural safeguards to insure that the concern for doing no harm and protecting from harm are always taken into account. Such prospective experimentation needs always to be reviewed by outside parties who are not previously committed to the necessity of

the experimentation, since such reviewers are more likely to keep the subjects' well-being foremost in mind.

D. Capital Punishment. When we turn from various bio-medical issues to a quite different issue which also has to do with taking life, it is clear that the value of respect for life is very much at stake. It is also clear that considerable insight can be shed on the issue of capital punishment by considering it in relation to the obligations to do no harm and to protect from harm. Two major ways of understanding capital punishment will be considered in turn: retribution and deterrence.

(i.) Retribution. One prominent way that capital punishment may be considered is as an act of retribution which upholds the respect for life in the face of a severe affront to its value. It does so by not allowing one who has culpably taken life to live. The major difficulty with this approach to capital punishment is that when analyzed in terms of the obligations to do no harm and to protect from harm, it appears to fulfill neither obligation. To begin with, the obligation to do no harm is intentionally abrogated. On the other hand, the obligation to protect is not even brought into consideration since retribution is the goal. Thus the possibility of some kind of conflict between these two fundamental obligations does not come into the purview of the retribution approach.

As a consequence it does not appear that a logically consistent affirmation of respect for life can be sustained by viewing capital punishment as retribution. Simply put, this view of capital punishment fails to give attention to either of the obligations which we have seen to be basic to respect for life. Therefore we are justified in the conclusion that capital punishment understood as retribution cannot be seen as embodying respect for life, despite whatever feelings of vengeance it might satisfy. The corollary is that capital punishment legislation based on this view of the matter is morally questionable.

(ii.) Deterrence. However, there is a second understanding of capital punishment which can be seen as an attempt to embody respect for life. It is the understanding of capital punishment as deterrence. Here capital punishment is seen as reducing the threat of violence upon others by deterring any repetition by the one executed and by deterring others from carrying out similar actions.

The first step in assessing this understanding of capital punishment is to address the matter of deterring repetition by the same person. Looked at from the vantage point of the obligations to do no harm and to protect from harm, the deterrence understanding makes sense on the assumption that there is a conflict between the obligations. That is, the assumption that the obligation to protect from harm is in conflict with the obligation to do no harm. Thus capital punishment is understood as protecting other members of society from the harm that might be repeated on another occasion by one who has already taken life once.

A preliminary question which must be answered in order to establish the existence of conflicting obligations is whether repetition is a likely possibility. If the taking of life cannot be considered to be a typical action of the individual in question, one that cannot reasonably be expected to be repeated, then the judgment that a conflict of obligations exists is not persuasive. On the other hand, if repetition is judged a serious threat, an irreducible conflict of obligations is not thereby established. It is necessary to ask whether capital punishment represents the only viable way to protect others from a repetition. For example, imprisonment for a mandatory period of time, perhaps even life imprisonment without possibility of parole, might be an equally efficacious deterrence of repetition by the same individual, carrying the advantage of avoiding a conflict of obligations. Such alternative punishment would seem to be more consistent with the first obligation not to harm and equally consistent with the obligation to protect from harm. In short, the conflict might be reducible by this alternative.

The judgment about the viability of this means of reducing the conflict between obligations is one that will always have to be made in the context of a given society and criminal system. Imprisonment might seem abstractly to be ideal means of deterring repetition, but the fact will have to be considered that violent acts transpire within prisons and are extremely difficult to prevent. For certain individuals there might have to be virtual solitary imprisonment to insure protection from harm for other prisoners. Even then, those who administer prison facilities also need to be considered in the concern for protecting from harm.

As a result, the judgment about whether the conflict of obligations is reducible through the alternative of imprisonment may tend to run in the direction of an affirmative answer. Generally speaking we may expect sufficient means of deterring repetition through imprisonment, thus avoiding the conflict of fundamental obligations. However, there is at least the possibility that certain difficult cases may arise when no action short of taking life may appear to be a viable deterrence against repetition. Especially does this seem possible in situations where murder is repeated within prison. Confronted with certain difficult cases such as this, it is inevitable that a decision will have to be made as to which obligation is more consistent with respect for human life. Since the one who has taken life and appears virtually certain to take it again despite imprisonment displays less respect for life than the more or less-innocent individual, the obligation to protect others from harm would tend to take precedence. Consequently, absolute prohibitions against capital punishment may be ill-advised. In certain extreme cases such as here described, judges and/or juries may have to be given the discretion to decide among conflicting obligations.

A quite different set of considerations pertains to capital punishment when considered as a deterrence against similar acts of violence by other persons. The basic question to be raised here is whether a real conflict between fundamental obligations obtains. The claim of the understanding of capital punishment that views it as a deterrent to others can be justified within the framework in which we are working only when it can be shown that doing no harm and protecting from harm are mutually exclusive. Thus the first matter we must raise is whether doing harm to one who has taken life

is the only action which would suffice to deter others, making it the only viable action for protecting other members of society from harm. For example, there may be reason to think that clear, mandatory imprisonment would have an equal or greater deterrent effect. Demonstrating that capital punishment is the only alternative for protecting others from harm is extremely difficult. Therefore, a clear and irreducible conflict of obligations to do no harm and to protect from harm is difficult to establish.

A second matter deserving attention revolves around the issue of whether capital punishment actually does protect others from harm. Now the question is not whether alternative deterrent options are available, but whether capital punishment itself deters. The statistical evidence is ambiguous at best. Consequently there is a possibility that capital punishment not only intentionally violates the obligation to do no harm, but may also fail to fulfill the obligation to protect from harm. There is then the serious possibility that capital punishment undertaken as a deterrent against killing by others fails to satisfy either obligation. The clear implication is that in this event it cannot be conceived as consistent with respect for human life.

One further observation, based on our earlier discussions of the finitude and self-interested qualities of human life, concerns the judicial system by which a determination of guilt is made. Both because of finitude and sin, all judicial systems are imperfect. An innocent person can in fact be convicted. If also executed, no protection is offered to others and irremediable harm is done to the individual. This serves to increase the hesitancy with which we regard any judgment concerning irreducible conflict of obligations that leads us to endorse capital punishment.

(iii.) Summary and Conclusions. There are a number of Old Testament texts which explicitly sanction capital punishment. There is certainly an element of retribution involved in some of these texts, where God's retributive justice is enacted by humans in certain prescribed situations. It is interesting to note that the sense of retribution is associated with a notion of guilt which rests on the entire community in which a murder takes place. Thus the practice of capital punishment may be interpreted from our vantage point as arising from a conflict between the obligation to do no harm (to the murderer) and the obligation to protect (the community) from harm that will overtake it unless the murder is avenged.

Nonetheless, there is a clear contrast between the Old Testament texts and the view developed here. Our view is based on the central thrust of the Gospel which affirms God's sovereign love for humanity revealed definitively in Jesus Christ. It has led us to the normative value of respect for human life expressed through the obligations of love: to do no harm and to protect from harm. Mindful of the New Testament's claim that vengeance belongs to God alone, and even more mindful that God's fundamental command is to love even as we have been loved, we believe the view represented here is faithful to both the center and the fullness of the biblical revelation.

Capital punishment is a clear and direct taking of human life which is justifiable only if it represents the resolution of a conflict of fundamental obligations consistent with respect for human life. Understood as retribution, capital punishment is not consistent either with the obligation to do no harm or with the obligation to protect from harm. Understood as a deterrent against potential killings by others, it is extremely difficult to establish either that the conflict is irreducible or that protection is in fact provided. Understood as a deterrent against a person who might kill again, it is clear that protection is provided but ambiguous as to whether the conflict is irreducible. To justify capital punishment in this last circumstance, it would be necessary to show that the likelihood of repetition constitutes a clear danger to others and that alternative measures could not effectively furnish the protection for others which is desired.

In 1966 the General Assembly went on "record favoring the discontinuance of the use of capital punishment." This action of the General Assembly furnishes a case study of a specific moral judgment which can be analyzed in terms of the approach to the question of capital punishment developed here.

First of all there is an obvious consistency of this judgment of the 1966 General Assembly with the claim of this study that capital punishment is not justifiable when understood either as retribution or as deterrence of potential killing by others. Secondly, the action of the 1966 General Assembly represents the judgment that capital punishment, when understood as deterrence of repeated killing by the same individual, is not justifiable. More specifically, the action of the 1966 General Assembly answers in the negative the question of whether we are confronted in such cases with an irreducible conflict between the obligations to do no harm and to protect from harm. This judgment embodies both confidence in finding less drastic means of protecting others from harm and doubt about the certainty of our determinations of a person's guilt for past killing and their prospects for repeating such killing in the future. Because the conflict of obligations is neither unambiguously present nor inherently irreducible, the judgment is reached that capital punishment, even when understood as deterrence of repetition by the same individual, is not justifiable. Thus the specific moral judgment of the 1966 General Assembly on the issue of capital punishment is fully consistent with the analysis of the issue presented in this study.

E. War. Probably no issue regarding the taking of human life has received more attention from Christian moralists through the ages than that of war. While it is important for us to depend upon and learn from these discussions in the history of Christianity, it is also urgent that we take care to note the particular historical situation which confronts us as we reason morally about war. We face our unique historical situation only when our deliberations take into account not only conventional war, but also nuclear war.

(i.) Conventional War. War waged by what we are now obliged to refer to as "conventional" weapons has long been an illustration of circumstances under which taking life may be justified. Within our framework, justifications of such war can be understood as representing a judgment that an irreducible conflict of the obligations to do no harm and to

protect from harm does exist. Especially in situations where one nation acts as aggressor against another, the fulfillment of the obligation to protect human life from such unwarranted aggression has been taken as more consistent with respect for human life than the obligation to do no harm. The tragic nature of the choice has characteristically been noted by Christian moralists and severe constraints have also been placed upon the kind of harm that may be done to another group in the fulfillment of the obligation to protect.

Thus while such justifications of war have been made in the past, it clearly does not follow that any war is automatically capable of justification. When we reflect on the possibility of war in our contemporary setting, we can be sure that a first priority is the vigorous questioning of the assumption that the situation before us represents a conflict of fundamental obligations. We must ask what other actions, short of war, might effectively provide the protection needed. Non-violent resistance may be an alternative with which we need to reckon much more seriously. War can only be considered justifiable as an absolutely last resort for providing protection against unjust aggression. It cannot be justified until all alternative means of providing protection which do not also harm others have been exhausted.

If it should be judged that a situation of irreducible conflict between obligations does exist, attention must be given to the complicated question of who in fact is the aggressor in a given set of international relationships. Just who has provoked whom is largely a matter of subjective perception in most circumstances. Our tendencies to self-interest always make it easier for us to regard our own nation as being provoked but not provoking, and the same is true for all other nations. Yet to reach the conclusion that the harm of war is to be undertaken in order to protect from harm can be regarded as more consistent with respect for life only to the extent that a non-aggressor is protected. In all but the most blatant and widely acknowledged acts of aggression, it is dubious as to whether any nation can transcend its own subjective interests in making the judgment about aggression. As a consequence, we should not expect that every felt act of aggression against our national interests will be legitimate grounds for justifying war.

Since justifiable war is instrumental for the protection of life, more has to be determined than who is the aggressor. It also has to be determined that a war entered into as a response to unjust aggression is in fact likely to protect other human life. Otherwise it will be action which does not choose one obligation over the other, but violates both of them. In conventional war this is a matter determined by the objective parity of weapon systems available to the parties in the dispute. With the advent of nuclear capability, there is raised the larger question whether any war utilizing nuclear weapons can be expected to protect human life.

(ii.) Nuclear War. As just suggested, fundamentally new considerations arise when the possibilities of nuclear war are contemplated. The simple question we have to ask is whether either of our fundamental obligations can be fulfilled if war is waged by means of nuclear weapons. In any decision for war, the obligation to do no harm is overridden, but usually this is because the obligation to protect seems more consistent with respect for life. The deeply serious issue is whether nuclear war provides protection at all, even for those it seeks to defend. By their nature, nuclear weapons are indiscriminate in their effects and virtually unconfineable in their destructive impact. Judgment finally turns on the question of whether "limited nuclear war" is a very likely prospect. Unless a persuasive case could be made that nuclear war could be confined and limited, it is improbable that a nuclear war can be expected to provide substantial protection for anyone. To engage in a war under such circumstances could clearly be a last act of desperation, devoid of any hopeful outcome and without respect for life. Neither the obligation to do no harm nor the obligation to protect from harm would be met. Whatever instinctual needs of striking back such a way might satisfy, it cannot be said to embody respect for human life.

Perhaps the most urgent problem confronting our moral reasoning about war is the connection between conventional war and nuclear war that makes it difficult to reason only about the former. There is the perennial possibility in the modern era that a conventional war could lead to nuclear war. With regard to the major international power; which possess nuclear capability, this progression may be less than inevitable, but it certainly is nothing less than highly probable. Thus our moral reasoning about war cannot be neatly compartmentalized. Even if abstractly we are persuaded that conventional war may be justifiable while also persuaded that nuclear war is not justifiable, we are not at liberty to turn to the question of conventional war as though it were isolated from that of nuclear war. The concrete dilemma we confront with any war is that it poses the threat of becoming nuclear war. While we rightly distinguish between these two kinds of war, we cannot conduct adequate moral reasoning without thinking about them together.

(iii.) Summary and Conclusions. Traditionally justifications of war have been based on a clear identification of an aggressor and the judgment that such aggression created an irreducible conflict between the fundamental obligations to do no harm and to protect from harm. Since the aggressor displayed little respect for life, the obligation more consistent with proper respect for human life is the obligation to protect. Where these judgments can be clearly made today, it is in principle possible to justify conventional war, even though making those judgments is quite complex and confusing. However, the likely prospect of a conventional war leading to nuclear war changes the picture markedly. It is extremely difficult to determine that nuclear war would provide meaningful protection for those it aims to defend. Therefore, it is extremely likely that nuclear war will fail not one but both of the fundamental obligations. Because there can easily be a connection between conventional and nuclear war, we cannot be sanguine that any kind of war would be justifiable in the modern context. Moralists in the Christian tradition have never considered war anything but a last resort. In the present age we may seriously ask whether it might indeed be the very last resort of all.

It is probably difficult to overestimate the qualitatively different questions we confront respecting war today. It is likewise difficult for us to readjust our thinking to these differences. We are inclined to make correlations to the past when war has seemed justifiable for the sake of protecting life. We need to remind ourselves continually that war may no longer offer meaningful protection to any.

F **Suicide**. Like other issues we have considered, suicide encompasses a range of possible actions which morally considered are not all alike. In our deliberations on this issue, it is instructive to distinguish between these possibilities: sacrificing oneself; allowing oneself to die; and taking one's own life.

(i.) **Sacrificing Oneself**. The heroic imagination has always been able to conceive actions which persons might undertake which involve the ending of their own lives. Soldiers have been killed by shielding comrades from deadly force with their own bodies. Parents have jumped in front of speeding automobiles to push their children to safety. While they may have the same result, these actions of sacrificing oneself are morally quite different from those we normally consider to be suicide.

These situations represent, first of all, an irreducible conflict between the obligation to do no harm (in this case to oneself) and that which requires us to protect life. In the circumstances, both cannot be fulfilled. Previously when we have confronted an irreducible conflict between fundamental obligations, we have discussed the importance of a careful judgment respecting which obligation is more consistent with respect for life. However, in these situations no such judgment is possible. Instead of reasoned moral judgment, an altruistic decision is made to focus energies on the obligation to protect the life of another. Under the conditions described, the instantaneous decision is the only possible one. There is no constraining reason to doubt that it embodies a genuine and deep respect for human life.

On the other hand, it is not possible to conclude that the failure to act in this way would represent a failure of respect for human life. Thus we may conclude that such action of sacrificing oneself is not morally obligatory but that it is morally commendable. Care should always be taken to distinguish this act from suicide in any objectionable sense.

(ii.) **Allowing Oneself to Die**. The same concerns treated in a parallel section of the earlier discussion of euthanasia would seem to apply here. That is, if one is in a condition of dying yet capable of making decisions about treatment, it is not inconsistent with doing no harm or protecting from harm to refuse treatment that simply prolongs dying. We may even say that such refusal is not inappropriate in any terminal condition. No harm is done because death as the final expression of creaturely finitude is not itself a harm. Similarly no protection is denied, since death is inevitable.

On other hand, if one is not in a condition of dying, or at least in a terminal condition, the obligations to do no harm and to protect life argue for the acceptance of treatment. Its refusal here would tend to run afoul of a genuine respect for life. However, a special complication can be conceived of where the treatment required represents an intolerable emotional and financial burden on one's family. In such circumstances it may be tempting to consider the refusal of treatment not as allowing oneself to die, but as sacrificing oneself. Still, the circumstances do not precisely correspond to those discussed in the preceding sub-section. A reasoned moral judgment is undertaken, rather than an instantaneous, altruistic decision. Since a person making such a moral judgment is by definition under considerable stress, it will be important to see that the counsel of others is offered. Special attention needs to be given to determining whether a conflict between the obligation to do no harm to oneself and to protect others from harm is irreducible. While it would be difficult to condemn a refusal of treatment in this circumstance, the obligation of others would be to see if all affected lives might not be protected so that harm might be done to none.

(iii.) **Taking One's Own Life**. In the strictest sense, suicide is the deliberate taking of one's own life. It is possible to imagine circumstances in which such an action would reflect a perception of a conflict of fundamental obligations, as well as circumstances in which no such perception is reflected. The first kind of situation is possible where individuals find themselves experiencing intense, unrelieved pain. The choice might be the paradoxical one of protecting oneself from harm by ending one's life. Fortunately, the availability of medical treatment to control pain probably leads us to question the likelihood of such an irreducible conflict in most situations.

Another conflict might be perceived as irreducible when emotional suffering is especially excruciating. For example, the death of a spouse with whom one has lived for many years can leave one with a sense of radical loneliness. A person might be tempted to think that death is their only protection from such loneliness. However, this person may need to be helped to see that such loneliness is part and parcel of human finitude and that other ways of overcoming its harm are possible. The role of third-party, supportive assistance in this circumstance would obviously be crucial.

Physical disability or disfigurement can raise similar ostensible conflicts between one's obligation to protect and to do no harm. Yet the same general skepticism about the irreducibility of the conflict is in order. If it can be shown that the conflict is not reducible, the possibility of taking one's life in conformity to the value of respect for life will have to be acknowledged. Nonetheless, the ambiguity of any judgments and decisions in this respect suggests the constant need for supportive counseling whenever these issues are being addressed.

It may well be that the larger number of suicides and attempted suicide, represent no perceived conflict between the obligations to do no harm and to protect from harm. They may well represent actions made in the context of depression, isolation and loneliness. As such, they call not for moral reasoning about their appropriateness, but concern about the environment in which the actions were carried out or attempted. The moral question shifts in this context from the person who attempts suicide to the broader issue of the social environment. Readiness to undertake ministries which seek to alleviate the environment of depression, isolation, or loneliness is fundamental to Christian responsibility.

(iv.) **Summary and Conclusions**. Sacrificing oneself, allowing oneself to die, and taking one's own life – all need careful scrutiny under this heading of suicide. The sacrifice of oneself can scarcely ever be said to be morally obligatory, but it can be morally commendable. Allowing oneself to die, like allowing someone else to die, can be appropriate under

specified circumstances. Nonetheless, it is less likely that the appropriate circumstances will obtain where allowing oneself to die is concerned. This is because the medical indications that one is in a dying condition frequently arise when the individual is no longer capable of decision-making. Taking one's own life may represent a reasoned moral judgment or an act of despair. It can represent the former when viewed in terms of an irreducible conflict between fundamental obligations. Whether there are many circumstances in which this conflict is real is quite another matter. In general it is unlikely that suicide will be morally justifiable, though we can determine what would represent clear moral analysis in this area. Suicide can also represent a sheer act of despair out of alienation and loneliness. Moral analysis in this case rightly focuses on the social environment which contributes to such despair and summons Christians to ministries of succor and support. Whatever our judgment about the morality of actions in this sphere, we need to take care never to call into question the abounding love of God for those prompted to such anguished acts of self-destruction.

V

Concluding Postscript

The burden of this paper has not been to decide specific cases among the issues considered. It has been as the General Assembly's instructions state, to provide a resource for those who must struggle with these issues in various contexts: pastors, doctors, patients, legislators, lawyers, citizens, families, judges, and individuals. In focusing upon the biblical and theological themes and values presented here, other important ones are no doubt overlooked. Thus this paper makes no pretense of being exhaustive. Indeed, the impressive thing about the task as we have worked at it has been its virtually unlimited scope.

Nonetheless, we do believe that the theological considerations suggested here are fundamental ones for the biblical faith. Concentration on the fundamental value of respect for human life, constantly informed by our discussion of the relational, moral and finite characteristics of human life, has furnished a consistent framework for thinking morally about the range of issues before us. Thus we believe this paper may serve its proper function as a resource. To be sure it should not be used uncritically. Everyone should test it against the norms and sources of theological reflection and moral reasoning. It will have served its purpose if it orients the Presbyterian Church in the United States to some of the fundamental theological understandings and to the primary value of respect for life that are involved in a faithful wrestling with the issues.

That such wrestling goes on in the Church is a crucial matter. It is especially important that the Church should furnish an open climate for the moral discussion of these issues. Far too many people are called upon to act relative to them without having any community of belief in which the fundamental theological understandings and the various obligations which embody respect for human life may be carefully considered and in which quite difficult, even excruciating, decisions may be made with genuine support and mutual regard. Of all places, the Church is one where our limitations and our sin are clearly recognized. It is also the community which knows through relationship to God and others that forgiveness is available, whereby the complete enervation of our moral action is circumvented; and which knows the path of prayer and meditation, whereby honesty with self is deepened and illumination from God may become apparent. As such it is a community of nurture, acceptance and insight — an essential context for our moral decision-making with regard to these issues.

As a Presbyterian Church, we need to consult the traditions to which we are heirs as we seek the guidance of Scripture. We also need to listen to and investigate the wisdom represented by other Christian communions and other faith communities. They too have rich treasuries of thought and sensitivity respecting the troublesome issues we have approached in this study. Enriched by our conversations with these fellow pilgrims, we may find the pathway through these concerns clearer.

In conclusion we need to note also that despite its role as a valuing community with specific norms and values not necessarily shared by the broader communities in which it is set, the Church also needs to seek legitimate affinities between its values and those of the broader culture. Thus the Church engages, it is to be hoped, in moral discourse within its own walls but also beyond them— seeking to arrive at understandings that may be broadly shared. As it engages in this task the Church needs to be clear about its distinctive theological understandings and values, in order that it may with integrity speak to the issues in the public arena while recognizing with appropriate humility that it has much to learn from other sources. Our hope is that this paper may be a helpful contribution to this task.