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Against Abortion: A Protestant Proposal

Gilbert Meilaender

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For anyone troubled by the prevalence of abortion in our society, Roman Catholic moral theology is likely to appear inviting. And, indeed, it would be hard to deny that, from the normative perspective of one who is deeply disturbed by an easy acceptance of abortion, Catholic moral theology has proved far more satisfactory than most Protestant ethical reflection.¹ In limiting permissible abortions to cases where life conflicts with equal life, Catholic thought, though unacceptable to many in our society, will be congenial to the Protestant who also believes that fetal life is human life and that all human lives are entitled to equal respect. Yet, the Catholic position on abortion, relying as it does on the difficult concept of indirect killing and the related double-effect category, presents the Protestant (not to mention others) with certain problems. Furthermore, in suggesting that even in certain conflict cases we must simply stand aside and permit nature to take its course, Catholic moral reflection runs contrary to some of our most fundamental intuitions and seems to consider insufficiently the fact that the "nature" we know is disordered and cannot simply be equated with "creation" as it comes from the hand of the Creator.

On the other hand, the great advantage of Catholic teaching concerning abortion is that those interventions which it does countenance are strictly limited to a carefully circumscribed set of cases — thereby avoiding the danger of justifying far more than we originally intended. The Protestant, if he foregoes concepts such as indirect killing and double effect, is in danger of finding no way to limit the death-dealing blow to a circumscribed set of cases where life conflicts with equal life. It is not surprising therefore to see that Paul Ramsey, the Protestant ethicist who has written most effectively against abortion, should have adopted double-effect as a way of articulating what (he thinks) Christian love requires.² Nevertheless, it is worth asking whether a Protestant position can be developed which will both dispense with double-effect categories and at the same time provide some of the

limitations on abortion which Catholic moral theology has offered. In this paper I will suggest the outlines of such a Protestant position.³

Though the Catholic position, having developed over centuries, is in some ways enormously complex, I will concern myself only with what seem to be the essential elements. At its core, it seems to me, the Catholic position achieves two things: 1) it affirms the equal value of every individual human being and, therefore, the right of every human life to protection; 2) it finds a way (by means of the concept of indirect killing) to permit intervention in some but not all cases of parity conflicts of life with life. What is important — and deserving of great respect — is the way in which 1) and 2) are held together in a coherent position. Those interventions which are permitted are understood in such a way that they do not call into question the fundamental premise (equal respect for human lives) on which the position is based. I am suggesting that an appropriate Protestant position would be one which accepted 1) but found a substitute for 2) — a substitute which would permit us to intervene in all (not just some) conflict cases but which would, like the Catholic position, countenance no intervention except in parity conflict cases.

I

The first element in the Catholic position really grows out of several beliefs which are, or ought to be, common Christian affirmations. All human life comes from God, is endowed by Him with worth and dignity, and ought therefore to be respected and protected.

The affirmation that all human life comes from God is connected to the imperative enjoining equal protection of all human lives by the rule which St. Thomas describes as the fundamental natural law: do good and avoid evil. This imperative, combined with a belief that life is God's gift, requires that we both seek to preserve life and refrain from direct killing of innocent life. Nevertheless, this fundamental natural law actually involves two precepts: "do good" and "avoid evil." And there is a sense in which the second of these has priority over the first.⁴

We are to do all the good we can, but that means all the good we morally can. It is conceivable, in other words, that certain acts which are intrinsically evil (and which therefore violate the precept "avoid evil") might, at the same time, benefit our fellows (and therefore fulfill the precept "do good"). Should any such case arise, Catholic moral theology has traditionally maintained that the negative precept takes precedence over the positive. We cannot do evil that good may come of it. We are to do all the good we morally can, not simply all the good we can.

A similar point has sometimes been made in terms of the distinction between duties of perfect and imperfect obligation. Duties of perfect obligation (like the negative precept) always bind. Duties of imperfect

obligation (like the positive precept) enjoin us to act in certain ways but do not specify the precise circumstances under which we are to do so. Hence, my duty to be beneficent to my fellows is a duty of imperfect obligation. It enjoins certain action but permits me to decide the times and places in which I will carry out my beneficence. On the other hand, a duty of perfect obligation always binds in all circumstances — e.g., the duty to refrain from inflicting needless suffering.

Suggestion on Doing Good

The suggestion that we are to do all the good we *morally* can is sometimes made not by stressing that negative precepts take priority over positive or by explicating the distinction between duties of perfect and imperfect obligation, but by distinguishing between moral and physical evil. To say that we cannot do evil that good may come of it is not to say that we could never cause certain physical evils in order to achieve some good effects. It is *moral* evil which cannot be done even for the sake of achieving certain good effects. The difficulty the Protestant almost instinctively feels with this distinction is that it inevitably strikes him as an attempt to “keep our hands clean” and refrain from sin even if the price is also refraining from service to the neighbor. I want to suggest, however, that something like this distinction ought to be part of any serious Protestant ethic and that it can be correctly understood. To say that (moral) evil cannot be done even in order to achieve (physical) good simply means in this context that the precept “avoid evil” retains its priority. The Protestant may still feel that formulating the distinction in terms of moral and physical evil is unnecessarily (and unbiblically) dualistic and that it ignores the connection of a physically disordered creation with human sin. Nevertheless, I think we may put the distinction in quite acceptable ways.

In order to do this I will begin by drawing on several examples taken from the British moral philosopher, Philippa Foot.⁵ She suggests that we consider the following two cases and ponder our reactions to them:

1) You are the driver of a runaway railroad engine. You can steer only from one narrow track onto another, no other options being open to you. On one of these tracks five men are working, and on the other one man is working. What should you do?

2) You are a judge faced with rioters demanding that a culprit be found for a certain crime. The rioters have taken five hostages whom they threaten to put to death unless the culprit is punished. Since the real culprit is unknown, it is suggested that you frame one innocent person, thereby saving the five hostages and having to execute only the one innocent man. What should you do?

Intuitively we are likely to think that in case (1) we ought to steer toward the track where only one man is working but that in case

(2) we ought not frame one innocent man in order to save the five. Yet, in both cases we might say that the consequences are the same — the numbers certainly are. Why think that five ought to be saved in case (1) and not also in case (2)?

Foot suggests that we distinguish between positive and negative duties (which is nothing more, really, than her way of distinguishing the two halves of the injunction to “do good and avoid evil”). Negative duties enjoin us to refrain from injuring other persons in a variety of ways. Positive duties enjoin us to bring aid, also in a variety of ways. Foot’s crucial assertion, which is in agreement with the description of Catholic moral theology given above, is that if a negative and a positive duty conflict, the negative duty has the stronger claim upon us.

This distinction helps to show what is at stake in our differing intuitions with respect to Foot’s two examples. In case (1) we have a conflict between negative duties — harming either one or five men. In such a circumstance, Foot thinks we can do little more than save the larger number of men. But in case (2) we have a conflict of a negative with a positive duty — the duty to refrain from injuring the innocent man and the duty to bring aid, if we can, to the five hostages. In such a case the negative duty has, according to Foot, the stronger claim upon us. We ought always, of course, try to bring aid if we can. But, as we have seen, that means “if we morally can,” and the violation of a negative duty is not an acceptable means to choose for fulfilling a positive duty. This may help us to see that it is not simply a question of permitting physical evil in order to avoid moral evil — a formulation which seems semantically to smack of protecting our moral purity and keeping our hands clean, or which suggests that physical evil is totally unrelated to our moral failure. Instead, we can see that we are simply trying to understand the relation between several kinds of moral obligations. The agent is not simply attempting to retain his moral uprightness. Rather, he is asking what fidelity to our various neighbors and their claims upon us would require.

We can apply the distinction to the matter of abortion and then consider what theological backing we might offer in support of Foot’s philosophy and our intuitions. By distinguishing negative from positive duties and giving greater moral weight to the former we can, it seems, limit permissible abortions to cases of conflict of life with equal life. We will have to refrain from injuring the fetus in order to assist family planning projects (even those of relatively impoverished families, who certainly ought to be aided in other ways which do not violate negative duties); we will have to refrain from injuring the fetus in order to satisfy a whim of the mother, even one grounded in an alleged right to privacy; and so forth. In all such cases the duty not to harm the fetus will take precedence over our other obligations to bring both serious and trivial aid to others involved.

Furthermore, it is possible to provide some theological warrant for this sort of distinction. Why is it that negative duties should carry greater moral weight than positive duties? It is, I suggest, because from the perspective of Christian theology moral agents must always be viewed as *creatures*. The creature is one who understands his life and action in terms of a story God is telling, a story which begins in the primeval creative utterance and which will one day, having reached its appointed conclusion, end. Only the Author of the drama is in a position to specify clearly the ultimate significance of the roles which particular creatures are called upon to play.⁶ Only He may fully see how the various roles make up a coherent whole. The creature who plays his role may be very uncertain of its final significance or importance; he may even be uncertain whether the story is now in its final chapters or whether the plot is really just beginning to get off the ground. In short, the creature is not responsible for the whole of the story or for all the consequences of his action. Rather, he is responsible for playing well the role allotted him. C. S. Lewis has put the point well, by appealing to another story.

In *King Lear* (III:vii) there is a man who is such a minor character that Shakespeare has not given him even a name: he is merely 'First Servant.' All the characters around him — Regan, Cornwall, and Edmund — have fine long-term plans. They think they know how the story is going to end, and they are quite wrong. The servant has no such delusions. He has no notion how the play is going to go. But he understands the present scene. He sees an abomination (the blinding of old Gloucester) taking place. He will not stand it. His sword is out and pointed at his master's breast in a moment: then Regan stabs him dead from behind. This is his whole part: eight lines all told. But if it were real life and not a play, that is the part it would be best to have acted.⁷

Distinction Anti-Consequentialistic

Foot's distinction, like the traditional Catholic view, is an anti-consequentialist position, and I am suggesting that understanding what it means to be a creature provides some warrant for this. Our duty as creatures is not necessarily to achieve the best consequences in general, but to act out with fidelity the responsibilities given us. To say that certain things ought not be done even in order to achieve what seem to be good consequences is to say that the creature is responsible for doing all the good he morally can, not all that he can. To understand ourselves as creatures is to believe that we ought not step out of the story and think of ourselves as author rather than character. We are not to orchestrate the final denouement; we are simply to be responsible.

It is a measure of how much this Christian story has lost its hold on our consciousness that many today might be horror-stricken by any counsel which suggests that we think of our responsibility in terms which limit it. But, of course, (as anyone who knows the Christian

story can attest), this is not an attempt to evade guilt; rather, it is an attempt to understand ourselves as what we are: creatures, not the creator; characters, not the author. It may be that we cannot understand ourselves in such a way (and limit our action accordingly) apart from faith that the Author of the story knows what He is doing and can bring it to a successful completion. Within the terms of the story, a situation which seems to invite us to give greater weight to a positive than a negative duty is to be viewed as a *temptation* — an inducement once again to view ourselves as gods and to try to take into our own hands the course of the story and unlimited responsibility for the consequences of our action.

That kind of unlimited responsibility ought be accepted by no one except God. Perhaps, of course, the story will turn out all wrong and the consequences will be deplorable. That is the risk we take as we live in hope. Within the confines of the story, however, that possibility must be understood, not as a call to moral agents to take over the Creator's responsibility, but as a temptation to believe that God either cannot bring off what He has said He can or does not want to. It raises, in short, either the old problem of evil or a straightforward temptation for faith. But in either case, our first recourse ought not be to revise our judgment about what moral agents, understood as creatures, can rightfully do. There is good theological reason to support Foot's distinction between negative and positive duties as well as her belief that, in a conflict between the two, negative duties take priority. This should, indeed, be part of what it means to call ourselves creatures.

II

Thus far I have simply tried to make clear why we ought to affirm that human lives not in conflict be protected from direct attack, even if the cost of doing so is the sacrifice of other goods. But what of cases where life conflicts with equal life? This brings us to the second element in the traditional Catholic position, to the related concepts of indirect killing and double effect. It is not, after all, clear how, granting what has been said in the previous section, intervention would be justified even in such conflict cases. When one life conflicts with another, both are still human lives. Each is still our "neighbor" — one whose very presence among us calls out for respect and protection. And it seems quite patently true in such cases that in order to serve one neighbor we must turn against the well-being of the other. This seems to be the structure of a genuine conflict situation: We must either (a) serve neither neighbor; or (b) turn against the well-being of one of the conflicting lives. It is, in other words, a situation in which *doing good* seems to entail *doing evil*, thus creating an incoherence in the fundamental moral law.

Foot's example which I used above, tends to overlook this fact for a very simple reason. The case of the runaway railroad engine (i.e., an analogue to a permitted killing case) is one in which the agent is already in action and can do nothing to avoid killing either one or five persons. He cannot stop. Non-intervention is not a possibility for him. But it is always a possibility in cases where the lives of mother and fetus come into conflict. It is always possible to "do nothing" and permit nature to take its course. Paul Ramsey has suggested that we are faced with three alternatives in such cases of conflict: 1) we can remain equalitarian (i.e., valuing both lives in conflict equally) and stand aside; 2) we can abandon equal regard and intervene in order to preserve the life we consider of greater worth; 3) we can remain equalitarian but nevertheless intervene by reasoning in double effect categories.⁸

Any Protestant — indeed, any Christian — who affirms the "alien dignity" of every human being is not likely to be attracted by the second of these options. We appear, then, to be left with the options of non-intervention or double effect. I will suggest later that Ramsey has not exhausted the possibilities, but for now let us consider the traditional Catholic response, a response which Ramsey wishes largely to uphold.

In such conflict cases, Catholic thought has tried to find a way to do good (intervene) while at the same time avoiding evil (refraining from directly attacking innocent life). Obviously, this is not going to be easy. If we truly value these two lives in conflict equality, it is difficult to see how we could intervene to protect one against the other. The solution offered has been that of "indirect killing." A well-known example of a case in which intervention has been permitted is that of a pregnant woman whose uterus is cancerous. In such a situation, it is claimed, the intervention is targeted upon the cancerous uterus. Removal of it is the direct intention of the act. The death of the fetus, though foreseen and permitted, is nevertheless not approved and not intended. In other words, in such an intervention, one act is carried out, but it is an act with a double effect (removing the cancerous uterus; killing the fetus). The evil effect is not embraced as part of the agent's plan. It is possible to describe the intervention in such a way that the agent's plan of action (his aim) can be seen to be saving the life of the mother by a means which, as it happens, also involves indirectly killing the life of the fetus.

At the same time, we can consider another case in which intervention could not, it would seem, be justified on these traditional grounds. Consider the case, alluded to by Paul Ramsey, of an induced abortion necessary as a first step toward dealing with a case of misplaced, acute appendicitis (in which the pregnant woman's appendix will rupture if the fetus is not aborted so that the physician can get to the appendix). Such an intervention would not fit the paradigm of indirect killing.⁹

For here we have really two distinct acts, the first of which kills the fetus and is a means toward the second, which deals with the threat to the mother's life. In such a case it is difficult to claim that we have not embraced the death of the fetus within our aim. To permit such an intervention, then, would seem to involve doing evil that good may come of it or, in Foot's terminology, violating a negative duty for the sake of a positive duty.

Distinctions Between Interventions

Thus, intervention would be permitted in the case of the cancerous uterus but not in the case of the misplaced, acute appendicitis. Nevertheless, it is difficult not to agree with Ramsey when he writes that a distinction between these cases "would not be confirmed by common sense or intuitive moral judgment."¹⁰ Unfortunately, though, the same might be said of Ramsey's attempt to save double effect categories by suggesting that in the second case we permit the intervention by understanding the intention of the doctor's action to be not killing the fetus but, rather, incapacitating it from doing what it is doing to the life of the mother.¹¹ That comes dangerously close to making the concept of intention a "waxen nose" which we may twist and turn as we feel necessary. While approving Ramsey's intuitions we may well wonder whether we can deny that intervention in such a case would necessarily imply that the death of the fetus had been incorporated into our plan of action. Elizabeth Anscombe suggested that it was "nonsense to pretend that you do not intend to do what is the means you take to your chosen end."¹² That is, for me at least, too strong. It is not nonsense, as Ramsey's careful discussion demonstrates, but still, it is far from being a persuasive re-description for the simple reason that it seems too obvious an attempt to save a theory which is in deep trouble. The human act of doing is here understood too exclusively in terms of intention divorced from the physical structure of the act.

The comparison of these cases points to the two major problems which the Protestant (as well as many others) is likely to feel with the concepts of indirect killing and double effect. If we try to permit intervention in all such conflict cases, we will stretch the notion of indirect killing beyond recognition and enmesh ourselves in a veritable semantic bog through which the Protestant urge toward simplicity seeks to cut. If, on the other hand, we adhere to a straightforward notion of what double effect permits, we will simply have to recognize that in some conflict cases, it will be evident that we have really left ourselves with non-intervention as the only remaining alternative. What we need is a perspective which will permit us to intervene in all (not just some) parity conflict cases but which will not countenance intervention except in conflict cases.

III

I suggest that a justification for intervention in conflict cases, which is different from any of the three alternatives Ramsey describes, is possible. Helmut Thielicke has suggested that in such conflict cases we come face to face with the disorder sin brings to nature, not with an unblemished creation reflecting perfectly the will of its Creator. And he further maintains that in such cases "we grant to medical assistance the mission to set forth in a signlike (though admittedly imperfect) way God's *real* will for the world and allow it to be a reminder of the original perfect creation and a promise of the world to come."¹³ That is, we are to give expression to our belief (and our hope) that the heavenly Father is a loving, not an indifferent, Father — one who does not hesitate to involve Himself in our radically disordered world.

Thielicke's point might be put in this way: in a conflict case we must either serve neither neighbor or turn directly against the well-being of our neighbor. But to serve neither neighbor is *inhuman* in a specifiable sense. It is at least a necessary condition of a genuinely human relationship that it be characterized by giving and receiving. It is our task to shape "natural" events in such a way that they *are* humanized — are, that is, characterized by at least some giving and receiving. To require non-intervention makes it impossible so to humanize a case where life conflicts with equal life. (Obviously, it would be very different should the mother freely offer herself on behalf of the child. In that instance the relationship would be clearly and dramatically characterized by such giving and receiving.) The requirement of non-intervention in parity conflict cases involves, therefore, an indifference to our human condition, a willingness to accept a relationship which has not yet risen to the personal, human level. If we understand this, we can also see why abortion ought to be permitted in cases of rape, even though these are not conflict cases in any normal sense. For they are (almost paradigmatically) cases which exemplify what is inhuman — a relationship totally devoid of any genuine giving and receiving. Here again, the woman whose personhood has been violated might nevertheless choose to wrest some human significance from her tragedy by carrying the child to term and offering to bear the burden which this involves. But to require her to do so would once again make it impossible for giving and receiving actually to transform the situation.

What we have then is a justification of intervention in conflict cases which proceeds not by assuming it is permissible (as Foot does), not by moving to categories of double effect and indirect killing, and (*contra* Ramsey's suggestion as to the possible alternatives) not by ceasing to affirm the equal worth of fetus and mother. It is only *after* he has justified intervention — as a means of witnessing in a signlike way to the real will of God, or, we might say, a means of humanizing a

natural event — that Thielicke goes on to discuss the possibly permissible balancing of the fetus' life against that of the mother. That balancing, however, is not involved in the justification of intervention *per se*. It occurs only in the course of deciding whom intervention should save, having determined on other grounds that such intervention is morally permissible. Conceptually, the two decisions are kept separate.

We now have the outlines of an acceptable Protestant position. It would, like Catholic moral theology, limit intervention to cases where life conflicts with equal life. This would be done by means of the distinction between positive and negative duties, grounded in a recognition of our creaturely condition, and done in a way which would make it clear semantically that we are not engaged in any attempt to preserve our moral uprightness. It would, unlike Catholic moral theology, permit intervention in *all* parity conflict cases, recognizing the need to inject at least some element of giving and receiving into these tragic cases in order to bear witness to God's own love. It would also permit intervention in cases of pregnancy resulting from forcible intercourse, on the grounds that the continued presence of the fetus incarnates the inhuman violation, not just of the woman's body, but of her person; and that, as in the traditional conflict case, we cannot rest content in acknowledging a situation entirely devoid of human acts of giving and receiving. The justification of permitted interventions would proceed free of the semantic difficulties which beset the concept of indirect killing and free of the prevailing tendency to engage in estimates of comparative worth of human lives. This position seems in many ways a desirable alternative.

IV

One problem remains. Earlier we characterized the core of the Catholic position as involving two essential elements: 1) an affirmation of the equal right of every human life to protection; and 2) justification of indirect killing in some (but not all) cases where life conflicts with equal life. Much of the strength of this traditional position lies in its coherence. The interventions permitted in (2) are permitted in a way which does not call into question premise (1) on which the position was founded. Direct killing is always proscribed, in accord with the first element of the position. The killings permitted under the second aspect of the position are only those which can be understood to be indirect. Coherence is maintained though, as we have seen, at the possible cost of either losing our way in a semantic bog or acquiescing in non-intervention in certain cases (and thereby refusing to transform a disordered creation by infusing some element of giving and receiving into natural events). But there is at least coherence, no small virtue.

Can the same be said of the alternative I have proposed? If intervention is permitted in order to bear witness in a disordered world to the

Creator's real will for His creation, what is there to prohibit us — on occasions other than actual cases of parity conflict between lives — from violating negative duties in order “to set forth in a signlike (though admittedly imperfect) way God's *real* will for the world”? Have we, in other words, justified intervention in terms which might permit it also in other cases which, though they manifest the disorder of a sinful world, are not themselves instances where life conflicts with equal life or situations in which there remains no other way to be humanly present in acts of giving and receiving? There may, after all, be many circumstances in life which, though they do not so dramatically manifest the disorder of a sinful world and are not totally devoid of possibilities for giving and receiving, are nevertheless far from exemplifying God's real will for the world. Would it be permissible to violate negative duties in order to improve such situations? If it were permissible, the two halves of my suggested position — limiting intervention to conflict cases *only*; justifying it in *all* such cases — would prove incoherent. We would be forced back to a choice between (a) non-intervention; and (b) simply weighing magnitudes of evil (i.e., calculating consequences).

It may help us to appreciate what is at stake theologically if we back off for a moment from the problem of abortion and consider a different problem in medical ethics. In his seminal work, *The Patient as Person*,¹⁴ Paul Ramsey has a chapter in which he discusses ethical considerations involved in the self-giving of vital organs. The bulk of the chapter, which cannot be adequately summarized here, consists of an examination of Catholic and Protestant justifications for such self-giving. Catholic justifications, all versions of a principle of totality, rely on some benefit believed to accrue to the donor. Any such justification of organ donation will, of course, have to be a principle of totality which takes into account the spiritual and moral well-being of the donor. The donor is permitted to sacrifice an organ and injure his physical well-being for the sake of his total personal welfare — the fulfillment which this act of giving will bring him.

On the other hand, “a possible justification of organ transplantation from living donors that might be developed within the ambit of Protestant ethics would rest the matter upon charitable consent alone; the benefit aimed at would be the benefit to the recipient, not the donor's own higher wholeness.”¹⁵ Thus, Ramsey seeks to justify organ donation by appeal to the self-giving spirit of Christian love (*agape*). Having done this, however, he immediately confronts a problem. To stress *agape* alone lends tremendous pressure to appeals for medical intervention to help someone in need. Such a justification of self-giving may, Ramsey writes, “precisely because of its freedom from the moorings of self-concern, be likely to fly too high above concern for the bodily integrity of the donor.”¹⁶ At this point, he suggests,

physicians will have to “save us from the moralists” and remain the “only Hebrews.” This is Ramsey’s somewhat poetic way of saying that it will never be sufficient to speak of *agape* alone. Such talk, in isolation, will be unable to limit pressures for intervention (pressures to “do good”); indeed, it will intensify such pressures. Rather, we must make clear that ours is always to be a *creaturely* love. There is a very fine line — but a crucial one — which separates genuine creaturely love from a love which soars too high and forgets its created dependence. And an *agape* which does soar too high, in thus forgetting its creaturely moorings has, in fact, become sin. Indeed, it has been subtly transmuted into that primal sin: pride. So fine is the line which divides creaturely love from a renewed attempt to be like God.

What I have been suggesting in this paper is that something similar happens when we attempt to construct a Protestant position concerning abortion. We find ourselves pulled in two different directions. On the one hand, when we consider the limits which our creaturely condition places upon us, we seem driven to prohibit intervention. For we, after all, are only creatures. The good we are to do is only the good which can morally be done. We do not author the whole story. When, on the other hand, we take seriously the call to let our life be shaped by the self-giving love of Christ, the pressures to intervene — to testify to God as One Who is loving, not indifferent — become intense. An incoherence seems driven into the very heart of our position.

To put it this way helps us to see what is at stake theologically and why it is that incoherence must be risked and both halves of the position maintained. We would be mistaken — theologically mistaken — to choose either (a) non-intervention; or (b) simply weighing magnitudes of evil. Neither would do justice to the full character of human relationships. The former would divest such relationships of the giving and receiving necessary to raise them to the human level. The latter would ignore the limits of our creaturely responsibility. We need to do justice to creation *and* redemption; both parts of the story God is telling must shape our action. If we cannot bring about a perfectly coherent fit between the two, that is perhaps not surprising. It is, rather, almost what we should expect of people whose status is that of pilgrims — people who find themselves in the midst of the story, often unable to discern its direction of movement, its total significance, or how the Author will manage to weave the many threads of the plot together in such a way as to resolve seeming incoherence.

We therefore have a theological reason not to permit ourselves to be overtaken by “foolish consistency.” We need to justify intervention in parity conflict cases lest our witness seem to be to an indifferent rather than a loving Father. For in these cases there is no other way to bear witness to God’s real will for His creation, no other way to infuse

some element of giving and receiving into the natural event. At the same time there are good reasons for limiting intervention to just such cases. As sinful creatures we are always tempted to soar too high, to try to be as gods, and to take final responsibility for the whole of the story. It is important that we limit our interventions in such a way that we remain human and creaturely.¹⁷

REFERENCES

1. Catholic thought today, of course, is by no means monolithic. My references will for the most part be to a fairly traditional Catholic position. But there has been considerable dissatisfaction with this position even within Catholic circles. In particular, many questions have been raised about the concept of indirect killing. For a readable account of varieties within current Catholic moral theology I have relied upon Chapter 5 of Charles Curran's *New Perspectives in Moral Theology* (University of Notre Dame Press, 1976). Part of the discussion turns on the question whether there may not be other values as basic as life. If there are, we would have to formulate a position which speaks of cases in which life conflicts with life or some value equivalent to life. I must say, however, that this seems to me a singularly unpromising approach. However much difficulty we may have in formulating a hierarchy of rights or values, it would seem that life or a right to life — as a necessary prerequisite for the enjoyment of other values or the exercise of other rights — would be basic. Furthermore, we should realize that the new sorts of "conflict cases" created by equating other values with human life would fundamentally alter the Catholic position. For in these new conflict cases, unlike cases where life conflicts with equal life, killing would have to be direct rather than indirect. That is, the death of the fetus would have to be aimed at as part of one's plan. The other value, whatever it might be, would inevitably enter into consideration as a consequence to be attained by aiming at the death of the fetus. As a result, any decision made in such new conflict cases would only be based (as Curran recognizes) on a judgment of proportionate reason — that is, weighing of benefits and evils involved. This would, however, in terms of the categories to be used in this article, be the violation of a negative duty for the sake of a positive duty. It might be possible to preserve the concept of indirect killing by claiming that the act of killing the fetus should be re-described in such a way as to do justice to the "full human context" — e.g., it is a case of preserving the life of other children in the family. But surely there are limits to such re-descriptions, all of which tend to elide acts and their consequence. But at any rate, insofar as Catholic thought is itself open to new departures, this essay may be considered a proposal for a position on which we might agree.

2. Cf., for example, his essay "The Morality of Abortion," in *Life or Death: Ethics and Options*, Daniel H. Labby, ed. (University of Washington Press, 1968). This essay was revised and reprinted in *Moral Problems*, James Rachels, ed., (Harper & Row, 1971).

3. It is necessary to make clear that the subject matter of this article is restricted. There are a number of important problems which I do not take up. I am concerned to ask only what a proper Protestant *moral* position would look like with respect to abortion of fetuses considered to be individual human beings. I do *not* take up the question of when individual human life begins. Obviously, several (though not an unlimited number of) different answers to this question are possible. My concern in this article is merely to consider what circumstances would justify abortion after the point — whatever it may be — when we have

among us another individual human life. Furthermore, I do *not* take up certain difficult cases, e.g., cases of severe fetal deformation. A good discussion of this question is: Paul F. Camenisch, "Abortion: For the Fetus' Own Sake?" *The Hastings Center Report* April, 1976, pp. 38-41. Finally, I do *not* take up the all-important question about the way in which a proper moral position should or should not be reflected in legal codes.

4. Cf., for example, Gerald Kelly, S.J., *Medico-Moral Problems* (Catholic Hospital Association of the U.S. and Canada, 1958), pp. 4ff.

5. Foot, Philippa, "The Problem of Abortion and the Doctrine of Double Effect," *The Oxford Review*, 5 (1967). My references will be to the article as it is reprinted in Rachels, *op. cit.*, pp. 28-41.

6. Cf., Dale W. Cannon, "Ruminations on the Claim of Inenarrability," *The Journal of the American Academy of Religion*, 43 (1975), esp. p. 581.

7. *The World's Last Night and Other Essays* (Harcourt Brace Jovanovich, Inc., 1960), pp. 104f.

8. "Abortion: A Review Article," *The Thomist*, XXXVII (January, 1973), p. 212.

9. Ramsey, of course, introduces this case in the course of proposing his own understanding of indirect killing: *viz.*, removing a shield or obstacle to the life-saving act. I comment briefly on his proposal below.

10. "Abortion: A Review Article," p. 219.

11. *Ibid.*

12. "War and Murder," in *Nuclear Weapons and Christian Conscience*, Walter Stein, ed. (London: The Merlin Press, 1965), p. 59.

13. *The Ethics of Sex*, trans. by John W. Doberstein (Harper & Row, 1964), p. 239.

14. Yale University Press, 1970.

15. *Ibid.*, p. 176.

16. *Ibid.*, p. 187.

17. I wish to thank Paul Ramsey for his careful reading and criticism of an earlier draft of this paper. I have been bold enough to disagree with him in places, but what ability I have to disagree I have learned from him.