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We may ask what value the notion of "sanctity of life" has when, in support of their positions, both proponents and opponents of suicide and voluntary euthanasia appeal to it. For example, Glanville Williams, a long time advocate in England of voluntary euthanasia and abortion, introduced his ideas to the American public in 1957 with a book entitled *The Sanctity of Life and the Criminal Law.*[1] Williams sees no incompatability between the sanctity of life principle and the practices he advocates. Yet Albert Schweitzer, having concluded on the basis of his African missionary work that human life was inviolable and sacred, formulated a view of the sanctity of life *(Ehrfurcht vor dem Leben)*[2] which could in no way admit what Williams proposes.

We may ask, furthermore, what value the sanctity of life notion has when moralists differ so fundamentally as to its serviceability in ethical discourse. Marvin Kohl, the Fredonia State philosopher and advocate of "beneficent euthanasia," says of the notion,

> It is chameleon-like, changing its colours according to the moral theory it rests upon. It is almost as if a family of related but differing principles were hidden under the rubric of the SLP [Sanctity-of-Life Principle] in order to give the impression of moral consensus.[3]

Yet Daniel Callahan, the Roman Catholic moralist, claims to the contrary that the notion of the sanctity of life does, in fact, provide "some minimal degree of moral consensus," that

> On the basis of this principle, moral rules have been framed, human rights claimed and defended, and cultural, political, and social priorities established.[4]

Whatever questions may be raised as to its value or usefulness, the notion of the sanctity of life continues nonetheless to function as an indemonstrable truth in the moral realm. Were this not the case, Peter Singer, on the one hand, would not feel compelled to attack it so frontally as he does in his article, "Unsanctifying Human Life,"[5] and, the Vatican, on the other hand, would not be so confident to assert in its "Declaration on Euthanasia" that "Most people regard life as something sacred."[6] Thus,

we must more thoroughly investigate the notion and its foundation in Western thought.

On the surface, the notion, especially in the field of bioethics, is synonymous with "respect for life," and "the inviolability of life." With its assumption that human life is "precious," "holy," "sacred," "worthy of reverence," the notion asserts that life is "of irreducible value" or "of absolute value."[7] Such connotations are highly evocative, touching, perhaps, a sentiment or intuition we all share as human beings. Yet however connotated, the notion that life is sacred still needs to be further specified.

The Four Propositions

In support of his claim that the notion is "chameleon-like," Marvin Kohl has spelled out its shades of meaning in four propositions.[8] The propositions are, in fact, material norms, each of which offers a different reason for the negative injunction "One ought never to kill an innocent human being."

The first proposition is the one universally endorsed by the Judaeo-Christian tradition: "One ought never to kill an innocent human being because in some religious or protoreligious sense life is sacred." Within this religious context the sanctity of life principle carries the belief in a Creator God who alone exercises absolute dominion over man. The principle thus has religious meaning. The second and third propositions forbidding the killing of the innocent claim respectively that "such an action would be unjust" and that "such an action may (or must) lead to undesirable consequences." Framed within these contexts, the sanctity of life principle seeks to guarantee what is fair and due to persons and to forestall negative consequences for them and for society at large. The principle thus has legal and utilitarian meanings. Finally, the last proposition is axiomatic in that "The sentence 'One ought never to kill an innocent human being' expresses an ultimate moral principle." Stated thus, the sanctity of life principle claims to be self-validating, admitting no reduction or appeal to other rules or principles. Needing no other arbiter, the principle thus has in itself ultimate meaning.

It is, of course, to refute the sanctity of life principle that Kohl lays bare its religious, legal, consequentialist and axiomatic interpretations. In so doing, he has alerted us to the fact that the notion of life's sanctity admits also of non-religious understandings and that underlying each of these understandings is a different "moral theory." Of interest to us is the fact that these theories also find their place in Catholic morality and fan out into two broad approaches to moral reasoning. These approaches have been labelled as either "consequentialist" or "deontologist" and, in fact, underlie Kohl's two last propositions mentioned above.

Roman Catholics in the United States, although unfamiliar with the labels, may recognize the names of the moralists in each camp: Daniel

MaGuire, Charles Curran, Richard McCormick among the consequentialists and Germain Grisez, Joseph Boyle, William May among the deontologists. Naturally, the moral approaches of these men extend beyond the life/death issues of abortion, suicide and euthanasia. (As we know, the Vatican censured Fr. Curran for his views on sex and contraception). Both the consequentialists and the deontologists endorse the religious meaning of the sanctity of life principle although their disparate approaches lead them to draw different conclusions with regard to life issues.

Richard Gula in the Paulist Press series on topical issues, "What are they saying about . . .?", sketches in broad strokes the difference between consequentialist and deontological thinking.[9] We need only touch on the matter here. Whereas the deontologists claim that absolute norms exist and that certain human actions are *intrinsice malum,* the consequentialists deny this claim, admit moral exceptions yet concede the existence of what they call "virtually exceptionless norms." Whereas the strategy of the deontologists to solve ethical problems is to invoke rules or norms, that of the consequentialists is to use "proportionate reason" which weighs the value or good attendant on one's action against its disvalue and (premoral) evil. The point to be made here is that the consequentialists, unlike their counterparts, acknowledge moral exceptions even in the realm of life issues. Thus, by applying the calculus of proportionate reason, MaGuire and Curran permit, in circumscribed cases involving values commensurate with life itself, the direct killing of the innocent.[10]

Stated thus, the conclusion is daunting that directly killing the innocent is permissible under certain circumstances. A deontologist finds the conclusion unacceptable despite the fact that it may logically follow from the position taken in the on-going debate about the principle of "double effect," and the distinction between ordinary/extraordinary means and between acts of omission/commission. For the norm-bound deontologist, no set of circumstances ever permits directly dispatching the terminally ill or dying, the unborn, or even oneself.[11] We mention this fact not to make a case for the strength of deontology over consequentialism. Our characterization of their positions has been too superficial to permit that. Rather we intend only to point out the paradox within Catholic morality that two groups divergent in their strategies and conclusions concerning life-issues, nevertheless presuppose as a religious principle the sanctity of life.

Sacredness in History

In the West, the notion that life is sacred owes its origin to the Judaeo-Christian revelation. That life is holy *per se* because it stems from God is an idea which has permeated all the social and legal structures of western society. Albin Eser has done us a service by tracing the idea within the German penal code which, dating back to the Holy Roman Empire, prevailed throughout continental Europe till the modern age.[12] Called

the *Carolina* after Emperor Charles V, the code crystallized old Roman law, Germanic customs and ecclesiastical canon law. The Code exemplifies a definitive stage in spiritualizing the notion of human life by treating for the first time every individual as a person with equal dignity irrespective of age, physical/mental qualities, sex or social status.

Until the promulgation of the Carolina, Roman law and Germanic tribal law denied full humanity to one who was not *homo liber* and thus, for example, regarded the killing of a slave not as murder but as the destruction of property. While it considered abortion an indency, Roman law came around to punishing it only for reasons of demographics and out of consideration for a father's right to legitimate heir. In contrast to Roman law, however, Germanic law in the middle ages reflected more aptly the Christian mentality with regard to the unborn. At the base of this mentality lay the Christian notion of "soul" which in effect spirtitualized man's essence. In this view,

> the protection of life naturally cannot merely be centered in the state of the body or in the body's utility to society. The anima, or soul, also must be respected.[13]

As a result, the courts, invoking Aristotle and the Mosaic law, recognized the animation of the fetus and accorded it personhood forty days after its conception. Unborn life was henceforth institutionally protected with penalties imposed as severe as decapitation for committing abortion. The courts, however, did not regard a severely deformed baby, a so-called "monster," as possessing a soul and quite consistently, though unfortunately, permitted its destruction.

As to the wilful ending of life by suicide and euthanasia, the Carolina penalized only criminals who attempted through suicide to escape punishment. The state confiscated their property and deprived their heirs of an inheritance. With regard to suicide for other reasons, (e.g. disease, depression) the Carolina is silent as it is with regard to the practice of euthanasia. Nevertheless, despite the silence, the presumption of the Carolina is in favor of protecting all human life as we may garner from the fact that various states using the Carolina enacted laws prohibiting suicide and complicity in it.

The telling point for us is Eser's analysis of the Carolina Code is that one of the most influential penal codes in human history enshrined the sanctity of life principle. Furthermore, the code presupposed as the foundation of the principle that man possessed a spiritual soul enabling him to participate in divine life and enter the sphere of the holy. Informed as it was by the Judaeo-Christian revelation, the code, therefore, incorporated sanctity of life as a *religious* principle. Even with the rise of the modern state and the replacement of the code, western law retained the principle as axiomatic while never losing its religious sense.

Attack on the Principle

In this post-modern era, however, the legalization of abortion has

seriously undermined the retention of the principle. Moreover, the worldwide euthanasia movement[14] continues to assail the principle with strict consequentialist or utilitarian arguments championing the individual's right to so-called death with dignity. Touting such a right, for example, is Joseph Fletcher, the situation ethicist, who is already bidding good riddance to the sanctity of life principle according to its religious meaning. In his words,

> This sacralistic theology, with its opposition to birth control and abortion and euthanasia, has at last run full tilt into humanistic medicine with its ethic of responsibility — in genetics, reproduction, contraception, prevention of defective births and unwanted children, as well as responsibility for the termination of subhuman life in posthuman beings.[15]

Should the proponents of the right to die succeed in decriminalizing active/voluntary euthanasia or medically assisted suicide, they will have, in consort with the pro-abortionists, deinstitutionalized the sanctity of life principle in society.[16]

In the battle over the religious sense of life's holiness the stakes are high because society's conscience is profoundly affected by the policies of our legal and medical institutions. We must make more precise what hangs in the balance with the retention or loss of the principle of life's sacrality. Our considerations of the principle will be, therefore, along theoretical lines, leaving aside the practical ramifications which result when the principle is, for example, affirmed, as in the hospice care movement or denied, as in the eugenic policy of the Nazis.

Undergirding the religious notion of sanctity of life is the belief that man enjoys a relation which transcends any other relation he has in the world of creatures and institutions. As to the two terms of this transcendent relation, ancient Greek philosophy, on the one hand, contributed the notion of an "immortal soul," while Hebrew thought, on the other, that of a Creator-God. Thus, in virtue of possessing an immortal soul man stood in relation to God as cause and final end. Whereas the Greeks recognized as *agios* a realm, usually a sanctuary, which was "inaccessible" to mortals, the Hebrews acknowledged as *kodesh* a state of being which was wholly "separate" from the profane world. Moreover, for the Hebrews, *kodesh* expressed God's being and perfection and later by extension the relationship of God and his chosen people. It fell to the first Christians to personalize the Hebrew notion so that the individual himself was holy in virtue of God's Holy Spirit.[17]

Thus, to speak, in light of Greek and Hebrew thought, of the holiness or sanctity of life is to posit between God and man a relation which by definition is separate from and inaccessible to any other creaturely relation a person enjoys. By qualifying human life as holy, we ascribe to it a divine attribute which brings man within the sphere of God's own state of being. Parenthetically, we may recall that in his famous study, *The Idea of the Holy,* Rudolf Otto designated this sphere as the *numen* or *mysterium tremendum,* a reality recognized universally by all peoples.[18] In all times

and places mankind, in its myths and rituals, has known association with the "Holy."[19] But western man has dared the assertion that in virtue of his association with God, human life itself is inherently sacred. In short, human life participates in the separate, inaccessible mystery of God's own being.

Thus, as God's being admits of no manipulation and control, so too man's being. However fallible, weak, and prone to dissolution, human being remains "separate" in itself from outside forces. Were this not so, it would not be holy and inviolable. Human life, therefore, is not only from God, it is also *of* God in that it shares in his otherness. For this reason, the French Bishops' Commission on the Family rightly states in its declaration on abortion,

> A human life does not belong to others, not to the parents who conceive it, not to the state. It does not belong even to itself absolutely; it belongs to God . . . .[20]

In this succinct statement we find articulated the essence of the sanctity of life principle. Between God and each person the relation is so unique and profound that it transcends even that which a person has with himself. Hence, a person's life lies at no one's disposal, not even his own.

The declaration of the French Bishops' Commission deserves to be read for the lucidity of the argument against abortion and, indeed, any wilful killing, like suicide. At the heart of the argument lies a sustained analysis of man's capacity for relations. Thus, for example, the human embryo, possessing its genetic patrimony from the moment of conception, immediately enters a web of relations. The embryo stands in relation to its origin which is the procreative act of its parents, with its mother during gestation and with the end to which the embryo is ordained, namely, birth and life with its parents. Says the declaration, "the embryo belongs from the depths of its being to the world of human relations."[21] Being human in virtue of the human act which engendered it, the embryo has, therefore, the capacity to enter into reciprocal relations. yet, as the declaration makes clear, there remains at the base of this network ("reseau") of human relations, the one condition which makes them possible: the transcendent relation the soul has with God.

Properties of Relations

The phrase "transcendent relation" needs to be explained since it made its way into western philosophy only in the middle ages. Till then philosophers adhered to Aristotle who, in classifying being into ten categories, defined the category of "relation" in terms of physical, quantifiable being. Of the ten categories, "substance" — we would say today "subject" — was the first and referred to any being which existed by itself and supported properties which otherwise would have no real existence. Such properties comprise the remaining nine categories such as quantity, quality, location, time, relation, etc. As is obvious, these categories, also called "predicamentals," answer to questions about the

subject: "how much does the subject weigh?" (quantity), "what type of thing is the subject?" (quality), "where is the subject found?" (location), "when did the subject exist?" (time). Among these predicamentals is one which answers to the question, "how does the subject stand in reference to another?" The predicamental in question is, of course, "relation."

In virtue of any or all of the predicamentals, we can view one subject in relation to another so as to categorize or make a comparison. For example, we can view oranges relative to each other or other fruits on the basis of weight (quantity) or place of origin (location) or sweetness (quality). Weight, place and sweetness are the foundation for the real relation of similarity among oranges and other fruits. Yet, Aristotle's categories pertained to corporeal realities and were thus extrinsic. They could not easily accommodate relations of a different sort, like that established by "desire" or "intention."[22] What similarity is there between a person's desire and a car? between his intention and canoeing? How does one characterize this relation? Desire and intention are operations of the soul; they are spiritual and intrinsic realities that go beyond their immediate object. Their aim is "satisfaction" or "happiness," realities of a psychic or spiritual nature. Relations of this sort, therefore, exceed the extrinsic and corporeal. They are not predicamental. Recognizing their reality, the philosophers of the middle ages called them "transcendent."

To speak of the soul's transcendent relation with God is to raise immediately questions about the similarity between the "soul" and "God" and the foundation in reality which permits their mutual reference. The ancient Greeks had unwittingly supplied part of the answer by positing an immortal soul, while the Hebrews, a God who was pure spirit. Both the soul and God are, of course, spiritual beings. Herein lies the similarity and the real foundation for a relation. In the middle ages, St. Thomas gave more specific treatment to the foundation in man for this relation[23] and regarded man as innately *capax Dei* (capable of God). The notion of man inherently structured for a personal relation with God provides the cornerstone of the contemporary religious philosophy of Karl Rahner.[24] In any case, the idea of man-and-God in relation has informed western thought for thousands of years as we see in the ancient Greeks and Hebrews, the medieval philosophers, the Renaissance "Carolina," and today's religious anthropology.

Relation of God and Man

Thus, western thought has consistently maintained that the relation between God and man exceeds the material order with its mundane institutions and technologies. Moreover, western thought has characterized that relation in terms meant to convey its transcendence and otherness. Thus, the relation is "holy," "sacred," "inviolable," "absolute." Strictly speaking then, it is in virtue of his primordial relation with God that man's life is holy and inviolable. Understood religiously, the

sanctity of life principle acknowledges that transcendent relation.

It is precisely that relation, however, which is under seige by those who would eliminate from the legal and medical professions the sanctity of life principle. With the elimination of a transcendent reference, no prior and absolute claim need inform the thinking and/or treatment of the patient. Neither the patient nor the doctor need defer to a Creator-God. For the patient and the institutions involved in his fate, the playing field is completely levelled. That is, the common ground they share is reduced to a relation of shifting, if not competing, rights and obligations.

Little wonder that in today's world the arguments over life-issues have been framed primarily in terms of "rights:" the right to life, the right to choose, the right to die, reproductive rights, etc. But such arguments run counter to the long philosophic, religious and judicial tradition which until today has molded western thinking. Thanks to that tradition in which the principle of life's sanctity was paramount, the attitude prevailed in society that life was a "gift." The erosion today of this attitude goes, of course, hand-in-glove with the dislodging of the sanctity of life principle from our institutions, like our penal and medical institutions.

Should they prevail, those who champion the rights to abortion, to mercy-killing, to suicide will remove from society's conscience the awareness that every human being is other than and distinct from the human relations and institutions which define him; that human life is unassailable because it shares God's mystery; that the transcendent relation between the person and God admits no human intrusion, not even that of the person himself. Should the champions of the right to kill succeed in their agenda, they will snatch from society not only the bodies of its unborn, its handicapped, its comatose, its despondent, its criminal, its dying, but also its very soul.

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