The person in secular and in orthodox-catholic bioethics

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Abstract
The following demarcates the sense of the human person in Orthodox-Catholic bioethics from the family of senses proper to secular bioethics and philosophy. The radically different sources of knowledge about the senses proper to each discipline suggests that the importation of philosophical and secularly psychological distinctions and analyses into true Christianity's concern with the human person, is fundamentally misguided.

Keywords: Orthodox-Catholic bioethics; secular bioethics and philosophy

INTRODUCTION

The person is the central concern of both secular and Christian bioethics. The unity of the term, however, cannot hide the variety of the realities to which it can refer, and hence the variety of meanings which it can bear. (Unless the context makes clear otherwise, "person" will always refer to human persons.) Persons may in a first sense identify subjects that are sentient human beings, beings that can suffer. Such beings, as in the case of embryos and fetuses, unfortunately, need not be bearers of legal or philosophically defensible rights and duties.

In a second sense persons may identify subjects that are bearers of legal rights and duties but need not even be sentient. Persons in this sense are exemplified by infants and children, but also by legally recognized associations of human persons such as General Motors. A third sense identifies subjects who are moral agents, i.e. (as we shall see), are self-conscious, rational, free, and possessing a moral sense. This, as we shall see, is the paradigmatic instance of "person" with which secular moral theory and bioethics is concerned. Each of these meanings of person is radically different from a fourth, which refers to man, the only terrestrial creature made "in the image and after the likeness of God" (Gen.1.26), and called to eternal salvation by becoming a "partaker of the divine nature" (2Pet.1.4). The first three meanings are crucially important in secular moral, legal, philosophical, and hence bioethical concerns, concerns that are by and large confined to what can be inter-subjectively experienced, and to philosophical analysis, explication, and theory designed to explain that experience. The fourth is the focus of Orthodox-Catholic, and of any truly Christian, bioethics, and is concerned to further the proper destiny of such subjects by radically subordinating all this worldly concerns to loving and serving God. The occasional overlap in the referents of fourth with those of the first three should not lead us to assume that there is some genus common to all four. Some of the subjects of the fourth sense of person are not subjects in any of the other three senses. The anencephalic fetus is neurophysiologically incapable of sentience, has no legal rights nor philosophically defensible moral rights; yet it is destined to be come a partaker in God's nature if it can be delivered alive and baptized. In the view of Orthodox Catholicism, it is a person; it has the soul of a person, with the intellectual, spiritual, and sensitive capacities that, if baptized, will after the departure from the body be realized in blissful fulfillment in God's presence. Yet the anencephalic's soul, the principle of its personhood, is incapable of being manifested, or explained as present, in any way save by the truly Christian faith. This fact should not surprise us: Orthodox-Catholic bioethics
knows that the human person is made in the image of an infinitely transcendent, essentially mysterious God, and that the human person has a depth that properly reflects its triune personal Archetype. However, this fact should also alert us to the difficulty of importing secularly philosophical and psychological distinctions into the properly Christian explication of the human person. In what follows I try to delineate the sense of the human person that is the focus of concern in Christian and, more especially, in Orthodox-Catholic, bioethics from the sense(s) proper to philosophically secured secular bioethics. The human person in its paradigmatic, and most fully explicit, sense refers to the independent, morally culpable agent to which secular bioethical norms are addressed. This same addressee, understood more fully in his proneness to evil and in the means necessary for his cure, is the focus of Christian bioethics. Christianity’s wealth of spiritual knowledge and therapy comes, however, at the price of premises that do not claim to bind nonbelievers.

The virtue of secular bioethics is that it addresses persons no matter their faith or lack thereof, and no matter their particular communal affiliation, just insofar as they are human persons. Its drawback is that the very universality of its premises yield few content-filled conclusions, and certainly not enough to forbid moral decisions that merit eternal damnation. Nonetheless, Christian moralists and bio-ethicists very often seek to make arguments for some of their standard positions, such as the proscription of abortion and the assertion of the personhood of the fetus, in terms that do not require premises proper to the faith. They have done so most often by attempting to exploit aspects of the secular concept of the person. This endeavor, I contend, is philosophically seduced into trying to prove more than reason can, and ends up obfuscating its properly Christian basis.

II. THE PERSON IN SECULAR BIOETHICS

Of the various senses of human person in secular moral philosophy and bioethics, one is preeminent, that of the moral agent, the morally competent human. The person in this sense is rational, in the sense of being able to draw universal logical connections; he is reflectively self-conscious, that is, aware of the ego, which uses this rationality as its own; he is free, able to set ends for himself; and he has a minimal moral sense. (A person has a minimal moral sense, if he would blame another for gratuitously injuring him. He would then have a sense of the worthiness of moral praise or blame. Because the reason in virtue of which he blames one who would gratuitously injure him is in principle applicable to any person; he would be able in principle to raise the question of whether his own ends are blameworthy, i.e., morally illicit. He would know in principle that it is blameworthy to impose one’s ends upon an unconsenting other over whom one has no moral authority.) Such a person is what Kant calls a rational being (1948, p. 96); he can reflectively appreciate that he is free to consider and decide upon norms for his actions, and that he therefore stands under an obligation, imposed by this very free will or practical reason, to adapt norms that are morally licit (cf. ibid., passim).

In this sense of the morally competent human being, the concept of the person is central to secular moral philosophy and bioethics, because only such a human being can constitute the moral community. Only individuals to whom this concept truly applies can raise the question of the moral licitness of norms for action, weigh the arguments for and against, and judge that licitness. Only persons can convey authority to common goals by their concurrence, and decide
whether certain common goals should be authoritative for them. Only persons can decide whether there are moral standards that can be shown rationally to be obligatory upon other such persons. What these standards are, however, is notoriously difficult to establish in terms of secular reason. For it seems impossible to establish content-filled conclusions about what is right, good, morally obligatory, and their contradictories, apart from content-filled premises with which there can be in principle, and usually is in practice, good reason to disagree. Or so I now argue. If the argument is correct, then only persons as moral agents can claim for themselves, or have claimed for them, the right not to be compelled by someone else’s goals. In behalf of humans who are not persons in this sense, e.g., fetuses, infants, and the profoundly retarded, this right cannot be established, unfortunately. Secular reason cannot show that they are, as Kant says, "ends in themselves", with an intrinsic dignity that is abused if they are used as mere means to the ends of others. Kant thought to the contrary, that one could derive content-filled conclusions sufficient for good morals and a good polity from the very form of moral reasoning. He thought that such conclusions were implicit in what is necessary to understand how the person as moral agent is both free and obligated to avoid blameworthy actions. The person is both, because he is autonomous: The principle of his freedom, his practical reason, morally obligates him to act consistently and respect others. One can only claim the self-respect in virtue of which others cannot use him without his consent, if one cedes to others the same respect.

Kant thought, however, that he could establish more, that this freedom has definite content. He thought, for example, that it implies an absolute proscription against suicide. He mistook freedom as a constraint against the unconsenting use of oneself by others for freedom as a positive ideal. But his argument only establishes the former; it does not establish any normative content for freedom. Other attempts to find content in the form of moral reasoning, e.g., in the idea of the rational use of one’s freedom, have similar defects. Either the notion of rationality imparts content into the premises, thus begging the question. For example, one might think that some content declares itself to be self-evidently right, or wrong. However, one sort of intuition can in principle be brought into question by a contrary sort. A graduate student whose pregnancy is unplanned and potentially disastrous for her career plans, is probably going to have a different intuition of the value of her fetus if she is an atheist than if she is a traditional Roman Catholic. To mediate the conflict by appeal to another, higher-order, intuition is just to re-raise the question. One might then try to appeal to exemplary cases of casuistic analysis. But these appeals assume a contextual framework that guides their interpretation. Such a framework is called into question if the difference in intuitions is basic enough. Again, one might try to adjudicate the consequences of different (systems of) moral choices to compare differences. Comparison of consequences, however, presumes a non-consequentialist standard of values for comparing and ranking the consequences. It also presumes that the standard can be shown to be normative for the partisans of the controversy. In both respects, a consequentialist account presupposes a non-consequentialist account, and therefore cannot constitute an ultimate court for resolving moral controversies. One might appeal to the notion of rational choice, or to the ideal of an impartial observer, or to norms of rational discourse. The difficulties, however, are analogous to those seen in Kant: either the appeal implicitly imports a particular moral bias or (sets of) norms of moral discourse, which begs the question, or it will be too generic to resolve the controversies. Any positive account of
what the good, the right, or the virtuous is, must be based upon a particular standard.

Otherwise there would be no reason to prefer this intuition to that, or this set of consequences to another, or this analysis of rational choice to another. The particularity of the standard is necessary for it to adjudicate controversies. Yet the same particularity raises the question of why its account of the right or good or virtuous should govern rather than another. To obtain an answer, a higher-level standard is needed, which either again begs the question, or initiates a never-ending regress. There can be no canonical account of the right or the good or the virtuous in terms of sound rational argument that does not itself rest upon a particular moral viewpoint that requires justification. Rational argument, therefore, is inconclusive in establishing a particular moral viewpoint. Fundamental recourse to force main, however, contradicts the freedom requisite to moral responsibility. The only source of general secular authority for moral content among those who do not share the same basic premises or procedures or authorities for resolving differences, is the unforced consent of those who are undertaking to collaborate, along with respect of any person to refuse to consent, to be left alone. The world of licit secular moral authority is thus fashioned by the free will of those who constitute it. Such a worldview, aptly described as libertarian cosmopolitanism by Engelhardt (2000) is marked by an absence of content. It recognizes that there is no compelling reason, overweening every reasonable dissent to premises, that permits some person or group of persons to impose their views by force upon other persons who, peaceably and innocent of any prior agreement, refuse consent. It is the recognition that the freedom of persons, because they are morally autonomous, is a constraint upon the actions of other persons against them. Engelhardt (1996) calls it the principle of permission, the fundamental principle of secular ethics and bioethics in the face of the inability of reason to establish canonical moral content. It is the necessary condition for moral collaboration with others who are moral strangers with respect to basic premises. The centrality of the person in secular bioethics follows from the inability of rational argument to override the individual person's ability in principle to dissent with good reason. A person has the right to direct one's own life (as well as to use defensive force to protect that right), insofar as one does not harm other innocents who are recognized in secular terms as persons. A person thus has the right to do what others think wrong, in the sense that the others have no right to intervene. The most salient feature of this sense of the person is that it focuses upon the individual human being as a mature moral agent. It notes the role of the family, and the communities with which it shares common goals and interacts, in conceiving, rearing, and educating the infant to the point at which the latter is a mature moral agent. It notes that families and communities are themselves typically members of an economic and a political society with which they interact. However, it must largely abstract from particular notions of moral education, of proper and improper formation of children's and youths' desires and enthusiasms, of the proper and improper integration of these into one's cognitive life and conscious choice, and of what goals one should and should not pursue. In a large, secular, and heterogeneous society such as that of the United States, these notions are based upon particular goods and values, goods and values proper to some communities, not others. And, as we have seen, there are no compelling grounds in terms of secular for making some such values normative for all; there are no moral grounds for compelling all to abide by them. Cosmopolitan libertarianism is mainly procedural, and devoid of content, in consequence of the poverty of moral and bioethical theory. It cannot show the impermissibility of abortion or suicide or voluntary euthanasia. A person may abort her embryo or fetus, or commit suicide, or commission another to euthanatize him or her, not because these
actions are morally licit but because their illicit nature is not clear to reason undisciplined by the true faith. No other agency, personal or organizational, can establish a right in terms of secular reason alone to interdict persons right to do these wrongs. Contemporary moral philosophers and bioethicists celebration of this weakness of secular reason as a virtue (e.g., Khuse, 1999; Tooley, 1998) is evidence of the perennial appositeness of St. John Chrysostom's remarks about ancient moral philosophers, that they "manifest" that some cruel demon at war with our race, a foe to modesty, and an enemy to good order, oversetting all things, has made his voice be heard in their soul? (St. John Chrysostom, Homily I.10; 1994, p. 5; P.G. 57.1819).

The resulting concept of the person has many gray and problematic areas. Not all humans are persons. Infants and very young children, indeed, are neither rational nor selfreflective, nor capable of free action, nor morally culpable. Nor a fortiori are human zygotes, fetuses, embryos, and the profoundly retarded and irreversibly comatose. Young children, are after a certain point in their development, in the actual process of becoming persons, of developing reflective rationality and moral sense. But those who have not yet begun this process, as those who were persons in the past but are no longer, e.g., the irreversibly comatose, are not actually persons with an intrinsic right not to be gratuitously used by others. Out of a sense of selfpreservation, society implements certain social practices that succor the protection of persons in the full sense, and consequently it accords social senses of persons to those who are not intrinsically so. Most obviously, children who cannot be held intellectually or morally culpable, but are actually developing these capacities, are accorded rights practically the same as persons strictu sensu. (Indeed, because such children are in the process of becoming fully persons, they are intrinsically not nonpersons.) Different, and increasingly attenuated, social senses of persons are in the United States presently accorded: to individuals that are no longer, but once were, persons in the strict sense, and are still capable of some social interaction; young infants and viable fetuses that will normally develop into persons in the strict sense; and the very severely retarded who never were or will be persons strictly speaking. Except in the case of young children who are actually developing their personhood, the other social senses of person, and the rights accorded to the individuals so classified, are derivative from, and revocable by, that community or society of persons strictu sensu which accords them. The poverty of contentfilled propositions securable by secular ethics and bioethics, therefore, yields a commensurately impoverished concept of the person. This concept cannot imply norms of how best to educate humans into persons strictu sensu, or even of what steps to avoid. Nor can the concept give guidance about how persons ought, or ought not, to exercise their rationality and freedom. This poverty is proper to libertarian cosmopolitanism. It simply preserves and succors the space needed for the various persons and communities to develop contentrich ideals of the person and of personal behavior for themselves, even while they peaceably cooperate in mutually beneficial endeavors with others who are moral strangers to them. Christians in particular must be sensitive to the temptation of society to develop its own ethos, a cosmopolitanism that is not libertarian but liberal, coercively espousing a particular notion of freedom that is theoretically insecureable and practically antiChristian.

Under the mantra of selfdetermination, abortion and physicianassisted suicide and euthanasia would not only be tolerated as among the rights of individual persons to do wrongs that involve no other innocent persons. They would be encouraged, resulting in pressure upon Christian healthcare personnel and institutions to comply with patient requests for help in suicide and for euthanasia, or at least to provide referral to physicians and institutions where these requests can
be fulfilled. In such cases Christians can make good use of secular reason, to show that there is no rationally defensible right to coerce nonpublic personnel and institutions to be agents or accomplices to what Christians know by their true faith to be murder.

III. THE ORTHODOX CATHOLIC CONCEPT OF THE PERSON AND ITS APPLICABILITY TO BIOETHICS

The Orthodox-Catholic concept of the human person is derived from its theology of the trinitarian Persons of God. It thus differs from the concept of the human person in Western Christian theology, whether Roman Catholic or Protestant, in two important respects. First, the Orthodox-Catholic concept is understood within the basically apophatic and mystical character of its theology. This character reflects the disanalogy of God with His creation, a disanalogy evidenced above all in His triune personhood. Apophaticism is thus understood not, as by Western theological and philosophical thought, to be the dialectical complement of positive, or cataphatic, theology. Rather, it expresses the necessary attitude towards the triunely personal God Who became incarnate in His second Person, was crucified to death, resurrected Himself, and sent His third Person to establish the Church whereby we obtain the means we need to love Him: an attitude that is not primarily theoretical and discursive but repentantly ascetical and humbly prayerful. Orthodox-Catholic theology is, to use Bishop Hierotheos’s apt phrase, therapeutic, rather than philosophical (Vlachos [1994], c. 1). Its goal is not the rationally most apposite conceptual articulation, not even incidentally, but ever more appropriate love of God that is perfected in deification, God’s granting of communion with His uncreated energies.

Orthodox-Catholic theology is thus primarily experiential, not rational. Its true theologians are those holy men and women who have been vouchsafed this experience, those whom St. Paul calls prophets (I Cor. 12:28). It is to them and to the distillation of their experience in the canons of the Church that we look for the theology of the human person. Second, and consequently, Orthodox-Catholic theologians take an interpretation of the primordial correspondence between God and man that is the opposite of the interpretation of Roman Catholic and Protestant theologians. Orthodox-Catholic theology is, to use Bishop Hierotheos’s apt phrase, therapeutic, rather than philosophical (Vlachos [1994], c. 1). Its goal is not the rationally most apposite conceptual articulation, not even incidentally, but ever more appropriate love of God that is perfected in deification, God’s granting of communion with His uncreated energies.

A. Man (Anthropos) and the Orthodox Catholic Theology the Person

The term person (prosopon) is used prior to the Trinitarian controversies of the 4th century, to refer to the face or external manifestation of someone, as well as to the theatrical mask of facade worn by actors. St. Basil the Great (+379), in order to battle the heresy that the three Persons of the Trinity are simply external manifestations of the same individuating internal principle or hypostasis, equates prosopon with hypostasis (Letter 210.5; 1953, pp.210211). As canonized in
the First and Second Ecumenical Councils (held in 325 and 381), the three divine Persons are
distinct principles of operation, characterized respectively as unbegotten, only begotten, and
proceeding, and each Person is equally, fully, and mysteriously the same God in essence, ousia.
Just as he who does not agree to the commonality of essence (ousia) falls into polytheism, so
he who does not grant the distinctiveness of the persons (hypostases) is swept away into
Judaism? (ib.). Consequently, "person" comes to signify, in the words of the great 8th century
systematizer of Byzantine theology St. John of Damascus, one who by his own operations and
properties provides us a manifestation [of his person that is] perspicuous and completely
delimited from ones of the same nature as his? (Dialectica 43; P.G. 94.613 AB). In fine, "the
holy fathers named the same thing "person", "hypostasis" and "individual" (ib.).
Orthodox Catholic theology of the person as articulated by the Church fathers treats the divine
Persons of the Blessed Trinity, not the human person. The fathers, moreover, follow Scripture in
speaking of "man", anthropos, not of the human person. God said, Let us make man according to
our image and after our likeness? (Gen. 1:26).

What, then, is the connection between the theology of the person and man? And insofar as man
is, in the Christian14 sense, a person, what does that mean? St. John of Damascos gives as
examples of persons Gabriel and Paul. Angels and men, alone in all creation, are made according
to God?s image and likeness (cf. St. Gregory Palamas, ?cap. phys. theol.?, P.G. 150.116567;
[1995], pp. 375376). To be made in the image of God, St. Gregory of Nyssa (?395) tells us,
means preeminently that ?we are free from necessity, and not in bondage to any natural power,
but have decision in our own power as we please; for virtue is a voluntary thing? (?de opificio
hominis? XVI.11; [1994], .405). Implicit here is the distinction between the capacity of freedom,
free will, and its correct use, to choose the good, and ultimately, the Supreme Good. It is a
distinction articulated by St. Maximos the Confessor (?662) and St. Gregory Palamas (?1359) as
that between being made in the image of God and being called to attain His likeness.15 Men and
angels are personal beings because they are created in the image of God, in being not controlled
by their natures and surroundings, but free, and commanded, to make themselves like their
triunely personal Archetype. The thought of the Church on the persona of human beings is
1945):
Only as a personal being can man recognize his Prototype ? the Living God. Being created, he
received the commandment to become a god [vide Basil the Great]. If the Creator in all was
made like unto man [cf. Heb. 2:17], it follows that man was created with the possibility of being
like unto God in all things: ?We shall be like him; for we shall see him as he is? [I John
3:2]?.[A]s person? we are beings created potentially not actually. By the Gospel commandments
I am summoned to actualize, to realise in myself, my personal likeness to God?. In the utmost
intensity of prayer that our nature is capable of, when God Himself prays in us, man receives a
vision of God that is beyond any mage whatsoever. Then it is that man qua persona really prays
?face to Face?17 with the Eternal God. In this encounter with the Hypostatic God the hypostasis,
that at first was only potential, is actualized in us. Man is a person because he is made in God?s
image and commanded to actualize this implicit likeness to God. This is expressed in the
commandments to love God with all of his heart and mind and soul and, ?like unto it?, to love
one?s neighbor as oneself (Mt. 22:3640). But ?God?s love is kenotic. He revealed the secret of
His Being when He commanded us to love God to the point of hating oneself [cf. Luke 14:2627
and 33]? (ib., p. 209). We are each summoned to renounce freely one?s own will as a mere
semblance of freedom, and in fact an enslavement to our passions, in order by increasing love of God and neighbor, to recover the true freedom of the person, to ?reckon all men as God, after God?18 by appreciating the divine image in each. This is the call to turn in humble repentance and asceticism and to a life of prayerfully worshipping God, in the liturgy of the Church, in the Mysteries, and in the solitude of one?s heart. A life faithful to God?s call culminates, in the next life for most but for the Church?s true theologians in this life, in deification, experiential participation in God?s uncreated energies by the grace of the Holy Spirit.19 Deification is the realization of one?s persona, one?s likeness to God.

B. The Consequences of Orthodox Catholic Bioethics for the Beginning and for the End of Human Life

The bioethical implications of the Orthodox-Catholic concept of the person are to be understood within the therapeutic context of Orthodox-Catholic theology. The therapy is designed to encourage those practices and attitudes that increase love of God and all men, and encourage one?s successful union with God. Orthodox-Catholic bioethics thus avails itself of the experiential insights of the Church?s true theologians, and of the crystallization of those insights in the Church?s canons. The function of discursive reason in such a bioethics is to systematize those insights and, guided by their spirit, to apply them to unforeseen situations.

B1. Abortion and Miscarriage. From the early Church the intentional killing of embryos has been condemned as murder.22 It is a condemnation that is extended to accomplices, such as those who supply abortifacients.23 Intentional abortion is a cardinal failure of love of neighbor, and thereby a rejection of the God Who makes that love a consequence of His first and greatest commandment (Lk.12:3132) St. Basil says that a woman who ?has deliberately destroyed [an embryo] is answerable for murder. And amongst us a precise distinction between its being formed and its being unformed is not permitted? (Canon II, Epist. CLXXXVIII:230; P.G. 32.671AB; Rudder, p. 789). The question of whether the victim has an incipiently rational soul, i.e., possesses the principle of its personhood and is an instance of human personal life, or not, is here dismissed as irrelevant to the nature of abortion?s moral evil. Orthodox Catholicism thus rejects the grounds for the distinction, present in U.S. law and perennially mooted in Roman Catholic theology, between the moral gravity of early and late term abortion.24 The Church recognizes the infant as a person from the stage at which it is in utero. The liturgy of St. Basil prays, ?O God, Who knowest every man even from his mother?s womb?.25 That is, the unborn is recognized as a person, as made in the image of God, when it is lodged in the womb. It does not follow that the unborn is a person as soon as it, in its preembryonic stage, comes to be lodged, even before it loses its totipotency and becomes irreducibly individual. Indeed, o to think that the unborn does not become a person until it is irreducibly individual, i.e., no longer so indeterminate as to have some potentiality to split into two or more embryos or fuse with another. But such speculation is alien to the therapeutic and nontheoretical nature of Orthodox Catholic theology and bioethics. What we do know is that, whether or not the victim is a person, it is deprived of its destiny to become a person, i.e., to be in God?s image and thus to have the chance to see Him face to Face. The value of the person is such that the intentional taking of the victim?s life makes the agent guilty of murder, with the severe punishment that carries, even if no person is murdered. Moreover, we can definitely say that the unborn is a person prior to his possessing the complete brain structure that is necessary to be called a person
in a philosophically justifiable way. By faith we know that the anencephalic is a person, even though he does not have and cannot develop that brain structure; for, if the child can be delivered alive and baptized, he would, upon departing its body, “see God face to face”, i.e., experience Him spiritually, intellectually, and sensibly. Indeed, the act of homicide, quite apart from intention, is so contrary to the comportment proper for one to approach the God of love, that miscarriage is also a sin requiring repentance and a penance: “A woman who involuntarily has expelled a baby through miscarriage, receives her penance for a year.” This canon recognizes that the gravity of the act is harmful to the agent’s pursuit of holiness, union in love with God, quite apart from the agent’s intent. Even for justifiable homicide, as in the prosecution of a just war or of the state’s justice, a canonical penalty “is advisable on the ground that [the agents involved] are not cleanhanded.” The penalty reflects recognition that such conduct, even if properly required, falls short of the love of neighbor enjoined by Our Lord, of turning the other cheek (Mt. 5:39; cf. Mt. 26:32), for one seeking union with God. Canonical penalties against what cannot be avoided reflect the therapeutic nature of Orthodox-Catholic theology and bioethics. The concern is not to determine the precise degree of guilt or innocence and the appropriate desert. Rather, it is to help us mend the self-inflicted harm of our acts so that we may advance in love of God. The Church has never accepted the notion that killing the infant in utero to save the pregnant woman’s life, exculpates the mother, even though the abortion in this case is self-defense, and even if the mother has other obligations that her death would leave unfilled. When faced with this choice between the mother’s life and that of the child in utero, if one chooses to save the mother by action that kills the child, one must sincerely mourn and truly repent. To kill in order to save a life is to fall short of the conduct appropriate to union of God. Nonetheless, the spiritual harm to the agent(s) seems greater in the case in which the abortion is directly intended, e.g., to save the mother in severe congestive heart failure, than if it is an unintended side-effect, as in removing a cancerous uterus.

In the latter case the causal involvement is more direct, because the homicide is intended rather than unintended. The corresponding spiritual therapy has to be more radical. The crucial point, however, is that abortion and miscarriage are wrong not primarily because they violate the victim’s rights, even the right to develop its persona. It is not as though the victim, if he is a person, has a right independent of God’s will. “Abraham believed God, and it was accounted to him for righteousness” (Gal. 3:6), even as he intended to sacrifice his son in obedience to God’s command. Abortion and miscarriage are wrong because they are drastic turns from God’s will and from our pursuit of holiness, of union with God. Humble submission and obedience to God’s will is the ultimate, and only, standard, for pursuing holiness.

B2. Withholding and Withdrawing Treatment, Determination of Death, and the Status of PVS Patients. Bioethical problems at the end of life arise with respect to the consequences of Adam’s original sin. We inherit not only the passions, inclinations to love our selves and our own more than their Creator, but also maladies both psychological and physiological. As Christians we know that the only effective remedies for the consequences are to be found in the means to spiritual health and union with God that are provided by Christ’s suffering, death, resurrection, and institution of His Mystical Body with the Holy Spirit indwelling. We may avail ourselves of medical interventions for our maladies, but only insofar as do not impair our spiritual health, i.e., do not divert us from our proper purpose of pursuing union with God. What, then, are we to think of withdrawing or withholding treatment with the foreseen result that the patient will die?
Is omitting treatment as proximate a cause of the patient’s death as the disease? If so, those who purposely do so would seem to be implicated in manslaughter. However, one can, within the Orthodox-Catholic context of obligations towards God and one’s fellows, reach an intuitively more satisfying conclusion. The person who withholds or withdraws treatment must in the first place have the right intention: to avoid the spiritual harm to the patient effected by further treatment. Right intention is not enough, however, as the canons against miscarriage and justifiable homicide make clear. There are two additional reasons why the persons involved do not commit manslaughter. First, their action is integral to the practice of avoiding spiritually harmful medical intervention. Omission of treatment is a defense against the spiritual harm that would be done by undertaking or continuing treatment. Second, the disease kills, not the persons who omit treatment. God is the master of life and death. If the spiritual health of the patient dictates letting the disease run its course, it is right to leave the final outcome humbly in God’s hands.  

Consider, finally, issues concerning the determination of death, and the personal status of PVS patients. At death the soul leaves the body, the person departs from his inter-subjectively verifiable, because embodied, presence in this world. As Christians, and as non-Christians, we radically distinguish murder, intentionally destroying a human body through which a human person is present in the world, from the desecration of a corpse, a human body in which there is no longer a person present. Neither Baptism nor Holy Communion may be administered to a corpse. What determines the death of the embodied person? When can the person be said to have clearly departed the body? The answers depend upon what parts of the body are necessary for a person to be present and embodied in this world. Such talk makes no sense prior to the stage at which the infant is sufficiently differentiated organically that we can recognize that some of its parts are not necessary to its person being in that body, and others are. Given such differentiation, however, we can clearly recognize that persons without limbs remain the same embodied persons they were before the limbs were lost; they can still receive the sacraments. Mutatis mutandus, if a person’s heart or lung is replaced, the person remains after the replacement essentially the same person as before. Moreover, in the past two centuries, neurophysiological advances have shown that the brain (or, more precisely, the neocortex) cannot be replaced without destroying the person in this world through that body. Indeed, any other organ can be transplanted without transplanting the person, but to transplant a brain would be to transplant the embodied person. Once the brain has sufficiently developed, its presence is necessary for the presence of the person. Further, when the brain (or, if empirical research so determines, some specific part of the brain), is no longer alive, no personal life remains in the body, even if human biological life does. Our concern at this point is properly empirical, namely, with which parts of the body are necessary for the person not to have departed from it. Such is not a theological concern. As St. Gregory Palamas observes, “If we ask how the mind is attached to the body, where is the seat of imagination and opinion, where is memory fixed, what part of the body is most vulnerable and so to say directs the others?.., in all such matters each man may speak his opinion. [I]t is the same with all questions of this sort about which the Spirit has given us no plain revelation; for the Spirit only teaches us to know the Truth which penetrates everything?” (Triads in Defence of the Holy Hesychasts II.2.30; cited in Meyendorff [1964], p. 148). Commenting on this passage, Fr. Meyendorff observes that: “[w]hile maintaining the general Biblical conception of the ontological unity of man’s composition, Palamas had no desire to dogmatize about any physiological system, and so left full freedom to scientific research. Revelation was only concerned with eternal verities necessary to salvation, and not with physiology? ([1964], p. 148). Orthodox-Catholic theology and bioethics are concerned with
being united experientially with God and succoring that union in the faithful, not with adjudicating empirical theories of physiology. (Hence it has always been the case that Orthodoxy has been supremely unconcerned with scientific disputes about the place of the earth in the solar system, or the evolution of the human species.) What, then, are we to think of patients diagnosed as permanently vegetative, i.e., comatose and incapable of regaining consciousness because (the relevant parts of) their brains are no longer alive? If the diagnosis is correct, then the person is no longer present in that body. It is theoretically possible to determine via positron emission tomography, so-called PET-scans, unambiguously whether the (relevant part of the) brain are alive. However, it is rarely possible to get such an unambiguous diagnosis in practice. So, unless one is morally certain of the diagnosis of PVS, the Orthodox Catholic would regard the patient's person as present in the body and provide for the administration of Baptism and/or the Eucharist where appropriate. The Orthodox Catholic would have to be morally certain that the (relevant part of the) PVS patient's brain is dead before one could be certain that the person had departed the body.

V. CONCLUDING OBSERVATIONS

The Orthodox-Catholic understanding of the person is radically different from that of the non-Orthodox Christian, because each is nurtured by a genre of theology and bioethics that is foundationally opposed to the other. The Orthodox-Catholic genre is therapeutically practical. It is grounded in the experiential knowledge of its saints who have attained deification, become like God and actualized their own persona, in this life. It is designed to purge us ascetically of our passions for our selves and our own so that we can grow in love of God and neighbor, and actualize our persona, at least in the next life. The nonOrthodoxly Christian genre is irreducibly theoretical. Even if the theoretical strand is supposed to subserve love of God, it tries to do so through an intellect that is not ascetically and prayerfully prepared. It typically resorts to psychological introspection and philosophical analysis that does not appreciate man's vulnerability to sin, and that resorts to discursively systematic arguments designed to persuade believer and nonbeliever alike. It typically falls prey to the temptation to prove more than discursive reason can, making arguments about generically Christian bioethical positions, e.g., about abortion, designed to persuade the nonbeliever as well as the believer. It thus proves to be theoretically untenable. Worse, by obfuscating a truly Christian appreciation of the person, it is practically counterproductive to achieving union with God and the proper goal of one's persona. These observations are, to be sure, based upon a very small sampling of nonOrthodox Christian views on the person in bioethics. However, the cataphatic and unascetically theoretical, rather than apophatic and ascetically therapeutic, tradition of both Roman Catholic and Protestant theology, together with the Augustinianly cataphatic basis of their approaches to the triunely personal God, constitute prima facie proof that the sample is typical.